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List of CFR Parts Affected

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

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

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

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

PART 403—ALLOCATION OF HOME OFFICE EXPENSES TO SEGMENTS

Effective Date

On December 14, 1972, a Cost Accounting Standard entitled Allocation of Home Office Expenses to Segments was published in the FEDERAL REGISTER (37 FR 26680 et seq.).

The effective date of the standard, which was reserved in the December 14 publication, is July 1, 1973, and § 403.80 is therefore supplemented as follows:

§ 403.80 Effective date.

This standard shall be followed by each contractor as of the beginning of his next fiscal year after September 30, 1973. The effective date of this standard is July 1, 1973.

(84 Stat. 796, sec. 103; 50 U.S.C. App. 2168)

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.73-5415 Filed 3-21-73; 8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to reflect the following title change: From Staff Assistant to the Deputy Secretary to Special Assistant to the Deputy Secretary.

Effective on March 22, 1973, § 213.3305 (a) (9) is amended as set out below.

§ 213.3305 Treasury Department.

(a) Office of the Secretary. * * *
(9) One Special Assistant to the Deputy Secretary.

(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.73-5530 Filed 3-21-73; 8:45 am]

PART 213—EXCEPTED SERVICE

Treasury Department; Correction

In the FEDERAL REGISTER of March 14, 1973, FR Doc. 73-4873, appearing on page 6879, the position added in § 213.3305(a) (40) was erroneously stated as "One Executive Assistant to the Secretary". It

should read "One Executive Assistant to the Deputy Secretary."

(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.73-5528 Filed 3-21-73; 8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to reflect the following title change: From Private Secretary to the Administrative Assistant to the Secretary to Administrative Aide to the Administrative Assistant to the Secretary.

Effective on March 22, 1973, § 213.3384 (a) (33) is amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) Office of the Secretary. * * *
(33) One Administrative Aide to the Administrative Assistant to the Secretary.

(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.73-5531 Filed 3-21-73; 8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Special Assistant to the Director, Office of Public Affairs, is exempted under Schedule C.

Effective on March 22, 1973, § 213.3394 (a) (35) is added as set out below.

§ 213.3394 Department of Transportation.

(a) Office of the Secretary. * * *
(35) One Special Assistant to the Director, Office of Public Affairs.

(5 U.S.C. secs. 3001, 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.73-5529 Filed 3-21-73; 8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—Regulations¹

REQUIREMENTS FOR PACKER IDENTIFICATION

On page 798 and 799 of the FEDERAL REGISTER of January 4, 1973, there was published a notice of proposed rule making to amend the Regulations Governing Inspection, Certification and Standards for Fresh Fruits, Vegetables and other Products² (7 CFR 51.1-51.61) by providing requirements for packer identification, an example of such identification and concise instructions for approval of each packer's or distributor's labels or other container markings bearing official identification marks under continuous inspection.

These regulations are issued under authority of the Agricultural Marketing Act of 1946 (secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended 7 U.S.C. 1622-1624), which provides the authority for official inspection and certification of fresh fruits and vegetables and other products.³ Such inspection and certification is voluntary and is made available only upon request of financially interested parties and upon payment of a fee to cover the cost of the service.

Statement of considerations leading to the amendment of the regulations. Following publication of the proposed amendment in the FEDERAL REGISTER, copies of the proposal were distributed to packers, distributors, and others interested in continuous inspection. The proposed amendment of the regulations provided for changes in §§ 51.49 and 51.59 needed to guard against improper use of approved U.S. grade designations, approved grade marks and inspection legends on containers packed under continuous inspection.

Section 51.49 of the proposed amendment provided requirements for packer identification and an example of such identification. In addition, subparagraph

¹ Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

² Among such other products are the following: Raw nuts; Christmas trees and evergreens; flowers and flowerbulbs; and onion sets.

(8) of paragraph (e) of § 51.59 was reworded to provide that drawings or printer's proofs of each packer's or distributor's labels, or other container markings, bearing official USDA identification marks be submitted for approval by the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, prior to printing.

Interested persons were given until March 1, 1973, to submit written data, views or arguments regarding the proposal. No comments have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall become effective on May 15, 1973.

Dated: March 16, 1973.

JOHN C. BLUM,
Acting Administrator.

§ 51.49 Approved identifications.

(d) *Packer identification* The packer's name and address or assigned code number or other mark identifying the packer as may be approved by the Administrator, shall appear on any container bearing grade marks or inspection legends approved under paragraph (a), (b), or (c) of this section, as illustrated by the example in figure 6.



PACKER NO. 01

PACKED UNDER CONTINUOUS
FEDERAL - STATE INSPECTION

FIGURE 6.

(e) *Other identification marks.* Products may be inspected on a lot inspection basis as provided in this part and identified by an official inspection mark similar in form and design to figure 7 of this paragraph. The use of this mark or other comparable identification marks may be required by the Administrator whenever he determines that such identification is necessary in order to maintain the identity of lots which have been inspected and certified.

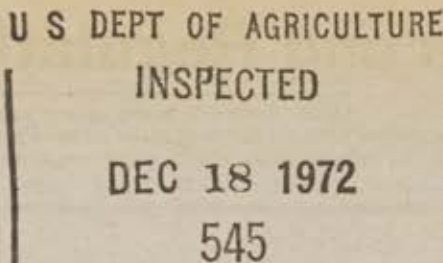


FIGURE 7

§ 51.59 Operations and operating procedures.

(e) * * *

(8) Submit to the Chief of the Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, for approval prior to printing, drawings or printers' proofs of each packer's or distributor's label bearing or referring in any manner to official inspection legends or grade marks.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

[FR Doc. 73-5539 Filed 3-21-73; 8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 4]

PART 711—MARKETING QUOTA REVIEW REGULATIONS

Certain Areas of Venue

On pages 3986 to 3987 of the FEDERAL REGISTER of February 9, 1973 (38 FR 3986), was published a notice of proposed rule making to issue an amendment to the Marketing Quota Review Regulations.

Interested persons were given until March 9, 1973, after the publication of the notice of proposed rule making on February 9, 1973, to submit written data, views, or recommendations with respect to the proposed amendment. No data, views, or recommendations were received. Accordingly, the amendment as proposed is adopted with the following additions:

1. The basis and purpose title is added to the introductory paragraphs.
2. An authority clause is added.
3. An effective date provision is added immediately following the authority clause.

Since there is a possibility of it being necessary to schedule applications for review of one or more farm marketing quotas in areas of venue where changes are being made by this amendment, it is important that this amendment be issued and made effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirements of 5 U.S.C. 553 is unnecessary and contrary to the public interest, and this amendment shall become effective on March 22, 1973.

Signed at Washington, D.C., on March 15, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

Basis and purpose. The purpose of this amendment is to revise the marketing quota review committee areas of venue in several States. States in which there are farms producing certain crops subject to marketing quotas are divided into one or more areas of venue. An area of venue consists of one or more counties (parishes in Louisiana). A panel of six or more eligible farmers appointed by the Secretary serve as members of a review committee panel for each area of venue. The review committee which is composed of three members selected from the panel meets when necessary, to hear appeals of farmers who are dissatisfied with their farm quota for extra long staple cotton, peanuts, rice, and certain kinds of tobacco.

The present areas of venue in a number of States were established at a time when more crops and farms were subject to marketing quotas than are at present. Accordingly, fewer areas of venue and review committeemen are currently necessary.

Section 711.29 of the Marketing Quota Review Regulations (35 FR 15355, 16235, 36 FR 1463, 37 FR 10656, 11465, 38 FR 967) is amended for certain named States to read as follows:

ARKANSAS

Counties of:
Area I—Arkansas, Baxter, Boone, Carroll, Clay, Conway, Craighead, Crittenden, Cross, Faulkner, Franklin, Greene, Independence, Jackson, Lawrence, Lee, Lonoke, Mississippi, Monroe, Phillips, Poinsett, Prairie, Randolph, St. Francis, White, Woodruff.
Area II—Ashley, Calhoun, Chicot, Clark, Dallas, Desha, Drew, Hempstead, Hot Spring, Howard, Jefferson, Lafayette, Lincoln, Little River, Miller, Perry, Pulaski, Saline, Yell.

CALIFORNIA

Counties of:
Area I—Butte, Colusa, El Dorado, Glenn, Placer, Sacramento, Solano, Sutter, Yuba, Yuba.
Area II—Madera, Merced, San Joaquin, Stanislaus.

Area III—Fresno, Kern, Kings, Tulare.
Area IV—Imperial, Riverside.

INDIANA

Counties of:
Area I—Bartholomew, Brown, Decatur, Fayette, Fountain, Franklin, Greene, Hendricks, Henry, Jackson, Johnson, Lawrence, Morgan, Monroe, Owen, Parke, Putnam, Rush, Shelby, Sullivan, Union.
Area II—Clark, Crawford, Dearborn, Dubois, Floyd, Harrison, Jefferson, Jennings, Ohio, Orange, Perry, Ripley, Scott, Spencer, Switzerland, Warrick, Washington.

IOWA

County of:
Area I—Worth.

KANSAS

Counties of:
Area I—Atchison, Doniphan, Linn, Leavenworth.

LOUISIANA

Counties of: (parishes of)
Area I—Bienville, Bossier, Caddo, Caldwell, Catahoula, Concordia, East Carroll, Franklin, Lincoln, Madison, Morehouse, Richland, Tensas, West Carroll, Ouachita, Union.
Area II—Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Iberia, Jefferson Davis, Lafayette, St. Landry, St. Martin, St. Mary, Vermillion.
Area III—Ascension, Avoyelles, Iberville, Pointe Coupee, Rapides, St. James, St. John, Washington, West Baton Rouge, West Feliciana.

MISSISSIPPI

Counties of:
Area I—Bolivar, Coahoma, De Soto, Panola, Quitman, Tallahatchie, Tate, Tunica.
Area II—Holmes, Humphreys, Issaquena, LeFlore, Sharkey, Sunflower, Washington, Yazoo.
Area III—Alcorn, Benton, Calhoun, Grenada, Itawamba, Lowndes, Montgomery, Pontotoc, Prentiss, Webster, Yalobusha.
Area IV—Attala, Forrest, Greene, Hancock, Jefferson, Jones, Kemper, Lauderdale, Madison, Marion, Neshoba, Rankin.

MISSOURI

Counties of:
Area I—Andrew, Atchison, Bates, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Cape Girardeau, Carroll, Chariton, Clay, Clinton, Cole, Cooper, Dekalb, Dunklin, Hickory, Howard, Howell, Knox, Lafayette, Lewis, Lincoln, Marion, Miller, Mississippi, Moniteau, New Madrid, Painesville, Platte, Randolph, Ray, Ripley, St. Charles, St. Clair, St. Francois, Saline, Scott, Shelby, Stoddard, Stone, Taney, Texas, Vernon.

NEW MEXICO

Counties of:
Area I—Chaves, Curry, Dona Ana, Eddy, Hidalgo, Lea, Luna, Otero, Quay, Roosevelt, Sierra.

NORTH CAROLINA

Counties of:
Area I—No change.
Area II—Alexander, Anson, Burke, Cabarrus, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Polk, Rutherford.
Area III—No change.
Area IV—No change.
Area V—No change.
Area VI—No change.
Area VII—No change.

OHIO

Counties of:
Area I—Butler, Clinton, Darke, Greene, Hamilton, Miami, Montgomery, Preble, Shelby, Warren.

Area II—Adams, Athens, Brown, Clermont, Delaware, Fayette, Gallia, Highland, Jackson, Lawrence, Licking, Meigs, Monroe, Morgan, Noble, Pickaway, Pike, Ross, Scioto, Union, Vinton.

OKLAHOMA

Counties of:
Area I—All counties.

SOUTH CAROLINA

Counties of:
Area I—Abbeville, Cherokee, Greenville, Lancaster, Spartanburg, York.
Area II—Chesterfield, Darlington, Kershaw, Lee, Marlboro, Richland, Sumter.
Area III—Clarendon, Dillon, Florence, Georgetown, Horry, Marion, Williamsburg.
Area IV—Aiken, Bamberg, Barnwell, Calhoun, Lexington, Orangeburg.
Area V—Allendale, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper.

TENNESSEE

Counties of:
Area I—Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Sullivan, Union, Washington.
Area II—Anderson, Blount, Campbell, Claiborne, Grainger, Knox, Loudon, Roane, Sevier, Union.
Area III—Clay, Cumberland, Fentress, Jackson, Macon, Morgan, Overton, Pickett, Putnam, Scott.
Area IV—Bledsoe, Bradley, Grundy, Hamilton, McMinn, Marion, Meigs, Monroe, Polk, Rhea.
Area V—Bedford, Cannon, Coffee, DeKalb, Franklin, Rutherford, Smith, Trousdale, Van Buren, Warren, White, Wilson.
Area VI—Davidson, Giles, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Williamson.
Area VII—Cheatham, Dickson, Hickman, Houston, Humphreys, Montgomery, Perry, Robertson, Stewart, Sumner.
Area VIII—Benton, Carroll, Dyer, Gibson, Henry, Lauderdale, Obion, Weakley.
Area IX—Decatur, Hardeman, Hardin, Shelby, Tipton.

VIRGINIA

Counties of:
Area I—Brunswick, Chesapeake, Chesterfield, Dinwiddie, Greensville, Isle of Wight, James City, Mathews, Nansemond, New Kent, Northampton, Prince George, Southampton, Surry, Sussex.
Area II—Albemarle, Amelia, Amherst, Appomattox, Bedford, Buckingham, Campbell, Caroline, Charlotte, Cumberland, Essex, Fluvanna, Franklin, Goochland, Halifax, Hanover, Henry, King and Queen, King William, Louisa, Lunenburg, Madison, Mecklenburg, Nelson, Nottoway, Patrick, Pittsylvania, Powhatan, Prince Edward, Rockbridge, Spotsylvania.
Area III—Bland, Buchanan, Carroll, Dickenson, Floyd, Giles, Grayson, Lee, Montgomery, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe.

WEST VIRGINIA

Counties of:
Area I—Boone, Cabell, Greenbrier, Jackson, Kanawha, Lincoln, Logan, McDowell, Mason, Mingo, Mercer, Monroe, Putnam, Raleigh, Roane, Summers, Wayne, Wirt, Wood, Wyoming.

WISCONSIN

Counties of:
Area I—Columbia, Dane, Dodge, Green, Jefferson, Rock.
Area II—Barron, Crawford, Dunn, Grant, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau, Vernon.

(Sec. 301, 363-368, 375, 52 Stat. 38, as amended, 63, 64, as amended, 66, as amended; 7 U.S.C. 1301, 1363-1368, 1375)

Effective date: March 22, 1973.

[FR Doc. 73-5540 Filed 3-21-73; 8:45 am]

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

[Navel Orange Reg. 293]

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 March 23—March 29, 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.

§ 907.593 Navel Orange Regulations 293.

(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 regulation 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.

(1) 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 remained active this week, with prices significantly higher than a

[Valencia Orange Reg. 422]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA**Limitation of Handling**

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period March 23-March 29, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.722 Valencia Orange Regulation 422.

week ago. Prices f.o.b. averaged \$3.75 a carton on a reported sales volume of 836 cartons last week, compared with an averaged f.o.b. price for \$3.67 per carton and sales of 1,030 cartons a week earlier. Track and rolling supplies at 235 cars were down 20 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 regulations; 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 section 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 March 20, 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 March 23, 1973, through March 29, 1973, are hereby fixed as follows:

- (i) District 1: 855,108 cartons;
- (ii) District 2: 375,000 cartons;
- (iii) District 3: Unlimited movement.

(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: March 21, 1973.

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

[FR Doc. 73-5699 Filed 3-21-73; 12:30 pm]

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 when 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 Valencia 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 during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, 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 Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation 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 March 20, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 23, 1973, through March 29, 1973, are hereby fixed as follows:

- (i) District 1: Unlimited;
- (ii) District 2: Unlimited;
- (iii) District 3: 250,000 cartons.

(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: March 21, 1973.

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

[FR Doc. 73-5670 Filed 3-21-73; 12:30 pm]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE**SUBCHAPTER C—EXPORT PROGRAMS**

[Amdt. 1]

PART 1490—PAYMENT ON EXPORTS OF CERTAIN KINDS OF TOBACCO**Subpart—Tobacco Export Program****CONTRACTS TO EXPORT TOBACCO**

The Tobacco Export Program regulations issued by Commodity Credit

Corporation and published in 34 FR 13464 and 13920 are hereby amended principally to limit the tobacco which may be included in any contract which an exporter may enter into with CCC under § 1490.6 to tobacco which the exporter or his subsidiary had purchased or contracted to purchase prior to entering into the contract with CCC. The regulations now afford exporters protection against reduced payment rates or termination of the program not only on tobacco which exporters have already purchased, but also on tobacco purchased after entering into the contract with CCC. This amendment would retain the protection on tobacco which exporters have purchased with the expectation of receiving an export payment at the rates in effect at the time of such contract. For administrative convenience, the manner in which CCC may enter into such contracts is also changed. Instead of an acceptance of an exporter's offer being by letter, as the regulations now provide, acceptance would be in the form of a copy of the exporter's offer returned to the exporter with appropriate endorsement and a contract acceptance number shown thereon.

It is generally known by exporters that notice of termination of the Tobacco Export Program is to be published prior to April 1, 1973. On the basis of that general knowledge, trade organizations representing a preponderant portion of the exporters have requested the limitation set forth in this amendment with respect to tobacco which may be included in contracts with CCC under § 1490.6. Since such limitation is desired by both the trade organizations and by CCC and since it could not be effected after notice of termination, it is essential that the amendment become effective immediately. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest.

Accordingly, paragraphs (a) and (c) of § 1490.6 are amended to read as follows:

§ 1490.6 **Contracts to export tobacco.**

(a) An exporter, who desires to obtain an export payment rate which will not be subject to reduction under paragraph (c) of § 1490.3, may submit an offer, in an original and one copy, during a 90-day period beginning with the date of publication of the rate reduction in the FEDERAL REGISTER, to export eligible tobacco of the then current or prior crops which the exporter or a subsidiary of the exporter has either purchased or contracted to purchase at the time the offer is submitted. A crop shall be identified by the calendar year in which the marketing year (July 1 for flue-cured tobacco and October 1 for other kinds of tobacco) for such crop began. If such an offer is accepted by CCC, an exporter, who otherwise complies with this program, shall receive an export payment at the rate in effect on the date the offer is submitted. The exporter's offer shall state:

(1) That the offer is subject to the terms and conditions of this program in

effect at the time the offer was submitted;

(2) The kind and type of tobacco of the then current or prior crops or both which the exporter agrees to export;

(3) The unstemmed-leaf packed-weight or the unstemmed-leaf packed weight equivalent of the tobacco the exporter agrees to export;

(4) That the tobacco will be exported within 48 months following the month of acceptance of the exporter's offer by CCC; and

(5) That the exporter or a subsidiary of the exporter has already purchased or contracted to purchase the tobacco which the exporter agrees to export.

(c) Any offer containing terms and conditions other than those authorized in this program shall not be accepted. An acceptance by CCC of an exporter's offer shall be made by endorsement of a copy of the exporter's offer, giving a contract acceptance number, and mailing such endorsed copy to the exporter. The contract resulting from such acceptance shall consist of the exporter's offer, CCC's endorsement of the copy of the offer, and the terms and conditions of this program in effect on the date of submission of the offer. The date of the CCC endorsement of the copy of the exporter's offer shall be the date of the contract.

Effective date. This amendment shall become effective March 22, 1973.

(Secs. 4, 5, 62 Stat. 1070, as amended, 15 U.S.C. 714(b))

Signed at Washington, D.C., on March 19, 1973.

KENNETH E. FRICK,
Executive Vice President, Com-
modity Credit Corporation.

[FR Doc. 73-5575 Filed 3-21-73; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 70-CE-20-AD, Amdt. 39-1609]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models Airplanes

Amendment 39-1120 (35 FR 18451, 18452), as amended by Amendment 39-1331 (36 FR 21668, 21669, 21670), AD 70-25-1, applicable to Beech Models 65, 65-80, 65-A80, and 65-B80 airplanes, is an airworthiness directive (AD) which requires repetitive inspection of specific wing components to detect fatigue cracks.

After issuing Amendment 39-1331, the agency determined that certain Beech Model 65-A80 aircraft were eligible for increased gross weight on the installation of Beech Modification Kit Nos. 80-4004-1 or 80-4004-3. At the higher gross weight these aircraft now require the same AD inspection criteria as Beech Model 65-B80 aircraft. In addition, paragraph A of the AD is erroneously lettered paragraph F. Accordingly, the applicability statement and paragraphs A, B, C(3), and F

of AD 70-25-1 must be modified to reflect these changes.

Since this amendment in part corrects an error and is in the interest of safety, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1331, AD 70-25-1, is being amended as follows:

(1) Amend the applicability statement by inserting the phrase ", 65-A80 (Serial Nos. LD-245 through LD-269) when Beech Modification Kit Nos. 8-4004-1 or 8-4004-3 is installed" after the phrase "Serial Nos. L-1, L-2, L-6, LF-7 through LF-76 and LC-1 through LC-180".

(2) a. Change the designation of the first lettered paragraph from "(F)" to "(A)".

b. Amend paragraph A by inserting the phrase ", 65-A80 (Serial Nos. LD-245 through LD-269) when Beech Modification Kit No. 80-4004-1 or 80-4004-3 is installed" after the phrase "Serial Nos. L-1, L-2, L-6, LF-7 through LF-76 and LC-1 through LC-180".

(3) Amend paragraph B by inserting the phrase ", 65-A80 (Serial Nos. LD-245 through LD-269) when Beech Modification Kit No. 80-4004-1 or 80-4004-3 is installed" after the phrase "Serial Nos. L-1, L-2, L-6, LF-7 through LF-76 and LC-1 through LC-180".

(4) Amend paragraph C(3) by inserting the phrase ", 65-A80 (Serial Nos. LD-245 through LD-269) when Beech Modification Kit No. 80-4004-1 or 80-4004-3 is installed" prior to the phrase "65-B80 (Serial Nos. LD-270 and up)".

(5) Amend paragraph F by inserting the phrase ", 65-A80 (Serial Nos. LD-245 through LD-269) when Beech Modification Kit No. 80-4004-1 or 80-4004-3 is installed" prior to the phrase "65-B80 (Serial Nos. LD-270 and up)".

This amendment becomes effective March 28, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 14, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc. 73-5497 Filed 3-21-73; 8:45 am]

[Airspace Docket No. 72-GL-70]

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

Alteration of Transition Area

On page 28764 of the FEDERAL REGISTER dated December 29, 1972, the Federal Aviation Administration published a notice of proposed rule making which

would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Millersburg, Ohio.

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

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

This amendment shall be effective 0901 G.m.t., May 24, 1973.

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

Issued in Des Plaines, Ill., on February 26, 1973.

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

In § 71.181 (37 FR 2143), the following transition area is amended to read:

MILLERSBURG, OHIO

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Holmes County Airport (latitude 40°32'20" N., longitude 81°57'05" W.) and within 3 miles each side of the 085° bearing from the airport extending from the 6-mile radius area to 12 miles east, and within 2 miles each side of the Tiverton, Ohio VOR 059° radial extending from the 6-mile radius area to the VOR.

[FR Doc.73-5527 Filed 3-21-73; 8:45 am]

[Airspace Docket No. 73-SW-4]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Fort Smith, Ark., transition area.

On February 2, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 3200) stating the Federal Aviation Administration proposed to alter the Fort Smith, Ark., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the Fort Smith, Ark., transition area is amended in part by adding after "20 miles southwest of the VORTAC," "within 3.5 miles each side of the VORTAC 119° radial extending from the VORTAC to 11.5 miles southeast of the VORTAC."

Since publication of the notice of proposed rule making on February 2, 1973, a minor change has been made to the final approach course on the proposed instrument approach procedure to the Twin City Airport, Van Buren, Ark., from 116°

to 119°. This change will have no significant airspace effects on the public, and additional notice and public procedures are not considered necessary.

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

Issued in Fort Worth, Tex., on March 14, 1973.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.73-5500 Filed 3-21-73; 8:45 am]

[Airspace Docket No. 73-SW-5]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Henryetta, Okla., transition area.

On February 2, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 3201) stating the Federal Aviation Administration proposed to designate a transition area at Henryetta, Okla.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

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

HENRYETTA, OKLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Henryetta Municipal Airport (latitude 35°24'40" N., longitude 96°00'50" W.), and within 3.5 miles each side of the 186° bearing from the Henryetta RBN extending from the 5-mile radius area to 8.5 miles south of the RBN.

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

Issued in Fort Worth, Tex., on March 14, 1973.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.73-5501 Filed 3-21-73; 8:45 am]

[Airspace Docket No. 72-GL-75]

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

Alteration of Transition Area

On page 1939 of the FEDERAL REGISTER dated January 19, 1973, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Fremont, Mich.

Interested persons were given 30 days to submit written comments, suggestions,

or objections regarding the proposed amendment.

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

This amendment shall be effective 0901 G.m.t., May 24, 1973.

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

Issued in Des Plaines, Ill., on March 7, 1973.

LYLE K. BROWN,
Director, Great Lakes Region.

In § 71.181 (38 FR 435), the following transition area is amended to read:

FREMONT, MICH.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Fremont Municipal Airport, Fremont, Mich. (latitude 43°26'31" N.; longitude 85°59'29" W.).

[FR Doc.73-5504 Filed 3-21-73; 8:45 am]

[Docket No. 12648; Amdt. 856]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

SIAP's are available for examination at the rules docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, 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 May 3, 1973:

- Ashtabula, Ohio—Ashtabula County Airport, VOR/DME Runway 26, Original.
- Battle Creek, Mich.—W. K. Kellogg Regional Airfield, VOR Runway 4 (TAC), Amdt. 10.
- Battle Creek, Mich.—W. K. Kellogg Regional Airfield, VOR Runway 22 (TAC), Amdt. 8.
- Battle Creek, Mich.—W. K. Kellogg Regional Airfield, VOR Runway 31 (TAC), Amdt. 6.
- Eunice, La.—Eunice Airport, VORTAC-A, Amdt. 2.
- Fort Yukon, Alaska—Fort Yukon Municipal Airport, VORTAC Runway 3, Amdt. 1.
- Fort Yukon, Alaska—Fort Yukon Municipal Airport, VORTAC Runway 21, Amdt. 1.
- Gustavus, Alaska—Gustavus Airport, VOR/DME-A, Original.
- Helena, Mont.—Helena Airport, VOR-A, Amdt. 8.
- Helena, Mont.—Helena Airport, VOR/DME-B, Original.
- Madisonville, Ky.—Madisonville Municipal Airport, VOR Runway 23, Amdt. 4.
- Mattoon-Charleston, Ill.—Coles County Memorial Airport, VOR Runway 6, Amdt. 5.
- Middletown, Del.—Summit Airpark, VOR-A, Amdt. 2.
- Mohall, N. Dak.—Mohall Municipal Airport, VOR/DME Runway 31, Original.
- Newburgh, N.Y.—Stewart Airport, VOR Runway 16, Amdt. 1.
- Olympia, Wash.—Olympia Airport, VOR Runway 17, Amdt. 5.
- Olympia, Wash.—Olympia Airport, VOR/DME Runway 35, Amdt. 8.
- Orlando, Fla.—McCoy AFB, VOR Runways 18L and 18R, Original.
- Orlando, Fla.—McCoy AFB, VOR/DME Runway 36R, Original.
- Port Sulphur, La.—Port Sulphur Seaplane, VORTAC-A, Amdt. 1.
- Port Sulphur, La.—Port Sulphur Seaplane, VORTAC-B, Amdt. 1.
- Rockford, Ill.—Greater Rockford Airport, VOR Runway 12, Amdt. 11.
- Tiffin, Ohio—Seneca County Airport, VOR Runway 6, Amdt. 2.

*** effective April 5, 1973:

- Kahului, Hawaii—Kahului Airport, VOR-B, Amdt. 2.
- Pago Pago, Tutuila Island, American Samoa—Pago Pago International Airport, VOR-D, Amdt. 1.

*** effective March 29, 1973:

- Idaho Falls, Idaho—Fanning Field, VOR Runway 3, Amdt. 1.
- Idaho Falls, Idaho—Fanning Field, VOR Runway 21, Amdt. 1.
- Modesto, Calif.—Modesto City-County Airport, VOR Runway 10L, Amdt. 1.
- Modesto, Calif.—Modesto City-County Airport, VOR Runway 28R, Amdt. 1.

*** effective March 14, 1973:

- Fremont, Mich.—Fremont Municipal Airport, VOR-A, Amdt. 4.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective May 3, 1973:

- Oklahoma City, Okla.—Will Rogers World Airport, LOC(BC) Runway 17L, Amdt. 5.

- Oklahoma City, Okla.—Will Rogers World Airport, LOC(BC) Runway 35L, Amdt. 1.
- Springfield, Ill.—Capital Airport, LOC(BC) Runway 22, Amdt. 7.

*** effective April 5, 1973:

- Valdosta, Ga.—Valdosta Municipal Airport, LOC Runway 35, Original.

*** effective March 29, 1973:

- Pierre, S. Dak.—Pierre Municipal Airport, LOC(BC) Runway 13, Original.

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

- Atlantic, Iowa—Atlantic Municipal Airport, NDB Runway 12, Amdt. 3.
- Fort Yukon, Alaska—Fort Yukon Municipal Airport, NDB Runway 21, Amdt. 4.
- Gaithersburg, Md.—Montgomery County Airpark, NDB-A, Amdt. 3, Canceled.
- Gaithersburg, Md.—Montgomery County Airpark, NDB Runway 14, Original.
- Greer, S.C.—Greenville-Spartanburg Airport, NDB Runway 3, Amdt. 6.
- Hazleton, Pa.—Hazleton Municipal Airport, NDB Runway 28, Amdt. 11.
- McRae, Ga.—Telfair-Wheeler Airport, NDB Runway 20, Amdt. 1.
- Miami, Fla.—Dade-Collier Training and Transition Airport, NDB Runway 9, Amdt. 6.
- Middletown, Del.—Summit Airpark, NDB-A, Amdt. 1.
- Pittsburgh, Pa.—Greater Pittsburgh Airport, NDB(ADF) Runway 28L/R, Original, Canceled.
- Pittsburgh, Pa.—Greater Pittsburgh Airport, NDB Runway 28L, Original.
- Pittsburgh, Pa.—Greater Pittsburgh Airport, NDB Runway 28R, Original.
- Seymour, Ind.—Freeman Municipal Airport, NDB Runway 22, Amdt. 1.
- Seymour, Ind.—Freeman Municipal Airport, NDB Runway 31, Amdt. 2.
- Springfield, Ill.—Capital Airport, NDB Runway 4, Amdt. 11.

*** effective April 26, 1973:

- Franklin, Pa.—Chess-Lamberton Airport, NDB Runway 29, Amdt. 6, Canceled.
- Melbourne, Fla.—Cape Kennedy Regional Airport, NDB Runway 9, Amdt. 5.

*** effective April 5, 1973:

- Pago Pago, Tutuila Island, American Samoa—Pago Pago International Airport, NDB-C, Amdt. 1.

*** effective March 29, 1973:

- Idaho Falls, Idaho—Fanning Field, NDB Runway 21, Amdt. 1.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective May 3, 1973:

- Alexandria, La.—Esler Field, ILS Runway 26, Amdt. 3.
- Greer, S.C.—Greenville-Spartanburg Airport, ILS Runway 3, Amdt. 9.
- Hot Springs, Ark.—Memorial Field, ILS Runway 5, Amdt. 3.
- Lynchburg, Va.—Lynchburg Municipal/Preston Glenn Field, ILS Runway 3, Amdt. 7.
- Miami, Fla.—Dade-Collier Training and Transition Airport, ILS Runway 9, Amdt. 6.
- Olympia, Wash.—Olympia Airport, ILS Runway 17, Amdt. 1.
- Orlando, Fla.—McCoy AFB, ILS Runway 36L, Original.
- Santa Barbara, Calif.—Santa Barbara Municipal Airport, ILS Runway 7, Amdt. 17.
- Santa Barbara, Calif.—Santa Barbara Municipal Airport, ILS/DME Runway 7, Amdt. 2.

- Seattle, Wash.—Boeing Field International/King County Airport, ILS Runway 13R, Amdt. 16.
- Springfield, Ill.—Capital Airport, ILS Runway 4, Amdt. 16.
- Stockton, Calif.—Stockton Metropolitan Airport, ILS Runway 29R, Amdt. 13.

*** effective March 29, 1973:

- Idaho Falls, Idaho—Fanning Field, ILS Runway 21, Original.
- Modesto, Calif.—Modesto City-County Airport, ILS Runway 28R, Original.
- Pierre, S. Dak.—Pierre Municipal Airport, ILS Runway 31, Original.

*** effective March 13, 1973:

- Pittsburgh, Pa.—Greater Pittsburgh Airport, ILS Runway 10L, Amdt. 14.

5. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAP's, effective May 3, 1973:

- Dothan, Ala.—Dothan Airport, Radar-1, Original, Canceled.
- Orlando, Fla.—McCoy AFB, Radar-1, Original.
- Pittsburgh, Pa.—Greater Pittsburgh Airport, Radar-1, Amdt. 15.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's, effective May 3, 1973.

- Gaithersburg, Md.—Montgomery County Airpark, RNAV Runway 14, Original.
- Toledo, Ohio—Toledo Express Airport, RNAV Runway 16, Original.

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

Issued in Washington, D.C., on March 15, 1973.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

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

[FR Doc.73-5496 Filed 3-21-73; 8:45 am]

Title 16—Commercial Practices
CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2351]

PART 13—PROHIBITED TRADE PRACTICES

Joe Marks, Trading as Home Improvement Center

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements*; 13.73-92 *Truth in Lending Act*; § 13.155 *Prices*; 13.155-95 *Terms and Conditions*; 13.155-95(a) *Truth in Lending Act*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements*; 13.1623-95 *Truth in Lending Act*; —Prices: § 13.1823 *Terms and conditions*; 13.1823-20 *Truth in Lending Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*; 13.1852-75 *Truth in Lending Act*; § 13.1905 *Terms*

and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Joe Marks, trading as Home Improvement Center, Akron, Ohio, Docket No. C-2351, Feb. 7, 1973]

In the Matter of Joe Marks, an Individual, Trading and Doing Business as Home Improvement Center

Consent order requiring an Akron, Ohio, seller and distributor of residential aluminum siding products, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Joe Marks, an individual trading and doing business as Home Improvement Center, or any other name or names, his successors and assigns, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension or offer to extend or arrange for the extension of consumer credit, as "consumer credit" is defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C., 1601 et seq.), do forthwith cease and desist from:

(1) Failing to disclose the "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as prescribed by § 226.8(c) (3) of Regulation Z.

(2) Failing to disclose the "amount financed" to describe the amount of credit extended, as prescribed by § 226.8(c) (7) of Regulation Z.

(3) Failing to disclose the "finance charge" to describe the sum of all charges required by § 226.4 of Regulation Z to be included therein, as prescribed by § 226.8(c) (8) (i) of Regulation Z.

(4) Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price", as prescribed by § 226.8(c) (8) (ii) of Regulation Z.

(5) Failing to disclose the annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as prescribed by § 226.8(b) (2) of Regulation Z.

(6) Failing to disclose the number, amount, and due dates or periods of payments scheduled to repay the indebtedness, as prescribed by § 226.8(b) (3) of Regulation Z.

(7) Failing to describe the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, as prescribed by § 226.8(b) (5) of Regulation Z.

(8) Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with § 226.4 and § 226.5 of Regulation Z,

in the manner, form, and amount required by § 226.6, § 226.7, § 226.8, § 226.9, and § 226.10 of Regulation Z.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the respondent's business organization such as incorporation, partnership, or sale, resultant in the emergence of a new business organization, or any other change in the business organization which may affect compliance obligations arising out of the order.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth, in detail, the manner and form in which he has complied with the order to cease and desist contained herein.

Issued: February 7, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.
[FR Doc.73-5427 Filed 3-21-73;8:45 am]

[Docket No. C-2353]

PART 13—PROHIBITED TRADE PRACTICES

Marcus Bros. Co. and Alan Marcus

Subpart—Importing, manufacturing, selling or transporting flammable wear: § 13.1060 *Importing, manufacturing, selling or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Marcus Bros. Co., Hialeah, Fla., Docket No. C-2353, Feb. 13, 1973]

In the Matter of Marcus Bros. Co., a Corporation, and Alan Marcus, Individually and as an Officer of Said Corporation

Consent order requiring a Hialeah, Fla., importer and wholesaler, among other things to cease manufacturing for sale, selling, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation issued under the provisions of the Flammable Fabrics Act, as amended.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows.

It is ordered, That respondents Marcus Bros. Co., a corporation, its successors and assigns, and its officers, and Alan Marcus, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce any product, fabric or related material, or manufacturing for sale, selling or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That the respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to the complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products that gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since June 23, 1971, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other mate-

rial or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric, or related material having raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric or related material with this report.

It is further ordered. That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered. That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered. That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered. That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 13, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc. 73-5428 Filed 3-21-73; 8:45 am]

[Docket No. C-2352]

PART 13—PROHIBITED TRADE PRACTICES

Robert Burns, Inc., and Tyrus R. Lovelace

Subpart—Importing, manufacturing, selling or transporting flammable wear: § 13.1060 *Importing, manufacturing, selling or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Robert Burns, Inc., et al., Bellingham, Wash., Docket No. C-2352, Feb. 13, 1973]

In the Matter of Robert Burns, Inc., a Corporation, and Tyrus R. Lovelace, Individually and as an Officer of Said Corporation.

Consent order requiring a Bellingham, Wash., importer and seller of scarves and other textile fiber products, among other things to cease manufacturing for sale, selling, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation issued under the provisions of the Flammable Fabrics Act, as amended.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered. That respondents Robert Burns, Inc., a corporation, its successors and assigns, and its officers, and Tyrus R. Lovelace, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from manufacturing for sale, selling or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric" or "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered. That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of said products, and effect recall of said products from such customers.

It is further ordered. That the respondents herein either process the products which gave rise to the complaints so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered. That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since October 29, 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of said action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight

of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered. That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered. That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered. That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered. That the respondents herein shall, within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 13, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc. 73-5429 Filed 3-21-73; 8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

[Docket No. R-362; Order No. 383-3]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Reliability and Adequacy of Electric Service—Reporting of Data—Participation of Regulatory Personnel in Regional Councils

MARCH 15, 1973.

This order revises the information which is requested in the annual reports of all electric systems participating in the program of adequacy and reliability established by prior orders of the Commission pursuant to section 202 (a) of the Federal Power Act, 16 U.S.C. 824a(a).² The revision is accomplished by substituting Appendix A-1, issued herewith, for Appendix A as the latter

² See Commission Order Nos. 383, 383-1 and 383-2, issued June 25, 1969, 41 FPC 846 (34 FR 11200), issued Jan. 13, 1970, 43 FPC 37 (35 FR 3240), issued Apr. 10, 1970, 43 FPC 515 (35 FR 6121), respectively.

is set forth in § 2.11(c), Informational Reporting, (d), Part 2, General Policy and Interpretations, Chapter I, Title 18 of the Code of Federal Regulations.

By notice of Proposed Change In Docket No. R-362, Statement of Policy Informational Reporting (Appendix A), the Commission sought public comments with respect to changes in the information to be reported annually by the Nation's electric utilities. The notice issued November 10, 1972, 37 FR 24447, stated in part:

*** The changes would expand the reported load and capacity data from a forward projection of 10 years to a period of 20 years into the future. Similarly, the transmission network projections would extend 20 years ***. The changes would also provide for the submission of increased annual energy requirements data; information relative to alternate fuel use capability *** scheduled maintenance *** relation to summer and winter peaks *** transmission transfer capability within regions and among regions, operating reserve policies and interregional coordination in scheduled maintenance ***.

The comments of responding parties include a number of suggested technical clarifying changes in the proposed appendix, as noticed. They are discussed, infra, and those changes are reflected in the revised form of Appendix A-1 issued herewith.

The comments also provide a useful discussion of the nature of utility planning and distinguish between planning projections of a definitive nature and planning projections of a conceptual nature; the former being essentially those within the first 10-year period and the latter being those within the second 10-year period. Planning of both types is essential to electric utility operations upon an interconnected basis and is generally carried out by all major electric systems throughout the Nation. The responding parties articulate a number of the inherent difficulties and uncertainties which attend any program of future projections. Collectively, the comments discuss uncertainties 5, 10, 15, and 20 years into the future, regarding national population and demographic trends, electric generation and transmission technology, fuel availability of the required types, quantities and chemical content, fuel technology to meet environmental standards, the definitive nature of those standards as they may be promulgated from time-to-time, as well as the manner in which general public control mechanisms governing air, land, and water environments may affect or constrain utility, industrial, commercial, residential, or recreational uses of fuels and the environment. They note that numerous planning assumptions must be made to complete any planning projections and that, as the range of time increases to

20 years, the impact of intervening circumstances which are unforeseen or beyond the control of the planning entity, may alter projections or completely preclude the execution thereof.

We agree that appropriate uses of definitive and conceptual planning projections differ. Beneficial uses of publicly reported data 10 to 20 years forward must recognize the underlying variables and the consequences thereof. Plans reported at any one time can change and, in many instances, will change.

A number of comments expressed concern lest unwarranted certainty be accorded plans which are publicly reported. We recognize the possibility that such inferences could be drawn. Our remarks are directed to that matter.

We do not accept propositions expressed in some comments that 10- to 20-year projections should not be disclosed because of the variables discussed above, or because of possible misinterpretation of data which is to be reported. In our judgment, what is required is a full and complete understanding by all who use reliability council data as to inherent limitations of the utility planning processes, the necessary qualifications relative to data projections, and the need for continuing revisions of publicly reported information. Just as there is a legitimate public interest in advance disclosure of electric utility operations and planning activities, there is a legitimate interest of the utility that its plans and projections be fully understood and not misinterpreted.

The public reporting procedures as reflected in Appendix A-1, issued herewith, will serve the interests of the public and the interests of the reporting utilities. They will serve the purposes of the Commission's adequacy and reliability program. Long-range planning is an indispensable element to the accomplishment of the objectives of section 202(a) of the Federal Power Act *** assuring an abundant supply of electric energy throughout the United States with the greatest possible economy and with regard to the proper utilization and conservation of natural resources ***. It is essential to area and regional coordination. It is necessary for the timely construction of necessary bulk power supply facilities, all with due regard to equipment delivery, fuel availability, governmental requirements governing air, land, and water environments, licensing or certification procedures and construction lead times. In short, long-range utility planning, adequately disclosed, is required for all beneficial public and private purposes.

Some of the commenting parties proposed a split reporting procedure whereby data for the period 1 to 10 years (Appendix A-1, Items 1-9), would be reported in physically separate documents and at different dates from the reporting of data for the period 11 to 20 years (Items 10, 11); the former to be reported in Docket No. R-362 and the latter to be reported as a part of other Commission activities such as the Commission's National Power Survey. The underlying reasons for this proposed division are those

which prompted some respondents to oppose public disclosure of planning during the second 10-year period, as we have discussed in regard to definitive and conceptual planning. We believe that our discussion of that problem in this order eliminates any need for physical separation of data. Moreover, if that result did obtain, there would be additional administrative processing expenditures and use of Commission funds which need not be expended. The purposes of the Commission's adequacy and reliability program, pursuant to section 202(a) of the Federal Power Act, are continuing. They include long-range planning. Specific studies, such as the Commission's National Power Survey, however recurrent, do not have the special focus of the Commission, State regulatory agencies and the participant utilities, as required in Docket No. R-362 reporting.

Technical clarifying changes in various portions of Items 1-11 of the appendix (A-1, as noticed), are discussed seriatim.

Item 1, as noticed, specifies the reporting of monthly energy requirements for the first 2 years of the 10-year projection and annual energy requirements for the succeeding 8 years. The term energy was not defined, e.g., "gross energy", gross generator output, or "net energy", energy supplied to loads after station and utility uses and losses. Clarity of meaning and uniformity of reporting will be achieved by specifying the reporting of gross energy and net energy for the entire 10-year projection; the first 2 years on a monthly basis and succeeding 8 years on an annual basis. The comments disclosed the need for this change.

Item 2, as noticed, specifies the reporting of individual generating station primary fuel, alternate fuel capability, handling and storage facilities. The length of time alternate fuel burn capability could be sustained was not specified. Physical factors and operating conditions in many types of combustion equipment make the length of time alternate fuels can be burned a factor highly important to adequacy and reliability. Various of the comments make this point. Accordingly, length of alternate fuel use is specified in the revision adopted in this order.

Item 3, as noticed, specifies the reporting of estimated capacity which will be scheduled for maintenance during the immediately succeeding 5 years, both at summer and winter peak periods. The change adopted herein adds "other known causes" to the condition of scheduled maintenance, when capacity may be out-of-service at peak periods and is, therefore, to be reported. A number of the comments pointed out the difficulty of scheduling maintenance in advance and opposed the additional reporting of data 5 years ahead. We believe that generalized reporting of maintenance scheduling will assist the regional and interregional coordination of bulk power supply facilities and should be adopted. The need for the word change to include "other known causes" is prompted by the comments.

* A total of 34 comments were received from the following: Investor owned, Federal, State or municipal electric utilities, 24; power pool, 1; national and regional electric reliability council organizations, 6; Federal departments, 1; State Governors' conference, 1; and professional engineering society, 1.

Item 6,² as noticed, specifies the reporting of transmission transfer capability between adjacent regions and between subdivisions of a region, with an identification of limiting factors, i.e., operating conditions or facilities. Comments received show that the change, as noticed, is not susceptible to uniform interpretation. Clarity of meaning and uniformity of reporting will be achieved by specification of the change as follows: "a tabulation based upon calculated operating limits specifying the transmission capability between the region and adjacent regions and between subdivisions of the region."

Item 7, as noticed, specifies the annual reporting of information relative to communication and control equipment. Previously, that information was reported initially and updated only with "significant changes." The yearly reporting of such information is adopted, as noticed. It will serve a useful administrative or convenience purpose in the processing of R-362 reports and be a convenience to members of the public which use these reports. A number of the comments generally opposed annual reporting.

Item 9, as noticed, specifies the annual reporting of a series of data relative to coordinated operational practices and programs under normal and emergency conditions. Included within the items to be reported, and not previously expressly specified, are "h. operating reserve policy" and "l. maintenance planning including interregional coordination of maintenance outages." Comments received show that annual reporting of sub-item "h." data must be general and of a broad narrative description to be meaningful, due, principally, to the myriad combinations of electrical operating conditions which may occur within interconnected networks. Also, it should be noted that reserve data reported pursuant to item 3 relates essentially to installed reserves. Accordingly, item 9h requests for operating reserve policies do not, as some comments suggest, duplicate item 3 data. This type of response will meet the purposes of the Commission. Additionally, the comments show that sub-item "l." data would substantially duplicate maintenance scheduling data to be reported pursuant to sub-item "f." of item 9. Therefore, "l." is eliminated. As in the case of item 7 data, item 9 data were previously reported initially and updated only with "significant changes." The change adopted herein specifies the reporting of all data annually. The Commission's reasons are those as set forth in respect to the annual reporting of item 7 data.

Item 10, as noticed, specifies the annual reporting during the second 10-year projection (11-20 years) of estimated loads and generating capacity, categorized by type of prime mover, size of unit, and whether intended for base load or peaking operation. The comments received show that conceptual planning

and projections which are used in the second 10-year period of utility planning do not provide that type of specificity. The underlying reasons are the variable factors discussed supra. Generally, qualitative data are employed in this area of the utility planning process, in contrast to quantitative materials as indicated in the descriptive wording set forth in the Commission's notice. It was the Commission's intent to secure only such data as may be available and for which a beneficial use may be made through rational application thereof. Item 10 is revised as follows:

For each year in the period of 11-20 years in the future show projected load and generating capability which will be necessary to serve this load. Include a statement as to the percentages of the projected capacity to be installed in the 11-20-year period which will be hydro, nuclear, and fossil fueled, respectively.

Item 11, as noticed, specifies the reporting of transmission configurations giving consideration to subregional and interregional factors with indicated voltage levels, transfer limits, and maps of these projected networks at the 10th and 20th years. For reasons similar to those discussed under item 10, supra, and raised in the comments, as well as duplication with item 6 data, it is apparent that requested data pursuant to item 11 should be revised as follows:

For the 10th year, include a map which shows the general configuration of the transmission network both within the region and the ties to adjacent regions. In addition, state voltage levels of possible transmission overlays being considered and approximate timing of the system overlay during the period 11-20 years in the future. Diagram possible patterns of transmission as of the 20th year.

The time of reporting annual data pursuant to appendix A procedures is April 1 of each calendar year. Submitting the reports due on or before April 1, 1973, may necessitate the furnishing of supplemental reports by various of the electric reliability councils incorporating data requested in the changes to appendix A-1. We ask that the reports to be filed on or before April 1, 1973, be as complete as possible and that, where necessary, supplemental reports be submitted by September 1, 1973. We request that complete reports be submitted annually thereafter, on or before April 1, in accordance with appendix A-1.

The Commission further finds:

(1) The effective date provisions of section 553 of subchapter II of chapter 5, title 5 of the United States Code, do not apply with respect to the amendment here adopted.

(2) It is appropriate and in the public interest in administering part II of the Federal Power Act to promulgate Commission policy on the collection of data relating to reliability and adequacy of electric service, all in the manner hereinafter provided.

(3) The basic authority of the Commission to take these actions is as set forth in the Federal Power Act, 16 U.S.C. 791(a) et seq., particularly 16 U.S.C. 824a(a), 825h (49 Stat. 848, 858) and the

Administrative Procedure Act, 5 U.S.C. 553.

The Commission orders:

(A) Sections 2.11(c), Informational Reporting, (d), Part 2, General Policy and Interpretations, Chapter I, Title 18 of the Code of Federal Regulations, are amended by substituting appendix A-1 for appendix A as heretofore promulgated by Commission Order No. 383-2; and by revising § 2.11(d) to read as follows:

§ 2.11 Reliability and adequacy of electric service.

(d) The information requested for inclusion in the annual reports is set forth in appendix A-1 to this section. Initial reporting is to be for the period 1973-92, inclusive. The annual report and four conformed copies are to be filed with the Federal Power Commission. Two conformed copies are to be filed with the commission of each State which is wholly or partly within the geographic boundaries of the reporting council. Reports are to be filed not later than April 1 of each year, except that for reports due April 1, 1973, the reporting date is extended to September 1, 1973, for the submission of supplemental reports as may be necessary.

APPENDIX A-1

INFORMATION TO BE REPORTED BY REGIONAL COUNCILS ON COORDINATED REGIONAL BULK POWER SUPPLY PROGRAMS

Information to be reported annually should include:

1. Estimates of monthly peak loads for the first 2 years of the projection; estimates of summer and winter peak loads for the following 8 years; and monthly gross and net energy requirements for the first 2 years and annual gross and net energy requirements the following 8.

2. Itemization of all existing capacity resources in the region and new capacity resources (or retirements) as committed or projected for each year, 10 years into the future; including, where known, inservice dates, locations, ownership, types of future generating units, primary fuel and capability for use of alternate fuels including length of time alternate fuel can be used, handling and storage capacity, and capacity exchanges with others at the time of summer and winter peak demands.

3. For each year of the 10-year projection, show the indicated capacity margins for reserves at the time of summer and winter peak loads, based on items (1) and (2) above, with an assessment of adequacy of reserves for the first 5 years of the projection. Include a statement of the criteria now being used in determining reserve requirements by the Council or its appropriate subdivisions; also include an estimate of the magnitude of the capacity which will be unavailable for service due to scheduled maintenance or other known reasons at the time of the summer and winter peaks for the next 5 years.

4. For each steam generating unit of 300 MW or more, and for which construction has begun; or is scheduled to begin within 2 years from the date of reporting, a status report on the proposed plan of cooling, and for fossil-fired plants, the fuels proposed and the plan for controlling stack emissions; also, the status of principal studies or model tests and the status of consultations with

²Items 4, 5, and 8 of Appendix A, as promulgated in Order No. 383-2, were not changed by the notice of Nov. 10, 1972.

appropriate local, State, or Federal authorities concerned.

5. A plan of the bulk power transmission network of the region in service at the time of the report (including interties with adjoining regions) and the general routing of facilities committed or tentatively projected for service within 6 years including identification of principal substations, operating voltages and projected inservice dates. In addition, show the transmission facilities projected for the balance of the 10-year period based upon the best information available.

6. A plotting and a description of the base case for load flow studies of the bulk power network of the region (or principal subdivisions) as it exists substantially at the time of reporting and as projected four to six years in the future; and a tabulation based upon calculated operating limits specifying the transmission capability between the region and adjacent regions and between subdivisions of the region; and a tabulation and brief statements on the results of a representative number of contingency cases studied; and similarly, information on stability analyses of the network, and including the criteria adopted by the regional council relating to network stability.

7. A description of the principal communication and control systems operating or planned within the region and listing of functions performed by such facilities.

8. For each transmission segment designed to operate at 230 kv. (nominal) or higher for which construction has begun or is scheduled to begin within 2 years from the date of the report, information on the status of consultations with affected local communities and groups and status of applications to State or regional authorities, as appropriate.

9. Information on the following coordinated regional practices:

a. Load shedding programs, including estimated steps of load reduction at various steps in declining frequency.

b. Emergency power and shutdown facilities to prevent damage to equipment if station loses system power.

c. Power facilities available for unit start-up in the event of total loss of system power.

d. Availability of continuous power independent of system sources for communication and control facilities.

e. Provisions for sustaining the operation of generating units on local loads.

f. Programs for scheduling maintenance outages of generation and transmission facilities.

g. Programs for the selection, setting and maintenance of relays that affect the overall reliability of the interconnected network.

h. Operating reserve policy.

10. For each year in the period of 11-20 years in the future show projected load and generating capability which will be necessary to serve this load. Include a statement as to the percentages of the projected capacity to be installed in the 11-20 year period which will be hydro, nuclear and fossil-fueled, respectively.

11. For the tenth year, include a map which shows the general configuration of the transmission network both within the region and the ties to adjacent regions. In addition, state voltage levels of possible transmission overlays being considered and approximate timing of the system overlay during the period 11-20 years in the future. Diagram possible patterns of transmission as of the 20th year.

(B) The amendments prescribed herein shall be effective upon the issuance of this order.

(C) The Secretary of the Commission shall cause prompt publication of this

order to be made in the FEDERAL REGISTER.

By the Commission,

[SEAL] KENNETH F. PLUMB,
Secretary.
[FR Doc. 73-5514 Filed 3-21-73; 8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965)

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians; Appeals by Provider

PROVIDER RECORDKEEPING CAPABILITY Corrections

In FR Doc. 73-4585 appearing at page 6386 of the issue for Friday, March 9, 1973, the following changes should be made in § 405.406(e):

1. In the 13th line of that paragraph, the reference "§ 405.317(a)" should read "§ 405.371(a)".

2. Immediately after the 16th line, reading "basis for the intermediary's determination", the following inadvertently omitted line should be inserted: "tion with respect to the provider's".

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Miscellaneous Amendments

Corrections

In FR Doc. 73-3340, appearing at page 4954 for the issue for Friday, February 23, 1973, the following changes should be made:

1. The last word in line seven of § 601.105(c) should read "advice".

2. In the amendatory language of Par. 7, item 10 should read as follows: "Revising paragraph (1) (1), (3), (4), (5), (6), and (7), and adding a new paragraph (1) (11)."

3. The word in the first sentence of § 601.304 now reading "respece" should read "respect".

4. Immediately above § 601.602 the following should be inserted: "PAR. 22a. Section 601.602 is revised to read as follows:"

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Plan Revisions

On May 31, 1972 (37 FR 10842), the Administrator approved certain portions

of the implementation plan submitted by the State of Pennsylvania for attainment and maintenance of national ambient air quality standards in accordance with the Clean Air Act, as amended (42 U.S.C. 1857 et seq.). At the same time, Pennsylvania was granted an 18-month extension for submission of a plan to attain secondary standards for particulates and sulfur oxides in the Southwest Pennsylvania Intrastate Region (including Allegheny County) and in Pennsylvania's portion of the Metropolitan Philadelphia Interstate Region.

Subsequent to the submission and approval of the original plan, a more extensive review of the requirements of the plan, as applied to certain U.S. Steel facilities, led the State to change these requirements, tailoring them more closely to the specific steps required to control emissions from these facilities. On December 14, 1972, after due notice and public hearing, the Governor of Pennsylvania submitted these changes as proposed revisions to the Pennsylvania implementation plan. The proposed revisions related to the coke-making operations at the U.S. Steel Clairton Works, Allegheny County, and to the industrial boilers of the U.S. Steel Corp. in Allegheny County. The submission included a revision to the control strategy for particulates, a revision to the control strategy for sulfur oxides, and compliance schedules relating to coke ovens, coke-oven gas combustion, industrial boilers and coke quenching.

The control strategy revisions continue to satisfy the requirement of 40 CFR §§ 51.13 and 51.14 in demonstrating that the primary national ambient air quality standards will be achieved by the approved attainment date of July 31, 1975. Accordingly, the proposed revisions are approved.

The compliance schedules relating to coke ovens, coke quenching, and all industrial boilers except Clairton Boiler No. 1 and Irving Boiler No. 7 meet all requirements of 40 CFR 51.15 and are approved. The compliance schedules relating to coke-oven gas combustion and industrial boilers Clairton Boiler No. 1 and Irving Boiler No. 7 are approved with respect to their final compliance date of February 1, 1975. Such schedules are still being reviewed in accordance with 40 CFR 51.15(a)(2) to determine whether they satisfy the requirement of 40 CFR 51.15(c) with respect to the inclusion of increments of progress toward compliance. Approval or disapproval of these compliance schedules as meeting this requirement is required by section 110 of the Clean Air Act and 40 CFR Part 51 by no later than June 15, 1973. If the schedules are disapproved on the basis of failure to include adequate increments of progress,

incremental steps will be proposed by the Administrator in accordance with section 110(c) of the Act.

Copies of the Pennsylvania implementation plan, as revised, are available for public inspection at the Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, DC, at the agency's regional office, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106, and at the Pennsylvania Department of Environmental Resources, Bureau of Air Quality and Noise Control, 505 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

This regulation is effective on March 22, 1973. The Agency finds that good cause exists for not publishing the regulation as a notice of proposed rule-making and for making it effective immediately upon publication, for the following reasons:

1. The implementation plan revision was adopted in accordance with procedural requirements of State and Federal law, which provided for adequate public participation through notice and public hearings, and consequently further public participation is unnecessary.

2. Immediate effectiveness of the approval enables the source involved to proceed with certainty in conducting its affairs, and persons wishing to seek judicial review of the approval may do so without delay.

(40 U.S.C. 1857c-5)

Dated: March 15, 1973.

ROBERT W. FRI,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart *NN—Pennsylvania

1. In § 52.2020, paragraph (c) is revised to read as follows:

§ 52.2020 Identification of plan.

(c) Supplemental information was submitted on: (1) March 17, March 27, and May 4, 1972, by the Bureau of Air Quality and Noise Control, Pennsylvania Department of Environmental Resources, (2) May 5, 1972, and (3) December 14, 1972.

2. Section 52.2026 is amended by adding paragraph (c) as follows:

§ 52.2026 Control strategy and regulations: Particulates.

(c) The revision to the control strategy resulting from the modification to the emission limitation applicable to the sources listed below or the change in the compliance date for such sources with the present emission limitation is hereby approved. All regulations cited are air pollution control regulations of the State, unless otherwise noted. (See § 52.2036 for compliance schedule approvals and disapprovals pertaining to one or more of the sources listed below.)

Source	Location	Regulation involved	Date of submittal
Clairton Coke and Coal Works (U.S. Steel).	Allegheny County.	§ 1809 (Article XVIII).	Dec. 14, 1972

2. A new § 52.2033 is added as follows:
§ 52.2033 Control strategy: Sulfur oxides.

(a) The revision to the control strategy resulting from the modification to the emission limitation applicable to the sources listed below or the change in the compliance date for such sources with the present emission limitation is hereby approved. All regulations cited are air pollution control regulations of the State, unless otherwise noted. (See § 52.2036 for compliance schedule approvals and disapprovals pertaining to one or more of the sources listed below.)

Source	Location	Regulation involved	Date issued by State or local agency
Clairton Coke and Coal Works (U.S. Steel)	Allegheny County	Section 1809 (Article XVIII).	
Coke ovens (Schedule A)			Sept. 25, 1972
Coke quenching (Schedule D)			Oct. 20, 1972
Coke-oven gas combustion (Schedule B), as to the final compliance date only.			Oct. 20, 1972
Industrial Boilers (U.S. Steel)	Allegheny County	Section 1809 (Article XVIII).	Oct. 20, 1972

Schedule C, except that such approval for Clairton Boiler No. 1 and Irvin Boiler No. 7 relates to the final compliance date only.

[FR Doc. 73-5342 Filed 3-21-73; 8:45 am]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

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

N-(Mercaptomethyl)phthalimide S-(O,O-Dimethyl Phosphorodithioate)

In response to a petition (PP 3E1328) submitted by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Florida, Louisiana, and North Carolina, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of February 12, 1973 (38 FR 4275), proposing establishment of a tolerance for residues of the insecticide N-(mercaptomethyl)phthalimide S-(O,O-dimethyl phosphorodithioate) and its oxygen analog N-(mercaptomethyl)-phthalimide S-(O,O-dimethyl phosphorothioate) in or on the raw agricultural commodity sweetpotatoes at 10 parts per million from postharvest application. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Source	Location	Regulation involved	Date of submittal
Clairton Coke and Coal Works (U.S. Steel).	Allegheny County.	§ 1809 (Article XVIII).	Dec. 14, 1972
Industrial Boilers (U.S. Steel).	do.	do.	Dec. 14, 1972

4. A new § 52.2036 is added as follows:
§ 52.2036 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted. (See §§ 52.2026, 52.2027, and 52.2033 for control strategy revision approvals and disapprovals pertaining to one or more of the sources listed below.)

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.261 is amended by revising the paragraph "10 parts per million * * *", as follows:

§ 180.261 N-(Mercaptomethyl)phthalimide S-(O,O-dimethyl phosphorodithioate) and its oxygen analog; tolerances for residues.

Ten parts per million in or on apples, cherries, grapes, peaches, pears, and sweetpotatoes (from postharvest application).

Any person who will be adversely affected by the foregoing order may at any time on or before April 23, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing

is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on March 22, 1973.

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

Dated: March 15, 1973.

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

[FR Doc.73-5418 Filed 3-21-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114-52—ESTABLISHMENT OF QUARTERS RENTAL RATES

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, a new Part 114-52 is added to Chapter 114, Title 41, of the Code of Federal Regulations as set forth below.

These regulations set forth the Department's policies concerning the establishment of rates charged employees for rental quarters and utilities furnished by the Government. They codify into the Code of Federal Regulations policies currently promulgated in Part 424 of the Departmental Manual.

Since these regulations merely codify existing policies it is determined that the public rule making procedure is unnecessary and these regulations shall become effective on March 22, 1973.

RICHARD R. HITE,
Deputy Assistant Secretary
of the Interior.

MARCH 16, 1973.

Subpart 114-52.1—General

Sec.	
114-52.101	Scope of subpart.
114-52.102	Statutory authority.
114-52.103	Regulatory authority.
114-52.104	Statutory restriction.
114-52.105	Definitions.
114-52.106	Rental rate principle.
114-52.107	Application of modified principle of comparability.
114-52.108	Quarters in the territories and possessions.
114-52.109	Employees in leave status.
114-52.110	Workroom used as quarters.
114-52.111	Limitation.

Subpart 114-52.2—Surveys and Appraisals

114-52.201	Basic rent principle.
114-52.202	Determination of survey community.
114-52.203	Establishment of basic rental rates.
114-52.204	Intradepartmental coordination.
114-52.205	Interagency coordination.
114-52.206	Establishment of charges for utilities.
114-52.207	Records.
114-52.208	Review of rental rate schedules.
114-52.209	Resurvey of existing rates.

Subpart 114-52.3—Adjustments to Basic Rental Rates

114-52.301	General.
114-52.302	Isolation deduction.

Sec.	
114-52.303	Adjustment for differences in amenities.
114-52.304	Invasion of privacy.
114-52.305	Excessive size or quality.
114-52.306	Inadequate size.
114-52.307	Lack of all-weather construction.
114-52.308	Documentation.

Subpart 114-52.4—Implementation of New and Revised Rates

114-52.401	Effective date of new rates.
114-52.402	Effective date of revised rates.
114-52.403	Notice to employees.
114-52.404	Rental period.

Subpart 114-52.5—Employee Participation and Appeals

114-52.501	Employee participation in rate-fixing processes.
114-52.502	Appeals.

AUTHORITY: 5 U.S.C. 301.

Subpart 114-52.1—General

§ 114-52.101 Scope of subpart.

The regulations in this Part 114-52 apply to all Government-owned or leased personnel quarters rented in support of Federal programs, whether rented to employees of the holding Bureau, to employees of another Interior Bureau or other Federal agency, or to nonfederally employed tenants who are housed in order to facilitate the accomplishment of a Federal program. They apply to rental quarters in the 50 States, the District of Columbia, the territories and possessions, and Puerto Rico. These regulations do not apply to:

(a) Government-owned or leased quarters, custody of which has been transferred to a non-Federal entity pursuant to a written lease or contract authorized by law.

(b) Quarters, which under proper authority, are rented to the public for revenue pending future official use or disposal.

(c) Quarters provided employees on vessels.

§ 114-52.102 Statutory authority.

Public Law 88-459, approved August 20, 1964, 5 U.S.C. 5911, provides that quarters rental rates shall be based upon the reasonable value of the quarters to the employee in the circumstances under which provided, occupied, or made available.

§ 114-52.103 Regulatory authority.

Office of Management and Budget Circular No. A-45, Revised, dated October 31, 1964, establishes basic regulations governing the setting of quarters rental rates and charges for utilities.

§ 114-52.104 Statutory restrictions.

Rental rates for quarters and charges for utilities may not be set so as to provide an inducement (a) in the recruitment or retention of employees or (b) to encourage the occupancy of available rental quarters. (See 5 U.S.C. 5536.)

§ 114-52.105 Definitions.

The terms used in this Part 114-52 are defined as follows:

(a) *Rental quarters.* All quarters owned by or leased to the Government

which are supplied as an incidental service in support of Interior programs whether rented to Government employees, to contractors and contractors' employees, or to other persons provided housing incidental to the performance of the Department's programs.

(b) *Comparable housing.* Housing which is generally equivalent in size with the rental quarters, with the same number of bedrooms, and with generally equivalent amenities and facilities, including garage.

(c) *Private housing.* Housing rented on a "landlord" basis, with the rental rates reflecting the fair market value of the accommodations to the tenant. This is distinguished from housing rented on an "employer-employee" basis, for which other considerations may have influenced rental rates. Examples of housing which is not "private housing" within the meaning of these regulations and, which should not be used in rental rate surveys, are other federally owned housing, housing owned by States or their subdivisions, housing provided by private firms for their employees, parsonages, and caretakers' homes or apartments.

(d) *Established community.* A population center offering the following minimal community services on a year-round basis, or, alternatively, on approximately the same seasonal basis as the occupancy of the rental quarters under consideration, regardless of population size or other criteria:

(1) *Medical.* One physician and one dentist.

(2) *Educational.* Public elementary and high school (unless transportation is provided without charge to a county or district school). Public library, school library available to the public, or scheduled mobile library.

(3) *Shopping.* Grocery, drugs, clothing, hardware, and general household needs.

(4) *Religious.* Congregations of two faiths or denominations.

(5) *Public transportation.* Connection with at least one major town or city by common carrier.

(6) Minimal social, cultural, or entertainment facilities.

(e) *Nearby representative private community.* The nearest community to the rental quarters which offers sufficient private housing to form the basis of an adequate rental rate survey, together with the minimal community services set forth in IPMR 114-52.105(d). It must be a community which is not unreasonably affected by conditions of seasonal agriculture or tourism, population explosion, severe economic depression, or other conditions which may have created an inequitable rent structure in that community not shared by the general region in which the rental quarters are located.

(f) *Amenities.* Amenities include:

- (1) Paved streets.
- (2) Street lighting at least at intersections.
- (3) Sidewalks.
- (4) Lawns, trees, and landscaping.
- (5) General attractiveness of the neighborhood.

- (6) Community sanitation services.
- (7) Reliability and adequacy of water safe for household use.
- (8) Reliability and adequacy of electrical service.
- (9) Reliability and adequacy of telephone service.
- (10) Reliability and adequacy of fuel for heating, hot water, and cooking.
- (11) Police protection.
- (12) Fire protection.
- (13) Unusual design features of the dwelling.
- (14) Absence of disturbing noises or offensive odors.
- (15) Standards of maintenance.

(g) **Basic rental rate.** The basic rental rate is the monthly rental value of the quarters determined in accordance with subpart 114-52.2 of this part, before applying any deduction or additions. (Line 1, app. 2, subpart 114-52.2 of this part.)

§ 114-52.106 Rental rate principle.

Basic rental rates and charges for utilities will be set at the rates prevailing for comparable private housing in the same general area in which the rental quarters are located. (See subpart 114-52.2 of this part.)

§ 114-52.107 Application of modified principle of comparability.

The principle of comparability with private rental practice may be modified in the following circumstances:

(a) Where employees must occupy space for use as quarters which is generally unsuitable for that purpose, or where they must reside in quarters which are suitable only for particular types of occupancy, such as, rooming houses, bunkhouses, bachelor quarters, residence hotel-type structures, barracks-type structures, or guard and lookout cabins. In these circumstances, where no comparable rental data are obtainable or professional appraisals are not made, rental rates will be determined by the square footage occupied, at a rate equivalent to one-half the basic rental rate per square foot charged for the nearest adequate rental quarters of the same or any other Federal agency. Rates established in this manner apply only to the shelter rental, with a separate charge for any other facilities and services provided (such as water, heat, light, and furniture) at rates comparable to those in the area.

(b) Where quarters are occupied on a temporary or transient basis—normally for 60 days or less. Quarters so occupied will be charged for at rates equivalent to private transient quarters of comparable type and quality when available. Rates may be set on a nightly or weekly basis, or both. Where comparable private transient quarters are not available in the area, rates may be established by determining the reasonable monthly rental rate for the quarters and adding thereto an additional charge of 20 percent. The sum of these will be divided by 30 to determine the nightly rate, or by $4\frac{1}{3}$ to determine the weekly rate.

§ 114-52.108 Quarters in the territories and possessions.

The general policies outlined in this part 114-52 apply to quarters located in the territories and possessions. However, the method to be used in determining rates in each area requires the advance approval of the Office of Management and Budget. Where two or more Interior bureaus administer rental quarters in the same area, a coordinated method of determining rates shall be developed for Office of Management and Budget consideration.

(a) Proposals must demonstrate that the method to be used will be impartial and consistent for all rental quarters in the same area, and that rents and other charges will be set at the reasonable value of the quarters and other facilities.

(b) Original proposals outlining the method to be used in setting rates, or proposed revisions to existing methods, shall be submitted to the Assistant Secretary—Management, for consideration and transmittal to the Office of Management and Budget.

§ 114-52.109 Employees in leave status.

Employees on leave, with or without pay, for 30 calendar days or less will continue to be charged for quarters. Employees on leave for more than 30 days may be permitted to vacate quarters and make them available for reassignment. Where the employee is to be separated at the end of a leave period, however, no charge should be made once the quarters are made available for reassignment.

§ 114-52.110 Workroom used as quarters.

An employee who alone, or with his family, utilizes his workroom for quarters, shall not be charged a rental rate for such facilities. Examples of facilities which might be used in this manner are lookout towers, cabins, observatories, et cetera.

§ 114-52.111 Limitation.

No employee shall be charged a rental rate, excluding utilities, in excess of 20 percent of his gross salary—pay and allowances. (See IPMR 114-52.305):

(a) The limitation specified in this section applies to the monthly shelter rental rate—line 4, appendix 2, subpart 114-52.2 of this part.

(b) The monthly net rental rate charged an employee (line 9, app. 2, subpart 114-52.2 of this part), which includes charges for utilities, may exceed 20 percent of his gross salary without limitation.

Subpart 114-52.2—Surveys and Appraisals

§ 114-52.201 Basic rent principle.

As provided in subpart 114-52.1 of this part, rental quarters shall be rented at shelter rates and utilities and services charged for at rates prevailing for comparable private housing and services in the same general area as where the rental quarters are located. Rates lower than

those prevailing in the area may not be charged for comparable housing, since this would be a form of employee subsidization specifically forbidden by statute, Comptroller General's decisions, and Office of Management and Budget regulations. Conversely, rates higher than those prevailing in the area should not be charged as the Department's purpose in providing rental quarters is not to profit as a landlord, but to advance its programs by having its employees adequately housed.

§ 114-52.202 Determination of survey community.

The determination as to which community shall be used for rental rate survey purposes shall be made in accordance with the following:

(a) Where rental quarters are situated within an established community, as defined in IPMR 114-52.105(d), or not more than 5 miles from the boundary of such a community, basic rental rates shall be set at rates prevailing for comparable private housing in that community. *Provided*, That a sufficient number of private housing units exist in the community to form the basis for an adequate survey. It is sufficient that an adequate number of private housing units exist and it is not necessary that there be numerous vacancies.

(b) Where rental quarters are not situated as in paragraph (a) of this section, basic rental rates may be set by comparison with:

(1) Rental rates charged for comparable private housing in the nearby representative private community, as defined in IPMR 114-52.105(e), or,

(2) The average of rental rates for comparable private housing in an economically homogeneous area in which the rental quarters are located. The area selected should be large enough to permit an adequate sampling of comparable quarters, but small enough to maintain economic homogeneity. The area may comprise several communities and it must be clearly defined and reflected in the survey report.

§ 114-52.203 Establishment of basic rental rates.

Bureaus and Offices are authorized to establish basic rental rates based on impartial recommendations arrived at by any of the methods set forth below. Regardless of the method used, conformance with the basic principles set forth in Office of Management and Budget circular A-45, revised, and this part 114-52 is required.

(a) *Outside professional appraisers.* Use of outside appraisers is encouraged. This method will be found particularly advantageous at locations where it is not possible to form a quarters evaluation board composed of Government employees who do not reside in rental quarters. Care should be taken both in the selection of local professional appraisers and in the evaluation of their findings and recommendations to avoid any conflict of interest:

(1) Professional appraisers are authorized to employ the so-called real estate concept of "rental value" only in those rare instances when no private rental housing is available for comparison purposes in the established community, the nearby representative private community, or in the homogeneous area in which the Government quarters are located.

(2) The fact that a professional appraiser may be called upon to recommend rental rates does not relieve the bureau or office administering the rental quarters of the responsibility for insuring that prescribed rental rate principles are adhered to in arriving at such rates. On the contrary, it is incumbent on the bureau or office to insure that the survey is properly performed and to cause the entire rental rate process to be repeated if it is not.

(b) *FHA appraisers.* Rental rate appraisals made by Federal Housing Administration appraisers permit the use of generally accepted real estate concepts. Should any bureau or office desire to use this method to establish rates, it should submit its proposal to the Director of Management Operations for consideration and referral to the Washington, D.C., headquarters office of the Federal Housing Administration.

(c) *Professional staff appraisers.* Professional staff appraisers may be used to recommend, to the appropriate approving official, rates to be charged for quarters, utilities, services, and furnishings. A staff appraiser occupying rental quarters may not be used to recommend rates at the location where his own quarters are situated.

(d) *Quarters evaluation boards.* Quarters evaluation boards, appointed in accordance with Bureau regulations, shall recommend to the appropriate approving official the rates proposed to be charged for rental quarters, utilities, services, and furnishings. Each board shall be composed of Government employees. As a general rule, membership on each board should be limited to three employees, except where joint boards are concerned, a larger number may be expedient. Employees occupying rental quarters at a given location or subordinates of such occupants, may not serve on the Quarters Evaluation Board appointed to recommend rental rates at that location.

§ 114-52.204 Intradepartmental coordination.

Where two or more bureaus of the Department of the Interior administer rental quarters at the same location or in the same general geographical area, the following criteria shall be observed:

(a) A single rental rate survey shall be made in all cases where two or more bureaus administer rental quarters at the same site.

(b) Rental rate processes shall be coordinated with all Interior bureaus administering rental quarters within a 25-mile area. The only exception to this requirement is where different "established communities" properly apply to the sepa-

rate housing sites. In each instance where a determination is made to proceed independently, the basis for the determination shall be appropriately documented and made a part of the records.

(c) It is incumbent upon each bureau to take the initiative in contacting the other bureau(s) having quarters within 25 miles of its quarters. The initial contact shall be made:

(1) With respect to existing quarters—at the time the next triennial resurvey of rates becomes due, if not made sooner.

(2) With respect to newly constructed quarters—at the time rates are to be set for such quarters.

(d) Coordination with other Interior bureaus should result in an agreement either to:

(1) Use the rates established by the bureau having the preponderance of housing in the area involved, provided the size and quality of the quarters are reasonably the same or,

(2) Undertake an immediate joint resurvey without regard to the due dates for the next triennial resurveys of any of the bureaus involved.

(e) In any case where agreement cannot be reached by the bureaus involved as to the method to be followed in setting rates, full particulars describing the specific points or areas of disagreement shall be transmitted to the Assistant Secretary—Management through appropriate bureau channels for consideration.

§ 114-52.205 Interagency coordination.

(a) Where another Federal agency administers rental quarters in the same area as where Interior housing is located, an effort shall be made to coordinate rental rate processes with such other agency or agencies.

(b) Bureaus and offices are authorized to deviate from established departmental criteria (such as the isolation scale in Subpart 114-52.3 of this part) where deviation is necessary to accomplish interagency coordination, provided that any such deviation shall not violate any of the principles and standards set out in Office of Management and Budget Circular No. A-45, Revised.

§ 114-52.206 Establishment of charges for utilities.

(a) Charges to occupants of rental quarters for utilities such as heat, electricity, gas, and water, will be established as follows:

(1) When furnished by the Government and measured through a meter, by application of the domestic rates for similar services in the community or locality used for comparison of rental rates.

(2) When utilities are not metered or otherwise measured, charges will be arrived at by comparison with the cost of such services to tenants of comparable private rental housing.

(b) Charges for utilities shall be clearly identified and distinguished from charges for rent. (See Appendix 2 of this Subpart 114-52.2.) In establishing rental rates for nonhousekeeping rooms how-

ever, the room rent may combine shelter rent and utilities without distinction.

§ 114-52.207 Records.

A complete record shall be maintained at the approving office level showing all actions taken in the rate making process, including:

(a) A description of both the rental quarters being evaluated and the private housing used for comparison purposes. This record should be maintained on a form similar to that illustrated in Appendix 1 of this Subpart 114-52.2.

(b) The findings and recommendations of the Quarters Evaluation Board or professional appraiser, and

(c) Rental rate schedules, including charges for utilities, services, and furnishings. This record should be maintained on a form similar to that illustrated in Appendix 2 of this Subpart 114-52.2.

§ 114-52.208 Review of rental rate schedules.

A copy of each rental rate schedule shall be reviewed by and maintained at the headquarters office level of the Bureau. These schedules will provide a means whereby management will be informed as to the status of the administration of the requirements of this Part 114-52.

§ 114-52.209 Resurvey of existing rates.

Rates for quarters, utilities, services, and furnishings shall be reviewed at least once each 3 years to insure that adjustments, upwards or downwards, are made to reflect changes in the private market. This resurvey will include the entire ratemaking process, including a resurvey of comparable private rental housing. Adjustments in authorized deductions from, and additional charges to, the basic rental rate may be made from time to time during the 3-year period as necessary, but frequent changes in rates should be avoided.

Subpart 114-52.3—Adjustments to Basic Rental Rates

§ 114-52.301 General.

In those cases where direct application of the principle of comparability with private rents results in either higher or lower rental rates than the "reasonable value of the quarters" to the employee, deductions from or additions to the basic shelter rental rate shall be made within the limits and to the extent authorized in this Subpart 114-52.3. The total of all deductions for all reasons must not be so great that it results in a rental rate that is less than the reasonable value of the quarters, since this would constitute a supplementation of salary specifically forbidden by statute.

§ 114-52.302 Isolation deduction.

An isolation deduction will be granted in those situations where the rental quarters are located at some distance from a community where minimal community services are available.

(a) The nearest community to the housing location which qualifies as an "established community," as defined in

§ 114-52.105(d) must always be used for purposes of computing the isolation deduction even though a more distant community may have been used for rental rate survey purposes.

(b) A more distant community may be used for computing the isolation deduction only when the nearest community is deficient in two or more of the services listed in § 114-52.105(d) of this part.

(c) The isolation deduction is intended to offset only the unusual transportation costs incurred by the employees in obtaining necessary community services. Thus, an isolation deduction of less than the maximum will be appropriate and should be granted in certain situations such as, where part of the community services are available at: (1) The quarters location, or (2) a location nearer to the quarters site than the nearest shopping district of the established community. In any case, the deduction shall be consistent for all quarters at the location in accordance with the scale contained in Appendix 1 to this Subpart 114-50.3.

(d) Where travel to and from the rental quarters location is fully dependent upon Government operated or public transportation and personally owned vehicles cannot be used, the deduction may be computed on the basis of scheduled elapsed time of a round trip in lieu of the foregoing scale. For details concerning this method of computing the deduction, see paragraph 6.c.(1) of Office of Management and Budget Circular A-45, Revised.

(e) In those instances where the monthly transportation deduction established in accordance with the scale shown in Appendix 1, of this Subpart 114-52.3, is \$45 a month or less, the maximum allowable adjustment for all reasons shall not exceed 50 percent of the basic shelter rental rate—Line 1 of the evaluation schedule illustrated in Appendix 2, Subpart 114-52.2 of this part. Where the transportation deduction exceeds \$45 a month, the maximum adjustment for all reasons may not exceed 67 percent of the basic shelter rental rate.

§ 114-52.303 Adjustment for differences in amenities.

An adjustment in the basic rental rates shall be made to reflect differences in amenities (higher or lower) which may exist for rental quarters in relation to those of the private housing used for comparison.

(a) When the rates are recommended by a Quarters Evaluation Board, each of the amenities listed in § 114-52.105(f) will be assigned the value of two percentage points. The difference in total points between those assigned the rental quarters and those assigned to the private housing will determine the deduction from or addition to the basic rental rate. For example: The amenities listed are all present in much the same degree for both the rental quarters and the private housing, except that police and fire protection at the rental quarters location is inferior to that in the survey com-

munity. In this example, the total points related to the rental quarters would be four points lower and the rental would be reduced in an amount equal to 4 percent of the basic rental rate.

(b) The two percentage point formula referred to in paragraph (a) of this section need not be used to determine the adjustment for differences in amenities where appraisals are made by a professional appraiser. He may arrive at the recommended adjustment by means other than the two percentage point formula. However, in determining this adjustment, a professional appraisal may not take into consideration any amenities not listed in § 114-52.105(f) of this part. The record supporting his recommendations should show the extent to which amenities are reflected in the recommended rate.

§ 114-52.304 Invasion of privacy.

A deduction from the basic rental rate will be granted whenever a portion of the rental quarters are used for the purpose of accommodating official visitors, for official office space, or for the general convenience of the public. The frequency of the official demands and the extent to which the employee's private use of the family area is restricted should be taken into consideration in computing the deduction.

(a) Where the imposition is virtually a daily occurrence and the private use of the family area is seriously affected, a deduction of 10 percent of the basic rental rate is allowable.

(b) Deductions of less than 10 percent of the basic rental rate will be granted in proportion to situations of either lesser frequency or lesser seriousness in their impact upon privacy.

§ 114-52.305 Excessive size or quality.

At some locations, due to lack of available alternate housing, an employee may be required to occupy rental quarters larger or of better quality than he would select in a private community. In these circumstances, the rent charged the employee shall not exceed 20 percent of his gross salary (pay and allowance).

(a) Employees will not be charged for unused rooms in quarters in those instances where he is required to accept quarters larger than needed due to lack of available alternate housing. In these instances, the basic rental rate for the particular rental quarters will be determined by comparison with private housing having the same number of rooms as are used by the occupant of the rental quarters. For example: Where an employee is required to occupy a three-bedroom house and one bedroom is closed off and not used because it is clearly in excess of his family's needs, the basic rental rate for the quarters will be arrived at by comparison with a two-bedroom private house.

(b) This adjustment for unused rooms will not continue beyond 1 month subsequent to the availability of:

(1) Any private housing more suitable to the employee's needs, or,

(2) Rental quarters more suitable to the employee's needs, unless it is determined in each instance that reassignment to other rental quarters will not serve to benefit the Government.

§ 114-52.306 Inadequate size.

Where an employee, because of lack of available private housing or rental quarters, is required to accept quarters which are clearly inadequate in size for the needs of his family, a deduction of not to exceed 10 percent of the basic rental rate is allowable. This deduction will not continue beyond 1 month subsequent to the availability of adequate alternate quarters as provided in § 114-52.305(b) (1) and (2).

§ 114-52.307 Lack of all-weather construction.

Where, because of poor design or lack of all-weather construction, a particular rental quarters require expenses to the occupant in excess of \$50 per heating season over the average heating costs for comparable private housing as determined by a suitable survey, 90 percent of such excessive costs (those in excess of \$50 over the average) may be deducted from the annual rental rate. The total deduction will be applied to the months of the heating season.

§ 114-52.308 Documentation.

The records required by § 114-52.207 shall clearly reflect the facts and circumstances which support any adjustments (deductions or additions) allowed in accordance with the provisions of this Subpart 114-52.3.

Subpart 114-52.4—Implementation of New and Revised Rates

§ 114-52.401 Effective date of new rates.

Rates for newly constructed or acquired rental quarters, and utilities, furnishings, and services should be established before the quarters are to be occupied or the services furnished. In any case where this cannot be done, the rates proposed by the Quarters Evaluation Board or appraiser shall be used pending date of official establishment. Final rates shall be established at the earliest practicable time and shall not be applied retroactively.

§ 114-52.402 Effective date of revised rates.

Once rates have been established initially, subsequent revisions shall become effective on the first day of a biweekly pay period beginning not less than 30 and not more than 90 days after approval thereof.

§ 114-52.403 Notice to employees.

Whenever new or revised rental rates for quarters, utilities, furnishings, and services are to be established, the employee affected shall be notified of this fact, in writing, at least 30 days in advance of the effective date thereof.

§ 114-52.404 Rental period.

Rates shall be set on a biweekly basis for quarters, utilities, and services, except that rates for dormitory rooms and

similar accommodations may be set on a daily basis. Biweekly rates shall be converted to annual rates by multiplying by 26, and daily rates by 364. Daily rate of accommodations shall be one-fourteenth of biweekly rates.

Subpart 114-52.5—Employee Participation and Appeals

§ 114-52.501 Employee participation in rate fixing processes.

Employees occupying Government-furnished quarters should be furnished the criteria and procedures to be followed in establishing the rental rates to be charged for such quarters, and utilities, furnishings, and services. They should also be afforded an opportunity, both as individuals or through employee organizations, to have their views and representations considered by the Quarters Evaluation Board during the rent fixing process.

§ 114-52.502 Appeals.

Employees should be notified of their right to appeal to the official approving the rental rate schedule for a reconsideration of an existing or proposed rate. It is desirable that such appeals be made through the usual channels.

[FR Doc.73-5475 Filed 3-21-73; 8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-43; Notice No. 73-13]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Discharge Location of Bus Exhausts

The Director of the Bureau of Motor Carrier Safety is amending § 393.83(b) of the Motor Carrier Safety Regulations to permit greater design freedom in locating the point at which the exhaust systems of other than gasoline-powered buses discharge to the atmosphere.

This amendment stems from a petition for rule making filed by General Motors Corp., which sought removal of some of the current restrictions on the location of the discharge point in order to accommodate an "Environmental Improvement Package" it had developed. The purpose of the Environmental Improvement Package is to reduce noxious exhaust emissions from diesel buses. A notice of proposed rule making, inviting interested persons to comment on an amendment to the rule, was issued on October 30, 1972 (37 FR 23579). The proposal would have changed the existing rule, which requires the exhaust system of every diesel-powered bus to discharge to the atmosphere at or within 15 inches forward of the rearmost part of the bus,

with a rule providing two options: (a) Discharge at or within 15 inches forward of the rearmost part of the bus; or (b) discharge above and to the rear of any door or window designed to be opened for ventilation or passenger egress.

The comments of two bus manufacturers pointed out that the second option would not permit the use of new exhaust systems, such as the one developed by General Motors, in buses that have rear windows that open as emergency exits in conformity with Federal Motor Vehicle Safety Standard No. 217. One manufacturer also said that the proposed rule did not take into consideration buses designed so that a side door extends up into the roof section of the bus.

The Director has concluded that these comments have validity, and the rule now being issued has been drafted with a view to accommodating the design problems they raised. In addition, the Bureau has reconsidered the purpose of the rule and has decided that it should be written in a manner that is much less design restrictive. In the case of other than gasoline-powered buses, the primary safety hazard which may arise owing to improper location of the exhaust discharge point is fumes seeping into the passenger compartment through doors and windows during the vehicle's operation. If the discharge point is not located forward of those doors and windows, or if it is close to the rear of the vehicle, there appears to be little or no safety risk. Hence, the amended rule requires the discharge point to be located rearward of all doors or windows except windows designed to be opened solely as emergency exits or located at or within 15 inches forward of the rearmost part of the bus.

One bus manufacturer who filed comments asked the Director to amend the rule to permit the exhaust system to extend rearward of the rear of the vehicle. This comment raises issues quite different from those considered in the context of this proceeding—there is, for example, the matter of structural integrity of the exhaust system. The Director has decided not to deal with the request at this time. If the manufacturer believes that rulemaking proceedings to consider permitting exhaust systems to extend rearward of the vehicle's body should be undertaken, he may file a petition for rulemaking supported by appropriate data.

In consideration of the foregoing, paragraph (b) of § 393.83 of the Motor Carrier Safety Regulations (Subchapter B in Chapter III of title 49, CFR) is revised to read as follows:

§ 393.83 Exhaust system location.

(b) The exhaust system of a bus powered by a gasoline engine shall dis-

charge to the atmosphere at or within 6 inches forward of the rearmost part of the bus. The exhaust system of a bus powered by other than a gasoline engine shall discharge to the atmosphere either:

- (1) At or within 15 inches forward of the rearmost part of the vehicle; or
- (2) To the rear of all doors or windows designed to be open, except windows designed to be opened solely as emergency exits.

Effective date. This amendment is effective on April 1, 1973. Since this amendment relieves a restriction and imposes no additional burden on any person, it is effective less than 30 days after the date of publication.

(Sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304; sec. 6, Department of Transportation Act, 49 U.S.C. 1655; delegations of authority at 49 CFR 1.48 and 389.4)

Issued on March 15, 1973.

ROBERT A. KAYE,

Director,

Bureau of Motor Carrier Safety.

[FR Doc.73-5506 Filed 3-21-73; 8:45 am]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Ouray National Wildlife Refuge, Utah

The following special regulation is issued and is effective March 22, 1973.

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

UTAH

OURAY NATIONAL WILDLIFE REFUGE

The Green River channel within Ouray National Wildlife Refuge, Uintah County, Utah, shall be open to sport fishing by rod, reel, and pole from April 1, 1973, through December 31, 1973. Vehicle access is limited to existing routes delineated on maps available at refuge headquarters and from the Area Manager, Federal Building, Room 2215, 125 South State Street, Salt Lake City, UT 84111. 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 December 31, 1973.

H. J. JOHNSON,

Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

FEBRUARY 8, 1973.

[FR Doc.73-5468 Filed 3-21-73; 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 INTERIOR

Bureau of Indian Affairs

[25 CFR Part 41]

MDEWAKANTON AND WAHPAKOOTA TRIBE OF SIOUX INDIANS AND SISSETON AND WAHPETON MISSISSIPPI SIOUX TRIBE

Qualifications for Enrollment and Deadline for Filing Applications

Notice is hereby given that it is proposed to amend § 41.3, Part 41, Subchapter F, Chapter I, Title 25 of the Code of Federal Regulations by adding two new paragraphs designated (q) and (r). The new paragraphs would establish requirements for enrollment and a deadline for filing applications for enrollment with the Mdewakanton and Wahpakoota Tribe of Sioux Indians pursuant to title I, section 101(b) of the Act of October 25, 1972 (86 Stat. 1168), and the Sisseton and Wahpeton Mississippi Sioux Tribe pursuant to title II, section 201(b) of the Act.

The purpose of the amendment is to carry out the provisions of the Act of October 25, 1972 (86 Stat. 1168), which require that the Secretary prepare rolls to distribute the money in accordance with title I, section 102 and title II, section 202 of the Act. The proposed amendment establishes a deadline for filing applications and outlines the requirements for enrollment to share in the funds.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed revision to the Director of Community Services, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, DC 20245, on or before April 23, 1973.

It is proposed to amend § 41.3 of Part 41, Subchapter F, Chapter I, Title 25 of the Code of Federal Regulations to read as follows:

§ 41.3 Qualifications for enrollment and the deadline for filing applications.

(q) *Mdewakanton and Wahpakoota Tribe of Sioux Indians.* (1) All lineal descendants of the Mdewakanton and Wahpakoota Tribe of Sioux Indians who were born on or prior to and were living on October 25, 1972, whose names or the name of a lineal ancestor appears on any available records and rolls acceptable to the Secretary of the Interior and

who are not members of the Flandreau Santee Sioux Tribe of South Dakota, the Santee Sioux Tribe of Nebraska, the Lower Sioux Indian Community at Morton, Minn., the Prairie Island Indian Community at Welch, Minn., or the Shakopee Mdewakanton Sioux Community of Minnesota shall be entitled to be enrolled under title I, section 101(b) of the Act of October 25, 1972 (86 Stat. 1168), to share in the distribution of funds derived from a judgment awarded the Mississippi Sioux Indians.

(2) Applications for enrollment must be filed with the Area Director, Aberdeen Area Office, Bureau of Indian Affairs, 820 South Main Street, Aberdeen, SD 57401, and must be received no later than November 1, 1973. Applications received after that date will be denied for failure to file in time regardless of whether the applicant otherwise meets the requirements for enrollment.

(3) Each application for enrollment with any of the tribes named in paragraph (q) (1) of this section which may be rejected by the tribes shall be reviewed by the Director to determine whether the applicant meets the requirements for enrollment as a descendant of the Mdewakanton and Wahpakoota Tribe of Sioux Indians under paragraph (q) (1) of this section. Each rejection notice issued by the tribes shall contain a statement to the effect that the application is being given such review.

(r) *Sisseton and Wahpeton Mississippi Sioux Tribe.* (1) All lineal descendants of the Sisseton and Wahpeton Mississippi Sioux Tribe who were born on or prior to and were living on October 25, 1972, whose names or the name of a lineal ancestor appears on any available records and rolls acceptable to the Secretary of the Interior and who are not members of the Devils Lake Sioux Tribe of North Dakota, the Sisseton and the Wahpeton Sioux Tribe of South Dakota, or the Assiniboine and Sioux Tribes of the Fort Peck Reservation shall be entitled to be enrolled under title II, section 201(b) of the Act of October 25, 1972 (86 Stat. 1168), to share in the distribution of certain funds derived from a judgment awarded the Mississippi Sioux Indians.

(2) Applications for enrollment must be filed with the Area Director, Aberdeen Area Office, Bureau of Indian Affairs, 820 South Main Street, Aberdeen, SD 57401, and must be received no later than November 1, 1973. Applications received after that date will be denied for failure to file in time regardless of whether the applicant otherwise meets the requirements for enrollment.

(3) Each application for enrollment with any of the tribes named in paragraph (r) (1) of this section which may be rejected by the tribes shall be reviewed by the Director to determine whether the applicant meets the requirements for enrollment as a descendant of the Sisseton and Wahpeton Mississippi Sioux Tribe under paragraph (r) (1) of this section. Each rejection notice issued by the tribes shall contain a statement to the effect that the application is being given such review.

No further changes are proposed to be made in the text of Part 41.

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

MARCH 16, 1973.

[FR Doc.73-5472 Filed 3-21-73;8:45 am]

Bureau of Mines

[30 CFR Part 75]

UNDERGROUND COAL MINES

Proposed Mandatory Safety Standards; Notice of Public Hearing

Pursuant to the authority contained in section 101(a) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 745; 30 U.S.C. 811(a)), there was published, as proposed rule making, in the FEDERAL REGISTER for December 12, 1972 (37 FR 26422), §§ 75.524, 75.1001-1, 75.1003-2, 75.1101-23, 75.1600-1, 75.1600-2, and 75.1704-2 of Part 75, subchapter O, chapter I, title 30, Code of Federal Regulations, setting forth mandatory standards which would: (1) Establish a requirement that electric current permitted to exist between frames of electric face equipment be limited to not more than 1 ampere; (2) provides for frequent testing and calibration of devices for overcurrent protection; (3) specify requirements for movement of off-track mining equipment in areas where energized trolley wires or trolley feeder wires are present; (4) provide for instruction in the location and use of fire fighting equipment, escapeways, exits, routes of travel and for fire drills; (5) improve two-way communication between working sections and the surface; and (6) require improved escapeways and periodic drills in their use.

Interested persons were afforded a period of 45 days following publication within which to submit to the Director, Bureau of Mines, written comments, suggestions, or objections to these proposed mandatory safety standards, stating the

grounds therefor, and to request a public hearing on such objections.

Written objections were timely filed with the Director Bureau of Mines, stating the grounds for objections and requesting a public hearing on proposed §§ 75.524, 75.1001-1, 75.1003-2, 75.1101-23, 75.1600-1, 75.1600-2, and 75.1704-2 of part 75. In accordance with section 101 (f) of the Act, a Notice of Objections Filed and Hearing Requested was published in the FEDERAL REGISTER for March 14, 1973 (38 FR 6900).

Pursuant to section 101(g) of the Act, notice is hereby given that a public hearing will be held on April 10, 1973, beginning at 9 a.m., e.s.t., in Room 102, Law Building, University of Kentucky, South Limestone Street, Lexington, KY 40506, for the purpose of receiving relevant evidence on the following issues:

(1) That technology is not presently available to permit compliance with the requirement in proposed 30 CFR 75.524 that electric current permitted to exist between frames of electric face equipment be limited to not more than 1 ampere;

(2) That the Bureau of Mines should establish ways and means to enable coal mine operators to comply with the requirements of proposed 30 CFR 75.524;

(3) That the requirements of proposed 30 CFR 75.524 should not become effective until 1 year after promulgation;

(4) That automatic circuit interrupting devices described in proposed 30 CFR 75.1001-1 should be tested and calibrated at intervals not to exceed 12 months, rather than 6 months as specified in paragraph (b) of proposed § 75.1000-1;

(5) That a certified person need not be physically present at all times during the movement of off-track mining equipment in areas where energized trolley wires or trolley feeder wires are present as prescribed in paragraph (c) of proposed 30 CFR 75.1003-2, but rather only when the height of the coal seam does not permit 12 inches of vertical clearance between the farthest projection of the equipment being moved and the energized trolley or trolley feeder wires;

(6) That in mines which utilize direct current such current should be permitted to supply the trolley wire system from inby the unit of equipment being moved rather than be restricted to being supplied from outby such equipment as specified in proposed CFR 75.1003-2(f)(1);

(7) That lower current rated fuses be permitted as an alternative to the use of circuit breakers under the conditions described in proposed paragraph (f) of § 75.1003-2;

(8) That in mines which utilize direct current supplied to the trolley wire system from inby the equipment being moved, a miner should be stationed at the control switch inby the equipment in addition to a miner stationed outby as described in proposed § 75.1003-2(f)(3), provided that the inby miner has adequate personal protective equipment;

(9) That the exclusion for equipment being transported in mine cars specified in paragraph (g) of proposed § 75.1003-2

should be extended to equipment being transported on skids if no part of the equipment extends closer to the trolley circuit than the closest projection of track-mounted equipment normally used on the haulage road;

(10) That the training required in proposed 30 CFR 75.1101-23 should be verified during the course of coal mine inspections rather than requiring the operator to submit a training program to the District Manager for approval as specified in paragraph (a) of § 75.1101-23;

(11) That communication facilities located on the surface should be installed only near those main portals through which miners normally enter the mine rather than near all main portals as prescribed in proposed § 75.1600-1;

(12) That communication facilities located on the surface should be installed only near those main portals through which miners normally enter the mine rather than near all main portals as prescribed in proposed § 75.1600-1;

(13) That the responsible person described in proposed § 75.1600-1 should only be on duty during production or maintenance shifts rather than being on duty whenever men are underground;

(14) That communication facilities located on the surface should be capable of being heard or observed by the responsible person described in proposed § 75.1600-1 rather than restricted to only being heard by such person;

(15) That communication facilities provided at working sections should be located not more than 500 feet outby the last open crosscut and not more than 800 feet from the farthest point of penetration of the working places on the working section rather than the 300 feet and 700 feet distances specified in proposed 30 CFR 75.1600-2.

(16) That designated escapeways should follow the safest routes as directly as practicable to the nearest mine opening suitable for safe evacuation rather than the most direct route of travel to the nearest mine opening as specified in paragraphs (a) and (b) of proposed 30 CFR 75.1704-2;

(17) That all escapeways should not be examined weekly by a certified person as prescribed in § 75.1704-2(e)(1);

(18) That a map showing only the main escape system should be posted for the information of all miners, and that maps showing the designated escapeways from each working section to the main escape system should be posted in such working section rather than the map requirements described in proposed § 75.1704-2(d);

(19) That the escapeway drills prescribed by proposed § 75.1704(e) should be conducted with the same frequency as the fire drills prescribed by proposed § 75.1101-23(c);

(20) That escapeway drills should require each miner only to enter the section escapeway at its junctions with the working section and the main escapeway rather than requiring travel

throughout the escapeway as specified in proposed § 75.1704-2(e); and

(21) That at least two miners, including the section foreman, on each producing section should travel the designated escapeways from the working section to the main escape system once every 3 months, and to the nearest mine opening suitable for safe evacuation from the working section once every 6 months rather than traveling through the main escapeways up to the portal at least once every 5 weeks as prescribed in proposed § 75.1704-2(e).

Donald P. Schlick, Deputy Director—Health and Safety, is designated Chairman of the hearing.

The hearing shall be conducted in an informal manner and a verbatim transcript will be maintained. All written statements, charts and other data will be received in the record. Within 60 days after completion of the hearing, findings of fact concerning the issues presented at the hearing shall be made and such findings shall be made public.

Persons who desire to testify at the hearing should notify the Director, Bureau of Mines, Department of the Interior, Washington, D.C. 20240, not later than April 6, 1973. Copies of comments, suggestions, and objections filed may be examined at, or obtained from, the office of the Deputy Director—Health and Safety, Bureau of Mines, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-4041.

JOHN B. RIGG,
Deputy Assistant Secretary
of the Interior.

MARCH 19, 1973.

[FR Doc.73-5510 Filed 3-21-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 206]

PURCHASES OF PROCESSED FRUITS AND VEGETABLES, OLIVE OIL, HONEY, NUTS, AND NUT PRODUCTS

Proposed Plant Sanitation Requirements

Notice is hereby given that the U.S. Department of Agriculture is considering revision of plant sanitation requirements relating to its purchases of processed fruits and vegetables, olive oil, honey, nuts, and nut products by revoking those prescribed in 7 CFR 205, adopting the Good Manufacturing Practices regulations (21 CFR Part 128) issued under the Federal Food, Drug, and Cosmetic Act, and adding requirements for prebid survey and predelivery approval of plant sanitation conditions. It is anticipated that the effective date of this proposed regulation will be June 1, 1973.

All persons who wish to submit data, views, or arguments with respect to this proposal should file the same with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than April 21, 1973 in order to be sure of consideration. Written submissions received pursuant to this

notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal would revoke 7 CFR Part 205 and replace it with the following:

- Sec.
206.1 Purpose and scope.
206.2 Plant sanitation regulation.
206.3 Submission of bids.
206.4 Sanitation surveys.
206.5 Time to request sanitation surveys.
206.6 Cost of sanitation surveys.
206.7 Other rules and regulations.

AUTHORITY: 5 U.S.C. 301; sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c; and sec. 6, 60 Stat. 281, as amended, 42 U.S.C. 1755.

§ 206.1 Purpose and scope.

This part prescribes plant sanitation requirements for plants which process canned, dried, dehydrated or frozen fruits and vegetables or their products, olive oil, honey, nuts, or nut products for delivery under purchase contracts with the U.S. Department of Agriculture (hereinafter referred to as "USDDA"), acting through the Fruit and Vegetable Division, Agricultural Marketing Service, (hereinafter referred to as "FV Division").

§ 206.2 Plant sanitation regulation.

Any of the products specified in § 206.1 to be delivered to USDA shall be packed in conformity with the requirements of the regulations issued under the Federal Food, Drug, and Cosmetic Act by the Federal Food and Drug Administration, U.S. Department of Health, Education, and Welfare, entitled "Human Foods; Current Good Manufacturing Practice (Sanitation) in Manufacture, Processing, Packing, or Holding" (21 CFR Part 128), and any amendments or modifications thereof.

§ 206.3 Submission of bids.

In submitting bids for the products specified in § 206.1, bidders, including brokers and distributors, shall specify that the product to be delivered to USDA will have been processed in a plant which falls within at least one of the following categories:

(a) A plant which, at the time of processing such product, operated under continuous in-plant inspection of the Processed Products Standardization and Inspection Branch of the FV Division (hereinafter referred to as PPSI Branch); or

(b) A plant which, at the time of processing such product, operated under pack-certification-in-plant inspection of the PPSI Branch; or

(c) A plant which, at the time of processing such product, was surveyed and approved by the PPSI Branch in accordance with the provisions of § 206.4.

§ 206.4 Sanitation surveys.

(a) In instances in which bids for a product specified in § 206.1 are due prior to the packing season, bids will be considered from plants which are not within the categories specified in paragraphs (a) or (b) of § 206.3 only if such plants have been surveyed by the PPSI Branch

for compliance with the requirements of § 206.2. Surveys relating to facilities shall be made prior to bidding. Surveys relating to sanitation practices shall be made during packing of such product.

(b) In instances in which bids for a product specified in § 206.1 are due during or after the packing season from plants which are not within the categories specified in paragraphs (a) or (b) of § 206.3, the same survey requirements as in paragraph (a) of this section shall apply, except that both facility and practices surveys for the product offered shall have been made prior to bidding and that facility and sanitation practices surveys may be conducted simultaneously.

§ 206.5 Time to request sanitation surveys.

The responsibility of obtaining USDA sanitation approval is that of the bidder making an offer. Bidders who will not operate under continuous in-plant inspection or pack-certification-in-plant inspection and who contemplate sale of any of the products specified in § 206.1 to USDA at any time during the marketing year should request sanitation surveys required under § 206.4 prior to packing. Bidders shall arrange for any such survey from the nearest PPSI Branch office at least ten (10) days prior to the time when the bidder desires such survey. The FV Division cannot guarantee to provide a survey within a shorter time. Upon receipt of the request, a sanitation survey will be arranged at a time acceptable to the applicant and the FV Division.

§ 206.6 Cost of sanitation surveys.

Applicants will be charged by the hour for the time required to perform each sanitation survey, plus travel expenses; but in no case shall the total cost exceed \$100 for each survey of each plant.

§ 206.7 Other rules and regulations.

Compliance with the requirements of this part does not excuse failure to comply with any other applicable Federal, State or local sanitary rules and regulations.

Dated: March 16, 1973.

JOHN C. BLUM,
Acting Administrator,
Agricultural Marketing Service.

[FR Doc.73-5417 Filed 3-21-73;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 717]

HOLDING OF REFERENDA

Canvassing by County Committee

Notice is hereby given that pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended, the Department proposes to amend the regulations governing the holding of referenda.

The purpose of this amendment is to provide the State committee with authority to designate the county executive director and a county or State ASCS

office employee in lieu of two members of the county ASC committee as presently required to canvass and report ballots in a marketing quota referendum. This authority is to be exercised only when the number of eligible voters for the commodity for which the referendum is being conducted is so limited that the requirement for having two members of the county committee present to carry out this function is impractical.

Prior to the issuance of this amendment, any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Commodity Stabilization Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration provided such submissions are postmarked on or before April 23, 1973.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

It is proposed that § 717.21(b), canvassing by county committee of Part 717—Holding of Referenda (33 FR 18345), be amended to read as follows:

§ 717.21 Canvassing voted ballots.

(b) *Canvassing by county committee.* The canvassing shall be in the presence of at least two members of the county committee and open to the public: *Provided*, That if two or more counties have been combined and are served by one county office, the canvassing of ballots shall be conducted by at least one member of the county committee from each county served by the county office: *Provided further*, That the State committee may designate the county executive director and a county or State ASCS office employee to canvass the ballots and report the results, as provided in paragraph (c) and § 717.22, instead of two members of the county committee, when the State committee has determined that the number of eligible voters for the commodity for which the referendum is being conducted is so limited that having two members of the county committee present for this function is impractical.

Signed at Washington, D.C., on March 15, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Sta-
bilization and Conservation
Service.

[FR Doc.73-5541 Filed 3-21-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Parts 108, 117]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with the provision contained in section 553(b) of title 5, United States Code

(1966), that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Part 108 and Part 117 of title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158).

The regulations in § 108.3 have been incorporated into the revised Part 117.

This proposed revision of Part 117 would, in part, revoke obsolete regulations written to control the spread of diseases from hog cholera antiserum production facilities. These facilities are no longer used for this purpose and the need for these regulations no longer exists.

Regulations for the admittance, maintenance, and disposition of animals used for test purposes or for production of biological products are included in this proposal.

PART 108—SANITATION AT LICENSED ESTABLISHMENTS

1. Section 108.3 is amended to read:

§ 108.3 [Reserved]

PART 117—ANIMALS

2. Part 117 is amended to read:

Sec.

- 117.1 Applicability.
- 117.2 Animal facilities.
- 117.3 Admittance of animals.
- 117.4 Test animals.
- 117.5 Segregation of animals.
- 117.6 Removal of animals.

AUTHORITY: 37 Stat. 832-833, 21 U.S.C. 151-158.

§ 117.1 Applicability.

(a) All animals used in licensed establishments in the preparation or testing of biological products shall meet the regulations in this subchapter and special requirements as may be prescribed by the Deputy Administrator to prevent the preparation, sale, and distribution of worthless, contaminated, dangerous, or harmful biological products.

(b) Unless otherwise authorized or directed by the Deputy Administrator, animals used in the preparation or testing of biological products shall be admitted to and maintained at the licensed establishment and ultimately disposed of in accordance with the regulations in this part, and with the Act of August 24, 1966 (Public Law 89-544) as amended by the Animal Welfare Act of 1970 (Public Law 91-579) and the regulations in Parts 1, 2, and 3 of this chapter. Personnel who supervise the care and welfare of such animals shall be qualified by education, training, and experience to carry out the regulations in this part.

§ 117.2 Animal facilities.

Animal facilities shall be maintained in a clean and sanitary condition as provided in Part 108 of this chapter.

§ 117.3 Admittance of animals.

(a) No animal which shows clinical signs or other evidence of disease shall

be admitted to the premises of licensed establishments, except as provided in paragraphs (d) and (e) of this section. The health status of all animals offered for admission shall be determined by a veterinarian prior to admission. If the determination cannot be made prior to admission, the animals shall be kept separate from animals already on the premises and in a quarantine area to be provided by the licensee for this purpose until the animal's health status is determined.

(b) If special test requirements for admittance of the animals are specified in the outline of production for the product to be produced, the animals shall remain in the quarantine area until such tests have been performed and the results obtained. Animals which do not meet the requirements shall not be admitted to the production area or allowed to contact production animals.

(c) All animals admitted to the premises of a licensed establishment shall be permanently identified by the licensee with tags, marks, or other means acceptable to the Deputy Administrator.

(d) When an animal which has a disease is to be used to prepare a biological product for control of such disease, the animal shall be admitted directly to the processing facilities in which the product is to be prepared but shall not be permitted contact with other animals on the premises.

(e) The Deputy Administrator may authorize the maintenance of diagnostic facilities at the licensed establishment and diseased animals may be admitted to such facilities provided admission is through an entrance separate from that used for traffic of other animals in the establishment and the sick animals do not contact such other animals.

§ 117.4 Test animals.

(a) All test animals shall be examined for clinical signs of illness, injury, or abnormal behavior prior to the start of a test and throughout the observation period specified in the test protocol.

(b) All animals used for test purposes shall be identified either collectively or individually in a manner conducive to an accurate interpretation of the results of the test.

(c) No test animal shall be given a biological product during the preconditioning period which would affect its eligibility according to the test requirements. No treatment, with a biological product or otherwise, shall be administered to a test animal during a test period which could interfere with a true evaluation of the biological product being tested.

§ 117.5 Segregation of animals.

Animals which have been infected with or exposed to a dangerous, infectious, contagious, or communicable disease shall be kept effectively segregated in a quarantine area at a licensed establishment until such time as they are humanely destroyed or successfully treated and removed as healthy animals.

§ 117.6 Removal of animals.

Production animals or ex-test animals which are no longer useful at the licensed establishment may be removed from the premises of the licensed establishment; provided, such removal is accomplished in a manner as shall preclude the dissemination of disease and in accordance with the following conditions:

(a) Animals which received a biological product containing inactivated micro-organisms and adjuvants within 21 days shall not be removed; or

(b) Animals which received viable micro-organisms within 30 days shall not be removed; or

(c) Only animals that are in a healthy condition as determined by a veterinarian shall be removed, except as provided in paragraph (d) of this section.

(d) Other animals that are injured or otherwise unhealthy, except when affected with a communicable disease, may be removed for immediate slaughter to an abattoir operated in accordance with the Federal Meat Inspection Act of March 4, 1907, 34 Stat. 1260, as amended by the Wholesome Meat Act of 1967, 81 Stat. 585 (21 U.S.C. sec. 601 et seq.); *Provided*, That such animals shall be properly marked for identification and the inspector in charge of slaughter operations is given due notice in advance.

(e) All animals on the premises shall be disposed of in accordance with the provisions of the regulations in this part and where specific provision is not made therefor shall be disposed of as required by the Deputy Administrator.

Interested persons are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, USDA, Washington, D.C. All comments received before May 21, 1973, will be considered.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27 (b)).

Done at Washington, D.C., this 16th day of March 1973.

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

[FR Doc. 73-5542 Filed 3-21-73; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGD 73-42 PH]

SHIPMENT OF DEPARTMENT OF DEFENSE MATERIAL SOLD TO SHIPPER

Notice of Proposed Rule Making

The Coast Guard is considering amending the dangerous cargo regulations to permit shipment of hazardous materials sold by the Department of Defense in packaging of equal or greater strength and efficiency than those specified for hazardous materials in 46 CFR Part 146.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the U.S. Coast Guard (GCMC), 400 Seventh Street SW., Washington, DC 20590. Each person submitting comments should include his name and address, identify the notice (CGD 73-42 PH), and give reasons for any recommendations. 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 Coast Guard will hold a hearing on April 17, 1973, at 9:30 a.m. in Conference Room 8332, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. It is requested that anyone desiring to attend the hearing notify the U.S. Coast Guard (GCMC), 400 Seventh Street SW., Washington, DC 20590.

All communications received before April 24, 1973, will be evaluated before final action is taken on this proposal. The proposed regulations may be changed in the light of comments received.

This proposal is intended to remove the need for a special permit to transport materials purchased from the Department of Defense but packaged in packages that meet or exceed Department of Transportation specifications (49 CFR parts 173 and 178). However, these packages are marked only in conformance with military specifications that correspond to the Department of Transportation specifications. The Department of Defense will be permitted to execute certificates to indicate that packagings meet or exceed corresponding specifications of the Department of Transportation.

In consideration of the foregoing, it is proposed to amend part 146 of title 46 of the Code of Federal Regulations by revising paragraph (a) of § 146.02-8 to read as follows:

§ 146.02-8 U.S. Government shipments.

(a) Shipments of hazardous materials offered by or consigned to the Department of Defense (DOD) of the U.S. Government must be packaged, including limitations of weight, in accordance with the regulations in this subchapter or in containers of equal or greater strength and efficiency as required by DOD regulations.

(1) Hazardous materials sold by DOD in packagings that are not marked in accordance with the requirements of title 49 CFR 170 to 179 may be shipped from DOD installations if the DOD certifies in writing that the packagings are equal to or greater in strength and efficiency than the packaging prescribed in this subchapter and title 49 CFR parts 170 to 179. The shipper shall obtain such a certification in duplicate for each shipment. He shall give one copy to the originating carrier and retain the other for no less than 1 year.

(R.S. 4472, as amended; R.S. 4417a, as amended; sec. 1, 19 stat. 252, 49 stat. 1889, sec 6(b)(1), 80 stat. 937; 46 U.S.C. 170, 391a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: March 16, 1973.

G. H. READ,

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

[FR Doc.73-5494 Filed 3-21-73;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-NW-28]

TRANSITION AREA

Withdrawal of Proposed Alteration; Correction

FR Doc. 73-3959 withdrew a proposed alteration of the description of the Twin Falls, Idaho transition area. In the text of the document, it was stated that airspace docket No. 71-NW-14 is canceled. The airspace docket number given is incorrect. Action is taken herein to correct this error.

Since this correction is editorial in nature and no change in the regulation is effected, notice and public procedure thereon is unnecessary.

In consideration of the foregoing, effective on March 23, 1973, FR Doc. 73-3959 (38 FR 5658) is amended as hereinafter set forth.

In the text "airspace docket No. 71-NW-14" is deleted and "airspace docket No. 72-NW-28" is substituted therefor.

Issued in Seattle, Wash., on March 14, 1973.

J. H. TANNER,

Acting Director, Northwest Region.

[FR Doc.73-5502 Filed 3-21-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-AL-4]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration; Correction

On March 2, 1973, FR Doc. 73-3962 published in the FEDERAL REGISTER (38 FR 5657) described the proposed alteration of the Iliamna, Alaska, control zone and transition area. Airspace docket No. 72-AL-4 was inadvertently assigned to this proposed rule making action in lieu of No. 73-AL-4. Additionally, two typographical errors were noted in the printing.

Since this action effects no substantive change to the proposed rule, the comment period closing date may remain unchanged.

In consideration of the foregoing FR Doc. 73-3962 (38 FR 5657) is corrected as hereinafter set forth:

In the heading delete "(airspace docket No. 72-AL-4)" and substitute "(airspace docket No. 73-AL-4)" therefor.

In numbered paragraph 1. of the text, delete "\$ 1.171" and substitute "\$ 71.171" therefor.

In numbered paragraph 2. of the text, delete "\$ 71.171" and substitute "\$ 71.181" therefor.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Anchorage, Alaska, on March 14, 1973.

QUENTIN S. TAYLOR,

Acting Director, Alaskan Region.

[FR Doc.73-5498 Filed 3-21-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-80-16]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to part 71 of the Federal Aviation Regulations that would designate the Cookeville, Tenn., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received on or before April 23, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conference must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Cookeville transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Putnam County Airport (Lat. 36°11'45" N, Long. 85°29'15" W); within 3 miles each side of the 331° bearing from Cookeville RBN (Lat. 36°11'34" N, Long. 85°29'04" W), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Putnam County Airport. A prescribed instrument approach procedure to this airport, utilizing the Cookeville (Private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 12, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc. 73-5503 Filed 3-21-73; 8:45 am]

Hazardous Materials Regulations Board
[49 CFR Parts 172, 173, 174, 178, 179]

[Docket No. HM-106; Notice No. 73-2]

TRANSPORTATION OF HAZARDOUS MATERIALS

Notice of Proposed Rule Making

The Hazardous Materials Regulations Board is considering amendments to several unrelated sections of the Department of Transportation Hazardous Materials Regulations. Commenters need only identify the particular proposal on which they wish to comment when responding. The proposals covered in this document are:

- A—Iodine pentafluoride and other fluoride materials.
- B—DOT specification 51 portable tanks.
- C—Flammable liquids, n.o.s., in tank motor vehicles.
- D—Mercaptans in DOT specification 51 portable tanks.
- E—Sodium hydrosulfite in DOT specification 56 portable tanks.
- F—Lithium metal wire and certain alkali materials.
- G—Wet zirconium metal powder in DOT 37M/2S packaging.
- H—Bromine in MC 310 and MC 312 cargo tanks.
- I—Fluosulfonic acid in cargo tanks.
- J—Liquefied petroleum gas in DOT specification 2P and 2Q containers.
- K—Audible fire alarm systems and fire extinguishers.
- L—Hydrogen sulfide in multiunit tank car tanks.
- M—Deletion of obsolete specifications.

PROPOSAL A—IODINE PENTAFLUORIDE AND OTHER FLUORIDE MATERIALS

The Hazardous Materials Regulations Board is considering an amendment to §§ 172.5, 173.246, 173.283, 173.284, and 173.285 of the Department's Hazardous Materials Regulations to identify iodine pentafluoride by name as a hazardous material and to authorize the shipment of iodine pentafluoride in Specification 3A, 3AA, 3BN, 3E, and 4BA cylinders and in Specification 106A and 110AW multiunit tank car tanks. In addition, the Board proposes to make certain editorial changes which will group a number of the fluoride materials presently covered in different sections into one section, to delete the authorization for 10 pounds or less of these materials to be shipped in cylinders approved by the Bureau of Explosives, and to further delete unnecessary references to DOT-106A500 tanks.

Iodine pentafluoride is not presently listed by name in the regulations. However, it is shipped as a corrosive liquid, not otherwise specified, and is subject to the packagings prescribed in § 173.245. Because of the similar characteristics between iodine pentafluoride and other fluoride materials (i.e., antimony pentafluoride, bromine pentafluoride, chlorine trifluoride, et al.) which are listed by name in § 172.5, the Board proposes to

incorporate iodine pentafluoride in the list of hazardous materials in roman type so that it may be used as a proper shipping name to be shown on outside packagings.

For packagings, the Board proposes that iodine pentafluoride be authorized to be shipped in the specific cylinders and multiunit tank car tanks previously described. The proposed authorization to use these packagings is based on 7 years of satisfactory shipping experience reported to the Board and on the experience obtained with these packagings now in use for the transportation of other fluoride materials. This regulation change would give shippers an alternate method of packaging without detriment to the safe transportation of this commodity.

A review of the present regulations reveals that antimony pentafluoride, bromine pentafluoride, bromine trifluoride, and chlorine trifluoride are found under different sections even though basically the packagings prescribed for each material are similar. To simplify the regulations the Board proposes to combine the fluoride materials presently listed with the proposed iodine pentafluoride entry into a single § 173.246.

Each fluoride section except § 173.246 covering antimony pentafluoride authorizes 10 pounds or less of material to be shipped in cylinders approved by the Bureau of Explosives. The Board believes that this packaging authorization is no longer used because it appears that it

was established many years ago for specific needs at the time. Therefore, the authorization based on Bureau of Explosives approval is proposed to be canceled. Any person who may be using such cylinders or may know of their use is requested to notify the Board.

On January 28, 1970, in Docket No. HM-14; Amendment 173-18 (35 FR 1108) the hazardous materials regulations were amended to remove the specification designation 106A500 from sections affected since the "grandfather" authorization for the use of this specification is provided for in § 173.31(a)(2). Section 173.285 was overlooked in making this editorial change. The Board proposes to delete the unnecessary reference to DOT-106A500 tanks in § 173.285. However, since the provisions of § 173.285 are proposed to be combined into § 173.246 the reference to 106A500 tanks in this latter section is also proposed to be omitted.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 172 and 173 as follows:

I. Part 172—List of Hazardous Materials Containing the Shipping Name or Description of all Materials Subject to Parts 170-189 of this subchapter.

In § 172.5, paragraph (a), the list of hazardous materials would be amended as follows:

§ 172.5 List of hazardous materials.

(a) * * *

Article	Classed as—	Exemption and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Add)				
Iodine pentafluoride.....	Cor.....	No exemption, 173.246.....	Corrosive.....	100 pounds.
(Change)				
Antimony pentafluoride.....	Cor.....	No exemption, 173.246.....	Corrosive.....	25 pounds.
Bromine pentafluoride.....	Cor.....	No exemption, 173.246.....	Corrosive.....	100 pounds.
Bromine trifluoride.....	Cor.....	No exemption, 173.246.....	Corrosive.....	100 pounds.
Chlorine trifluoride.....	Cor.....	No exemption, 173.246.....	Corrosive.....	100 pounds.

II. Part 173—Shippers:

(A) In Part 173—Table of contents, § 173.246 would be amended; §§ 173.283, 173.284, and 173.285 would be canceled as follows:

Sec.	
173.246	Antimony pentafluoride, bromine pentafluoride, iodine pentafluoride, bromine trifluoride, and chlorine trifluoride.
173.283	[Canceled]
173.284	[Canceled]
173.285	[Canceled]

(B) In § 173.246, the heading, paragraph (a), and paragraph (a)(1) would be amended; paragraph (a)(2) would be added to read as follows:

§ 173.246 Antimony pentafluoride, bromine pentafluoride, iodine pentafluoride, bromine trifluoride, and chlorine trifluoride.

(a) Antimony pentafluoride must be commercially anhydrous. Materials cited in the heading of this section must be packed in specification packagings as follows:

(1) Specification 3A150, 3AA150, 3B240, 3BN150, 4B240, 4BA240, 4BW240, or 3E1800 (§§ 178.36, 178.37, 178.38, 178.39, 178.50, 178.51, 178.61, 178.62 of this subchapter). Cylinders. Each valve outlet must be sealed by a threaded cap or a threaded plug. Cylinder valves must be protected as specified for corrosive gases in § 173.301(g). No cylinder may be equipped with any safety relief device. Specification 3E1800 cylinders must be packaged in accordance with the requirements of § 173.301(k).

(2) Specification 106A500X or 110A500W (§§ 179.300, 179.301 of this subchapter). Tanks. Authorized for iodine pentafluoride and chlorine trifluoride only. Each tank must be equipped with a valve protection cover and with solid steel plugs in place of fusible plug safety devices. No tank may be equipped with any safety relief device.

§§ 173.283, 173.284 and 173.285 [Canceled]

(C) Section 173.283 would be canceled.
(D) Section 173.284 would be canceled.

(E) Section 173.285 would be canceled.

PROPOSAL B—DOT SPECIFICATION 51 PORTABLE TANKS

The Hazardous Materials Regulations Board is considering an amendment to §§ 173.32, 173.206, and 178.245 of the Department's hazardous materials regulations to limit the requirement for a reflective exterior surface finish on DOT Specification 51 portable tanks to only those tanks containing compressed gas, and to eliminate this requirement for other substances, such as flammable liquids. The Board is also proposing to refine the language that provides for this requirement.

The present requirements in § 178.245-1(c) specify that every uninsulated or nonjacketed DOT Specification 51 portable tank must be painted a white, aluminum, or similar reflecting color. This requirement applies to all DOT Specification 51 portable tanks containing hazardous materials, except when otherwise provided in the regulations.

This proposal is based primarily on a petition submitted by the Manufacturing Chemists Association, Inc.

The petitioner states that sunlight and its reflection on a DOT Specification 51 portable tank is a significant concern only for tanks containing liquid products having relatively high vapor pressures such as liquefied compressed gases.

The Board considers that the petitioner's comments with regard to the effect of sunlight on these tanks have merit and proposes to require that only those uninsulated DOT Specification 51 portable tanks used to transport compressed gases have a reflective exterior surface.

Section 173.206(c)(4) presently exempts DOT Specification 51 portable tanks from the painting requirements of § 178.245-1(c) when these tanks are used exclusively to transport metallic sodium. Confining the application of the light reflecting exterior surface requirement only to DOT specification 51 portable tanks containing compressed gases makes this exemption redundant for metallic sodium. Therefore, the Board proposes to amend § 173.206(c)(4) by removing the redundant sentence.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 173 and 178 as follows:

I. Part 173—Shippers:

(A) In § 173.32, paragraph (a)(3) would be added to read as follows:

§ 173.32 Qualification, testing, maintenance, and use of portable tanks.

(a) * * *

(3) Each uninsulated portable tank used for the transportation of compressed gases, as defined in § 173.300, must have an exterior surface finish complying with § 178.245-1(c) of this subchapter.

(B) In § 173.206, paragraph (c)(4) would be amended as follows:

§ 173.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, sodium aluminum hydride, lithium metal, lithium silicon, lithium ferro silicon, lithium hydride, and lithium aluminum hydride.

(c) * * *

(4) Specification 51 (§ 178.245 of this subchapter). Portable tank. Each tank must have a minimum design pressure of 150 p.s.i.g. Each tank must be equipped with safety valves having a start-to-discharge pressure of 150 p.s.i.g. If a tank has exterior heating coils these coils must be welded to the tank and must be stress relieved. The material must be in molten condition when loaded and the tank must be held for sufficient time to allow the material to be completely solidified before being offered for transportation. Outage must be five percent or more at sodium fusion temperature of 208° F.

II. Part 178—Shipping Container Specifications.

In § 178.245-1, paragraph (c) would be amended as follows:

§ 178.245 Specification 51; steel portable tanks.

§ 178.245-1 Requirements for design and construction.

(c) Each uninsulated tank used for the transportation of compressed gas, as defined in § 173.300 of this subchapter, must have an exterior surface finish that is significantly reflective such as a light reflecting color if painted, or a bright reflective metal or other material if unpainted.

PROPOSAL C—FLAMMABLE LIQUIDS, N.O.S. IN TANK MOTOR VEHICLES

The Hazardous Materials Regulations Board is considering an amendment to § 173.119(e)(3) of the Department's Hazardous Materials Regulations to prohibit the transportation of flammable liquids, having a Reid vapor pressure between 16 p.s.i.a. and 27 p.s.i.a. at 100° F., in certain tank motor vehicles.

The Manufacturing Chemists Association, Inc. (MCA) submitted a petition to the Board which proposed to prohibit the use of certain tank motor vehicles for products having vapor pressures in excess of 18 p.s.i.a. except under certain conditions. MCA stated that many products which fall within § 173.119(e)(3) can generate up to 12 p.s.i.g. The Board is aware that with such pressures, intermittent or continuous venting of flammable vapors will occur if the tank motor vehicle is equipped with safety relief devices of 3 p.s.i.g. or less.

The Board does not agree completely with the MCA petition because it does not provide for safety relief valves of a proper design and setting for the flammable materials involved. Also, some of these tanks do not have adequate design pressures to prevent the venting of vapors

under normal conditions of transportation.

Therefore, the Board proposes to amend § 173.119(e)(3) to prohibit use of certain lower design pressure cargo tanks in order to more adequately preclude venting of flammable vapors during transportation of these products.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.119, paragraph (e)(3) would be amended to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

(e) * * *

(3) Specification MC 304, MC 307, MC 330, or MC 331 (§§ 178.340, 178.342, 178.337 of this subchapter). Tank motor vehicles. Necessary interior cleaning of the tanks must be performed between changes in lading. Each safety relief device must have a start-to-discharge pressure of not less than 25 p.s.i.g. Each tank must meet the following requirements as applicable:

(i) Bottom outlets on each specification MC 304 cargo tank must be equipped with valves conforming to the requirements of § 178.342-5(a) of this subchapter; and

(ii) Bottom outlets on each specification MC 330 and MC 331 cargo tank must be equipped with valves conforming to the requirements of § 178.337-11(c) of this subchapter. Safety relief devices on these tanks must be in accordance with specification MC 331 (§ 178.337 of this subchapter) requirements.

PROPOSAL D—MERCAPTANS IN DOT SPECIFICATION 51 PORTABLE TANKS

The Hazardous Materials Regulations Board is considering an amendment to § 173.141 of the Department's Hazardous Materials Regulations to authorize shipment of amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures in specification 51 steel portable tanks.

This proposal is based on a petition from a special permit holder who has reported to the Board that he has had satisfactory shipping experience with DOT Specification 51 portable tanks in transporting the previously mentioned materials.

The proposed amendment would require the use of a safety-relief valve with the specification 51 tank. In the case of extremely dangerous poisons, the likelihood of leakage of a valve must be weighed against the probability of the tank being involved in a fire. Probabilities may sometimes indicate that a valve would be more hazardous under overall continual exposure in transportation. Mercaptans do not pose this type of toxic hazard. Therefore, the Board proposes to require safety relief valves.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.141, paragraph (a) (10) would be added to read as follows:

§ 173.141 Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.

(a) * * *

(10) Specification 51 (§ 178.245 of this subchapter). Portable tank. Each tank must be equipped with safety relief valves which must be in compliance with all requirements of § 173.315(i) except for paragraphs (i) (9), (10), and (11). A tank must not be liquid full at 130° F.

PROPOSAL E—SODIUM HYDROSULFITE IN DOT SPECIFICATION 56 PORTABLE TANKS

The Hazardous Materials Regulations Board is considering an amendment to section 173.204 to authorize the shipment of sodium hydrosulfite in DOT Specification 56 portable tanks.

This proposal is based on a petition by a special permit holder who has submitted reports indicating satisfactory shipping experience for over 3 years with the packaging authorized under the special permit.

To insure safety in transportation with sodium hydrosulfite in DOT Specification 56 portable tanks, the proposal requires that each tank be shipped in closed transportation equipment to protect against moisture contact. For trailer-on-flat-car and container-on-flat-car service each tank must be secured in accordance with Bureau of Explosives' Pamphlet 6C to prevent damages under normal conditions of transportation.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 173 and 174 as follows:

I. Part 173—Shippers:

In § 173.204, paragraph (a) (8) would be added to read as follows:

§ 173.204 Sodium hydrosulfite.

(a) * * *

(8) Specification 56 (§§ 178.251, 178.252 of this subchapter). Portable tank. Authorized only for shipment in a closed transport vehicle. For rail transportation see § 174.534 of this subchapter. Not authorized for transportation by water.

II. Part 174—Carriers by Rail Freight:

In § 174.534, paragraph (b) would be added to read as follows:

§ 174.534 Portable containers or tanks.

(b) Specifications 52, 53, 56, and 57 (§§ 178.251, 178.252, 178.253 of this subchapter) portable tanks must be shipped only in a rail car that provides specific facilities for bracing and tie down of these tanks. If TOFC or COFC service is utilized, tanks must be secured in trailer bodies in compliance with Bureau of Explosives' Pamphlet 6C.

PROPOSAL F—LITHIUM METAL WIRE AND CERTAIN ALKALI MATERIALS

The Hazardous Materials Regulations Board is considering an amendment to

§ 173.206 of the Department's Hazardous Materials Regulations to authorize the shipment of lithium metal wire in a Specification 12B fiberboard box with inside air-tight nonsparking metal packagings, and to authorize the shipment of certain alkali metal and alkali metal compounds in either a Specification 19A or 19B wooden box with inside air-tight metal packagings.

The lithium metal wire proposal is based on a petition by a special permit holder who has submitted reports indicating satisfactory shipping experience for over 7 years with the packaging authorized under the special permit.

The proposal to amend § 173.206(a) (1) is based on a petition by a special permit holder, that proposes use of the packaging authorized by the special permit. The petitioner contends that the integrity of Specifications 19A and 19B outer packagings is equal to or exceeds that of other wooden boxes authorized by the Hazardous Materials Regulations in section 173.206.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.206, paragraph (a) (1) would be amended and (a) (11) would be added to read as follows:

§ 173.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, sodium aluminum hydride, lithium metal, lithium silicon, lithium ferro silicon, lithium hydride, and lithium aluminum hydride.

(a) * * *

(1) Specification 15A, 15B, 19A, or 19B (§§ 178.168, 178.169, 178.190, 178.191 of this subchapter). Wooden boxes must have inside air-tight metal packagings. Each inside air-tight metal packaging must have a closing device securely fastened by positive means (not friction). For shipments of lithium aluminum hydride, each inside metal packaging must not exceed 1 gallon capacity and must be securely closed, positive means not required. Each inside metal packaging containing lithium aluminum hydride must be cushioned in outside packagings with sufficient incombustible packaging material.

(11) Specification 12B (§ 178.205 of this subchapter). Fiberboard box. Authorized only for lithium metal in wire form. Fiberboard box must have inside nonsparking metal packaging. Each inside nonsparking metal packaging must be tin coated and sealed by rolled-on lids. The contents of each inside packaging must be coated with heavy mineral oil or petroleum and wound on a 3-inch by 3-inch nonsparking metal spool. The net weight of the contents in each inside packaging must not exceed one-fourth pound.

* * *

PROPOSAL G—WET ZIRCONIUM METAL POWDER IN DOT 37M/2S PACKAGING

The Hazardous Materials Regulations Board is considering an amendment to

§ 173.214(c) of the Department's Hazardous Materials Regulations to authorize the shipment of wet zirconium metal powder in a DOT specification 37M non-reusable cylindrical steel overpack with an inside DOT specification 2S polyethylene container. The overpack would be required to be constructed of 24-gage steel throughout and the packaging would be restricted to a maximum capacity of 5 gallons.

Under the present regulations wet zirconium metal powder may be shipped in a 5 gallon capacity 24-gage nonreusable steel drum (DOT-37P) with an inside polyethylene container having a minimum thickness of 0.010 inch. Also, this material has been shipped under special permit for over 5 years without any loss of product in a 5 gallon capacity, 24-gage steel drum (DOT-6D) with an inside polyethylene container (DOT-2S) having a minimum thickness of 0.0625 inch. The permit prohibited reuse of the packaging. The proposed packaging would allow use of a 5 gallon capacity, 24-gage nonreusable steel drum (DOT-37M) with an inside polyethylene container (DOT-2S) having a minimum thickness of 0.0625 inch.

The Board considered a petition requesting an amendment to the regulations which would have provided for the use of nonreusable DOT-6D/2S packagings with wet zirconium metal powder based on the satisfactory shipping data that was reported under special permit. However, in the regulations, the DOT-6D outside packaging is reusable. The Board believes that a change to make this reusable packaging nonreusable for shipment of one hazardous material could be confusing and increase the possibility of reuse of the packaging which could detrimentally affect the safe transportation of this material. Therefore, the Board proposes that wet zirconium metal powder be authorized for shipment in a non-reusable DOT specification 37M, made of 24 gage throughout and restricted to 5 gallons capacity, with an inside DOT specification 2S polyethylene container.

The fact that a DOT-37M nonreusable packaging is required to be constructed similar to the DOT-6D reusable packaging except for gage requirements lends support to the Board's proposal. By requiring the DOT-37M to be constructed of 24 gage, it is the Board's opinion that the proposed packaging is equivalent to the DOT-6D packaging currently authorized under special permit and is better than the DOT-37P packaging presently authorized. This regulation change would give shippers an alternate method of packaging without detriment to the safe transportation of this material.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.214, paragraph (c) (4) would be added to read as follows:

§ 173.214 Hafnium metal or zirconium metal, wet, minimum 25 percent water by weight, mechanically produced, finer than 270 mesh particle size; hafnium metal or zirconium metal, dry, in an atmosphere of inert gas, mechanically produced, finer than 270 mesh particle size; hafnium metal or zirconium metal, wet, minimum 25 percent water by weight, chemically produced (see Note 1), finer than 20 mesh particle size; hafnium metal or zirconium metal, dry, in an atmosphere of inert gas, chemically produced (see Note 1), finer than 20 mesh particle size.

(c) * * *

(4) Specification 37M (§ 178.134 of this subchapter). Cylindrical steel overpack with inside specification 2S (§ 178.35 of this subchapter) polyethylene container. Each overpack must be constructed of at least 24-gage steel. Each packaging may not exceed a capacity of 5 gallons. Net weight of contents may not exceed 50 pounds of dry material.

PROPOSAL H—BROMINE IN MC 310 AND MC 312 CARGO TANKS

The Hazardous Materials Regulations Board is considering an amendment to § 173.252 of the Department's Hazardous Materials Regulations to change the quantity requirements for bromine authorized in MC 310 and MC 312 cargo tanks, to change the cladding and lining requirements for these cargo tanks, and to make editorial changes in Specification 105A300W tank car requirements.

This proposal is based, in part, on a petition from a holder of a special permit to amend the regulations applying to the amount of bromine which may be transported in MC 310 and MC 312 cargo tanks. The petitioner has proposed that the reference to product weight be deleted from the regulations and that the filling of bromine shipped in cargo tanks be controlled by a percentage of the water weight capacity of the tank. The regulations now permit up to 30,000 pounds of bromine to be transported in these tanks. Data reported to the Board in connection with a special permit allowing the transportation of 45,000 pounds of bromine in these cargo tanks indicates satisfactory shipping experience.

The quantity of bromine loaded into these tanks is controlled by the design of the cargo tank. Therefore, the Board is of the opinion that the quantity of bromine shipped in MC 310 and MC 312 cargo tanks need not be restricted by product weight and it is proper to restrict filling by a stated percentage of the water weight capacity of the tank. Accordingly, the Board proposes that § 173.252(a)(4) be amended so that the maximum quantity of bromine loaded into a tank must not exceed 300 percent of the water weight capacity of the tank.

Section 173.252(a)(3) requires a Specification 105A300W tank car used for bromine to be lined with lead at least $\frac{3}{16}$ -inch thick. Section 173.252(a)(4) currently requires Specification MC 310 and MC 312 cargo tanks used for bromine

to be lined with lead at least $\frac{3}{16}$ -inch thick. The $\frac{3}{16}$ -inch lead lining appears overly restrictive in relation to the $\frac{3}{16}$ -inch requirement for rail tank cars. Therefore, the Board proposes to amend the present regulations applicable to Specification MC 310 and MC 312 cargo tanks in bromine service to authorize a minimum $\frac{3}{16}$ -inch lead lining which is similar to the rail tank car requirement in § 173.252(a)(3).

Section 173.252(a)(3) provides an alternative (either cladding or lead lining) on all authorized tank cars. Section 173.252(a)(4) provides only a lead lining for certain Specification MC 310 and MC 312 cargo tanks, and § 173.252(a)(5) provides only for cladding of Specification MC 310 and MC 312 cargo tanks. The Board proposes to include in one paragraph all the alternatives for Specification MC 310 and MC 312 cargo tanks in bromine service.

The Board also proposes minor editorial and format changes in § 173.252(a)(3) for Specification 105A300W tank cars.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.252, paragraphs (a)(3) and (a)(4) would be amended; and paragraph (a)(5) would be canceled as follows:

§ 173.252 Bromine.

(a) * * *

(3) Spec. 105A300W (§§ 179.100, 179.101 of this subchapter). Tank car. Each tank must have a nickel cladding material on the inside surface comprising at least 20 percent of the total thickness, or be lined with lead no less than $\frac{3}{16}$ -inch thick. Openings in tank heads to facilitate application of lead lining are authorized and must be closed in an approved manner. All closures and appurtenances which are in contact with the lading must be lead lined or must be made of metal not subject to rapid deterioration by contact with the lading. All interior welds in nickel clad tanks must be protected by pure nickel butt straps. Except as otherwise provided herein, the water weight capacity of the tank must not be more than 20,400 pounds, and the maximum quantity of liquid bromine loaded into the tank must not be more than 60,000 pounds or 300 percent of the water weight capacity of the tank, whichever quantity is less. The total quantity loaded must not be less than 98 percent of the quantity the tank is authorized to carry.

(i) A tank constructed and maintained in full compliance with the requirements of a Specification DOT-105A500W is authorized for larger capacities of bromine. However, this tank may be marked DOT-105A300W and may be equipped with manway cover plates, safety valves, venting valves, loading valves, and unloading valves that are in compliance with the requirements of a Specification DOT-105A300W tank. The water weight capacity of this tank must not be more than 37,400 pounds, and the maximum quantity of liquid bromine loaded into the tank must not be more than 110,000 pounds or

300 percent of the water weight capacity of the tank, whichever quantity is less.

(4) Specification MC 310 or MC 312 (§ 178.343 of this subchapter). Tank motor vehicles. Each tank must have a shell and head thickness of at least three-eighths inch. Each tank must have a nickel cladding material on the inside surface comprising at least 20 percent of the total thickness or be lined with lead at least $\frac{3}{16}$ -inch thick. The cladding material must conform to requirements of ASTM Specification B-162-69. The composite plate must conform to requirements of ASTM Specification A-265-69. The maximum quantity of liquid bromine loaded into the tank must not exceed 300 percent of the water weight capacity of the tank. The total quantity loaded must not be less than 98 percent of the quantity the tank is authorized to carry.

(5) [Canceled]

PROPOSAL I—FLUOSULFONIC ACID IN CARGO TANKS

The Hazardous Materials Regulations Board is considering an amendment to § 173.274 of the Department's Hazardous Materials Regulations to authorize the shipment of fluosulfonic acid in DOT specifications MC 310, MC 311, and MC 312 cargo tanks.

This proposal is based on several years of satisfactory shipping experience reported to the Board under special permit. These changes would provide alternate methods of packagings without affecting the safe transportation of this commodity.

On the basis of the satisfactory shipping experience the Board is proposing to incorporate the provisions of the special permit into the regulations.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.274, paragraph (a)(4) would be added to read as follows:

§ 173.274 Fluosulfonic acid.

(a) * * *

(4) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this subchapter). Tank motor vehicles.

PROPOSAL J—LIQUEFIED PETROLEUM GAS IN DOT SPECIFICATION 2P AND 2Q CONTAINERS

The Hazardous Materials Regulations Board is considering an amendment to § 173.804(d)(3)(ii) of the Department's hazardous materials regulations to provide for the transportation of liquefied petroleum gas in specification 2P and 2Q containers, without safety relief devices, with slightly increased charging pressures. Also, specification 2Q containers with safety relief devices are proposed as alternate shipping containers for the shipment of liquefied petroleum gas.

This proposal is based on a petition from the Chemical Specialties Manufacturers Association, Inc., and several special permit holders. Five years of satisfactory experience reported under special permits issued by the Department supports the position of the petitioners that liquefied petroleum gas may be shipped

safely in specification 2P and 2Q containers, without safety relief devices, with maximum charging pressures of 35 p.s.i.g. at 70° F. and 100 p.s.i.g. at 130° F. The maximum charging pressures now authorized at 26 p.s.i.g. at 70° F. and 84 p.s.i.g. at 130° F.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

Type of container	Maximum capacity		Maximum charging pressure—p.s.i.g.
	Cubic inches	Gallons	
DOT-2P or DOT-2Q (see Note 1).....	31.83	.....	45 p.s.i.g. at 70° F. and 100 p.s.i.g. at 130° F. (see Note 2).
DOT-2P or DOT-2Q (see Note 1).....	31.83	.....	35 p.s.i.g. at 70° F. and 100 p.s.i.g. at 130° F.
DOT-3C or DOT-4C.....	3,881	16+5% tolerance.....	145 p.s.i.g. at 130° F.

Notes 1 and 2 remain the same.

PROPOSAL K—AUDIBLE FIRE ALARM SYSTEMS AND FIRE EXTINGUISHERS

The Hazardous Materials Regulations Board is considering amendments to § 173.306 of the Department's hazardous materials regulations to change the requirements for exemption from specification packaging, marking, and labeling for the shipment of audible fire alarm systems and fire extinguishers. The present exemption requirements for audible fire alarm systems and fire extinguishers are found in §§ 173.306(b) (6) and 173.306(c), respectively.

The part of this proposal which deals with changing the exemption requirements for audible fire alarm systems is based on a petition from a holder of a special permit. The special permit exempts audible fire alarm systems from specification packaging, marking, and labeling requirements when the alarm system complies with all of the requirements of § 173.306(b) (6) except the system must have a minimum burst pressure of 850 p.s.i.g. The reported experience under special permit which has been in effect for over 2 years without any incidents appears to justify a change in the regulations. However, the petitioner requested that the present regulations requiring a 1,000 p.s.i.g. burst pressure be amended to require the system to withstand a burst pressure of four times the charged pressure at 130° F. In essence, the petitioner is requesting that the burst pressure of the system be reduced from its present 1,000 p.s.i.g. requirement to 720 p.s.i.g. This request is a further reduction of requirements of the special permit which requires a minimum burst pressure of 850 p.s.i.g. After careful consideration of all the facts and a review of the cylinder used under the involved special permit, the Board has determined that the requirements for exempting cylinders used in audible fire alarm systems must include a burst pressure of not less than five times its charged pressure at 130° F. This requirement would preserve the integrity of the system at a level more similar to that presently maintained by the provisions of the special permit.

In § 173.304 paragraph (d) (3) (ii), the table would be amended to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(d) * * *
(3) * * *
(ii) * * *

The portion of this proposal which changes the exemption requirements for fire extinguishers was developed by the Hazardous Materials Regulations Board on the basis of a need, as explained below, to improve the regulations covering cylinders used as fire extinguishers by making these requirements performance oriented.

It is proposed to amend § 173.306(c), which provides the requirements for exemption for fire extinguishers to permit an increase in the maximum charging pressure of the cylinder, to require that the cylinder be designed and fabricated to a burst pressure at 70° F., and to require the cylinder to be marked with a statement that it complies with the requirements of this section.

The proposed increase in the maximum charging pressure has been justified by the satisfactory experience reports received by the Board on these cylinders shipped under special permit.

The proposed requirement that the cylinder must have a burst pressure of six times its charged pressure at 70° F. is based on the premise that the prescribed test pressure of three times the service pressure may cause unsafe stressing of the fire extinguisher if the burst pressure is not specified. Therefore, a minimum ratio of burst pressure to service pressure at 70° F. is necessary. In keeping with well established design concepts, a ratio of six times the pressure at 70° F. is considered safe for all materials.

The proposed requirement that each cylinder be marked with a compliance statement is considered necessary by the Board to verify after the initial shipment that the nonspecification cylinder complies with the exemption requirements of § 173.306(c).

The Board believes that its regulations should be as compatible as possible with the regulations of other Federal agencies. In past rule making activities such as Docket No. HM-57 (37 FR 5946) and Docket No. HM-96 (37 FR 20554), the Board has adopted references to other Federal agency regulations. Likewise, in this proposed notice of rule making, the Board has referenced the De-

partment of Labor's Occupational Safety and Health Administration regulations with respect to retesting requirements for fire extinguishers to reduce the number of duplications and to avoid non-essential variations in specifications between agencies.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.306, paragraph (b) (6) and paragraph (c) would be amended to read as follows:

§ 173.306 Exemptions from compliance with regulations for shipping compressed gas.

(6) Audible fire alarm systems powered by a compressed gas contained in an inside metal container when shipped under the following conditions:

(i) Each inside container must have contents which are not flammable, poisonous, or corrosive as defined under this part;

(ii) Each inside container may not have a capacity exceeding 35 cubic inches (19.3 fluid ounces);

(iii) Each inside container may not have a pressure exceeding 70 p.s.i.g. at 70° F. and the liquid portion of the gas may not completely fill the inside container at 130° F., and

(iv) Each inside container must be designed and fabricated with a burst pressure of not less than five times its charged pressure at 130° F.

(c) *Fire extinguishers.* Fire extinguishers charged with a compressed gas to not more than 240 p.s.i.g. at 70° F. are exempt from specification packaging, marking, and labeling requirements when shipped under the following conditions, except that marketing name of contents on outside packaging is required for shipments via carriers by water. In addition to the above exemptions, shipments via highway carriers are exempt from Part 177 of this subchapter, except § 177.817.

(1) Each fire extinguisher must be shipped as an inside packaging;

(2) Each fire extinguisher must have contents which are not flammable, poisonous, or corrosive as defined under this part.

(3) Each fire extinguisher under stored pressure may not have an internal volume exceeding 1,100 cubic inches. For fire extinguishers not exceeding 35 cubic inches capacity, the liquid portion of the gas plus any additional liquid or solid must not completely fill the container at 130° F. Fire extinguishers exceeding 35 cubic inches capacity may not contain any liquefied compressed gas;

(4) Each fire extinguisher must be designed and fabricated with a burst pressure of not less than six times its charged pressure at 70° F. when shipped;

(5) Each fire extinguisher must be tested, without evidence of failure or damage, to at least three times its charged pressure at 70° F. but not less than 120 p.s.i.g., before initial shipment. For any subsequent shipment, each fire

extinguisher must be in compliance with the retest requirements of the Occupational Safety and Health Administration regulations of the Department of Labor, 29 CFR 1910.157(d), and

(6) Each fire extinguisher manufactured after (effective date of amendment) and filled and shipped under this paragraph must be legibly and durably marked "This extinguisher meets all requirements of 49 CFR 173.306(c)."

(7) When Specification 2P or 2Q packagings are used, subparagraphs (4) through (6) of this paragraph are not applicable provided each packaging meets the requirements of paragraph (a) of this section.

PROPOSAL L—HYDROGEN SULFIDE IN MULTI-UNIT TANK CAR TANKS

The Hazardous Materials Regulations Board is considering an amendment to §§ 173.314 and 179.302 of the Department's Hazardous Materials Regulations to require use of safety relief devices on multiunit tank car tanks transporting hydrogen sulfide.

This proposal is based on a petition by the Compressed Gas Association, Inc., to amend the regulations as described above. The present regulations prohibit the use of safety relief devices on multiunit tank car tanks containing hydrogen sulfide but they are required on cylinders transporting this same material. Also, tank cars and tank trucks transporting hydrogen sulfide are required to have safety relief devices. The petitioner stated that the regulations are inconsistent in their requirements concerning the transportation of hydrogen sulfide.

It must be noted that the safety relief device prohibition on multiunit tank car tanks was based on the belief that an important hazard for packaging considerations was the high toxicity of hydrogen sulfide even though this material has always been classed as a flammable gas. The Board's proposal continues to recognize this property but seeks to provide against any violent rupture in a fire. The overriding concern is considered to be a violent rupture in a fire because of a gas container having no relief devices. The Board is of the opinion that the adoption of this proposal would make the transportation of hydrogen sulfide in multiunit tank car tanks safer. The present regulation, although prohibiting use of a safety relief device, does require the multiunit tank car tanks to be equipped with solid steel plugs in the safety relief device openings. If a tank were subjected to a fire environment, the high temperature created by the fire would cause an increase in pressure within the tank which could result in its violent rupture. However, if the tank were equipped with adequate fusible plug type safety relief devices instead of the required solid steel plugs, in the same fire environment, the safety relief devices should permit controlled release of the material and prevent a rupture of the tank.

When reviewing this proposal it will be necessary to review Docket No. HM-97, Notice No. 72-1 (37 FR 4295) Pro-

posal H for a complete understanding of these proposed changes.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 173 and 179 as follows:

I. Part 173—Shippers:

In § 173.314, paragraph (c), Table, Note 8 would be amended to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

(c) * * *

NOTE 8: Each tank must be equipped with adequate safety relief devices of the fusible plug type having a yield temperature not

over 170° F., nor less than 157° F. Each device must be resistant to extrusion of the fusible alloy and leak tight at 130° F. Each valve outlet must be sealed by a threaded cap or a threaded solid plug. In addition, all valves must be protected by a metal cover.

II. Part 179—Specifications for Tank Cars:

In § 179.302 paragraph (a), the table would be amended; footnote 7 would be added to read as follows:

§ 179.302 Special commodity requirements for multiunit tank car tanks.

(a) * * *

Commodity	Safety relief device	Valve protective housing	Miscellaneous
Hydrogen sulfide	Fusible plugs required ⁷ .	Required ⁸ .	(9)

⁷ Safety relief devices for hydrogen sulfide must be of the fusible plug type utilizing a fusible alloy with yield temperature not over 170° F., nor less than 157° F. Each device must be resistant to extrusion of the fusible alloy and leak tight at 130° F.

PROPOSAL M—DELETION OF OBSOLETE SPECIFICATIONS

The Hazardous Materials Regulations Board is considering amendments to Parts 173 and 178 of the Department's hazardous materials regulations affecting those sections that authorize use and construction of wooden barrels and kegs made under Specifications 10A, 10B, 10C, 11A, and 11B (§§ 178.155, 178.156, 178.157, 178.160, 178.161). The Board proposes to cancel these specifications and the many authorizations for their use.

The reasons for this proposal are:

1. The Board believes these specifications are no longer used for shipment of hazardous materials, or if so, for very limited purposes;

2. The testing requirements (if any) specified for these packages are considered incomplete and inconsistent with testing requirements currently prescribed; and

3. The Board wishes to continue its effect to remove obsolete specifications from the hazardous materials regulations.

Any person using one of the above-listed specification barrels or kegs who desires that it be continued in the regulations for either construction or use should provide the Board with information concerning its use, including the number being used and the type of use. Also, any commenter may supply the Board with information concerning performance criteria for these containers including criteria pertaining to their capability of withstanding a 4-foot drop test such as is specified in § 178.116-12.

In consideration of the foregoing, the above specifications and references thereto would be deleted from the following sections:

I. PART 173—SHIPPERS

173.60	173.73	173.91
173.64	173.74	173.93
173.65	173.75	173.108
173.70	173.76	173.119
173.71	173.77	173.121
173.72	173.78	173.125

173.127	173.216	173.292
173.128	173.219	173.294
173.129	173.229	173.295
173.131	173.234	173.299a
173.132	173.235	173.346
173.144	173.239a	173.348
173.147	173.245	173.349
173.154	173.247	173.351
173.155	173.249	173.360
173.163	173.250	173.361
173.168	173.254	173.362a
173.178	173.257	173.365
173.184	173.262	173.366
173.187	173.263	173.367
173.188	173.265	173.368
173.191	173.266	173.369
173.194	173.268	173.370
173.195	173.270	173.371
173.201	173.271	173.372
173.204	173.287	173.373
173.205	173.289	173.374
173.214	173.291	173.376

II. PART 178—SHIPPING CONTAINER SPECIFICATIONS

178.155	178.157	178.161
178.156	178.160	

Interested persons are invited to give their views on these proposals. Communications should identify the docket number and the proposal and be submitted in duplicate to the Secretary, Hazardous Materials Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before April 24, 1973, will be considered before final action is taken on these proposals. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

(Secs. 831-835, title 18, United States Code, sec. 9, Department of Transportation Act, 49 U.S.C. 1657, title VI; sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421-1472(h), 1655(c))

Issued in Washington, D.C., on March 15, 1973.

W. J. BURNS,
Director,

Office of Hazardous Materials.

[FR Doc. 73-5281 Filed 3-21-73; 8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

[Docket No. RM 50-4]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Further Notice of Hearing Regarding Environmental Effects of Transportation of Fuel and Waste From Nuclear Power Reactors

On March 13, 1973, the Hearing Board designated by the Commission in the above-entitled proceeding, held a Procedure Planning Session in Washington, D.C., pursuant to telegraphic invitations which were extended to all participants who had filed appearances and/or statements in the matter. The purpose of the Planning Session, among other things, was to inform the participants of the procedures which were to govern the hearings on April 2, 1973, to set up schedules for appearances by participants, and to assign dates and time to be allowed for oral presentations by each group and participant who had filed notices and requests for opportunity to make an oral presentation.

Pursuant to the information and requests received by the Board at the Planning Session, together with the understandings and agreements expressed by the participants, the Board has determined upon a schedule of appearances for participants who are to make oral presentations in addition to the submission of written statements.

Accordingly, the following schedule will govern the conduct of the hearings to be held commencing 10 a.m., April 2, 1973, in Room 2008, New Executive Office Building, 17th and H Streets NW., Washington, D.C., and the following list will indicate the participants and the dates and time allowed for oral presentation:

MONDAY, APRIL 2, 1973

MORNING SESSION—10 A.M.

1. Regulatory Staff, U.S. Atomic Energy Commission (Lester Rogers and James P. Murray, Esq.), 60 minutes.

2. U.S. Environmental Protection Agency (W. D. Rowe, Deputy Assistant Administrator for Radiation Programs), 30 minutes.
3. Richard H. Sandler (Energy Consultant to Ralph Nader Organization), 30 minutes.

AFTERNOON SESSION—2 P.M.

4. Baltimore Gas & Electric Co. and other named utility companies appearing jointly (George C. Freeman, Jr., Esq.), 60 minutes.
5. Atomic Industrial Forum, Inc. (Edwin A. Wiggin, executive vice president and George L. Gleason, Esq.), 60 minutes.

As the participants have been advised, the Commission's notice of rule making herein, published in the FEDERAL REGISTER on February 5, 1973, provided that written comments or suggestions on the proposed amendments to Appendix D, Part 50 of the rules, or on the Environmental Survey of Transportation of Radioactive Materials issued by the Staff in December 1972, are to be filed with the Secretary of the Commission by March 22, 1973.

Further, the participants appearing at the Oral Hearings commencing April 2d are requested, in accordance with the understandings reached at the Planning Session, to furnish the individual members of the Board, at least 48 hours in advance, with copies of any additional written submissions proposed to be presented on April 2d and with brief outlines of the major areas to be presented orally; and, at the same time, to file 10 additional copies of such additional written submissions in the Office of the Secretary of the Commission at 1717 H Street NW., Washington, DC 20545. Further, it is likewise requested, in accordance with the aforesaid understandings, that the participants appearing at the April 2d hearing provide the other participants in the proceedings, named in the attached list, with copies of such additional written submissions and with other documents filed in this proceeding.

—Issued at Washington, D.C., this 15th day of March 1973.

The Fuel and Waste Transportation Rule Making Hearing Board.

MAX D. PAGLIN,
Chairman.

FUEL AND WASTE TRANSPORTATION PROCEEDING

[Docket 50-4]

HEARING BOARD

Max D. Paglin, Esq., Chairman, Atomic Safety and Licensing Board, U.S. Atomic Energy Commission, Washington, D.C. 20545.
Dr. William E. Martin, Member, Atomic Safety and Licensing Board, Senior Ecologist, Battelle Memorial Institute, Columbus, Ohio 43201.

Dr. David B. Hall, Member, Atomic Safety and Licensing Board, Los Alamos Scientific Laboratory, Post Office Box 1663, Los Alamos, NM 87544.

REGULATORY STAFF COUNSEL

James P. Murray, Esq., U.S. Atomic Energy Commission, Washington, D.C. 20545.

Mr. W. D. Rowe, Deputy Assistant Administrator for Radiation Programs, U.S. Environmental Protection Agency, Washington, D.C. 20460.

Hon. Benjamin O. Davis, Jr., Assistant Secretary for Environment, Safety and Consumer Affairs, U.S. Department of Transportation, Washington, D.C. 20590.

Mr. J. Bruce MacDonald, Deputy Commissioner and Counsel, New York State Department of Commerce, 112 State St. Albany, NY 12207.

Mr. Heyward G. Shealy, Director, Division of Radiological Health, South Carolina State Board of Health, J. Marion Sims Building, Columbia, S.C. 29201.

George C. Freeman, Jr., Esq., Hunton, Williams, Gay & Gibson, 700 East Main St., Post Office Box 1535, Richmond, VA 23212.

Mr. Edwin A. Wiggin, Executive Vice President, Atomic Industrial Forum, Inc., 475 Park Avenue South, New York, NY 10016.

Mr. C. Wesley Smith, Manager, Licensing and Transportation, Nuclear Fuel Department, General Electric Co., 175 Curtner Ave., San Jose, CA 95114.

Mr. Richard H. Sandler, Energy Consultant to Ralph Nader Organization, 2000 P St. NW., Room 700, Washington, DC 20036.

Mr. Joseph R. Ross, President, Ross Aviation, Inc., Route 5, Riverside Airport, Tulsa, OK 74107.

[FR Doc. 73-5406 Filed 3-21-73; 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 Customs

[T.D. 73-78]

FOREIGN CURRENCIES

Certification of Rates

MARCH 12, 1973.

The appended table shows the rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), which are applicable to the cur-

rencies of the countries listed in § 16.4 (d), Customs regulations (19 CFR 16.4 (d)), for the period from March 5 through March 9, 1973. This table is published for the information and use of Customs officers and others concerned to show the amount of variation in these exchange rates following the devaluation of the United States dollar which took effect on February 13, 1973.

[SEAL] R. N. MARRA,
Director, Appraisal and
Collections Division.

Country	Currency	March				
		5	6	7	8	9
Australia	Dollar	\$1.4120	\$1.4200	\$1.4200	\$1.4100	\$1.4120
Austria	Schilling	.0491	.0494	.0495	.0494	.0495
Belgium	Franc	.025445	.025500	.025445	.025575	.025650
Canada	Dollar	Q	Q	Q	Q	Q
Ceylon	Ruppee	(*)	.1600	.1570	.1600	.1590
Denmark	Krone	.1660	.1650	.1636	.1637	.1635
Finland	Markka	(*)	.2550	.2560	.2560	.2560
France	Franc	.2213	.2233	.2224	.2228	.2221
Germany	Deutsche mark	.3557	.3564	.3585	.3607	.3600
India	Ruppee	(*)	.1360	.1380	.1380	.1325
Ireland	Pound	Q	Q	2.4720	2.4730	2.4705
Italy	Lira	Q	Q	Q	Q	Q
Japan	Yen	.003860	.003820	.003818	.003825	.003840
Malaysia	Dollar	(*)	(*)	(*)	(*)	.4000
Mexico	Peso	Q	Q	Q	Q	Q
Netherlands	Guilder	.3512	.3532	.3549	.3568	.3547
New Zealand	Dollar	(*)	1.3300	1.3300	1.3215	1.3100
Norway	Krone	.1710	.1705	.1695	.1703	.1690
Portugal	Escudo	.0396	.0410	.0410	.0416	.0412
Republic of South Africa	Rand	(*)	1.4175	(*)	(*)	1.4200
Spain	Peseta	.017241	.017241	.017241	.017241	.017241
Sweden	Krona	.2290	.2280	.2295	.2320	.2305
Switzerland	Franc	.3114	.3132	.3145	.3152	.3142
United Kingdom	Pound	Q	Q	2.4720	2.4730	2.4705

Q—Use quarterly rate published in T.D. 73-16; daily rate did not vary by 5 percent or more.
* Rate certified as "Not Available"; use last preceding rate.

[FR Doc. 73-5388 Filed 3-21-73; 8:45 am]

Office of the Secretary

MANDELIC ACID FROM JAPAN

Antidumping Proceeding Notice

On February 14, 1973, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that mandelic acid from Japan is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so

doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold or offered for sale for exportation to the United States are less than the estimated home market price.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

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

MARCH 16, 1973.

[FR Doc. 73-5466 Filed 3-21-73; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A 7010; Classification Arizona 3478]

ARIZONA

Modification To Permit Grant of Right-of-Way

By published notice (35 FR 11192, July 11, 1970) the public lands described herein were classified for multiple use management. Publication of the notice had the effect of segregating the land from all appropriation and entry under the public land laws except the Act of June 14, 1926 (43 U.S.C. 869), and the Act of September 19, 1964 (43 U.S.C. 1421-1427).

Pursuant to the authority delegated by BLM Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, the Notice of Classification of July 11, 1970 is hereby modified to the extent necessary to permit the location of a right-of-way under section 2477, U.S. Revised Statutes, 43 U.S.C. 932, by Pima County over the following described lands as delineated on a map entitled "West Irvington Road and Westover Road," on file with the Bureau of Land Management in Arizona 7010, for construction of a public road:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 15 S., R. 13 E.,

Sec. 4, the west 90 feet of lots 24 and 25 except the north 150 feet of lot 25.

The areas described aggregate approximately one acre in Pima County.

JOE T. FALLINI,
State Director.

MARCH 16, 1973.

[FR Doc. 73-5469 Filed 3-21-73; 8:45 am]

[A 7066]

ARIZONA

Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. A 7066, for the withdrawal of lands from location and entry under the general mining laws, but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the lands described below as an addition to the existing Santa Rita Experimental Range and will be used in ecological studies that involve the measurement of vegetation or other changes over a period of time. It

will also afford opportunities to study the effects of extensive grazing over both short and long terms on semi-desert ecosystems. The proposed addition of land is representative of southwestern range dominated by creosote bush and white-horn acacia. The present Experimental Range does not include comparable land, and such an addition will broaden research opportunities. The lands are situated in the eastern portion of Pima County approximately 18 miles south of Tucson near the community of Continental. The subject lands are presently under the administrative jurisdiction of the Bureau of Land Management.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may, on or before April 23, 1973, present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix Ariz. 85025.

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

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

SANTA RITA EXPERIMENTAL RANGE ADDITION

T. 18 S., R. 14 E.,

Sec. 7, lot 4 and E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 18, lots 1, 2, 3, and 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;

Sec. 19, lots 1, 2, and 3, E $\frac{1}{2}$ W $\frac{1}{2}$, and E $\frac{1}{2}$;

Sec. 20, all.

The area described aggregates approximately 1,797.54 acres of public lands in Pima County.

This proposed withdrawal, if consummated, will vest management responsibility of the subject lands with the Forest Service, U.S. Department of Agriculture.

Dated: March 13, 1973.

JOE T. FALLINI,
State Director.

[FR Doc.73-5470 Filed 3-21-73;8:45 am]

[Wyoming 39073]

WYOMING

Order Providing for Opening of Public Lands

MARCH 16, 1973.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934, as amended; 43 U.S.C. 315g (1970), the following described lands have been reconveyed to the United States:

SIXTH PRINCIPAL MERIDIAN

T. 47 N., R. 89 W.,

Sec. 16, all.

T. 42 N., R. 92 W.,

Sec. 5, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 8, NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 9, W $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 17, NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 43 N., R. 92 W.,

Sec. 7, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ -NW $\frac{1}{4}$;

Sec. 18, lot 8, SE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, and E $\frac{1}{2}$ W $\frac{1}{2}$;

T. 45 N., R. 92 W.,

Sec. 20, E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 21, W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 28, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 33, W $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$;

T. 42 N., R. 93 W.,

Sec. 1, lot 2 and SW $\frac{1}{4}$ NE $\frac{1}{4}$;

T. 43 N., R. 93 W.,

Sec. 13, S $\frac{1}{2}$ SE $\frac{1}{4}$;

T. 19 N., R. 105 W.,

Sec. 22, lots 10, 15, 20, and 24.

The areas described aggregate 2,824.71 acres.

2. The lands are located in Hot Springs, Sweetwater, and Washakie Counties. They have values for watershed, grazing, wildlife, and recreation.

3. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands is not affected by this order.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the above-described lands will at 10 a.m. on April 18, 1973, be open to application, petition, and selection under the public land laws. All valid applications received at or prior to 10 a.m. on April 18, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Post Office Box 1828, Cheyenne, WY 82001.

DANIEL P. BAKER,
State Director.

[FR Doc.73-5471 Filed 3-21-73;8:45 am]

National Park Service

[Order 77]

DIRECTORS OF NATIONAL PARK SERVICE REGIONS

Delegation, Redefinition, and Revocation of Authority

SECTION 1. *Delegation.* The Directors of National Park Service Regions in the administration, operation, and development of areas and offices under their supervision, are authorized to exercise all the authority now or hereafter vested in the Director, National Park Service, except with respect to the following:

(1) Authority to approve changes in policies and to establish new policies.

(2) Authority for final approval of Servicewide or regionwide program and financial plans for construction, professional services, land acquisition, park operations, and other programs.

(3) Authority for final approval of the location of new roads.

(4) Authority to perform the responsibilities set forth in title I and section 205(a) of title II of the Historic Preservation Act of October 15, 1966 (80 Stat. 915), as amended, except that the responsibilities of the Director under

section 106 of title I as head of an undertaking agency are hereby delegated.

(5) Authority to initiate investigations of areas suggested or proposed for inclusion in the National Park System and sites under consideration for National Landmark status.

(6) Authority vested in the Secretary of the Interior by the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484) relating to evaluation of the historical significance of surplus Federal property proposed for demolition or transfer and relating to the plans for restoration, rehabilitation, maintenance, operation, and use of transferred historic monuments.

(7) Authority to execute, amend, assign, and terminate concessions contracts and permits in excess of 5 years duration or when anticipated annual gross receipts will amount to \$100,000 or more.

(8) Authority to issue general travel authorizations as defined in 347 DM 2.2C.

(9) Authority to approve the payment of actual subsistence expenses for travel.

(10) Authority to approve attendance at meetings of societies and associations.

(11) Authority to approve acceptance of payment of travel, subsistence and other expenses incident to attendance at meetings by an organization which is tax exempt.

(12) Authority with respect to making and enforcing rules and regulations for the Government, conduct, and discipline of the U.S. Park Police, under the Act of October 11, 1962 (76 Stat. 907).

(13) Authority to make certifications required in connection with reports made to the Secretary on each appropriation or fund under National Park Service control.

(14) Authority to approve Standard Form 1151, Nonexpenditure Transfer Authorization, in connection with internal transfer of funds.

(15) Authority to approve the use of a Government-owned or leased motor vehicle between domicile and place of employment.

(16) Authority to approve payment of dues for library memberships in societies or associations.

(17) Authority to approve rates for quarters and related services.

(18) Authority over those matters for which specific authority is delegated in internal management directives and unpublished delegations of authority arising in the Washington office.

SEC. 2. *Redefinition.* Subject to the following exceptions; the Directors of the Regions may, in writing, redelegate to their officers and employees, the authority delegated in this order and may authorize written redelegations of such authority:

(1) Master Plan approval authority may not be redelegated.

(2) In the regional offices, procurement and contracting authority in excess of \$2,000 may only be redelegated to the Chief, Division of Property Management and General Services and the

Chief, Office of Finance and Control. Authority to contract for supplies, equipment and services, including construction, may be redelegated by the Directors to Superintendents as follows: Superintendents, Grade GS-12 and below not to exceed \$2,000; Superintendents, Grade GS-13 not to exceed \$50,000; Superintendents, Grade GS-14 not to exceed \$100,000; Superintendents, Grade GS-15 not to exceed \$200,000. Authority to contract for supplies, equipment and services, including construction, may be redelegated by the Director, Northeast Region to District Director, New York Office not to exceed \$200,000. The limitations in this subsection (2) of section 2 apply only to open market or non-mandatory sources of supply. Employees and officers who are otherwise authorized may continue to issue orders to GSA Centers and sources under established Federal Supply Schedules of Contracts in amounts exceeding \$2,000.

(3) Authority to approve land acquisition priorities may not be redelegated. Authority to execute the land acquisition program, including contracting for acquisition of lands and related property, and options and offers to sell related thereto, may be redelegated only to the chief land acquisition officer in the Regional Office and field land acquisition officers.

(4) Authority to conduct archeological investigations and salvage activities may not be redelegated.

Each redelegation shall be published in the FEDERAL REGISTER.

Sec. 3. *Revocation.* This order revokes National Park Service Order 66 (36 FR 21218), Amendment No. 1 (37 FR 4001), Amendment No. 2 (37 FR 12854), and National Park Service Order 63 (36 FR 5629). However, redelegations based thereon are continued in effect to the extent that they are not inconsistent with this Order No. 77.

(305 DM, as amended; 245 DM, as amended; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: February 27, 1973.

RONALD H. WALKER,
Director, National Park Service.

[FR Doc.73-5474 Filed 3-21-73; 8:45 am]

HISTORIC AMERICAN ENGINEERING RECORD ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Historic American Engineering Record Advisory Committee will be held on March 29-30 at 1100 L Street NW., Washington, DC, between the hours of 9 a.m. and 4 p.m. on each day.

The purpose of the Historic American Engineering Record Advisory Committee is to render advice on matters relating to the task of recording the historic engineering and industrial monuments of the country.

The members of the Advisory Committee are as follows:

Professor John W. Briscoe (Chairman), University of Illinois, Urbana, Ill.

Mr. Eugene S. Ferguson, University of Delaware, Newark, Del.

Mr. Waldo G. Bowman, New York, N.Y.

Dr. Gail A. Hathaway, Hyattsville, Md.

Dr. Lynn T. White, Jr., University of California, Los Angeles, Calif.

M. Neal FitzSimons, American Society of Civil Engineers, Washington, D.C.

Dr. L. Quincy Mumford, Librarian of Congress, Washington, D.C.

Mr. Robert M. Utley, National Park Service, Washington, D.C.

The matters to be discussed include the following:

HAER Editorial Projects and Publications Program, Inventory Forms and Classification System, Computerization of HABS/HAER Collections, 1973 Projects, Followup on 1972 Projects, Discussion of Current Problems.

The meeting is open to the public, but facilities and space are limited. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wanting further information concerning this meeting, or who wish to file written statements, may contact the Division of Historic Architecture, National Park Service, 1100 L Street NW., Washington, DC 20005 (Area Code 202-386-4131). Minutes of the meeting will be made available for public inspection 5 weeks after the meeting at the office of the Historic American Engineering Record, 1100 L Street NW., Washington, DC.

Dated: March 13, 1973.

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

[FR Doc.73-5473 Filed 3-21-73; 8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-334]

CHAS. KURZ & CO., INC.

Notice of Application for Operating-Differential Subsidy Contract

Notice is hereby given that Chas. Kurz & Co., Inc., has filed Supplement No. 2, dated February 28, 1973, to its application of October 24, 1972, with respect to the modification of its Operating-Differential Subsidy Contract No. MA/MSB-188 to carry bulk cargoes to expire on June 30, 1973 (unless extended only for a subsidized voyage in progress on that date). The additional bulk cargo carrying vessels proposed to be subsidized, and the trade in which they propose to engage is presented below:

Applicant's name and address	Types of ships	Names of ships
Chas. Kurz & Co., Inc., 313 Chestnut St., Philadelphia, Pa. 19106.	Tanker....	SS Fort Fetterman.
	....do.....	SS Gaines Mill.
	....do.....	SS Mill Spring.
	....do.....	SS Northfield.

The application may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C. during regular working hours.

The vessels are to engage in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the United States to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions, and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the FEDERAL REGISTER on November 16, 1972 (37 FR 24349).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that the above-listed ships will engage in the trades described on a full-time basis through June 30, 1973 (with extension to termination of any approved subsidized voyage in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the operating-differential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

Any person having an interest in the granting of such application and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before March 30, 1973, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the application, the purpose of such hearing will be to receive evidence relevant to: (1) Whether the application hereinabove described is one with respect to the vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy

of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: March 19, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 73-5544 Filed 3-21-73; 8:45 am]

[Docket No. S-333]

**ECOLOGICAL SHIPPING CORP. AND
MONTICELLO TANKER CO.**

**Notice of Multiple Applications for
Operating-Differential Subsidy Contract**

Notice is hereby given that the following corporations have filed application for an operating-differential subsidy contract to carry bulk cargoes to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). The bulk cargo carrying vessels proposed to be subsidized and the trades in which each proposes to engage are presented also.

Applicant's name and address	Types of ships	Names of ships
Ecological Shipping Corp., 551 9th Ave., New York, NY 10017.	Tanker.....	SS Notre Dame Victory.
Monticello Tanker Co., 888 7th Ave., New York, NY 10019.	do.....	SS Monticello Victory.

The foregoing applications may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C., during regular working hours.

These vessels are to engage in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the FEDERAL REGISTER on November 16, 1972 (37 FR 24349).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that each vessel named will engage in the trades described on a full-time basis through

June 30, 1973 (with extension to termination of approved subsidized voyages in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the individual operating-differential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

Any person having an interest in the granting of one or any of such applications and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before March 30, 1973, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to any application(s), the purpose of such hearing will be to receive evidence relevant to (1) whether the application(s) hereinabove described is one with respect to vessels to be operated in an essential service, served by citizens of the U.S. which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: March 19, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 73-5543 Filed 3-21-73; 8:45 am]

[Docket No. S-335]

MONTICELLO TANKER CO.

Notice of Application for Operating-Differential Subsidy Contract

Notice is hereby given that application has been filed under the Merchant Marine Act of 1936, as amended, for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the

United States and the Union of Soviet Socialist Republics, to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). Inasmuch as the below listed applicant, and/or related persons, or firms, employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805 (a) of the Merchant Marine Act, 1936, as amended, will be required for each such applicant if its application for operating-differential subsidy is granted.

The following applicant has requested permission involving the domestic intercoastal or coastwise services described below:

Name of applicant. Monticello Tanker Co. (Monticello).

Description of domestic service and vessels. The applicant, Monticello, a subsidiary of Victory Carriers, Inc., owns the *Monticello Victory* and has requested written permission to, directly or indirectly, own, operate, or charter one or more vessels in the domestic intercoastal or coastwise service, and to own a pecuniary interest, directly or indirectly, in any person or concern that owns, charters or operates any vessels in the domestic intercoastal or coastwise service. The applicant is also affiliated with Mount Vernon Tanker Co., Mount Washington Tanker Co., and Montpelier Tanker Co.

Written permission is now required by the applicant, Monticello, notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

Interested parties may inspect this application in the Office of The Secretary, Maritime Administration, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on March 30, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m., April 2, 1973, in Room 4896, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in

unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act.

By order of the Maritime Administration.

Dated: March 19, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-5545 Filed 3-21-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration
[DESI 10996]

PROPOXYPHENE HYDROCHLORIDE; PRO- POXYPHENE HYDROCHLORIDE WITH ASPIRIN; PROPOXYPHENE HYDRO- CHLORIDE WITH ASPIRIN, PHENACETIN, AND CAFFEINE

Drugs for Human Use; Drug Efficacy Study
Implementation

Correction

In FR Doc. 72-22100 appearing at page 28526 of the issue for Wednesday, December 27, 1972, on page 28527 in the middle column in the fifth line from the bottom the word "anticonvulsant" should read "anticonvulsant".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-617; NADA No. 9-442V]

SYNTEX LABORATORIES, INC.

Synovex-L; Notice of Withdrawal of
Approval of New Animal Drug Application

In the FEDERAL REGISTER of February 21, 1969 (34 FR 2517), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Synovex-L, new animal drug application (NADA) No. 9-442V; by Syntex Laboratories, Inc., Stanford Industrial Park, Palo Alto, Calif. 94304.

Syntex Laboratories, Inc., has requested that the Commissioner withdraw approval of NADA No. 9-442V.

Based on the grounds set forth in said announcement and the firm's request, the Commissioner concludes that approval of said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 9-442V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of this publication of this document.

Dated: March 15, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-5493 Filed 3-21-73;8:45 am]

National Institutes of Health ARTIFICIAL HEART ASSESSMENT PANEL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Artificial Heart Assessment Panel, April 11 and 12, 1973, 9 a.m., National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 9 a.m. to 5 p.m. on April 11 and 12, to discuss reports on the social, legal, and economic implications of an artificial heart. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, NIH Landow Building, Room C918, phone 496-4236, will furnish summaries of the meeting and rosters of the panel members. Substantive information may be obtained from Constance Foshay Row, NHLI, NIH Building 31, Room 5A31, phone 496-6331.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5443 Filed 3-21-73;8:45 am]

BIOHAZARD CONTROL AND CONTAINMENT WORKING GROUP

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Biohazard Control and Containment Working Group, April 9, 1973, 9 a.m., c.s.t., Southwest Foundation for Research and Education, San Antonio, Tex. This meeting will be open to the public from 9 to 9:30 a.m., to discuss the past year's progress in Biohazard Control, and closed to the public from 9:30 a.m. to adjournment in accordance with the provisions set forth in section 552(b) 4 of title 5 United States Code and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301-496-1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Garrett Keefer, Executive Secretary, Building 41, Room A115, National Institutes of Health, Bethesda, Md. 20014 (301-496-6981) will provide substantive program information.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5454 Filed 3-21-73;8:45 am]

BREAST CANCER EXPERIMENTAL BIOLOGY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Breast Cancer Experimental Biology Committee, April 2-3, 1973, at 9 a.m.,

National Institutes of Health, Building 31, Conference Rooms 4 and 5. This meeting will be open to the public from 9 a.m., April 2, to discuss Committee program plans and closed to the public from 10 a.m., April 2, in accordance with the provisions set forth in section 10(d) of Public Law 92-463 and 552(b)4 of title 5, United States Code. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301-496-1911), will furnish summaries of the open/closed meetings and roster of Committee members.

D. Jane Taylor, Ph. D., Executive Secretary, Landow Building, Room A404, National Institutes of Health, Bethesda, Md. 20014 (301-496-6718), will provide substantive program information.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5453 Filed 3-21-73;8:45 am]

BREAST CANCER TREATMENT COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Breast Cancer Treatment Committee, April 2-3, 1973, at 8 p.m., Sea Lodge, La Jolla, Calif. This meeting will be open to the public from 8-9 p.m., April 2, to discuss general progress of the program and closed to the public from 9-11 p.m., April 2, and 8-11 a.m., April 3, in accordance with the provisions set forth in sections 10(d) of Public Law 92-463, and 552(b) (4) of title 5, United States Code. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301-496-1911), will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Erwin P. Vollmer, Executive Secretary, Landow Building, Room A422A, National Institutes of Health, Bethesda, Md. 20014 (301-496-6718), will provide substantive program information.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5455 Filed 3-21-73;8:45 am]

DENTAL HEALTH RESEARCH AND EDUCATION ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Dental Health Research and Education Advisory Committee, April 4-6, 1973, commencing at 3:30 p.m. at the Rodeway Inn, 101 East Jefferson Street, Louisville,

KY. This meeting will be open to the public from 3:30 p.m. to 6 p.m., April 4, 1973, and from 9 a.m. to 9:30 a.m., April 5, 1973, to discuss program activities and goals of the Division of Dental Health and closed to the public from 9:30 a.m., April 5, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5, United States Code, and 10(d) of Public Law 92-463 in order to review, discuss, evaluate and rank grant applications. Attendance by the public will be limited to space available.

1. Summaries of the meetings and rosters of committee members will be furnished by Ms. Mary Gaillbreath, Division Information Officer, Room 304B Federal Building, Bethesda, Md. Phone 496-1106.

2. Substantive program information may be obtained from Mr. Solomon Levy, Executive Secretary to the Committee, Room 308A Federal Building, Bethesda, Md. Phone 496-4535.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5434 Filed 3-21-73;8:45 am]

EPIDEMIOLOGY AND BIOMETRY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Epidemiology and Biometry Advisory Committee, April 3, 1973, 9 a.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 9 to 10 a.m., April 3, for review of program and discussion of future plans; the remaining session will be closed to the public in accordance with the provisions set forth in section 552(b)4 of title 5, United States Code, and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Dr. Jerome G. Green, Director, Division of Extramural Affairs, NHLI, NIH Westwood Building, Room 5A18, 496-7416, will furnish summaries of the meeting and rosters of the committee members. Substantive program information may be obtained from Dr. Manning Feinleib, Chief, Epidemiology Branch, Division of Heart and Vascular Diseases, NHLI, NIH Landow Building, Room C-825, phone 496-2327.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5445 Filed 3-21-73;8:45 am]

EPILEPSY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Epilepsy Advisory Committee, April 3, 1973, 9 a.m., National Institutes of Health, Building 31, Conference Room 4.

This meeting will be open to the public from 9 a.m. to 5 p.m., April 3, to discuss the decline in basic research in epilepsy, comprehensive epilepsy centers, progress in the development of antiepileptic drugs and studies in genetic and biochemical aspects of the epidemiology of epilepsy. Attendance by the public will be limited to space available.

A summary of the meeting and a roster of committee members may be obtained from:

Mrs. Ruth Dudley, Information Officer, NINDS, National Institutes of Health (Building 31, Room 8A-03B), Bethesda, Md. 20014, telephone: 301-496-5751.

Substantive program information may be obtained from the Executive Secretary:

J. Kiffin Penry, M.D., Chief, Applied Neurologic Research Branch, Collaborative and Field Research, NINDS, National Institutes of Health (Building 36, Room 5D-10), Bethesda, Md. 20014, telephone: 301-496-6691.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5447 Filed 3-21-73;8:45 am]

HEALTH MANPOWER OPPORTUNITY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Health Manpower Opportunity Advisory Committee, April 4 to 6, 1973, 9 a.m., National Institutes of Health, Building 31, Conference Room No. 8. This meeting will be open to the public from 9 a.m., April 4, to discuss the programmatic impact of recent administration directives and closed to the public from 10:45 a.m., April 4 through adjournment on April 6, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5, United States Code and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available. The name, address, room number, and phone number of the Executive Secretary from whom summaries of the meeting, rosters of committee members, and substantive program information may be obtained is Mr. Albert L. Barringer, Room 3C-02, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20014, telephone 496-3666.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5440 Filed 3-21-73;8:45 am]

INTERNATIONAL FELLOWSHIP REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the International Fellowship Review Committee, April 6 and 7, 1973, 9 a.m., Na-

tional Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 9 a.m., April 6, 1973, to discuss various aspects of the International Research Fellowship Program and closed to the public from 10:30 a.m., April 6, 1973, to discuss and review approximately 90 fellowships in the fields of biomedical science in accordance with the provisions set forth in section 552(b)4 of title 5 United States Code and 10(d) of Public Law 92-463.

Summary of the meeting and roster of committee members may be obtained from:

Mrs. Lois Meng, Information Officer, Fogarty International Center, NIH, Room 2C12, Building 31, 496-4625.

Program information may be obtained from:

Dr. Robert R. Omata, Executive Secretary, International Fellowship Review Committee, Fogarty International Center, NIH, Room 2B58, Building 31, 496-6111.

Dated: March 15, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5462 Filed 3-21-73;8:45 am]

LIPID METABOLISM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Lipid Metabolism Advisory Committee, April 5 and 6, 1973, 9:15 a.m., National Institutes of Health, Building 31, Conference Room 5. This meeting will be open to the public from 9:15 a.m. to 12 noon, April 5, to discuss Lipid Metabolism Branch status regarding various projects which the Branch is conducting; the remaining sessions will be closed to the public in accordance with the provisions set forth in section 552(b)4 of title 5 United States Code and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Dr. Jerome G. Green, Director, Division of Extramural Affairs, NHLI, NIH Westwood Building, Room 5A18, phone 496-7416, will furnish summaries of the meeting and rosters of the committee members. Substantive program information may be obtained from Dr. Basil Rifkind, Deputy Chief, Lipid Metabolism Branch, NHLI, NIH Building 31, Room 4A19, phone 496-1681.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5446 Filed 3-21-73;8:45 am]

LUNG CANCER SEGMENT ADVISORY GROUP, CARCINOGENESIS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Lung Cancer Segment Advisory Group, Carcinogenesis, April 4, 1973, at 1 to 5

p.m., and April 5, 1973, at 9 a.m. to 4 p.m., National Institutes of Health, Building 37, Conference Room 3A15. This meeting will be open to the public from 1 to 5 p.m., April 4, 1973, to discuss the program of the Segment and closed to the public from 9 a.m. to 4 p.m., April 5, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92-463 and 552(b)4 title 5, United States Code. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301-496-1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Carl E. Smith, Executive Secretary, Landow Building, Room A310, National Institutes of Health, Bethesda, Md. 20014 (301-496-5471) will provide substantive program information.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5451 Filed 3-21-73;8:45 am]

NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATION

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Council on Health Professions Education, April 9, 1973, at 8:30 a.m., National Institutes of Health, Bethesda, Md., Building 31, Conference Room 6. This meeting will be only for the purpose of reviewing grant applications and will be closed to the public in accordance with the provisions set forth in section 552(b) of title 5 United States Code and section 10(d) of Public Law 92-463. The Executive Secretary who will furnish summaries of the meeting, rosters of Council members, and substantive program information is:

Ms. Lynn Stevens, Division of Physician and Health Professions Education, National Institutes of Health, Building 31, Room 4C-08, Bethesda, Md. 20014, telephone 496-3554.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5431 Filed 3-21-73;8:45 am]

NATIONAL BLOOD RESOURCE PROGRAM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Blood Resource Program Advisory Committee, April 9-10, 1973, 9 a.m., National Institutes of Health, Building 31, Conference Room 9. This meeting will be open to the public from

4 to 5 p.m., April 9, 1973, to discuss administrative details relating to committee business; all other sessions will be closed to the public in accordance with the provisions set forth in section 552(b) 4 of title 5, United States Code, and 10 (d) of Public Law 92-463. Attendance by the public will be limited to space available.

Dr. Jerome G. Green, Director, Division of Extramural Affairs, NHLI, NIH Westwood Building, Room 5A18, phone 496-7416, will furnish summaries of the meeting and rosters of the committee members. Substantive program information may be obtained from the Executive Secretary, Dr. James M. Stengle, NHLI, NIH Building 31, Room 4A03, phone 496-5911.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5444 Filed 3-21-73;8:45 am]

NURSING RESEARCH AND EDUCATION ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Nursing Research and Education Advisory Committee, April 9-10, 1973, from 8:30 a.m. to 5 p.m., National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 8:30 a.m. to 9:30 a.m., April 9, 1973, to discuss the report of the Director, Division of Nursing, the Administrative Report from the Acting Chief of the Nursing Research Branch, and the Executive Secretary's report, and closed to the public from 9:30 a.m., April 9, in accordance with the provisions set forth in section 552(b) 4 of title 5, U.S. Code, and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

1. Mrs. Norma Golumbic, Information Officer, Room 508, Federal Building, Bethesda, Md., telephone number 496-1143, will furnish summaries of the meetings and rosters of committee members.

2. Substantive program information may be obtained from Dr. Doris Bloch, Executive Secretary of the Nursing Research and Education Advisory Committee, Room 6A-10 Federal Building, telephone number 496-6955.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institute of Health.

[FR Doc.73-5448 Filed 3-21-73;8:45 am]

NURSE TRAINING ACT PROJECT GRANTS REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Nurse Training Act Project Grants Re-

view Committee, April 9-13, 1973, from 9 a.m. to 5 p.m., National Institutes of Health, Building 31, Conference Room 4. This meeting will be open to the public from 9 a.m. to 10 a.m., April 9, to discuss the current status of the Nurse Training Act of 1971 and the activities of the Special Project Grant Program and closed to the public from 10 a.m. to 5 p.m., April 9, and 9 a.m. to 5 p.m., April 10-13, 1973, in accordance with the provisions set forth in section 552(b) 4 of title 5, United States Code, and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

1. Mrs. Norma Golumbic, Information Officer, Room 508, Federal Building, telephone number 496-1143, will furnish summaries of the meeting and rosters of committee members.

2. Substantive program information may be obtained from Hazel M. Aslakson, Ed. D., Executive Secretary of the Nurse Training Act Project Grants Review Committee, Room 616, Federal Building, telephone number 496-4977.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director.

[FR Doc.73-5437 Filed 3-21-73;8:45 am]

PREVENTIVE MEDICINE AND DENTISTRY REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Preventive Medicine and Dentistry Review Committee, April 2-4, 1973, 9 a.m., National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public from 9 a.m., April 2, to discuss appropriate announcements, review of previous meeting minutes, determination of future meeting dates, the Executive Secretary's report, and clarification of review criteria prior to grant application review, and closed to the public from 10 a.m. to 5 p.m., April 2, and from 9 a.m. to 5 p.m., April 3-4, in accordance with the provisions set forth in section 552(b)4 of title 5 United States Code, and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

The Executive Secretary of the Preventive Medicine and Dentistry Review Committee will furnish summaries of the meetings, rosters of Committee members, and substantive program information. He is:

Mr. William J. Holland, Program Officer, Public Health Professions Branch, Division of Allied Health Manpower, Bureau of Health Manpower Education, National Institutes of Health, PHS, Room 3C-09, Federal Building, 9000 Rockville Pike, Bethesda, MD 20014, Telephone: 496-6945.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5435 Filed 3-21-73;8:45 am]

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

Office of the Secretary

**AD HOC INTERAGENCY COMMITTEE ON
THIRD PARTY PREPAID PRESCRIPTION
DRUG PROGRAMS**

Notice of Meeting

Name: Ad Hoc Interagency Committee on Third Party Prepaid Prescription Drug Programs.

Purpose: The Committee will advise the Secretary concerning third party prepaid prescription drug programs and problems that arise in the areas of administration, reimbursement and anti-trust. Problems as they now exist will be defined, and alternative solutions will be presented.

Date: March 29, April 24, April 25, 1973.

Time: 9:30 a.m. to 4 p.m.

Place: Room 1409, FOBS (Food and Drug), Third and C Streets SW., Washington, D.C.

Agenda: Meetings will deal with the quality of pharmaceutical services rendered patients under third party drug insurance programs, with administrative problems, and with the relationships between pharmacists and nursing home operations. These meetings will be open for public observation.

Date: March 14, 1973.

VINCENT R. GARDNER,
Staff Director,
Ad Hoc Interagency Committee.

[FR Doc.73-5524 Filed 3-21-73; 8:45 am]

**SECRETARY'S ADVISORY COMMITTEE ON
POPULATION AFFAIRS**

Notice of Open Meeting

The Advisory Committee on Population Affairs, established to advise the Secretary regarding all significant aspects of family planning and population research activities coming under the purview of the Department of Health, Education, and Welfare, is scheduled to hold a meeting on March 27, 1973. The meeting will be held in the Department's north building located at 330 Independence Avenue SW., Washington, DC, Room 5131. The meeting is scheduled to convene at 9 a.m. and adjourn at 5 p.m.

The Committee will discuss issues related to their first annual report to the Secretary on family planning and population research activities under the purview of the Department of Health, Education, and Welfare.

The meeting is open for public observation.

Dated: March 16, 1973.

LOUIS M. HELLMAN,
Chairman and Executive Secretary.

[FR Doc.73-5523 Filed 3-21-73; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73-45]

**EXXON CORP. AND EXXON
TRANSPORTATION CO.**

**Notice of Registration of House Flag and
Funnel Mark**

MARCH 16, 1973.

1. The Commandant, U.S. Coast Guard, in accordance with the provisions of 46 CFR 67.87-5, issued under the authority of the Act of May 28, 1908, as amended (46 U.S.C. 49), has registered the house flag and funnel mark of the Exxon Corp. and Exxon Transportation Co. as described below.

(a) House Flag—The house flag is of white background and is rectangular in shape. The hoist is 3 feet 3 inches and the fly 6 feet. Superimposed and centered on the white field is the word "Exxon" (with interlocked X's), in red letters, across the top and a blue bar directly below. Proportionate dimensions (the hoist of 3 feet 3 inches being equal in proportion to the figure 1.0) are: fly (left holding line to right holding line), 1.9; width of holding line (top, bottom, left, right), .0052; white field above letters E, O, and N, .1458; height of letters E, O, and N, .3594; height of interlocked X's; stroke which descends from left to right, .5250; left stroke which descends from right to left, .4245; right stroke which descends from right to left, .4740; white field from bottom of letters E, O, and N to blue bar, .2031; height of blue bar, .2500; white field from bottom of blue bar to holding line, .0313; width of white field to left and right of the word Exxon, .1042; width of the word Exxon, 1.6812; width of white field to left and right of blue bar, .0313; and width of blue bar, 1.8270.

(b) Funnel Mark—The funnel is black. Around the funnel is a white band on which there is centered both vertically and horizontally, the Exxon emblem, rectangular in shape with rounded corners. The proportionate dimension (the diameter of the funnel being equal to the figure 1.0) are: Height of funnel, 2.3810; width of white band, .7619; distance from top of funnel to top of band, .5238; distance from bottom of funnel to bottom of band, 1.0952; height of emblem, .5000; distance from top of emblem to top of white band, .1309; distance from bottom of emblem to bottom of white band, .1309; height of letters E, O, and N, .1797; and height of blue bar, .1250.

2. A colored scale replica drawing of the house flag and funnel mark is on file with the office of the Federal Register, National Archives and Records Service.

3. The house flag and funnel mark originally registered on September 24, 1937, in the name of the Standard Oil Co. of New Jersey, a Delaware corporation; reregistered on September 30, 1947, in the names of the Standard Oil Co., a

New Jersey corporation, and the Esso Standard Oil Co., a Delaware corporation; and reregistered on February 9, 1950, in the names of Standard Oil Co., a New Jersey corporation, the Esso Standard Oil Co., a Delaware corporation, and the Esso Shipping Co., a Delaware corporation, is hereby cancelled.

Dated: March 16, 1973.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.73-5495 Filed 3-21-73; 8:45 am]

**National Highway Traffic Safety
Administration**

**NATIONAL MOTOR VEHICLE SAFETY
ADVISORY COUNCIL**

Notice of Public Meeting

On April 11, 1973, the National Motor Vehicle Safety Advisory Council will hold an open technical meeting on passenger car visibility in the Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, DC. The Advisory Council is composed of 22 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder composed of representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers and motor vehicle dealers. The Secretary of Transportation consults with the Advisory Council on motor vehicle safety standards promulgated under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.).

The April 11 technical meeting on "Visibility Requirements of Passenger Cars" is being sponsored by the Advisory Council in order to inform the Council on the issues involved in this subject and to provide a forum for the discussion of passenger car visibility requirements, research, technology, and benefits. The proceedings of the meeting may be used in the development and implementation of future motor vehicle visibility standards, and representatives of the automotive industry, the general public, consumer groups and the National Highway Traffic Safety Administration have been invited to make presentations.

The meeting will be held in room 2239 of the DOT Headquarters Building from 8:30 a.m. to 6 p.m. with the following agenda:

The Importance of Good Driver Visibility in Highway Safety.

Research Presentations on Indirect Visibility.

Research Presentations on Direct Visibility. A Consumer's View of Passenger Car Visibility.

Questions and Answers.
Visibility Proposals—Ford Motor Co.
Visibility Proposals—General Motors Corp.
Practical Considerations for Driver Visibility—Chrysler Corp.

Visibility Requirements—Volkswagen.
Visibility Requirements—Mercedes-Benz.
Questions and Answers.
Summary.

The meeting is independent of any rule making activities conducted by the Department of Transportation and is not a substitute for meetings held at the request of the Department, nor is it a substitute for comments submitted to any rule making docket. The Department does not consider itself responsible for representations made or positions taken at the meeting.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

For further information, contact the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, DC., telephone 202-426-2872.

Issued on March 16, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-5525 Filed 3-21-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Order Providing for Additional Evidentiary Hearing and Designating Location of Hearing

In the matter of Consolidated Edison Company of New York, Inc. (Indian Point Station Unit No. 2), Docket No. 50-247.

On March 8, 1973, at a session of evidentiary hearings in this proceeding, an order was entered and recorded in the transcript for a further session of such hearings to convene at 9 a.m. on Monday, April 9, 1973, at a location later to be designated within Washington, D.C.

Notice is hereby given, in accordance with the requirements of the Atomic Energy Act, as amended, and the rules of practice of the Commission, that a further and possibly final session of evidentiary hearings in this proceeding shall convene at 9 a.m. on Monday, April 9, 1973, in Courtroom No. 24, U.S. District Court, Third and Constitution Avenue NW., Washington, D.C. 20001.

Issued: March 15, 1973, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.73-5412 Filed 3-21-73;8:45 am]

[Docket No. 40-8102]

EXXON CO., U.S.A.

Notice of Availability of Final Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Atomic Energy Commission in 10 CFR Part 50, Appendix D, notice is

hereby given that a document entitled, "Final Statement on Environmental Considerations Related to the Operation of the Highland Uranium Mill by Exxon Company, U.S.A. (formerly Humble Oil & Refining Company)," has been made available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Converse County Library, Douglas, Wyo. The statement is also being made available to the public at the Wyoming State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyo.

The notice of availability of the draft detailed statement for the Highland Uranium Mill and request for comments from interested persons was published in the FEDERAL REGISTER on April 25, 1972 (37 FR 8125). The comments received from Federal agencies, State and local officials, and interested members of the public have been included as appendixes to the final statement.

Single copies of the statement may be obtained by writing to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing.

Dated at Bethesda, Md., this 15th day of March 1973.

For the Atomic Energy Commission.

R. B. CHITWOOD,
Chief, Technical Support
Branch, Directorate of Licensing.

[FR Doc.73-5408 Filed 3-21-73;8:45 am]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT & POWER CO. ET AL.

Notice of Prehearing Conference

In the matter of Iowa Electric Light & Power Co., Central Iowa Power Cooperative, and Corn Belt Power Cooperative (Duane Arnold Energy Center), Docket No. 50-331.

Take notice, pursuant to a "Notice of Hearing Pursuant to 10 CFR 50, Appendix D, section B; * * *" in the above matter appeared on September 30, 1972, in the FEDERAL REGISTER (37 FR 20584), a prehearing conference will be held at the Postal Rate Commission Hearing Room, Suite 500, 2000 L Street NW., Washington, DC, commencing at 10 am, local time, on March 27, 1973.

At that time, consideration will be given to the following:

- (1) Simplification, clarification, and specification of the issues;
- (2) The necessity or desirability of amending the pleadings;
- (3) The obtaining of stipulations and admissions of fact and of the contents and authenticity of documents to avoid unnecessary proof;
- (4) Identification of witnesses and the limitation of the number of expert witnesses, and other steps to expedite the presentation of evidence;

(5) The setting of a hearing schedule; and

(6) Such other matters as may aid in the orderly disposition of the proceeding. The public is invited to attend this proceeding.

Issued at Washington, D.C., this 16th day of March 1973.

ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc.73-5410 Filed 3-21-73;8:45 am]

[Docket No. 50-363]

JERSEY CENTRAL POWER & LIGHT CO. Notice of Evidentiary Hearing

In the matter of Jersey Central Power & Light Co. (Forked River Nuclear Generating Station, Unit 1), Docket No. 50-363.

Take notice, that pursuant to the Atomic Energy Commission's "Notice of Hearing on Application for Construction Permit" dated August 16, 1972, the evidentiary hearing on environmental issues will be held at the Township Meeting Room, Ocean Township Municipal Building, Corner of Railroad Avenue and Corliss Street, Waretown, N.J., on Tuesday, April 17, 1973, commencing at 1 p.m., local time.

All members of the public are invited to attend.

Issued at Washington, D.C., this 15th day of March 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc.73-5414 Filed 3-21-73;8:45 am]

[Docket No. 50-382]

LOUISIANA POWER AND LIGHT CO. Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing, related to the proposed construction of the Waterford Steam Electric Generating Station Unit No. 3 by the Louisiana Power and Light Co. near the town of Taft in St. Charles Parish, about 20 miles west of New Orleans, La., is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the St. Charles Parish Library, Hahnville, La. 70057. The Final Environmental Statement is also being made available at the Commission on Intergovernmental Relations, Post Office Box 44316, Baton Rouge, LA 70804, and at the Secretary of the Teche District Clearinghouse, County Agent, Convent Courthouse, Convent, LA 70723.

The notice of availability of the Draft Environmental Statement for the Waterford Steam Electric Generating Station Unit No. 3, and requests for comments from interested persons was published in the FEDERAL REGISTER on October 31, 1972 (37 FR 23198). The comments received from Federal, State, local and interested members of the public have been included as appendices to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 16th day of March 1973.

For the Atomic Energy Commission.

GORDON K. DICKER,
Chief, Environmental Projects
Branch No. 2, Directorate of
Licensing.

[FR Doc. 73-5376 Filed 3-21-73; 8:45 am]

[Docket No. 50-382A]

LOUISIANA POWER & LIGHT CO.

Notice Changing Time and Place for First Prehearing Conference

In the matter of Louisiana Power & Light Co., Waterford Steam Electric Generating Station, Unit 3, Docket No. 50-382A.

By agreement of all participants, the time and place of the first prehearing conference heretofore scheduled for March 27, 1973, is changed to March 26, 1973, at U.S. District Court, Courtroom 23, Third Street and Constitution Avenue NW., Washington, D.C. 20001, at 10 a.m.

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

It is so ordered.

The Atomic Safety and Licensing Board.

HUGH K. CLARK,
Chairman.

[FR Doc. 73-5609 Filed 3-21-73; 8:45 am]

[Docket No. 50-323]

PACIFIC GAS & ELECTRIC CO.

Notice of Prehearing Conference

In the matter of Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant Unit 2), Docket No. 50-323.

Take notice, pursuant to a "Notice of Hearing Pursuant to 10 CFR 50, Appendix D, section B" in the above matter appeared on December 27, 1972, in the FEDERAL REGISTER (37 FR 28542), a prehearing conference will be held at the Board of Supervisors Chambers, Courthouse Annex, Palm Street, San Luis Obispo, Calif., commencing at 10 a.m., local time, on April 11, 1973.

At that time, consideration will be given to the following:

(1) Simplification, clarification, and specification of the issues;

(2) The necessity or desirability of amending the pleadings;

(3) The obtaining of stipulations and admissions of fact and of the contents and authenticity of documents to avoid unnecessary proof;

(4) Identification of witnesses and the limitation of the number of expert witnesses, and other steps to expedite the presentation of evidence;

(5) The setting of a hearing schedule; and

(6) Such other matters as may aid in the orderly disposition of the proceeding.

The public is invited to attend this proceeding.

Issued at Washington, D.C., this 16th day of March 1973.

ATOMIC SAFETY AND LICENSING BOARD,

ELIZABETH S. BOWERS,
Chairman.

[FR Doc. 73-5411 Filed 3-21-73; 8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued a guide in its regulatory guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.36, "Non-Metallic Thermal Insulation for Austenitic Stainless Steel," is being issued in Division 1, "Power Reactor Guides." This guide describes an acceptable method for the selection and use of nonmetallic thermal insulation for stainless steel portions of the reactor coolant pressure boundary and other systems important to safety in light water cooled reactors.

Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Copies of issued guides may be obtained by request to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Regulatory Standards.

Other Division 1 regulatory guides currently being developed include the following:

- Operating Status Indication for Nuclear Power Plant Safety Systems.
- Availability of Electric Power Sources.
- Preoperational Testing of Redundant Onsite Electric Power Sources to Verify Proper Load Group Assignments.
- Qualification Tests of Continuous-Duty Motors Installed Inside the Containment of Nuclear Power Plants.

Requirements for Instrumentation To Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors.

Shared Emergency and Shutdown Power Systems at Multi-Unit Sites.

Physical Independence of Safety Related Electric Systems.

Isolating Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary.

Assumptions for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors.

Assumptions for Evaluating a Control Rod Drop Accident for Boiling Water Reactors.

Quality Assurance Requirements for Cleaning of Fluid Systems and Associated Components of Nuclear Power Plants.

Quality Assurance Requirements for Packaging, Shipping, Receiving, Storage, and Handling of Items for Nuclear Power Plants.

Housekeeping Requirements for Nuclear Power Plants.

Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Power Plants.

Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations To Withstand Safe Shutdown Earthquake.

Design Basis Floods for Nuclear Power Plants.

Design Phase Quality Assurance Requirements for Nuclear Power Plants.

Qualification Tests of Electric Valve Operators for Use in Nuclear Power Plants.

Fire Protection Criteria for Nuclear Power Plants.

Protective Coatings for Nuclear Reactor Containment Facilities.

Quality Assurance for Protective Coatings Applied to Nuclear Power Plants.

Application of the Single-Failure Criterion to Nuclear Power Generating Station Protective Systems.

Protection Against Pipe Whip Inside Containment.

Additional Material Requirements for Bolting.

Inservice Surveillance of Grouted Prestressing Tendons.

Stainless Steel Overlay Welding.

Design Loading Combinations for Fluid System Components.

Design Loading Combinations for Primary Metal Containment Systems.

Reactor Coolant Pressure Boundary Leak Detection System.

Concrete Placement in Category I Structures.

Control of Sensitized Stainless Steel.

Design Spectra for Seismic Design of Nuclear Power Stations.

Seismic Input Motion to Uncoupled Structural Model.

Control of Preheat Temperature for Low Alloy Steel Welding.

Rules for Inservice Inspection of Class 2 and Class 3 Nuclear Power Plant Components.

Primary Reactor Containment (Concrete) Design and Analysis.

Preservice Testing of In-Situ Valve Systems.

Installation of Over-Pressure Devices.

Nondestructive Examination of Tubular Products.

Category I Structural Foundations.

Maintenance of Water Purity in BWRs.

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

Dated at Bethesda, Md., this 15th day of March 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-5409 Filed 3-21-73;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued a new guide, Regulatory Guide 3.5, entitled "Guide to the Contents of Applications for Uranium Milling Licenses." The guide provides specific guidance on the contents of an application for an AEC Source Material License authorizing uranium milling activities. The new guide is in Division 3, "Fuels and Materials Facilities Guides," of the Regulatory Guide series developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Copies of issued guides may be obtained by writing to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Regulatory Standards.

Other Division 3 Regulatory Guides currently being developed include the following:

- Contents of Technical Specifications for Fuel Reprocessing Plants.
- Preparation of Environmental Reports for Uranium Mills.
- Seismic Design Classification for Plutonium Processing and Fuel Fabrication Plants.
- Monitoring of Combustible Gases and Vapors in Plutonium Processing and Fuel Fabrication Plants.
- Design of Embankment Retention Systems for Uranium Mills.
- Stabilization, Maintenance and Long Term Control of Uranium Mill Tailings Retention Systems.
- Ventilation Systems Criteria for Plutonium Processing and Fuel Fabrication Plants. (5 U.S.C. 552 (a))

Dated at Bethesda, Md., this 13th day of March 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-5413 Filed 3-21-73;8:45 am]

COMMISSION ON CIVIL RIGHTS WASHINGTON 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 Washington State Advisory Committee will convene at 9 a.m. on March 30 and at 9 a.m. on March 31, 1973, at the Seattle Public Library, Main Library Building, Fourth and Madison Streets, Seattle, Wash. 98401. This meeting shall be open to the public and the press.

The purposes of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin which affect Indians residing in the State of Washington with special emphasis in the areas of the administration of justice, health services, Indian treaty rights, and education; to appraise denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin as these pertain to Indians in the State of Washington with special emphasis in the areas of the administration of justice, health services, Indian Treaty Rights, and education; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, or national origin with respect to Indians in the State of Washington with special emphasis in the areas of the administration of justice, health services, Indian treaty rights, and education; and related subjects.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 13, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.73-5509 Filed 3-21-73;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1973

Corrections

Notice is hereby given of the following corrections to Procurement list 1973, March 12, 1973 (38 FR 6742). Corrections are in *italics*.

COMMODITIES

Class	Description	Each	
		East	West
Class 7210:			
	Bedspring (IB) 7210-582-0984	\$23.30	\$24.09
Class 7920:			
	Mop, Wet (IB)		

SERVICES

Description	Price list available from FMDS, GSA Region 7.
Furniture Rehabil-	
tation,	
Lackland Air Force	
Base and	
Randolph Air Force	
Base,	
San Antonio, Tex.	
(GI).	

MILITARY RESALE COMMODITIES

Class	Description	Package
Class 7210:		
	Cloth, All Purpose, Package of 2 (IB)	
	7210-B510-981	\$0.38
	Cloth, Dish, Package of 2 (IB) 7210-B510-942	0.33
	Cloth, Polishing and Dusting, Package of 2 (IB) 7210-B510-982	0.37
	Cloth, Wash, Package of 2 (IB) 7210-B510-984	0.40
	Towel, Kitchen, Package of 2 (IB) 7210-B510-945	0.72
Class 7220:		Each
	Mat, Floor (IB)	
	7220-B510-992	\$1.79
Class 7330:		
	Delete:	
	Can Opener, Liquipour (IB)	
	Substitute:	Set
	Opener, Pour and Store, Set (IB)	
	7330-B510-988	\$1.29
	Mitt, Oven (IB)	Each
	7330-B510-949	\$0.38
	Potholder (IB)	Each
	7330-B510-946	\$0.20
Class 7920:		
	Bag, Laundry (IB)	Each
	7920-B510-967	\$1.79
	Broom, Whisk (IB)	Each
	7920-B510-909	\$0.67
	Mop, Block Sponge (IB)	Each
	7920-B510-924	\$1.88
Class 8450:		Package
	Bib, Terrycloth, Package of 2 (IB)	
	8450-B510-985	\$0.51

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-5551 Filed 3-21-73;8:45 am]

COST OF LIVING COUNCIL

[Cost of Living Council Order No. 15B]

COMMISSIONER OF INTERNAL REVENUE

Delegation of Authority

Pursuant to the authority delegated to the Director by Cost of Living Council Order No. 14 (38 FR 1489, January 12, 1973) it is hereby ordered as follows:

1. There is hereby delegated to the Commissioner of Internal Revenue (the Commissioner), subject to the policy guidance and direction of the Director of the Cost of Living Council, the authority to sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths, all in accordance with section 206 of the Economic Stabilization Act of 1970, as amended, for the purpose of exercising any authority delegated to the Commissioner by Cost of Living Council Order No. 15, paragraph 1(d) (38 FR 1489, January 12, 1973).

2. The Commissioner may redelegate to any official of the Internal Revenue Service any authority under this order.

3. The authority hereby delegated is in addition to the authority delegated to the Commissioner by Council Orders No. 15 and 15A.

Issued in Washington, D.C., on March 16, 1973.

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

[FR Doc.73-5465 Filed 3-21-73;8:45 am]

[Cost of Living Council Order No. 23]

GENERAL COUNSEL

Delegation of Authority

Pursuant to the authority vested in the Director of the Cost of Living Council by Cost of Living Council Order No. 14, it is hereby ordered as follows:

1. There is hereby delegated to the General Counsel, subject to the general policy guidance of and in coordination with the Director of the Cost of Living Council, or his delegate, authority to—

(a) Represent the Cost of Living Council and make recommendations to the Department of Justice with respect to litigation in which the Cost of Living Council is a party;

(b) Make recommendations to the Department of Justice as to the prosecution of violations and the handling of all other court proceedings relating to the regulations and orders of the Cost of Living Council;

(c) Compromise and collect civil penalties for violations of the regulations and orders of the Cost of Living Council;

(d) Issue legal opinions and interpretations of the regulations, decisions, and orders of the Cost of Living Council and on the laws relating thereto; and

(e) Consider and decide all appeals from adverse determinations of Economic Stabilization matters by the Internal Revenue Service.

2. This order shall be effective March 16, 1973.

JAMES W. McLANE,
Deputy Director.

[FR Doc.73-5464 Filed 3-21-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

NOR-AM AGRICULTURAL PRODUCTS, INC.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408 (d) (1), 409(b) (5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d) (1), 348(b) (5)), notice is given that a pesticide petition (PP 3F1351) has been filed by NOR-AM Agricultural Products, Inc., 11710 Lake Avenue, Woodstock, IL 60098, proposing establishment of tolerances (40 CFR Part 180) for residues of the insecticide formetanate hydrochloride (*m*-[[dimethylamino)methylene]amino]phenyl methylcarbamate hydrochloride) and its metabolites containing the *m*-aminophenol moiety (calculated as formetanate hydrochloride) in or on grapes at 5 parts per million; liver and kidney of cattle, goats, hogs, horses, poultry, and sheep at 0.1 part per million; meat, fat, and

meat byproducts (excluding liver and kidney) of cattle, goats, hogs, horses, poultry, and sheep; milk; and eggs at 0.05 part per million.

Notice is also given that the same firm has filed a related food additive petition (FAP 3H5025) proposing establishment of food additive tolerances (21 CFR Part 121) for residues of formetanate hydrochloride and its metabolites containing the *m*-aminophenol moiety in or on dried grape pomace and raisin waste at 45 parts per million and raisins at 20 parts per million resulting from application of the insecticide to growing grapes.

The analytical methods proposed in the pesticide petition for determining residues of the insecticide are procedures in which residues are (a) hydrolyzed to 3-aminophenol, which is brominated to 2,4,6-tribromo-3-aminophenol and determined using a gas chromatograph equipped with an electron-capture detector or (b) hydrolyzed to 3-aminophenol and then analyzed colorimetrically by diazotization and coupling with *N*-1-naphthylenediamine dihydrochloride.

Dated: March 13, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-5419 Filed 3-21-73;8:45 am]

VELSICOL CHEMICAL CORP.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 3H5026) has been filed by Velsicol Chemical Corp., 341 East Ohio Street, Chicago, IL 60611, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the insecticide chlordane (1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,4,7,7a-hexahydro-4,7-methanoindene containing not more than 1 percent of the intermediate compound hexachlorocyclopentadiene) expressed as the sum of *cis*- and *trans*-chlordane, heptachlor epoxide, and nonachlor in or on cotton seed hulls at 0.4 part per million resulting from application of the insecticide to growing cotton.

Dated: March 14, 1973.

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

[FR Doc.73-5421 Filed 3-21-73;8:45 am]

VELSICOL CHEMICAL CORP.

Notice of Withdrawal of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 Withdrawal of petitions without prejudice of the procedural food additive regulations

(21 CFR 121.52), Velsicol Chemical Corp., 341 East Ohio Street, Chicago, IL 60611, has withdrawn its petition (FAP 1H2600), notice of which was published in the FEDERAL REGISTER of November 6, 1970 (35 FR 17138), proposing establishment of a food additive tolerance (21 CFR Part 121) of 0.5 part per million in crude soybean oil for residues of the insecticide chlordane (1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,4,7,7a-hexahydro-4,7-methanoindene containing not more than 1 percent of the intermediate compound hexachlorocyclopentadiene) resulting from application of the insecticide to growing soybeans.

Dated: March 13, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-5420 Filed 3-21-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Mexican List 269]

MEXICAN STANDARD BROADCAST STATIONS

Notification List

Correction

In FR Doc. 73-4606 appearing on page 6719 of the issue for Monday, March 12, 1973, the following changes should be made in the table:

1. The first entry in the second column, Location, now reading "San Cristobal, las Casas, Chis.", should read "San Cristobal las Casas, Chis."
2. The second entry in the third column, Power watts, under 830 kHz, now reading "1000", should read "10,000".

NATIONAL INDUSTRY ADVISORY COMMITTEE, BROADCAST SERVICES SUBCOMMITTEE

Notice of Meeting

Pursuant to the provisions of Public Law 92-463, announcement is made of a public meeting of Working Group III, Broadcast Services Subcommittee, National Industry Advisory Committee, to be held Thursday, April 5, 1973. The working group will meet at 1229 20th Street NW., Washington, DC, Room A-110 at 10 a.m.

Purpose. To prepare and submit recommendations to the Federal Communications Commission concerning voluntary organized industry participation in the Emergency Broadcast System.

Agenda. The agenda for the meeting is, as follows:

Item

1. Review of provisions of Standing Operating Procedure (SOP) No. 1.
2. Review of provisions of Standing Operating Procedure (SOP) No. 3.
3. Review of provisions of the Non-Government Activation and Termination Procedures for the Emergency Broadcast System.

4. Review of interconnection arrangements for National Public Radio (NPR) and Public Broadcasting Service (PBS).
5. Review of FCC rules (Part 73-Subpart G) pertaining to Standing Operating Procedures (SOP's) and National-Level interconnection arrangements.

It is suggested that those desiring more specific information about the meeting telephone the Emergency Communications Division 202-632-7232.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5547 Filed 3-21-73;8:45 am]

**PBX TECHNICAL STANDARDS
SUBCOMMITTEE**

Notice of Public Meeting

MARCH 13, 1973.

In accordance with Public Law 92-463, announcement is made of a public meeting of the Technical Standards Subcommittee of the PBX Standards advisory Committee to be held March 27 and 28 in room 847, 1919 M Street NW., Washington, DC, and on the sixth floor at 2025 M Street NW., Washington, DC, March 29. The meeting will commence at 10 a.m.

1. *Purpose.* The purpose of this Subcommittee is to prepare recommended standards and procedures to permit the interconnection of customer provided and maintained PBX equipment to the public switched network without the need for carrier provided connecting arrangements.

2. *Activities.* As at prior meetings, Subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered with respect to the interconnection of PBX equipment to the public telephone network.

3. *Agenda.* The agenda for the March 27-29 meeting will be as follows:

- Presentation of Task Force reports.
- Review of Task Force reports on interface criteria, equipment standards for non-barrier PBX, equipment on-site inspection standards, and followup program for manufacturing.
- Review of priorities and schedule plan for the next meeting.

It is suggested that those desiring more specific information about the meeting call the Domestic Rates Division on 202-632-6457.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5549 Filed 3-21-73;8:45 am]

**TECHNICAL ADVISORY COMMITTEE;
PANEL 4, CLASS II CHANNELS**

Notice of Open Meeting

MARCH 8, 1973.

Panel 4 (Class II Channels) of the Cable Television Technical Advisory

Committee will hold an open meeting on Friday, March 23, 1973, at 10 a.m. The meeting will be held in Room 847S of the FCC building, 1919 M Street NW., Washington, DC.

The agenda will include discussions of activities to date, reports of other industry committees, areas of overlap and coordination with other C-TAC panels, tasks to be accomplished, and assignment of panel members to work on specific tasks.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5548 Filed 3-21-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8011]

CAROLINA POWER & LIGHT CO.

Proposed Changes in Rates and Charges

MARCH 15, 1973.

Take notice that Carolina Power & Light Co. (Carolina), on January 31, 1973, tendered for filing supplements to Carolina's contracts with customers. The rate schedule numbers for such contracts are FPC Nos. 47, 48, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67. The supplements amend the contracts with various cooperatives to allow the cooperatives to receive power from another source upon reasonable written notification to the company and agreement by the parties on such measures or conditions, if any, as may be required for the protection and liability of both systems.

The proposed effective date of the supplements contained in the filing is 30 days after filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 3, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5516 Filed 3-21-73;8:45 am]

[Docket No. RP71-18 etc.]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in Rates and Charges

MARCH 15, 1973.

Take notice that Columbia Gas Corp. (Columbia) on February 26, 1973, tendered for filing two sets of proposed

changes in its FPC Gas Tariff. Original Volume No. 1. Both sets of tariff sheets are submitted in response to the Commission's order issued February 9, 1973, in Docket No. RP71-18 et al., and contain proposed increased rates and charges tracking advance payments pursuant to Article V of Columbia's stipulation and agreement approved by the Commission in order issued October 19, 1972, in Docket No. RP71-18 et al. Together, the two filings would increase jurisdictional rates in the amount of \$1.9 million annually, based upon sales for the 12-month period ended October 31, 1972, and reflect a \$15.2 million increase in advance payments to producers as permitted by Article V.

The first set of tariff sheets reflects that portion of the \$1.9 million rate increase which was approved by the Commission's order of February 9, and are proposed by Columbia to become effective as of February 10, 1973, as permitted by the order. The second set of tariff sheets reflects the remaining portion of the proposed \$1.9 million rate increase which was made subject to hearing and suspended for 1 day by the Commission's order. In addition, Columbia filed a motion pursuant to section 4(e) of the Natural Gas Act to make the second set of tariff sheets effective as of February 11, 1973, at the end of the 1-day suspension period, in accordance with the provisions of the February 9 order. Columbia requests waiver of the requirements of § 154.67(a) of the Commission's regulations under the Natural Gas Act so as to permit the second set of tariff sheets to become effective as of February 11, 1973.

Comments or protests relating to the proposed changes in rates and charges may be filed with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, on or before March 30, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5517 Filed 3-21-73;8:45 am]

[Rate Schedule No. 3, etc.]

CONTINENTAL OIL CO. ET AL.

Notice of Rate Change

MARCH 20, 1973.

Take notice that the producers listed in the appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before April 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in

determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in

any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Mar. 9, 1973	Continental Oil Co.	3	Tennessee Gas Pipeline Co.	Carthage Field, Panola County, Tex. RR. No. 6, Other southwest area.
Mar. 9, 1973	Phillips Petroleum Co.	17	Natural Gas Pipeline Company of America.	Texas GC.
Mar. 15, 1973	Getty Oil Co.	45	Loon Star Gas Co.	Shoalem Aiechem Field, Carter County, Okla. Other southwest area.

[FR Doc.73-5622 Filed 3-21-73; 8:45 am]

[Docket No. RP72-150 etc.]

EL PASO NATURAL GAS CO.

Postponement of Procedural Dates

MARCH 14, 1973.

On March 2, 1973, El Paso Natural Gas Co. (El Paso), filed a motion requesting an indefinite postponement of the procedural dates in the above-designated matter (Dockets Nos. RP72-150, RP72-151, RP72-155). On March 9, 1973, Commission Staff Counsel filed an answer opposing a postponement of more than 3 weeks and stating that it would be ready to serve its evidence on March 16, 1973. Answers in support of El Paso's motion were filed by Southwest Gas Corp., San Diego Gas & Electric Co., and Pacific Gas and Electric Co. On March 12, 1973, El Paso filed a telegram amending its motion to provide that Commission staff's evidence be filed on March 16, 1973, and that the remaining procedural dates be postponed consistent with its motion. On March 13, 1973, El Paso filed a letter suggesting, in view of Commission staff's readiness to serve its evidence on March 16, that the remaining procedural dates be postponed 3 weeks.

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

- Service of staff's evidence, March 16, 1973 (no change in date).
- Service of interveners' evidence, April 27, 1973.
- Service of El Paso's rebuttal evidence, May 11, 1973.
- Hearing and commencement of cross-examination, May 22, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5402 Filed 3-21-73; 8:45 am]

[Docket No. E-8067]

KANSAS POWER & LIGHT CO.

Notice of Initial Rate Schedules

MARCH 14, 1973.

Take notice that the Kansas Power & Light Co. (KPL) on March 5, 1973, tendered for filing initial rate schedules, to be filed as a supplemental rate sched-

ule to KPL Rate Schedule FPC No. 123. The proposed effective date of the rates contained in the filing is June 1, 1973. KPL alleges that the rate schedule provides participation power service capacity in the amount of twenty-seven (27) megawatts to be made available to Central Kansas Power Co., Inc., (CKP) from KPL Lawrence Unit No. 5 of the period June 1, 1973, through May 31, 1974. KPL states that due to unknown requirements, an estimate of revenues from energy sales cannot be made at this time and the capacity charge for 27,000 kw. will be \$33,750 per month. KPL further states that copies of the proposed rate schedule have been furnished to the president of CKP and the Kansas State Corporation Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 29, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5403 Filed 3-21-73; 8:45 am]

[Docket No. CP72-26]

MICHIGAN WISCONSIN PIPE LINE CO.

Application to Amend

MARCH 14, 1973.

Take notice that on March 7, 1973, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), One Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP72-26, pursuant to section 7(c) of the Natural Gas Act, an appli-

cation to amend further the Commission's order issued November 4, 1971, in said docket (46 FPC 1138), as amended May 19, 1972 (47 FPC —), by authorizing an increase in the daily and annual storage service rendered to Central Indiana Gas Co., Inc. (Central Indiana), all as more fully set forth in the application to amend further which is on file with the Commission and open to public inspection.

The order of November 4, 1971, as amended, authorized an annual storage volume for Central Indiana of 1,500,000 Mcf with a redelivery rate of up to 15,000 Mcf daily during the period from November 1 through the next succeeding February 28. Michigan Wisconsin states that it has entered into second amendatory agreement, dated February 21, 1973, with Central Indiana providing for an increase in annual storage volume from 1,500,000 Mcf to 2,900,000 Mcf and an increase in the daily redelivery rate from 15,000 Mcf to 29,000 Mcf. During the period March 1 through October 31, Central Indiana will supply Michigan Wisconsin with the additional gas for storage injection from Central Indiana's present annual entitlement from its supplier, Panhandle Eastern Pipeline Co.

The application indicates that Central Indiana's firm gas requirements continue to grow and that Central Indiana has been informed that it must expect significant curtailments of deliveries from Panhandle which will further affect Central Indiana's ability to meet its firm requirements. Consequently, Michigan Wisconsin states that Central Indiana has requested the increased storage service.

Any person desiring to be heard or to make any protest with reference to said application to amend should on or before April 9, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5404 Filed 3-21-73; 8:45 am]

[Docket No. CI73-603]

PHILLIPS PETROLEUM CO.

Notice of Application

MARCH 19, 1973.

Take notice that on March 9, 1973, Phillips Petroleum Co. (Applicant), Bartlesville, Okla. 74004, filed in Docket No. CI73-603 an application pursuant to

section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas to Northern Natural Gas Co. from Applicant's Benedum and Spraberry Plants in Upton and Midland Counties, Tex., respectively, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced a sale of natural gas from the Benedum Plant on February 16, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it intends to make an emergency sale from the Spraberry Plant within the contemplation of said regulation. Applicant proposes to continue each sale for 10 months from the end of the 90-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant would sell approximately 9,000 Mcf of gas per month at \$0.40 per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment.

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

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. PLUMS,
Secretary.

[FR Doc.73-5519 Filed 3-21-73;8:45 am]

TENNESSEE GAS PIPELINE CO.

Notice of Proposed Changes in Rates and Charges

MARCH 20, 1973.

Take notice that on March 2, 1973, Tennessee Gas Pipeline Co. (Tennessee) tendered for filing a gas sales contract dated December 1, 1972, between Tennessee as seller, and Consolidated Gas Supply Corp., as buyer. Tennessee requested that the gas sales contract become effective 30 days after filing. Tennessee states that this contract is being filed to reflect (a) Tennessee's conversion from a pressure base of 15.025 p.s.i.a. to a pressure base of 14.73 p.s.i.a., as authorized by the Commission at Tennessee's Docket No. RP71-6, (b) a corrected description of Tennessee's Rate Schedule CD-4 delivery point to Consolidated Gas at No. (2) to Main Line Valve 313A-202 from Main Line Valve 3136-102, and (c) the inclusion of the Marillo delivery point as authorized by the Commission by its order of November 3, 1970 at Docket No. CP71-46.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 4, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMS,
Secretary.

[FR Doc.73-5623 Filed 3-21-73;8:45 am]

[Docket No. CI73-604]

TEXACO INC.

Notice of Application

MARCH 19, 1973.

Take notice that on March 12, 1973, Texaco Inc. (Applicant), Post Office Box 52332, Houston, TX 77052, filed in Docket No. CI73-604 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corporation from the Long Mott Field, Calhoun County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on March 6, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 1 year within the contemplation of § 2.70 of the Commission's general policy and interpreta-

tions (18 CFR 2.70). Applicant proposes to sell approximately 45,000 Mcf of gas per month at \$0.40 per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment. Estimated initial upward B.t.u. adjustment is \$0.01 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 April 3, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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. PLUMS,
Secretary.

[FR Doc.73-5521 Filed 3-21-73;8:45 am]

[Docket No. CP69-199]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Proposed Changes in Rates and Charges

MARCH 14, 1973.

Take notice that on February 26, 1973, Transcontinental Gas Pipe Line Co. (Transco) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 2, First Revised Sheet No. 351 of said tariff. Transco states that a transportation agreement between Transco and Southern Natural Gas Co. (Southern) dated December 11, 1968, was amended on October 4, 1972, by changing its term and by increasing the rate to be charged for such transportation. Transco alleges that Southern will pay Transco a transportation charge of \$0.08 per Mcf.

Transco states that the amendment was authorized by the Commission by order issued January 29, 1973, in that docket. This sheet has a proposed effective date of January 29, 1973, and the Commission is requested to waive such provisions of its rules and regulations and grant whatever special permissions as may be required to permit this filing to become effective on such date.

Transco further states a copy of this filing is being mailed to Southern this date.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5405 Filed 3-21-73; 8:45 am]

[Docket No. E-8025]

UPPER PENINSULA GENERATING CO.

Notice of Application

MARCH 15, 1973.

Take notice that on February 7, 1973, Upper Peninsula Generating Co. (Applicant), filed an application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to issue unsecured promissory notes not to exceed \$15 million face value at any one time outstanding.

The Applicant is incorporated under the laws of the State of Michigan with its principal business office at Houghton, Mich. and is engaged in the generation of electric energy for sale only to Upper Peninsula Power Co. and the Cliffs Electric Service Co.

The Applicant proposes to issue unsecured promissory notes, payable to such bank or banks from which the Applicant may borrow for periods not exceeding 12 months from the date of original issue or renewal thereof, as the case may be, such notes, issued either originally or upon renewal from time to time, to have maturity dates not later than July 1, 1975.

The interest rate on the notes to be issued to commercial banks not for resale to the public will be at a rate not exceeding one-half of 1 percent over the floating prime rate in effect from time to time, meaning by "prime rate" the lowest rate at which the banks to whom the

notes are payable are then making short term commercial loans to depositors.

The proceeds from the sale of the notes will be used, pending permanent financing, to finance the buildup of its coal stock to last through the nonnavigation months and to finance a portion of the Applicant's construction program for the years 1973 through 1975 having an estimated cost of \$41,981,200.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 28, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5520 Filed 3-21-73; 8:45 am]

FEDERAL RESERVE SYSTEM

ALABAMA BANK OF GUIN

Order Approving Application for Merger of Banks

Alabama Bank of Guin, Guin, Ala., a proposed State member bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with Marion County Banking Co., Guin, Ala., under the name of Marion County Banking Co.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application in light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's order of this date relating to the application of The Alabama Financial Group, Inc., to acquire the successor by merger to Marion County Banking Co., provided that said merger shall not be consummated: (a) Before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,
effective March 13, 1973.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-5505 Filed 3-21-73; 8:45 am]

ALABAMA FINANCIAL GROUP, INC. Order Approving Acquisition of Bank

The Alabama Financial Group, Birmingham, Ala., 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 the successor by merger to Marion County Banking Company, Guin, Ala. (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, the fourth largest banking organization in Alabama, controls four banks¹ with deposits totaling approximately \$514.5 million, representing 8.4 percent of the commercial banking deposits in the State. (All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved by the Board through December 31, 1972.)

Bank (\$14.8 million in deposits), the largest of five banks in Marion County (which approximates the relevant banking market), controls 45.3 percent of the county deposits. Applicant's closest subsidiary to Bank is located 85 miles away. There is no meaningful competition between any of applicant's subsidiary banks and Bank, nor does it appear likely that such competition will develop in the future in the light of the distances separating Bank from applicant's subsidiaries, the number of intervening banks, and the fact that the market is not attractive for de novo entry. This proposal represents the initial entry of a holding company into the market. Despite the size of Bank's market share, it has not

¹ Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, and Bucher. Absent and not voting: Chairman Burns and Governors Deane and Sheehan.

² Applicant also has a pending application to acquire the successor by merger to First National Bank of Anniston, Anniston, Ala. (deposits of \$61.7 million).

been an aggressive competitor in the past. Bank does not appear to be dominant in the market and four other vehicles remain for entry. Consummation of the proposal would not appear to have an adverse effect on any competing bank and the Board concludes that competitive considerations are consistent with approval.

The financial and managerial resources of Bank and of applicant are regarded as satisfactory and future prospects of both appear favorable. Accordingly, considerations relating to the banking factors are consistent with approval. Applicant proposes to assist Bank in arranging loan participation which should enable Bank to undertake loans in excess of its current lending limit thereby increasing the capacity of Bank to fulfill the capital needs of the area's new and expanding industry and to make the expertise of its staff available to Bank. Considerations relating to the convenience and needs of the community to be served lend weight toward approval. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated: (a) Before 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 Atlanta pursuant to delegated authority.

By order of the Board of Governors,² effective March 13, 1973.

[SEAL] **TYNAN SMITH,**
Secretary of the Board.
[FR Doc.73-5422 Filed 3-21-73;8:45 am]

DOMINION BANKSHARES CORP. **Acquisition of Bank**

Dominion Bankshares Corp., Roanoke, Va., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the First National Exchange Bank of Washington County (Bank), Bristol, Va., a proposed new bank. 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)).

In a related matter, Applicant intends to present to the Comptroller of the Currency an application authorizing Bank to purchase certain of the assets and assume certain of the liabilities of the Bristol branch offices of Applicant's largest banking subsidiary. The First National Exchange Bank of Virginia,

² Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, and Bucher. Absent and not voting: Chairman Burns and Governors Daane and Sheehan.

Roanoke, Va. However, the proposed acquisition of shares of Bank is not contingent upon the Comptroller's approval of the purchase of any of the assets of or the assumption of the liabilities of the Bristol branch offices of The First National Exchange Bank of Virginia.

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 11, 1973.

Board of Governors of the Federal Reserve System, March 15, 1973.

[SEAL] **CHESTER B. FELDBERG,**
Assistant Secretary of the Board.
[FR Doc.73-5423 Filed 3-21-73;8:45 am]

FIRESTONE BANCORP, INC.

Formation of One-Bank Holding Company

Firestone Bancorp, Inc., Akron, Ohio, 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 Firestone Bank, Akron, Ohio. 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 Cleveland. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than April 4, 1973.

Board of Governors of the Federal Reserve System, March 14, 1973.

[SEAL] **MICHAEL A. GREENSPAN,**
Assistant Secretary of the Board.
[FR Doc.73-5424 Filed 3-21-73;8:45 am]

MERCANTILE BANKSHARES CORP. **Acquisition of Bank**

Mercantile Bankshares Corp., Baltimore, Md., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the Citizens National Bank, Laurel, Md. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 9, 1973.

Board of Governors of the Federal Reserve System, March 13, 1973.

[SEAL] **CHESTER B. FELDBERG,**
Assistant Secretary of the Board.
[FR Doc.73-5425 Filed 3-21-73;8:45 am]

REPUBLIC OF TEXAS CORP.

Formation of Bank Holding Company

Republic of Texas Corp., Dallas, Tex., 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 Republic National Bank of Dallas, Dallas, Tex. In addition, Applicant will become the indirect owner of 29.99 percent of the voting shares of Oak Cliff Bank and Trust Co., Dallas, Tex., and 6 percent of the voting shares of First National Bank, Wills Point, Tex., as well as between 9.99 percent and 25 percent of the following commercial banks: First Security Bank and Trust Co., Carrollton; Bank of Dallas, Dallas; Fair Park National Bank of Dallas, Dallas; Greenville Avenue State Bank, Dallas; Hillcrest State Bank of University Park, Dallas; Lakewood Bank and Trust Co., Dallas; North Central Bank, Dallas; Northwest National Bank of Dallas, Dallas; Preston State Bank, Dallas; Royal National Bank of Dallas, Dallas; Village Bank, National Association, Dallas; First National Bank of Duncanville, Duncanville; First National Bank in Garland, Garland; Midway National Bank of Grand Prairie, Grand Prairie; Citizens National Bank of Greenville, Greenville; First National Bank of Irving, Irving; Bank of Lancaster, Lancaster; First National Bank in Mineral Wells, Mineral Wells; First National Bank of Plano, Plano; and the Citizens State Bank, Richardson, all in Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 9, 1973.

Board of Governors of the Federal Reserve System, March 13, 1973.

CHESTER B. FELDBERG,
Assistant Secretary of the Board.
[FR Doc.73-5426 Filed 3-21-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.;
Temporary Reg. F-172]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to

represent the consumer interests of the executive agencies of the Federal Government in a telecommunications services rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Michigan Public Service Commission in a proceeding involving the application of Michigan Bell Telephone & Telegraph Co. for a telecommunications rate increase.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Acting Administrator
of General Services.

MARCH 15, 1973.

[FR Doc.73-5467 Filed 3-21-73;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

CALIFORNIA

Amendment to Major Disaster Notice

Notice of Major Disaster for the State of California, dated February 13, 1973, and published February 20, 1973 (38 FR 4694) is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 8, 1973:

The county of:

Ventura

Dated: March 16, 1973.

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

[FR Doc.73-5476 Filed 3-21-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

MARCH 15, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.01 par value, and all other securities

of Accurate Calculator Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 16, 1973, through March 25, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5477 Filed 3-21-73;8:45 am]

[File No. 500-1]

CLINTON OIL CO.

Order Suspending Trading

MARCH 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.03½ par value, and all other securities of Clinton Oil Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 18, 1973, through March 27, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5478 Filed 3-21-73;8:45 am]

[File No. 500-1]

DCS FINANCIAL CORP.

Order Suspending Trading

MARCH 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.10 par value, and all other securities of DCS Financial Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 19, 1973 through March 28, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5480 Filed 3-21-73;8:45 am]

[70-5314]

EASTERN UTILITIES ASSOCIATES

Proposed Amendment of Declaration of Trust and Order Authorizing Solicitation of Proxies

MARCH 15, 1973.

Notice is hereby given that Eastern Utilities Associates (EUA), Post Office Box 2333, Boston, MA 02107, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated, thereunder as applicable to the proposals. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

EUA proposes to amend its Declaration of Trust in order to broaden the indemnification of its trustees and officers against liabilities and expenses, including counsel fees, imposed or reasonably incurred in connection with litigation or threatened litigation in which a trustee or officer may be involved by reason of his position. It would also provide for similar indemnification of persons who serve at EUA's request as directors, officers or trustees of another organization in which EUA has an interest. Under the proposed provisions, indemnification would be withheld as to any matter as to which the trustee or officer is adjudicated "not to have acted in good faith in the reasonable belief that his action was in the best interests of the association." It is stated that the proposal conforms to the express statutory standard which a business corporation organized under the laws of Massachusetts is permitted to establish for indemnification of its directors and officers and that the proposed provisions are consistent with the Massachusetts law on this subject.

EUA intends to submit the proposed amendment of its Declaration of Trust to its shareholders for their approval at its annual meeting of shareholders to be held on April 23, 1973. In connection therewith, EUA proposes to solicit proxies from the holders of its common stock through the use of solicitation material which sets forth the proposed amendment in detail. The declaration states that the favorable vote of the holders of two-thirds of the common shares of EUA outstanding and entitled to vote will be required for the proposed amendment and that EUA now has outstanding 2,784,945 common shares.

The fees and expenses incurred and to be incurred in connection with the proposed transactions are to be filed by amendment. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

EUA has requested that the effectiveness of its declaration with respect to the solicitation of proxies from the preferred stockholders be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than April 13, 1973, request in writing that a hearing be held with respect to the proposed amendment of the Declaration of Trust, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that EUA's declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62 and that jurisdiction should be reserved with respect to the fees and expenses thereof:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and hereby is, permitted to become effective forthwith pursuant to Rule 62 and that jurisdiction be, and hereby is, reserved with respect to the fees and expenses thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc. 73-5488 Filed 3-21-73; 8:45 am]

[File No. 500-1]

FIRST LEISURE CORP.
Order Suspending Trading

MARCH 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.10 par value and all other securities of First Leisure Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities

otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 17, 1973 through March 26, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc. 73-5481 Filed 3-21-73; 8:45 am]

[File No. 500-1]

FIRST WORLD CORP.
Order Suspending Trading

MARCH 15, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the class A and class B common stocks, \$0.15 par value, and all other securities of First World Corporation 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 March 16, 1973 through March 25, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc. 73-5482 Filed 3-21-73; 8:45 am]

[File No. 500-1]

GOODWAY, INC.
Order Suspending Trading

MARCH 16, 1973.

The common stock, \$0.10 par value of Goodway, Inc., being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Goodway, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 19, 1973, through March 28, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc. 73-5483 Filed 3-21-73; 8:45 am]

[812-3376]

**LIFE INSURANCE CO. OF NORTH AMERICA
AND LIFE INSURANCE CO. OF NORTH
AMERICA SEPARATE ACCOUNT A**

Notice of Application

MARCH 16, 1973.

Notice is hereby given that Life Insurance Co. of North America (LINA), a stock life insurance company organized under the laws of the State of Pennsylvania, and Life Insurance Co. of North America Separate Account A (Separate Account), 1600 Arch Street, Philadelphia, PA 19101, a unit investment trust registered under the Investment Company Act of 1940 (Act), (hereinafter called "Applicants"), have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicants from certain provisions of sections 22(d), 26(a) and 27(c) (2) of the Act, and for approval of an offer of exchange under sections 11(a) and 11(c), as described below. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

LINA established Separate Account on June 18, 1968, pursuant to the laws of Pennsylvania, as a facility through which it sets aside and invests assets attributable to variable annuity contracts (Contracts) issued by LINA to certain persons who qualify for tax deferred benefits under sections 401, 403(a) and 403(b) of the Internal Revenue Code of 1954, as amended (Code). Applicants also offer variable annuity contracts to persons who may not qualify for similar tax treatment. Under Pennsylvania law, the income, gains, and losses of Separate Account are credited to or charged against the amounts allocated to it in accordance with the Contracts, without regard to any other income, gains, or losses of LINA or arising out of any other business LINA may conduct.

Net purchase payments under Contracts issued by LINA are allocated to one of five divisions of the Separate Account and are invested in shares of Decatur Income Fund, Inc., National Investors Corp., Oppenheimer Fund, Inc., Trustees' Equity Fund, or Dreyfus Third Century Fund (collectively called "Fund" or "Funds"), which are open-end diversified management investment companies registered under the Act. Purchasers of Contracts may also allocate a portion of their net purchase payments to the LINA fixed accumulation account to provide for a fixed annuity.

In the event the shares of any Fund become unavailable or if in the opinion of LINA the investment policies or other policies of such Fund are no longer compatible with the objectives of the Contracts offered by Applicants, LINA may, with the prior approval by a majority of the votes cast by persons having a voting interest in the affected Fund and the prior approval of the Securities and

Exchange Commission, substitute such Fund with another.

SECTION 11(a)

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants request an order under sections 11(a) and 11(c) to permit, under the Group Variable Annuity Contract, the Single Premium Deferred Variable Annuity Contract, the Installment Premium Variable Annuity Contract and the Flexible Premium Variable Annuity Contract, the transfer of the total value of a Separate Account Division to another Separate Account Division prior to the annuity starting date, provided that no transfer may be made within 1 year of a previous transfer or within a year from date of issue of the contract, except that a final transfer may be made 1 month prior to the date annuity payments commence without regard to the 1-year limitation. This substitution of shares of one underlying Fund for the shares of another participating Fund will be on the basis of relative net asset value of the Funds without an additional sales charge or administrative charge.

Applicants represent that the right to substitute the shares of one underlying Fund for another will permit the contract owner or participant to choose a Fund having different investment objectives from those of the Fund which was previously selected, such objectives being more suitable to the participant's retirement needs than the other.

Applicants request exemptions from the following provisions of the Act to the extent set forth below:

SECTION 22(d)

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus.

1. Applicants wish to permit, with the exception of the Single Premium Immediate Variable Annuity Contract, transfer of the total or partial value of the fixed accumulation account to a specified Separate Account Division prior to the annuity starting date, provided that no transfer may be made within 1 year of a previous transfer or within 1 year from the date of issue of the

contract and no partial transfer may be made if the value of the account from which amounts are transferred is less than \$250 after such transfer. Any such transfer would be made without the imposition of any additional sales and administrative charge. Applicants request an exemption from section 22(d) to the extent necessary to permit such transfer without the imposition of a sales and administrative charge.

Applicants represent that the imposition of an additional sales and administrative charge would be inequitable, because a sales and administrative charge has already been paid with respect to the amounts being transferred. Imposition of an additional charge would subject some participants to higher charges than others who had paid the exact same amount of dollars under an identical contract.

2. Applicants wish to permit, in the case of single premium immediate and deferred variable annuity contracts, transfer to said contracts of amounts payable under contracts of Life Insurance Company of North America, INA Life Insurance Company of New York and INA Life Insurance Co. or any other life insurance company affiliated with Life Insurance Company of North America, at a reduced charge of 1 percent for sales and administrative expense. Life Insurance Company of North America and INA Life Insurance Co. are wholly owned subsidiaries of Insurance Company of North America and INA Life Insurance Company of New York is a wholly owned subsidiary of Life Insurance Company of North America. Applicants request an exemption from section 22(d) to the extent necessary to permit such transfers at the reduced sales and administrative charge.

Applicants' single premium immediate and deferred variable annuity contracts provide for deductions of 8.5 percent of the first \$20,000 of payment; 6 percent of the next \$30,000 of payment; and 4 percent of the amount of payment in excess of \$50,000. Of the applicable deduction, 6 percent, and 4 percent respectively are for sales expenses, and the balance of 2.5 percent with respect to the first \$20,000 of payment is for administrative expenses. With respect to payments made under single premium immediate and deferred variable annuity contracts of Life Insurance Company of North America and other life insurance companies listed above, a deduction of 1 percent of the payment would be charged with 0.5 percent representing sales charge and 0.5 percent representing administrative expenses.

Applicants represent that reduction of the sales and administrative expense charge in the instant case would be consistent with the policies of the Act and would result in no unfair discrimination among participants.

SECTIONS 26(a) AND 27(c) (2)

Sections 26(a) and 27(c) (2) provide, in pertinent part, that periodic payment plan certificates of a unit investment trust may not be sold unless the proceeds of all payments, other than sales loads,

are deposited with a qualified bank as trustee or custodian and are held under an agreement of custodianship. Under the Act, such agreement must provide, in pertinent part, that (i) the custodian bank shall have possession of all property of the unit investment trust and shall segregate and hold the same in trust; (ii) that the custodian bank shall not resign until either the unit investment trust has been liquidated or a successor custodian has been appointed; (iii) that the custodian may collect fees from the income and, if necessary, from the corpus of the unit investment trust for services performed and reimbursement of expenses incurred; and (iv) that no payment to the depositor or principal underwriter shall be allowed the custodian bank as an expense except a fee, not exceeding such reasonable amount as the Commission may prescribe, as compensation for performing bookkeeping and other administrative services normally performed by the custodian.

All assets of Life Insurance Company of North America Separate Account A are held by National Boulevard Bank of Chicago, Chicago, Ill., in custody for safekeeping pursuant to the terms of a written agreement. An exemption is requested from sections 26(a) and 27(c) (2) of the Act to the extent necessary to permit assets of Separate Account A to be held in custody for safekeeping by the Separate Account. Applicants represent that all provisions of the Act will be complied with in terminating the current custodian agreement, transfer of assets and implementation of safekeeping procedures.

Under provisions of the Pennsylvania Insurance Laws, funds allocated by Life Insurance Company of North America to the Separate Account may not be held by the Company as trustee. Net purchase payments under variable annuity contracts allocated to the Separate Account will be invested in one of several mutual funds available as underlying investment mediums for the Separate Account. The shares of these funds are issued under an open account arrangement without the use of stock certificates and ownership of mutual fund shares will be shown only on the books and records of the Separate Account and each mutual fund; ownership will not be represented by securities which would require a custodianship for safekeeping purposes.

Applicants consent that the order granting the requested exemption may be subject to the conditions that: (1) Any charges under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and the Commission shall reserve jurisdiction for such purpose, and (2) the payment of sums and charges out of the assets of the Separate Account shall not be deemed to be exempted from regulation by the Commission by reason of the order, provided that consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such

assets, other than charges for administrative services, and LINA and Separate Account reserve the right in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

SECTION 6(c)

Section 6(c) provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision or provisions of the Act and the Rules promulgated thereunder if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 11, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5489 Filed 3-21-73;8:45 am]

[File No. 500-1]

LILAC TIME, INC.

Order Suspending Trading

MARCH 15, 1973.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in the common stock, \$0.05 par value, and all other securities of Lilac Time, 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 March 16, 1973, through March 25, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5484 Filed 3-21-73;8:45 am]

[File No. 500-1]

LOGOS DEVELOPMENT CORP.

Order Suspending Trading

MARCH 15, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.01 par value, and all other securities of Logos Development Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 16, 1973, through March 25, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5485 Filed 3-21-73;8:45 am]

[File No. 500-1]

MANAGEMENT DYNAMICS, INC.

Order Suspending Trading

MARCH 15, 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 Management Dynamics, 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 March 18, 1973, through March 21, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5486 Filed 3-21-73;8:45 am]

[File No. 500-1]

PELOREX CORP.

Order Suspending Trading

MARCH 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.10 par value, and all other securities of Pelorex Corporation, 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 March 17, 1973, through March 26, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5479 Filed 3-21-73;8:45 am]

[812-3412]

RICO ARGENTINE MINING CO., ET AL.

Notice of Filing of Application for Orders Exempting Transaction and Authorizing Participation in Transaction

Notice is hereby given that Rico Argentine Mining Co. (Rico), Consolidated Eureka Mining Co. (Conseureka), Bonneville-On-The-Hill Co. (Bonneville), George H. Hogle, James E. Hogle, James E. Hogle, Jr., Sherman B. Hinckley, R. Gordon Bader, Donald M. Hogle, and Hugh Hogle (hereinafter referred to collectively as "Participants") have filed an application pursuant to section 17(d) of the Investment Company Act of 1940 (the "Act") and Rule 17d-1 thereunder for an order permitting their participation in the proposed acquisition by American Metal Climax, Inc. (Amac) of Banner Mining Co. (Banner), 220 Kearns Building, Salt Lake City, Utah 84101, by means of the merger of Banner with Amac Copper Mines, Inc. (AMC), a Delaware corporation and a wholly owned subsidiary of Amac. Banner, Rico, and Conseureka have also applied for an order under section 17(d) of the Act exempting the proposed transaction from section 17(a) of the Act to the extent that such transaction may involve a purchase and sale of securities between Rico and Banner or between Conseureka and Banner. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

THE PARTIES AND HOLDINGS OF BANNER STOCK

By orders dated December 9, 1970, and December 15, 1970, respectively (Investment Company Act Releases Nos. 6282 and 6290), the Commission granted to Rico and Conseureka a temporary exemption from the provisions of section

7 of the Act until such time as the Commission should act on each of the irrelative applications for orders of the Commission pursuant to section 3(b) (2) of the Act declaring that Rico and Conseureka each is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities through controlled companies conducting similar types of businesses. These orders had the effect, among others, of treating Rico and Conseureka each as an investment company within the meaning of section 3(a) (3) of the Act and subjecting Rico and Conseureka and other persons in their relations and transactions with each, with certain specified exceptions, to all provisions of the Act (including sections 17(a), 17(b), and 17(d) of the Act and the rules and regulations thereunder) as though Rico and Conseureka were each a registered investment company.

Banner, a Nevada corporation, has been primarily engaged in holding, exploring for and developing mineral properties, and its income has been primarily derived from advanced production royalties, payments under a mining and milling contract, and sales of mineral properties under contracts of sale and lease option agreements. Banner's principal assets are its mineral properties located in Pima County, Ariz. These properties are leased to the Anaconda Co. (Anaconda) under a long-term lease agreement, and payments under that lease have been Banner's principal source of revenue since 1968. Banner has outstanding 6,960,360 shares of common stock with a par value of \$0.0833 a share, of which 731,532 shares (approximately 10.51 percent) are owned by Rico. By reason of such holdings Banner is an affiliated person of Rico as defined in section 2(a) (3) of the Act. The common stock of Banner is listed on the InterMountain Stock Exchange, Salt Lake City, Utah.

Amax, a New York corporation, is engaged in the exploration for and mining of ores and minerals and smelting, refining and other treatment of minerals and metals. Its principal products are molybdenum, aluminum, iron ore, coal, copper, lead, zinc, and potash. Amax does not mine copper in the United States. Amax also fabricates and markets various aluminum products. In addition, Amax has substantial foreign operations and investments in other mining companies. At December 31, 1972, Amax had outstanding 786,868 shares of Series A Convertible Preferred Stock, par value \$1 per share, and 23,692,011 shares of common stock, par value \$1 per share. The Amax Series A Convertible Preferred Stock and Amax common stock are listed on the New York Stock Exchange.

Bonneville owns 15.26 percent of the common stock of Rico, which, in turn, owns 13.68 percent of the outstanding common stock of Conseureka. George H. Hogle owns 106,315 shares (10.96 percent) of the outstanding common stock of Rico, and 492,833 shares (12.6 per-

cent) of the outstanding common stock of Conseureka; James E. Hogle owns 78,072 shares (8.05 percent) of the outstanding common stock of Rico, and is the president and a director of Conseureka; James E. Hogle, Jr. is vice president and a director of Rico; Sherman B. Hinckley is a director of both Rico and Conseureka, the president of Rico and vice president of Conseureka; R. Gordon Bader, Donald M. Hogle, and Hugh Hogle each serve Bonneville as a director. As a result of their described relationships, Rico and Conseureka, each treated as a registered investment company, are each an affiliated person of the other, as defined in section 3(a) (3); Bonneville is an affiliated person of Rico; George H. Hogle, James E. Hogle, and Sherman B. Hinckley are each an affiliated person of Rico and Conseureka; James E. Hogle, Jr. is an affiliated person of Rico; and R. Gordon Bader, Donald M. Hogle, and Hugh Hogle are each an affiliated person of an affiliated person (Bonneville) of Rico.

The shareholdings of the Participants in Banner and the percentage interest represented thereby as shown in the application are set forth in the following table:

Participant	Number of Banner shares owned ¹	Percent of 3,960,360 shares of Banner stock outstanding
Rico.....	731,532	10.51
Conseureka.....	59,224	.85
Bonneville.....	339,120	4.87
G. H. Hogle.....	13,080	.19
J. E. Hogle.....	23,150	.33
J. E. Hogle, Jr.....	19,440	.28
S. B. Hinckley.....	10,800	.16
R. G. Bader.....	500	.01
D. M. Hogle.....	21,090	.30
H. Hogle.....	17,740	.25
Total.....	1,285,676	17.75

¹ Includes shares owned by wives and minor children.
² J. E. Hogle disclaims beneficial ownership of these shares.

THE PROPOSED MERGER

As a result of the proposed merger, Banner will become a wholly owned subsidiary of Amax under the name Amax Copper Mines, Inc.

In general the proposed merger involves the following steps:

1. Amax owns all of the outstanding capital stock of ACM consisting of one share of common stock, par value \$1,000 per share. The authorized capital stock of ACM consists of 10,000 shares of such common stock.

2. ACM will merge into Banner, which shall be the surviving company with the name Amax Copper Mines, Inc. Upon the effectiveness of the merger each outstanding share of common stock of Banner will be converted into 0.137553 of a share of Amax Series A Convertible Preferred Stock (0.139479 of a share if the Banner merger occurs after May 10, 1973); and the issued and outstanding share of capital stock of ACM owned by Amax will be converted into 300,000 shares of common stock, par value \$0.8 1/2 per share of the surviving corporation, Banner.

Each share of Amax Series A Convertible Preferred Stock is entitled to one vote on all matters submitted to Amax shareholders, is convertible into 2.43351 shares of Amax common stock, and is entitled to a preferred cumulative annual dividend of \$5.25. The Series A Convertible Preferred Stock is not redeemable by Amax prior to September 1, 1976 but is redeemable at \$105 commencing on that date; the redemption price will then be reduced by \$1.25 biennially until September 1, 1984, at which date it will become and remain at \$100.

3. The stockholders of Banner will be notified promptly of the effective date of the merger after it has been consummated, and will be advised as to the procedure for surrender and exchange of their certificates representing Banner common stock for share certificates representing Amax Series A Convertible Preferred Stock. No dividends or other distribution payable to holders of Series A Convertible Preferred Stock will be paid to the holders of certificates formerly representing shares of Banner common stock until they surrender their certificates to the Exchange Agent, at which time they will receive any such dividends and other distributions to which they are entitled, without interest. No fractional shares of Amax Series A Convertible Preferred Stock will be issued. Instead, a holder of Banner Stock entitled to a fractional interest in Series A Convertible Preferred Stock shall for a period not exceeding 60 days following the effective date of the merger have the election at the time of the surrender of his certificate, through the Exchange Agent, to: (1) Sell such interest, or (2) purchase any additional fractional interest necessary to make up a full share of Amax Series A Convertible Preferred Stock. After the expiration of such period the Exchange Agent will, as agent for the holders of the then unsundered Banner common stock certificates who are entitled to fractional interests, sell shares of Series A Convertible Preferred Stock equivalent to the total number of such shares represented by such fractional share interests. Thereafter and until the expiration of 3 years after the effective date of the merger the Exchange Agent will pay to such holders on surrender of their Banner certificates, their pro rata share of the net proceeds of such sale and any dividend payments in respect of the shares so sold, but without interest. After such 3-year period any such funds remaining in the hands of the Exchange Agent shall be transferred to and become the property of Amax.

The merger agreement, which has been approved by the boards of directors of Banner, Amax, and ACM, is to be submitted for approval by the stockholders of Banner at a special meeting of Banner's stockholders. The affirmative vote of the holders of a majority of the outstanding common stock of Banner is required to authorize the proposed merger.

Under Nevada law, stockholders of Banner do not have appraisal or similar rights in the event they dissent from the proposed merger. Certain of Banner's

employees are expected to remain with Banner following the merger. However, Amax is not entering into employment contracts in connection with the merger.

If the Banner merger is consummated, Amax and Anaconda intend to contribute their respective interests in the aforesaid lease (of Banner's Pima County properties to Anaconda) to a partnership formed by them. Banner's Pima County mining properties, including its Twin Buttes mine, will, therefore, no longer be subject to the lease but rather will be developed in accordance with the new partnership arrangements. Amax and Anaconda intend to develop and expand the Twin Buttes mining operations following the merger, and such development and expansion is expected to involve expenditures in excess of \$200 million over the next 3 years.

Amax also proposes to acquire Tintic Standard Mining Co., a Utah corporation (Tintic), following the Banner merger. Tintic holds 11.33 percent of the outstanding common stock of Banner, and Tintic, U-Tex Oil Co., an affiliated company of Tintic, and Tintic's directors and their families own in the aggregate approximately 30 percent of the outstanding common stock of Banner. Amax's acquisition of Tintic is not a condition of the Banner merger, although Amax will not acquire Tintic unless the Banner merger occurs. The terms of the Tintic merger call for each share of Tintic common stock to be converted into 0.108871 of a share of Amax Series A Convertible Preferred Stock, representing: (1) The per-share portion of the Amax Series A Convertible Preferred Stock which Tintic will receive in respect of its Banner shares as a result of the Banner merger (i.e., 0.095161 of a share of Amax Series A Convertible Preferred Stock for each share of Tintic common stock), and (2) an additional 0.013510 of a share of Amax Series A Convertible Preferred Stock attributable to Tintic's other assets. For purposes of determining the number of shares of Amax Series A Convertible Preferred Stock issuable for such other assets, those assets were valued at their book value as of December 31, 1971 and, for this purpose, the Amax Series A Convertible Preferred Stock was taken into the calculation at \$95 per share.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, as here pertinent, that it shall be unlawful for an affiliated person of a registered investment company or an affiliated person of such a person, acting as principal, to participate in or effect any transaction in connection with any joint enterprise or arrangement in which any such registered investment company is a participant unless an application regarding such enterprise or arrangement has been filed with the Commission and granted by an order of the Commission; and that in passing upon such application the Commission shall consider whether the participation of such registered investment company is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less

advantageous than that of other participants. The Participants intend to participate in the Banner merger, including the probable voting of their shares in favor of the merger, and they would upon the merger receive Amax Series A Convertible Preferred Stock in exchange for their shares of Banner. Thus, the Participants, including Rico and Conseureka, will be carrying out a joint arrangement within the meaning of section 17(d) and Rule 17d-1 to dispose of Banner stock and to acquire Amax Series A Convertible Preferred Stock. Section 17(d) and the rule are therefore applicable and require that an application regarding the proposed joint arrangement be filed with and granted by the Commission prior to the taking of any action.

Section 17(a) of the Act, in pertinent part, makes it unlawful for an affiliated person of a registered investment company to purchase securities from or sell securities to such registered company or a company controlled by such registered company. Section 17(b) provides for the granting of an exemption from such prohibition if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and are consistent with the investment policies of such registered investment company and the general purposes of the Act. To the extent that the proposed Banner merger may involve the purchase and sale of securities as between either Rico or Conseureka and Banner, it must meet the requirements of section 17(b).

In support of the request for an order pursuant to section 17(d) of the Act and Rule 17d-1 thereunder, the applicant states that none of the Banner shareholders will participate in the proposed Banner merger on a basis different from or less advantageous than that of any other Banner shareholder, including Rico and Conseureka; and that there is nothing in the terms, conditions, or circumstances of the proposed Banner merger which would make participation of Rico, Conseureka, Banner, or of the Participants inconsistent in any way with the provisions, policies, and purposes of the Act.

With respect to the request for an order pursuant to section 17(b) of the Act, the application states that the proposed transaction was negotiated at arms-length; that there is no affiliation between Amax or any of its subsidiaries on the one hand and Banner or any of Banner's affiliates on the other; and that the proposed transaction is fair to all Banner shareholders.

Notice is further given that any interested person may, not later than April 6, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communica-

tion should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, Pursuant to delegated authority.

Secretary.

[SEAL]

RONALD F. HUNT,

[FR Doc.73-5330 Filed 3-21-73; 8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 03/03-5114]

MODEDCO INVESTMENT CO.

Notice of Issuance of License to Operate as a Small Business Investment Company

On October 12, 1972, a notice was published in the FEDERAL REGISTER (37 FR 21567) stating that MODEDCO Investment Co., 1325 Massachusetts Avenue NW, Suite 110, Washington, DC 20005, had filed an application with the Small Business Administration, pursuant to § 107.102 of the SBA rules and regulations governing Small Business Investment Companies (13 CFR 107.701 (1972)) for a license to operate as a small business investment company.

Interested parties were given to the close of business October 27, 1972, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 03/03-5114 to MODEDCO Investment Co., pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended.

Dated: March 14, 1973.

DAVID A. WOLLARD,
Associate Administrator for
Finance and Investment.

[FR Doc.73-5490 Filed 3-21-73; 8:45 am]

TARIFF COMMISSION

[TEA-F-50]

GOLD STAR HAT & CAP CO., INC.

Petition for Determination; Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of the Gold

Star Hat & Cap Co., Inc., New York, N.Y., the U.S. Tariff Commission, on March 16, 1973, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with nonknit cotton headwear (of the type provided for in item 702.10 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

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 April 2, 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, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: March 19, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-5492 Filed 3-21-73;8:45 am]

[TEA-W-189]

H. H. SCOTT, INC.

Workers' Petition for Determination; 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 and former workers of H. H. Scott, Inc., Maynard, Mass., the U.S. Tariff Commission, on March 16, 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 loudspeakers and amplifiers, solid-state radio receivers, and radio-phonograph combinations (of the types provided for in Items 684.70, 685.23, and 685.30 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 the 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 April 2, 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,

D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued March 19, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-5491 Filed 3-21-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 203]

ASSIGNMENT OF HEARINGS

MARCH 19, 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-7935, Samuel D. Summers, doing business as S. D. Summers Lumber Co., and the Valley Camp Coal Co., a corporation—Investigation of Operations—now assigned March 21, 1973, at Charleston, W. Va., is canceled.

MC-F-11607, Long Island Motor Haulage Corp.—Control—C & L Transportation, Inc., and MC 98785 Sub 2, C & L Transportation, now assigned April 4, 1973, at New York, N.Y., is postponed indefinitely.

MC-F-11699, Old Dominion Freight Line—Control—Star Transport Co., Inc., now assigned April 11, 1973, at Washington, D.C., is postponed to May 15, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

AB-5 Sub 66, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment between Westdale and East Bridgewater, Plymouth County, Mass., now assigned April 16, 1973, at Brockton, Mass., postponed to April 17, 1973, at the Superior Court, 72 Belmont Street, Brockton, MA.

MC 135109 Sub 3, Seco, Inc., now being assigned hearing April 25, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 118803 Sub 7, Atlantic Truck Lines, Inc., now being assigned hearing April 30, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 124839 Sub 16, Builders Transport, Inc., now being assigned hearing May 2, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-133316 Sub 7, Frank R. Givigliano, doing business as Givigliano Transport, now being assigned hearing May 7, 1973 (1 week), at Denver, Colo., in a hearing room to be later designated.

MC 138121, A. Q. Maxwell, doing business as Unecda Transfer Co., application dismissed.

AB 5 Sub 79, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment between Brockton and Mayville, Chautauque County, N.Y., now assigned May 3, 1973, at Dunkirk, N.Y., is cancelled and re-assigned May 3, 1973, at the Supreme Court Room, 2d Floor, Chautauque County Courthouse, Main Street, Mayville, New York.

MC 138020, E & S Trucking, Inc., application dismissed.

No. 35791, General Increase, February 1973, Bulk Carrier Conference now being assigned hearing July 23, 1973, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 117943 Sub 1, Joseph M. Booth, doing business as J. M. Booth Trucking, now assigned March 27, 1973, at Washington, D.C., is postponed to April 10, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35779, Potomac Passengers Association v. Baltimore and Ohio Railroad Co., now being assigned hearing May 1, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I&S-M-26629, Classification Ratings On Collapsible Metal Tubes, Nationwide, now being assigned hearing May 15, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I&S-8829, Grain, Northwestern Transcontinental Territory, now being assigned hearing May 8, 1973, at The Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5532 Filed 3-21-73;8:45 am]

[Notice 239]

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 April 11, 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-74203. By order of March 7, 1973, the Motor Carrier Board approved the transfer to Max H. Kofman, Freda Kofman Gaines, Benjamin Kofman, and Joseph Kofman, doing business as Kofman's, Bellefonte, Pa.

of certificates Nos. MC-1103 and subs thereunder, issued to Edward Kofman, Ida S. Kofman, Executrix, Max H. Kofman, Freda Kofman Gaines, Benjamin, and Joseph Kofman, doing business as Kofman's, Bellefonte, Pa., authorizing the transportation of: Various metal products, i.e., brass, aluminum, copper, pigs, bars, ingots, etc., and household goods, between specified points and areas in Pennsylvania, Michigan, Ohio, Indiana, Illinois, Connecticut, New Jersey, West Virginia, New York, Rhode Island, Tennessee, New Hampshire, Delaware, North Carolina, Wisconsin, Massachusetts, Kentucky, Maryland, Virginia, and the District of Columbia. Max Kofman (Partner) 130 Dunlop Street, Bellefonte, PA 16823.

No. MC-FC-74243. By order entered March 7, 1973, the Motor Carrier Board approved the transfer to Del-Penn Coachways, Inc., Chester, Pa., of the operating rights set forth in certificates Nos. MC-135848 and MC-135848 (Sub-No. 1), issued November 29, 1971, and December 29, 1972, respectively, authorizing the transportation of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, with no seasonal restrictions, between Philadelphia, Pa., and Rehoboth Beach, Del., over specified routes, serving all intermediate points, and between specified points in Pennsylvania and specified points in Delaware. Wm. H. Powelson, 115 East Fifth Street, Chester, PA 19013, representative for applicants.

No. MC-FC-74290. By order entered March 7, 1973, the Motor Carrier Board approved the transfer to Al Johnson, Inc., Minneapolis, Minn., of the operating rights set forth in certificates Nos. MC-128235 (Sub-No. 1), MC-128235 (Sub-No. 3), MC-128235 (Sub-No. 5), MC-128235 (Sub-No. 7), MC-128235 (Sub-No. 10), and MC-128235 (Sub-No. 11), issued by the Commission April 11, 1967, March 5, 1968, September 18, 1970, September 14, 1972, August 16, 1972, and December 7, 1972, respectively, in the name of Alvin Johnson, Minneapolis, Minn., authorizing the transportation of malt beverages, in containers, from Minneapolis, Minn., to Amery, and Marshfield, Wis.; from Sheboygan and La Crosse, Wis., to Rush City, Minn.; from St. Louis, Mo., to Rush City and Virginia, Minn.; and malt beverages, from Minneapolis, Minn., to Barron, Wis. Earl Hacking, 503 11th Avenue South, Minneapolis, MN 55415, attorney for applicants.

No. MC-FC-74291. By order entered March 7, 1973, the Motor Carrier Board approved the transfer to Metro Express, Inc., New Castle, Del., of that portion of the operating rights set forth in certificate No. MC-134221, issued July 23, 1970, to C.B.L. Trucking & Leasing, Inc., Pennsauken, N.J., authorizing the transportation of general commodities, with the usual exceptions, between New York, N.Y., and points in Essex, Union, Hudson, Bergen, Passaic, Morris, and Middlesex Counties, N.J., on the one hand, and, on

the other, Wilmington, Del. Francis P. Desmond, 115 East Fifth Street, Chester, PA 19013, attorney for applicants.

No. MC-FC-74292. By order entered March 7, 1973, the Motor Carrier Board approved the transfer to Kitchell Truck Line, Inc., Ipswich, S. Dak., of the operating rights set forth in certificate No. MC-1065, issued April 22, 1949, to Oscar Pederson, Fulda, Minn., authorizing the transportation of livestock, agricultural commodities, building materials, farm machinery, farm implements, and parts thereof, and feed, between Fulda, Minn., and points within 15 miles thereof, on the one hand, and, on the other, points in Iowa west of U.S. Highway 63; brick, tile, livestock, from Fulda, Minn., and points and implements, feed, tankage, hog tonic, and household goods, between points in Nobles County, Minn., on the one hand, and, on the other, points in that part of Iowa on and west of U.S. Highway 63; livestock, from Fulda, Minn., and points within 13 miles thereof, to Sioux Falls, S. Dak.; and from points in South Dakota east of the Missouri River to Fulda, Minn., and points within 50 miles thereof. F. H. Kroeger, 2288 University Avenue, St. Paul, MN 55114, practitioner for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5533 Filed 3-21-73;8:45 am]

[Notice 22]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MARCH 16, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247¹ 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

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing; (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.*

No. MC 263 (Sub-No. 206), filed February 9, 1973. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, ID 83201. Applicant's representative: Wayne S. Green (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, household goods as defined by the Commission, commodities in bulk and those requiring special equipment); serving the plantsite and storage facilities of Russell Stover Candies, Inc., at Montrose, Colo., as off-route point in connection with carriers authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Pocatello, Idaho.

No. MC 531 (Sub-No. 285), filed February 9, 1973. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, TX 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Hydrofluosilicic acid*, in bulk, in tank vehicles, from Uncle Sam, La., to points in Oklahoma and Texas. **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 Houston, Tex.

No. MC 1222 (Sub-No. 43), filed February 8, 1973. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 10th Street, Portsmouth, OH 45662. 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: *Iron and steel and iron and steel articles*, (1) from Portsmouth, Ohio, to points in North Carolina and South Carolina, and (2) from Ashland, Ky., to points in Georgia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 1824 (Sub-No. 60), filed February 5, 1973. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, MD 21655. Applicant's representative: William J. Little, 10 East Baltimore Street, Suite 1110, Baltimore, MD 21202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in that part of Florida on and east of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 19 to New Port Richey, thence along the Gulf of Mexico to Naples, and points on and north of a line beginning at Naples and U.S. Highway 41, thence along U.S. Highway 41 to the Atlantic Ocean, restricted to the transportation of traffic having an immediately prior movement by rail from Alexandria or Richmond, Va., to the above-described area in Florida. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority at Alexandria or Richmond, Va., to provide a through service from points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Maryland, Delaware, the District of Columbia, and Virginia to points in Florida. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., and various other eastern cities.

No. MC 4405 (Sub-No. 502), filed February 8, 1973. Applicant: DEALERS TRANSIT, INC., 2200 East 170th Street, Post Office Box 361, Lansing, IL 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *trailers and trailer*

chassis (other than those designed to be drawn by passenger automobiles) in initial truckaway and driveway service, from Milan, Mich., to points in the United States (including Alaska but excluding Hawaii); (2) *motor vehicle bodies; containers; trailer converter dollies; and materials and supplies* used in the manufacture or assembly or servicing of trailers or trailer chassis; between Milan, Mich., on the one hand, and, on the other, points in the United States (including Alaska but excluding Hawaii); (3) *tractors*, only when drawing commodities named in (1) above, from Milan, Mich., to points in Alaska, Arizona, Nevada, Oregon, and Vermont. **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 Detroit, Mich.

No. MC 7640 (sub-No. 33), filed February 16, 1973. Applicant: BARNES TRUCK LINE, INC., 506 Mayo Street, Wilson, NC 27893. Applicant's representative: Harry J. Jordan, 1000 18th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Ambridge, Pa., to points in Virginia, North Carolina, and South 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 Pittsburgh, Pa.

No. MC 8028 (Sub-No. 2), filed February 2, 1973. Applicant: BARRIEAU EXPRESS, INCORPORATED, 301 Murphy Road, Hartford, CT 06114. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods as defined by the Commission*, (1) Between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Texas, Oklahoma, Tennessee, Kentucky, Missouri, Illinois, Indiana, Ohio, Michigan, Wisconsin, Minnesota, Iowa, and the District of Columbia; and (2) between those points named in (1) above, on the one hand, and, on the other, points in West Virginia, Mississippi, Arkansas, New Mexico, Kansas, Colorado, Nebraska, Utah, Arizona, Nevada, and California. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 8600 (Sub-No. 28), filed January 22, 1973. Applicant: WERNER CONTINENTAL, INC., 2500 West County Road C, St. Paul, MN 55113. Applicant's representative: A. C. Weese (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, classes A and B explosives, commodities in bulk, those requiring special equipment and household goods as defined in practices of Motor Common Carrier of Household Goods (17 M.C.C. 467), serving Chanhassen (Carver County), Minn., as an off-route operations to and from St. Paul-Minneapolis, Minn. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 8600 (Sub-No. 29), filed February 6, 1973. Applicant: WERNER CONTINENTAL, INC., 2500 West County Road C, St. Paul, MN 55113. Applicant's representative: A. D. Weese (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities of unusual value, livestock, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and household goods) as defined in practices of Motor Common Carrier of Household Goods (17 M.C.C. 467), serving the Jonathan Industrial Center, Carver County, Minn., as off-route operations to and from Minneapolis, St. Paul, Minn. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 19778 (Sub-No. 82), filed January 29, 1973. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, Suite 508, 514 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: *General commodities* (except articles of unusual value, classes A and B explosives and commodities injurious or contaminating to other lading, in containers and/or van), between points in Silver Bow County, Mont., on the one hand, and, on the other, points in Montana. **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 Helena, Mont., or Chicago, Ill.

No. MC 21866 (Sub-No. 77), filed February 15, 1973. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, PA 19512. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric storage batteries and alternators*, from points in Berks County, Pa., to points in the United States (except Alaska and Hawaii), and (2) *Junk batteries and materials*, used in the manufacture of batteries and alternators, from points in the United States (except Alaska and Hawaii), to points in Berks County, Pa. **NOTE:** Applicant states that the requested authority

is tackable at common points with its existing authority in MC 21866 and subs thereunder, but 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 Philadelphia, Pa., or Washington, D.C.

No. MC 22229 (Sub-No. 74), filed February 8, 1973. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, GA 30316. Applicant's representative: Harold H. Clokey, 414 The Equitable Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Evans Products Co. located approximately 3.5 miles southwest of Tifton, Ga., as an off-route point in connection with carrier's regular-route operations between Baldwin, Fla., and Atlanta, Ga., serving all intermediate points: From Baldwin, Fla., over U.S. Highway 90 to Lake City, Fla., and thence over U.S. Highway 41 to Atlanta, Ga., and return over the same route. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Florida, or Washington, D.C.

No. MC 24136 (Sub-No. 14), filed February 9, 1973. Applicant: HARRISON-SHIELDS TRANSPORTATION LINES, INC., Post Office Box 445, Meadow Lands, PA 15347. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses and department stores, the business of which is the sale of general commodities, between Chartiers Township, Pa., on the one hand, and, on the other, points in that part of Maryland on and west of U.S. Highway 11. **NOTE:** Applicant states it intends to tack with all existing authority wherever possible particularly with its Subs 10, 11, 12, and 13. 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 25798 (Sub-No. 236), filed February 8, 1973. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities utilized by Michigan Lloyd J.

Harris Pie Co., at or near Saugatuck and Holland, Mich., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, Virginia, and West Virginia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Tampa, Fla.

No. MC 29537 (Sub-No. 5), filed February 12, 1973. Applicant: R. H. CRAWFORD, INC., 425 Poplar Street, Hanover, PA 17331. Applicant's representative: John M. Musselman, 410 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery and food business houses (except in bulk), from Hanover, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, and returned shipments of such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses (except in bulk), from points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, 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 Harrisburg, Pa., or Washington, D.C.

No. MC 29821 (Sub-No. 5), filed February 5, 1973. Applicant: NEWBERG AUTO FREIGHT, INC., 408 West First Street, Newberg, OR 97132. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper mill machine parts*, between the facilities of Publishers Paper Co., at or near Newberg, Ore., on the one hand, and, on the other, points in King and Cowlitz Counties, Wash. **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 Portland, Ore.

No. MC 30844 (Sub-No. 451), filed January 19, 1973. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, IA 50702. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, Colo. 80210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles* as are dealt in by retail and discount department stores (except foodstuffs and commodities in bulk) from Boston, Mass., and its commercial zone to the below named points and their respective commercial zones: Colorado

Springs, Denver and Fort Collins, Colo.; Moline, Ill.; Ames, Bettendorf, Cedar Rapids, Clinton, Des Moines, Fort Dodge, Mason City, and Ottumwa, Iowa; Duluth and Minneapolis-St. Paul, Minn.; St. Louis, Mo.; Oklahoma City and Tulsa, Okla.; Dallas and Houston, Tex.; and Milwaukee, Wis. **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 Minneapolis, Minn. or Washington, D.C.

No. MC 30887 (Sub-No. 188), filed February 14, 1973. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Post Office Box 55, Reistertown, MD 21136. Applicant's representative: Theodore Ploydroff, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten liquid polypropylene*, in bulk, in tank vehicles, from Neal, W. Va., to points in the United States (except 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 Washington, D.C.

No. MC 34918 (Sub-No. 2), filed January 30, 1973. Applicant: R. F. POST, INC., Bridge Street and Schuylkill Road, Spring City, Pa. 19475. Applicant's representative: Roland Rice, Suite 618 Perpetual Building, 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Scranton, and Harrisburg, Pa., (a) from Scranton, Pa., over U.S. Highway 11 to junction U.S. Highway 15, thence over U.S. Highway 15 to Williamsport, Pa., thence over U.S. Highway 220 to Lock Haven, Pa., thence over Pennsylvania Highway 120 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 15, thence over U.S. Highway 15 to U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg; and (b) from Scranton over Interstate Highway 81 to junction Pennsylvania Highway 61, thence over Pennsylvania Highway 61 to junction U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa., and return over the same routes, serving all intermediate points and off route points in Pennsylvania within 100 miles of Scranton, Pa. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 35628 (Sub-No. 343) (Clarification), filed January 15, 1973, published in the FEDERAL REGISTER issue of March 1, 1973, and clarified by annotation this issue. Applicant: INTERSTATE

MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, MI 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. **NOTE:** Applicant states that the requested regular route authority will not be tacked with its irregular route authority on sheet 8 of MC-35628 (Sub-No. 302), authorizing operations between points in part C of Sub-No. 302, on the one hand, and, on the other, points in Iowa, Illinois, Arkansas, Oklahoma, and Kansas. The rest of the application and the request for authority remains as previously published.

No. MC 35807 (Sub-No. 31), filed February 8, 1973. Applicant: **WELLS FARGO ARMORED SERVICE CORPORATION**, 210 Baker Street NW., Atlanta, GA 30313. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, negotiable and non-negotiable securities and other valuables*, in armored cars accompanied by armed guards, between Denver, Colo., on the one hand, and, on the other, points in Cheyenne, Kimball, Scotts Bluff, Deuel, and Banner Counties, Nebr., and Goshen and Platte Counties, Wyo., under contract with Federal Reserve Bank of Kansas City, Denver branch. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 44639 (Sub-No. 66), filed January 31, 1973. Applicant: **L. & M. EXPRESS CO., INC.**, 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies used in the manufacture of wearing apparel*, between Ashland and Goochland, Va., on the one hand, and, on the other, Carlstadt, N.J. and the New York, N.Y. commercial zone. **NOTE:** Applicant desires to tack with all operations at New York, N.Y., as authorized in its lead docket MC 44639. 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 45134 (Sub-No. 11), filed February 15, 1973. Applicant: **COLLINS TRUCK LINE, INC.**, 3705 Marshall Street NE., Minneapolis, MN 55451. Applicant's representative: Louis I. Dalley, Suite 2205, Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulation materials* (except iron and steel articles and commodities in bulk) and *materials used in the manufacture, installation and distribution thereof*, between the plantsites and warehouse facilities of Certain-teed

Products Corp., located in Scott County, Minn., on the one hand, and, on the other, points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming, restricted to traffic originating at or destined to the plantsites and warehouse facilities of Certain-teed Products Corp., located in Scott County, Minn. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 51004 (Sub-No. 5), filed February 5, 1973. Applicant: **PAUL H. LISKEY, R.F.D. No. 1**, Kearneysville, WV 25430. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and agricultural chemicals*, between points in Jefferson County, W. Va., on the one hand, and, on the other, points in Virginia, Pennsylvania, Maryland, 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 Washington, D.C.

No. MC 51146 (Sub-No. 312), filed February 8, 1973. Applicant: **SCHNEIDER TRANSPORT, INC.**, 2661 South Broadway, Post Office Box 2298, Green Bay, WI 54304. Applicant's representative: D. F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise as is dealt in by department stores* (except foodstuffs, furniture, and commodities in bulk); and (2) *foodstuffs and furniture* (except in bulk) moving in mixed loads with the commodities described in (1) above, from points in California to the facilities maintained or utilized by the J. L. Hudson Co., located at Grand Rapids, Ann Arbor, Flint, Pontiac, and Detroit, Mich., and Toledo, Ohio. Restriction: Restricted to traffic originating at the origins sought and destined to the above-named facilities. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 52110 (Sub-No. 135), filed February 15, 1973. Applicant: **BRADY MOTORFRATE, INC.**, 2150 Grand Avenue, Des Moines, IA 50312. Applicant's representative: Cecil L. Goetsch, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, bullion, household goods as defined by the commission, commodities in bulk, and those requiring special equipment), serving Hicksville, Ohio, as an off-route point in connection with carrier's regular

routes to and from Fort Wayne, Ind. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 52110 (Sub-No. 132), filed January 8, 1973. Applicant: **BRADY MOTORFRATE, INC.**, 2150 Grand Avenue, Des Moines, IA 50312. Applicant's representative: Cecil L. Goetsch, 11th Floor, Des Moines 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 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from plantsite of Krey Packing Co., at St. Louis, Mo., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. **NOTE:** Common control may be involved. Applicant states that the requested authority can be tacked with its presently held regular route authority on general commodities between St. Louis and Chicago in MC 52110. This authority can be tacked at Chicago to serve selected points in Indiana and Michigan (Sub-No. 84), and selected points in Pennsylvania, New York, Massachusetts, Virginia, New Jersey, and the District of Columbia (Sub-No. 120); but indicates it has no present intention of tacking. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 52657 (Sub-No. 701), filed February 12, 1973. Applicant: **ARCO AUTO CARRIERS, INC.**, 2140 West 79th Street, Chicago, IL 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, trailer chassis* (except those designed to be drawn by passenger automobiles), *trailer converter dollies*, in initial truckaway and driveaway service, from Milan, Mich., to points in the United States, including Alaska (but excluding Hawaii); (2) *trailers, trailer chassis* (except those designed to be drawn by passenger automobiles), and *trailer converter dollies*, in secondary truckaway and driveaway service, between Milan, Mich., on the one hand, and, on the other, points in the United States, including Alaska (but excluding Hawaii); (3) *tractors*, in secondary movements, in driveaway service, only when drawing trailers and trailer chassis (except those designed to be drawn by passenger automobiles), in initial or secondary movements, between Milan, Mich., on the one hand, and, on the other, points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South

Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia; (4) *motor vehicle bodies and containers*, between Milan, Mich., on the one hand, and, on the other, points in the United States, including Alaska (but excluding Hawaii); and (5) *materials, supplies, and parts* (except commodities in bulk) used in the manufacture, assembly, or servicing of the commodities described in (1), (2), and (4) above, when moving in mixed loads with such commodities, between Milan, Mich., on the one hand, and, on the other, points in the United States, including Alaska (but excluding 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 Detroit, Mich.

No. MC 59856 (Sub-No. 49), filed February 8, 1973. Applicant: SALT CREEK FREIGHTWAYS, a corporation, 3333 West Yellowstone, Casper, WY 82601. Applicant's representative: John R. Davidson, 805 Midland Bank Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, commodities which because of size or weight require special equipment and articles of unusual value), between Billings, Mont., and Great Falls, Mont., over U.S. Highway 87 and return over the same route, serving all intermediate points. **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 Billings, Mont.

No. MC 59856 (Sub-No. 51), filed February 26, 1973. Applicant: SALT CREEK FREIGHTWAYS, 3333 West Yellowstone, Casper, WY 82601. Applicant's representative: John R. Davidson, Room 805, Midland Bank Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, commodities because of size or weight require special equipment and articles of unusual value), between Billings, Mont., and Missoula, Mont., over Interstate Highway 40 and U.S. Highway 10, and return over the same route, serving all intermediate points, and the Port of Butte located at or near Butte, Mont. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 61396 (Sub-No. 240), filed February 5, 1973. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, NE 68101. Applicant's representative: Dale G. Herman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, ammonium nitrate*, in bags or bulk, from the warehouse site of Farmland Industries,

Inc., located at or near Hastings, Nebr., to points in Colorado, Kansas, South 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 Kansas City, Mo., or Omaha, Nebr.

No. MC 61396 (Sub-No. 241), filed February 12, 1973. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, NE 68101. Applicant's representative: Dale G. Herman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solution*, in bulk, in tank vehicles, from Burlington, Iowa, to points in Illinois, Missouri, 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 Omaha, Nebr., or Des Moines, Iowa.

No. MC 61396 (Sub-No. 242), filed February 12, 1973. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, NE 68101. Applicant's representative: Dale G. Herman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt, road oils, and residual fuel oils*, in bulk, in tank vehicles, from the Sioux City, Iowa-South Sioux City, Nebr., commercial zone, including Bridgeport Industrial Park to points in Iowa, Minnesota, Nebraska, and South 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 Omaha, Nebr., or Des Moines, Iowa.

No. MC 63417 (Sub-No. 48), filed February 8, 1973. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road NE., Post Office Box 2888, Roanoke, VA 24001. Applicant's representative: Nancy Pyeatt, 420 Executive Building, 1030 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass insulation and fiberglass insulation products*, from Indianapolis and Shelbyville, Ind., to points in Alabama, Delaware, Georgia, Kentucky, Maryland, Ohio, North Carolina, South Carolina, 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 Pittsburgh, Pa., or Washington, D.C.

No. MC 66121 (Sub-No. 27), filed February 16, 1973. Applicant: INDIAN BOW TRUCK LINES, LTD., a corporation, 225 Marcus Boulevard, Deer Park, NY 11729. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Conduit and pipe* (other than iron and steel) and *accessories, parts, fittings and attachments therefor*, from Rootstown Township, Portage County, Ohio, to points in Connecticut, Florida, Maine, Massachusetts, Rhode Island, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 74321 (Sub-No. 69), filed January 2, 1973. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, CO 80202. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt heating and storage units*, from points in Bernillo County, N. Mex., to points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex., or Denver, Colo.

No. MC 83539 (Sub-No. 363), filed February 6, 1973. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign parts, attachments, accessories, and equipment used in connection with or installation thereof*, between the plantsites of Federal Sign and Signal Corp., at Los Angeles, Calif., Oakland, Calif., Knoxville, Tenn., Portland, Oreg., Louisville, Ky., Burr Ridge, Ill., and Arlington, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). **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 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 Los Angeles, Calif.

No. MC 86913 (Sub-No. 38), filed February 8, 1973. Applicant: EASTERN MOTOR LINES, INC., U.S. No. 401 North, Post Office Box 649, Warrenton, NC 27589. Applicant's representative: C. M. Bullock, Post Office Box 649, Warrenton, NC 27589. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Conduit and pipe* (other than iron and steel) and *accessories, parts, fittings and attachments therefor*, from Roots Township, Portage County, Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, 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 Columbus or Cleveland, Ohio.

No. MC 86913 (Sub-No. 39), filed February 8, 1973. Applicant: EASTERN MOTOR LINES, INC., U.S. No. 401 North, Warrenton, N.C. 27589. Applicant's representative: C. M. Bullock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), between points in Pennsylvania on and east of U.S. Highway 15, on the one hand, and, on the other, points in Minnesota. NOTE: Applicant states that the requested authority can be tacked with its Sub 20 from Pennsylvania to Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and New York, and Pennsylvania to Illinois, Indiana, Ohio, Michigan, and New York. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 104896 (Sub-No. 43), filed February 5, 1973. Applicant: WOMEL-DORF, INC., Post Office Box 495, Jefferson Avenue Extension, Washington, PA 15301. Applicant's representative: James W. Patterson, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and materials, supplies and equipment* used or useful in the production, distribution, or sale of foodstuffs (except in bulk) between the facilities of Nabisco, Inc., located at or near Pittsburgh, Pa., and in Allegheny County, Pa., on the one hand, and on the other, the facilities of Nabisco, Inc., located at or near Endicott, Latham, Montgomery, Olean, and Pleasantville, N.Y. 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 Pittsburgh, Pa., or Washington, D.C.

No. MC 106074 (Sub-No. 17), filed January 11, 1973. Applicant: B AND P MOTOR LINES, INC., Post Office Box 5118, Biltmore Station, Asheville, NC

28803. Applicant's representative: James N. Golding, 4 South Pack Square, Asheville, N.C. 28807. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in Hancock County, W. Va., to Asheville and Sylva, N.C., and Bristol, Va., and points in Tennessee on and east of U.S. Highway 127. 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 Asheville or Charlotte, N.C., or Atlanta, Ga.

No. MC 106400 (Sub-No. 92) (Amendment), filed September 28, 1972, published in the FEDERAL REGISTER of October 27 and December 21, 1972, and republished as amended this issue. Applicant: KAW TRANSPORT COMPANY, a corporation, Post Office Box 12628, North Kansas City, MO 64116. Applicant's representative: Robert L. Hawkins, Jr., Post Office Box 456, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, paints, lacquer, varnish, solvents, laundry supplies, and products of chemical processes*, in tank or hopper type vehicles, from points in the Kansas City, Kans.-Kansas City, Mo., commercial zone, to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to add chemicals to the commodities to be transported and to show that a from and to movement is proposed. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 107515 (Sub-No. 837), filed February 8, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Hallwood, Va., to points in California, Montana, Oregon, Washington, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to traffic originating at Hallwood, Va. NOTE: Common control and dual operations 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 Atlanta, Ga.

No. MC 109540 (Sub-No. 27), filed February 5, 1973. Applicant: YEARY TRANSFER COMPANY, INC., 2171 Christian Road, Lexington, KY 40505. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel*, between the plantsite of the Square D Co. at Oxford, Ohio, on the one hand, and, on the other, the sites of the plant and warehouse facilities of the Square D Co. at Lexington, Ky. 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 Lexington, Ky., Cincinnati, Ohio, or Louisville, Ky.

No. MC 107012 (Sub-No. 173), filed February 5, 1973. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) from points in Jefferson County, Ala., to points in the United States (except Alaska and Hawaii); and (2) from Pulaski, Dublin, and Martinsville, Va., to points in California, Oregon, Washington, Nevada, Utah, Idaho, Montana, Wyoming, South Dakota, North Dakota, Minnesota, and Iowa. NOTE: Applicant states that the requested authority can be tacked with its existing authority to transport new furniture, from the plantsite and storage facilities of Hon Industries, Inc., at Cedartown, Ga., to points in the United States via Jefferson County, Ala. If a hearing is deemed necessary, applicant requests it to be held at Washington, D.C.

No. MC 107295 (Sub-No. 636), filed January 22, 1973. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson, Post Office Box 146, Farmer City, IL 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit including pipe; duct; raceways; tubing; and fittings, connections and accessories therefor*, from the plantsite of Jones & Laughlin Steel Co. at New Kensington, Pa., to points in Idaho, Utah, Nevada, Arizona, and Texas. 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 Pittsburgh, Pa. or Washington, D.C.

No. MC 107295 (Sub-No. 637), filed February 15, 1973. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South

Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials, and tools, materials and supplies* used in the installation of insulation materials, from Cleveland, Ohio to points in Pennsylvania, New Jersey, New York, West Virginia, Maryland, Kentucky, Illinois, Indiana, Michigan, North Carolina, and South 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 Columbus, Ohio, or Washington, D.C.

No. MC 107515 (Sub-No. 838), filed February 16, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Danell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* (except in bulk and hides) from the plantsite of Country Fresh Foods Division of Dak Foods, Inc., located in Hall County, Ga., to points in the United States on and east of U.S. Highway 85. **Restriction:** Restricted to traffic originating at the named plantsite. **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 Atlanta, Ga.

No. MC 109533 (Sub-No. 50), filed February 21, 1973. Applicant: OVERTNITE TRANSPORTATION COMPANY, a corporation, 1100 Commerce Road, Richmond, VA 23224. Applicant's representative: C. H. Swanson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Southwestern Co. at or near Brentwood, Tenn., as an off-route point in connection with applicant's presently authorized regular-route operations in No. MC-109533 and MC-109533 (Sub-No. 28). **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 108053 (Sub-No. 119), filed February 6, 1973. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, 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: *Frozen Foods*, from Appleton, Wis., to points in California, Washington, Oregon, Arizona, and Salt Lake City, Utah. **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 108460 (Sub-No. 46), filed January 22, 1973. Applicant: PETROLEUM CARRIERS COMPANY, a corporation, 5104 West 14th Street, Post Office Box 762, Sioux Falls, SD 57101. Applicant's representative: Stanley W. Mundhenke (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalts, road oils and residual fuel oils*, in bulk, in tank vehicles, from the Sioux City, Iowa commercial zone, including the Bridgeport Industrial Park to points in Iowa, Nebraska, Minnesota, and South Dakota. **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 Sioux City, Iowa, or Sioux Falls, S. Dak.

No. MC 110563 (Sub-No. 103), filed February 21, 1973. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Post Office Box 747, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packing-houses* (except hides and commodities in bulk), as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 from York, Nebr., to points in New York, Connecticut, Delaware, New Jersey, Ohio, Pennsylvania, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, Vermont, Rhode Island, Kentucky, Tennessee, Virginia, Illinois, Kansas, Missouri, Colorado, Maine, and Florida, restricted to traffic originating at York, Nebr. **NOTE:** Applicant states that the requested authority can be tacked at Chicago, Ill., and Cleveland, Ohio, however, it does not intend 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., or Omaha, Nebr.

No. MC 110420 (Sub-No. 675), filed February 26, 1973. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Fred H. Figue (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feeds and animal feed supplements*, liquid, in bulk, in tank vehicles, from De Kalb, Ill., to points in Indiana, Michigan, and Wisconsin, (2) *coloring syrup* (caramel) in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana,

Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, and (3) (a) *animal feed ingredients*, liquid, in bulk, in tank vehicles, from Madison, Wis., to Albert Lea, Minn., and (b) *animal fats, blends and products thereof*, from Madison, Wis., to points in Illinois. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. Applicant further states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 113267 (Sub-No. 296), filed January 26, 1973. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., Suite 115, 3385 Airways Boulevard, Memphis, TN 38116. Applicant's representative: Lawrence A. Fischer, 312 West Morris Street, Caseyville, IL 62232. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles* as described in Appendix XI to the report in Description in Motor Carrier Certificates, 61 M.C.C. 209, from Asheville, N.C., to points in Illinois, Missouri, and Tennessee. **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 Chicago, Ill., or St. Louis, Mo.

No. MC 113267 (Sub-No. 298), filed February 20, 1973. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., Suite 115, 3385 Airways Boulevard, Memphis, TN 38116. Applicant's representative: Lawrence A. Fischer, 312 West Morris Street, Caseyville, IL 62232. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bags and wrapping paper*, from Crossett, Ark., to points in Illinois and Wisconsin. **NOTE:** Common control was approved by the Commission in No. MC-F-7260. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 113855 (Sub-No. 270), filed February 9, 1973. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marlon Road SE., 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: *Tractors, tractor attachments, and parts for tractors and tractor attachments*,

from Romeo, Mich., to points in Montana, Idaho, Washington, Oregon, California, Nevada, Utah, and Arizona, and ports of entry on the international boundary line between the United States and Canada in North Dakota, Minnesota, Montana, Idaho, and Washington, restricted to traffic originating at the plant and warehouse sites of Ford Motor Co. at Romeo, Mich., and destined to the named destination States, except for that traffic moving in foreign commerce. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no 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 Detroit, Mich.

No. MC 113855 (Sub-No. 271), filed February 9, 1973. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., 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: *Building, roofing and insulation materials* (except iron and steel and commodities in bulk) and *materials used in the manufacture, installation and distribution thereof*, between the plantsites and warehouse facilities of Certain-teed Products Corp., located in Scott County, Minn., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming, restricted to traffic originating at or destined to the plantsites and warehouse facilities of Certain-teed Products Corp. in Scott County, Minn. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no 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 Minneapolis, Minn.

No. MC 113855 (Sub-No. 272), filed February 12, 1973. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., 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: *Iron and steel articles, and aluminum and aluminum products*, from points in Pierce County, Wash., to points in the United States including Alaska (but excluding Hawaii). **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but

indicates that it has no 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 Seattle or Spokane, Wash., or Portland, Oreg.

No. MC 114273 (Sub-No. 131), filed February 8, 1973. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Post Office Box 1943, 2720 First Avenue NE., Cedar Rapids, IA 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the warehouse site of Western Electric located at or near Underwood, Iowa, as an off-route point in connection with applicant's presently held authority between Omaha, Nebr., and Chicago, Ill. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 132), filed February 9, 1973. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, 2720 First Avenue NE., Post Office Box 1943, Cedar Rapids, IA 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laminated plastics*, from Kenneth Square, Pa., to Newton, Iowa; and (2) *plastic materials*, from Natrium, W. Va., to Newton, Iowa. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 133), filed February 21, 1973. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., Post Office Box 1943, Cedar Rapids, IA 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and structural steel products*, from points in La Salle County, Ill., to points in Minnesota, Iowa, Nebraska, Missouri, Indiana, Ohio, Michigan, and Wisconsin. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 138), filed February 5, 1973. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Livonia, Mich., to St. Paul and Minneapolis, Minn.; Des Moines, Iowa; Omaha, Nebr.; and St. Louis, Mo. **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. Paul, Minn.

No. MC 114632 (Sub-No. 55), filed February 6, 1973. Applicant: APPLE LINES, INC., Post Office Box 507, Madison, SD 57042. Applicant's representative: Andrew Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay, foundry moulding sand treating compounds*, in bags, and *boards*, water impedance, from the plantsite of American Colloid Co. at or near Belle Fourche, S. Dak., and Upton, Wyo., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Wisconsin. **NOTE:** Applicant also holds contract carrier authority under MC 129706, 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 Chicago, Ill.

No. MC 115162 (Sub-No. 263), filed February 12, 1973. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and conduit* (other than iron and steel) and *accessories, parts, fittings and attachments* therefor, from Rootstown Township, Portage County, Ohio, to points in Arkansas, Alabama, Florida, Georgia, Iowa, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South 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 Columbus or Cleveland, Ohio.

No. MC 115162 (Sub-No. 264), filed February 16, 1973. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, laminated flooring planks, blocks, and tile, laminated stair treads and risers, with adhesives and accessories* necessary for the installation thereof, from Center, Tex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New

Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, 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 Memphis, Tenn.

No. MC 115840 (Sub-No. 86), filed February 6, 1973. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 10327, Birmingham, AL 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Valves, hydrants, parts, attachments, and accessories* and (b) *materials, equipments 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:** Common control may be involved. Applicant states that tacking the requested authority with its existing authority is possible, but not intended, due to the scope of the application. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., Birmingham, Ala., or Washington, D.C.

No. MC 115840 (Sub-No. 87), filed February 6, 1973. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 10327, Birmingham, AL 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe, cast iron and brass valves and components, cast iron fittings, and cast iron fire hydrants* (except pipe and pipe fittings as described in Mercer Oil Field Extension 74 MCC 459), from Birmingham, Ala., to points in Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, North Dakota, South Dakota, and Texas, restricted to traffic originating at the facilities of, or used by, American Cast Iron Pipe Co., located at or near the named origin point. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Dallas, Tex., or New Orleans, La.

No. MC 115841 (Sub-No. 450), filed January 22, 1973. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 168, Concord, TN 37720. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and article dis-*

tributed by meat packinghouses, from Amarillo, Tex., to points in California and Arizona. **NOTE:** Applicant states tacking possible with various subs at Amarillo, Tex., which generally allow for transportation originating at points in the Southeastern, Atlantic seaboard, and Northeastern States, however no such tacking is anticipated or intended at this time. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at (1) Amarillo, Tex., (2) Phoenix, Ariz., or (3) Washington, D.C.

No. MC 115841 (Sub-No. 451), filed February 6, 1973. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 10327, Birmingham, AL 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies, used in, or useful in, the manufacture of mattresses and bedding, and mattress and bedding covers*, from Burlington, Greensboro, Jamestown, and Mount Holly, N.C., and Batesburg, Spartanburg, Sumter, and Walhalla, S.C., to Lake Wales, Fla. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., Spartanburg, S.C., or Washington, D.C.

No. MC 116119 (Sub-No. 24), filed February 1, 1973. Applicant: JOHN F. HARRIS, doing business as HOGAN'S TRANSFER & STORAGE CO., 1122 South Davis Avenue, Elkins, WV. Applicant's representative: Steven L. Welman, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and finished wood panels*, from Elkins, W. Va., to points in New Jersey and New York and *materials and supplies* used in the manufacture and distribution thereof from points in New Jersey and New York to Elkins, W. Va., under contract with Elkins Industries, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117568 (Sub-No. 9), filed January 29, 1973. Applicant: KEMPT TRUCK LINES, INC., West 20th Street, Post Office Box 1047, Joplin, MO 64801. Applicant's representative: Turner White, 805 Woodruff Building, Springfield, Mo. 65805. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* used in the manufacture of products by food, drug, and agricultural industries, from the plantsites of Hoffman-Taff, Inc., at Springfield and Verona, Mo.; West Alexandria, Ohio; Chattanooga, Tenn.; and the warehouses of Hoffman-Taff, Inc. at Dallas, Tex.; Roselle, N.J.; Des Moines, Iowa;

Minneapolis, Minn., and Gainesville, Ga., to points in the United States west of the western boundaries of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas, and (2) *packaging supplies, and equipment, and ingredients* used in the manufacture of the commodities described in (1) above, from the destination points in (1) to the plantsites and warehouses of Hoffman-Taff, Inc., at Springfield and Verona, Mo.; West Alexandria, Ohio; Chattanooga, Tenn.; Dallas, Tex.; Roselle, N.J.; Des Moines, Iowa; Minneapolis, Minn., and Gainesville, Ga., under contract with Hoffman-Taff, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Kansas City, Mo.

No. MC 117574 (Sub-No. 222), filed December 18, 1972. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representative: James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Power cranes*; (2) *tractors, with or without attachments* (except truck tractors); (3) *self-propelled cranes, backhoes, and shovels*; (4) *machinery*; (5) *attachments and parts* for the items in (1), (2), (3), and (4) above, (a) between Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Va., and points in the Isle of Wight, Nansemond, Surry, and York Counties, Va.; and (b) between Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, points in the Isle of Wight, Nansemond, Surry, and York Counties, Va., on the one hand, and, on the other, points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. **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 Washington, D.C.

No. MC 117574 (Sub-No. 225), filed February 8, 1973. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representative: James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, from West Manchester Township (Chester County), York, Pa., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin. **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 118535 (Sub-No. 55), filed February 8, 1973. Applicant: JIM TIONA, JR., 111 South Prospect, Butler, MO 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, and materials and supplies used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries*, when shipped in mixed loads with salt and salt products, (1) from Hutchinson, Kans., to points in Missouri and Texas, and (2) from Kanopolis, Kans., to points in Texas and New Mexico. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 118535 (Sub-No. 56), filed February 8, 1973. Applicant: JIM TIONA, JR., 111 South Prospect, Butler, MO 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, and materials and supplies used in the agricultural water treatment, food processing, wholesale grocery, and institutional supply industries*, when shipped in mixed loads with salt and salt products, from Grand Saline, Tex., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and South Dakota. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority under MC 118535 (Sub-No. 42) at Hutchinson, Kans., or Kanopolis, Kans., and serve points in Minnesota, North Dakota, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 118989 (Sub-No. 93), filed February 21, 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: *Drums and pails and related parts*, from the plantsite of Inland Steel Container Co., Division of Inland Steel Co., in Greenville, Ohio, to points in Iowa, Indiana, Illinois, Kentucky, Missouri, Minnesota, Michigan, Wisconsin, Pennsylvania, and New York. **NOTE:** Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119322 (Sub-No. 53), filed February 8, 1973. Applicant: Ee-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln Streets, East St. Louis, Ill. 62204. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics and resins*, in bulk, from Belleville, Ill., to points in Missouri, Kansas, Colorado, Arkansas, Oklahoma, Texas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Illinois, Indiana, Ohio, Michigan, Wisconsin, Minnesota, Iowa, and Nebraska. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 119441 (Sub-No. 33), filed February 2, 1973. Applicant: BAKER HI-WAY EXPRESS, INC., Box 484, Dover, OH 44622. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick and clay products* (except commodities in bulk), from points in Tuscarawas County, Ohio, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, and (2) *materials and supplies* (except commodities in bulk) from the above-named destination States to points in Tuscarawas County, Ohio. Restricted as to Virginia against traffic originating at the plantsite of Belden Brick Co. near Port Washington, Ohio. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119441 (Sub-No. 34), filed February 26, 1973. Applicant: BAKER HI-WAY EXPRESS, INC., Box 484, Dover, OH 44622. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Clay products*, from the plantsites of the Glen Gery Corp. at East Canton and Nelsonville, Ohio; Stark Ceramics, Inc., at Easton Canton, Ohio; Corundum Refractories, Inc., at Massillon, Ohio; the Whitacre-Greer Fireproofing Co. at Waynesburg and Magnolia, Ohio; Kopp Clay Co. at Mineral City, Ohio; and Malvern Flue Lint, Inc., at Malvern, Ohio, to points in Alabama, Florida, Tennessee, Georgia, Mississippi, North Carolina, and South Carolina, and (B) *materials* used in the manufacture of clay products, other than in bulk, from points in the above-named destination States to the plantsite locations named above. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119522 (Sub-No. 19), filed February 2, 1973. Applicant: MCLAIN TRUCKING, INC., 2425 Walton Street, Anderson, IN 46011. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass contain-*

ers and closures therefor, from Lapel, Ind., to Chicago and Plainfield, Ill., and points in the Southern Peninsula of Michigan; and (2) *return shipments of glass containers* from Chicago and Plainfield, Ill., and points in the Southern Peninsula of Michigan to Lapel, Ind. **NOTE:** Applicant holds contract carrier authority under MC 34865 and subs thereto, 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 Chicago, Ill., or Indianapolis, Ind.

No. MC 119789 (Sub-No. 150), filed February 12, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, 1612 East Irving Boulevard, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs*, from Lafayette and New Iberia, La., to points in Kentucky, New Jersey, New York, and Pennsylvania. **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 Lafayette, La., or Dallas, Tex.

No. MC 119789 (Sub-No. 151), filed February 16, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, 1612 East Irving Boulevard, Dallas, TX 75060. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Liberal, Kans., to points in Illinois, 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 Liberal, Kans., or Dallas, Tex.

No. MC 119789 (Sub-No. 152), filed February 21, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, 1612 East Irving Boulevard, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr., Post Office Box 6188, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Los Angeles, Calif., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island,

South Carolina, Tennessee, Texas, Vermont, Virginia, 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 Los Angeles, Calif., or Dallas, Tex.

No. MC 119789 (Sub-No. 153), filed February 21, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, 1612 East Irving Boulevard, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr., Post Office Box 6188, Dallas, TX 75222. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned tuna, pet-food, knocked down cartons*, from Los Angeles, and Los Angeles Harbor, Calif., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, 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 Los Angeles, Calif., or Dallas, Tex.

No. MC 119988 (Sub-No. 57), filed February 9, 1973. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Post Office Box 1384, Lufkin, TX 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Charcoal briquettes*, from Winn Parish, La., to points in Texas, Arkansas, Mississippi, Oklahoma, Kansas, Missouri, Alabama, Illinois, Tennessee, and Florida, and *empty wooden skids*, on return. 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 Dallas, Tex.

No. MC 119988 (Sub-No. 58), filed February 22, 1973. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Post Office Box 1384, Lufkin, TX 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except in bulk), from plantsite and warehouse facilities of International Paper Co., Inc., at or near Pine Bluff, Ark., to points in the United States, including 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 Dallas, Tex.

No. MC 120181 (Sub-No. 5), filed March 6, 1973. Applicant: MAIN LINE HAULING CO., INC., Post Office Box C, St. Clair, MO 63077. Applicant's representative: Ira G. Megdal, 1730 M Street 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 and those requiring special equipment), between points in Washington County, Mo., and the mining sites of Meramec Mining Co. in the vicinity of Pea Ridge, Mo., on the one hand, and, on the other, points in Missouri. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St. Louis, Mo.

No. MC 120981 (Sub-No. 15), filed February 12, 1973. 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, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Pikeville, Ky., and Huntington, W. Va.; from Pikeville over U.S. Highway 119 to Williamson, W. Va., thence over U.S. Highway 52 to Huntington, W. Va., and return over the same routes, serving all intermediate points; (2) between Prestonsburg, Ky., and Ashland, Ky.; from Prestonsburg over U.S. Highway 23 to Ashland, and return over the same route, serving all intermediate points; (3) between Salyersville, Ky., and the junction of U.S. Highway 60 and U.S. Highway 23 near Paintsville, Ky.; from Salyersville over U.S. Highway 460 to the junction of U.S. Highway 23 near Paintsville, and return over the same route, serving all intermediate points; (4) between Lexington, Ky., and Salyersville, Ky.; from Lexington over U.S. Highway 60 to Winchester, Ky., thence over Kentucky Highway 15 to Clay City, Ky., thence over Mountain Parkway to Salyersville, and return over the same route, serving no intermediate points.

(5) Between Lexington, Ky., and Charleston, W. Va.; from Lexington over U.S. Highway 60 to Charleston, and return over the same route, serving all intermediate points east of Owingsville, Ky., and its commercial zone; (6) between Lexington, Ky., and Clay City, Ky.; from Lexington over Interstate Highway 64 to junction of Mountain Parkway to

Clay City, and return over the same route, serving no intermediate points and serving Clay City, Ky., for joinder only, as an alternate route for operating convenience only; (7) between Lexington, Ky., and Charleston, W. Va.; from Lexington over Interstate Highway 64 to Charleston, and return over the same route, serving the junctions of Kentucky Highway 5, 32, 2, and 1 for joinder only, as an alternate route for operating convenience only; (8) between the junction of Interstate Highway 64 and Kentucky Highway 32 over Kentucky Highway 32 to Morehead, Ky., and return over the same route, serving all intermediate points; (9) between the junction of Interstate Highway 64 and Kentucky Highway 2, and Olive Hill, Ky.; from the junction of Interstate Highway 64 and Kentucky Highway 2 over Kentucky Highway 2 to Olive Hill, Ky., and return over the same route, serving all intermediate points; (10) between the junction of Interstate Highway 64 and Kentucky Highway 1 and Grayson, Ky., over Kentucky Highway 1 and return over the same route, serving all intermediate points; and (11) between Salyersville, Ky., and Pikeville, Ky.; from Salyersville over Kentucky Highway 114 to Prestonsburg, thence over U.S. Highway 460 to Pikeville, Ky., and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Lexington, Ky., Charleston, W. Va., and Pikeville, Ky.

No. MC 121273 (Sub-No. 3), filed December 29, 1972. Applicant: MCCORMACK TRANSPORTATION COMPANY, INCORPORATED, 121 North Story, Rock Rapids, IA 51246. Applicant's representative: M. L. Schubert (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and dangerous explosives, household goods as defined in Practices of Motor Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk or commodities requiring special equipment): (1) Between Sioux Falls, S. Dak., and Spirit Lake, Iowa, over South Dakota/Iowa State Highway 9 serving on and off-route points of Larchwood, Lester, Inwood, Alford, Doon, George, Little Rock, Rock Rapids, Sibley, Allendorf, Matlock, Ritter, Ashton, Cloverdale, Melvin, Harris, Ocheyedan, Montgomery, Milford, Lake Park, Fostoria, Arnolds Park, Okoboji, and Spirit Lake, Iowa; and (2) Between Sioux City, Iowa, and its commercial zone over Interstate Highway 9 to Larchwood, Iowa, and Spirit Lake, Iowa, serving all the off-route points named in (1) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 123048 (Sub-No. 245), filed February 8, 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: *Tractors* (except truck tractors), *tractor parts and attachments* thereof, from Romeo, Mich., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and ports of entry on the international boundary line between the United States and Canada in North Dakota, Minnesota, Montana, Idaho, and Washington, restricted to the plant and warehouse sites of Ford Motor Co., at Romeo, Mich., and destined to points in the above named destination States or points in foreign countries. 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 123255 (Sub-No. 34), filed February 12, 1973. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: N. E. Milford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass and fiberglass products*, from Shelbyville and Indianapolis, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Common control was approved by the Commission in No. MC-F-9523. Applicant holds a motor contract carrier permit in No. MC-81968 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123670 (Sub-No. 12), filed February 8, 1973. Applicant: CROWEL TRUCKING, INC., 4671 North Van Dyke, Almont, MI 48003. Applicant's representative: Eugene C. Ewald, Suite 1700, One Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Unfrozen pickled vegetables*, in containers, from Bridgeport, Imlay City, and Memphis, Mich., to points in Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, Kentucky, Tennessee, Oklahoma, Arkansas, Georgia, Alabama, Mississippi, and Louisiana, Texas, and Florida; (2) *supplies and materials*

used in the processing and manufacture of pickled products, from points in Pennsylvania, Illinois, West Virginia, Ohio, Indiana, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, Kentucky, Tennessee, Oklahoma, Arkansas, Georgia, Alabama, Mississippi, Louisiana, Texas, Florida, and Missouri, to Bridgeport, Imlay City, and Memphis, Mich.; (3) *unfrozen pickled vegetables*, in containers, from Millsboro, Del., to points in the United States on and east and 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; (4) *salt stocks*, in brine, in tote boxes, from Bridgeport, Imlay City, and Memphis, Mich., to Millsboro, Del.; and (5) *salt stock*, in brine, in tote boxes, from Millsboro, Del., to Bridgeport, Imlay City, and Memphis, Mich., under a continuing contract, or contracts with Vlastic Foods, Inc., of Lathrup Village, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Lansing, Mich., or Washington, D.C.

No. MC 124236 (Sub-No. 48), filed February 15, 1973. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, from the plantsites of St. Clair Lime Co., at or near Sallisaw, Okla., and at or near (about 3 miles north of) Marble City, Okla., to points in 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 Dallas, Tex., or Oklahoma City, Okla.

No. MC 124236 (Sub-No. 49), filed February 15, 1973. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, in bulk, in pneumatic tank trailers, from the plantsites of St. Clair Lime Co., at or near Sallisaw, Okla., and at or near (about 3 miles north of) Marble City, Okla., to points in Arkansas and 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 Dallas, Tex., or Oklahoma City, Okla.

No. MC 124327 (Sub-No. 10), filed February 8, 1973. Applicant: COASTAL CONTRACT CARRIER CORPORATION,

Box 261, Selmer, TN 38375. Applicant's representative: R. Connor Wiggins, Jr., 909 100 North Main Building, Memphis, Tenn. 38103. 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, between the retail and distribution facilities of House of Fabrics of South Carolina, Inc., located at points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, 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 124796 (Sub-No. 104), filed February 22, 1973. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, CA 91749. Applicant's representative: J. Max Harding, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioning equipment, furnaces, and component parts and accessories thereof*, between Memphis, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities which because of size or weight require the use of special equipment, and limited to a transportation service to be performed under a continuing contract, or contracts, with Carrier Corp., of La Puente, Calif. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 124854 (Sub-No. 12), filed February 8, 1973. Applicant: GRIM BROS. TRUCKING CO., 997 Loucks Mill Road, York, PA 17402. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete, cinder, and slag products*, in vehicles equipped with mechanical unloaders, from Baltimore, Md., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, and (2) *brick and clay products*, in vehicles equipped with mechanical unloaders, from Fairmount Heights, Md., to points in New York, Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, and Vermont. 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 125474 (Sub-No. 37), filed February 5, 1973. Applicant: BULK HAULERS, INC., Post Office Box 3601, Wilmington, NC 28401. Applicant's representative: Richard R. Sigmon and John C. Bradley, 618 Perpetual Building, 1111 E Street NW., Washington, DC 20004.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from Acme and Wilmington, N.C., to points in Virginia. **NOTE:** Common control was previously approved by the Commission in No. MC-F-10829. Applicant has pending in No. MC-125474 (Sub-No. 29), an application seeking authority to transport chemicals between Wilmington, N.C. and points in Virginia, therefore duplicating authority may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126305 (Sub-No. 50) (Correction), filed December 14, 1972, published in the FEDERAL REGISTER issue of February 15, 1973, and republished in part, as corrected, this issue. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rural Delivery No. 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. **NOTE:** The sole purpose of this republication is to correctly reflect applicant's name as shown above, deleting A. Tracy Parks III, as trustee. The rest of the application remains as previously published.

No. MC 126539 (Sub-No. 13), filed February 6, 1973. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, IA 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, from Burlington, Iowa, to points in Illinois, Missouri, and Wisconsin. **NOTE:** Applicant also holds contract carrier authority under MC 120135 and (Sub-No. 2), 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 Des Moines, Iowa, or Chicago, Ill.

No. MC 126514 (Sub-No. 41), filed February 6, 1973. Applicant: SCHAEFER TRUCKING, INC., 5200 West Bethany Home Road, Glendale, AZ 85301. 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: *Cosmetics, toilet preparations, perfume, and soap* (except in bulk), and *materials and supplies* used in the distribution and sale thereof, from Mountaintop, Pa., to Denver, Colo. **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., or New York, N.Y.

No. MC 127042 (Sub-No. 110), filed February 8, 1973. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98, Leeds Station, Sioux City, IA

51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, washing, and scouring compounds, toilet preparations, shampoo, proprietary drugs, insecticides, cosmetics, liquid lubricants, and supplies and advertising related materials* (except commodities in bulk), from Chicago, Ill., to points in Iowa. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority under MC 127042 (Sub-No. 64), which authorizes service from Eldora, Iowa, to points beyond, however, tacking is not intended. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127042 (Sub-No. 111), filed February 8, 1973. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98, Leeds Station, Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, paint and paint materials and supplies, proprietary antifreeze, aerosol products, and advertising materials and supplies, shampoo, cleaning and polishing compounds, deodorants and disinfectants, insecticides, hand tools and water absorption or anti-icing compounds* (except commodities in bulk, in tank vehicles), from Coal City and Chicago, Ill., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, 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 Chicago, Ill.

No. MC 127834 (Sub-No. 84), filed February 2, 1973. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, TN 37203. Applicant's representative: M. Bryan Stanley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Tishomingo County, Miss., and Hardin County, Tenn., on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, 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 Washington, D.C., or Nashville, Tenn.

No. MC 128256 (Sub-No. 16), filed February 8, 1973. Applicant: O. W. BLOSSER, doing business as BLOSSER TRUCKING, 215 North Main Street, Middlebury, IN 46540. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Siding, roofing, and related and component parts and accessories*, from Bristol, Ind., to Bloomsburg, Pa., Reidsville, N.C., Peachtree City, Ga., Ocala, Fla., Mansfield, Tex., Tulsa, Okla., McPherson, Kans., and points in Ohio, Illinois, Wisconsin, Kentucky, and Tennessee. **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 128256 (Sub-No. 17), filed February 8, 1973. Applicant: O. W. BLOSSER, doing business as BLOSSER TRUCKING, 215 North Main Street, Middlebury, IN 46540. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board and materials, supplies and accessories* used in the installation thereof, from the plantsite and warehouse facilities of the Abitibi Corp. near Roaring River, N.C., to Louisville, Ky., St. Louis, Mo., and points in Illinois, Indiana, Ohio, Michigan, and Pennsylvania; and (2) *materials, supplies, equipment and accessories* used in the manufacture and installation of composition board, from the destination points in (1) above, to the plantsite and warehouse facilities of Abitibi Corp. near Roaring River, N.C., restricted against the transportation of commodities in bulk. **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 128273 (Sub-No. 136), filed February 5, 1973. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manganese and manganese oxide*, from Covington, Tenn., to points in Wisconsin, Illinois, Ohio, Pennsylvania, New Jersey, and Louisiana. **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 Memphis, Tenn.

No. MC 128527 (Sub-No. 35), filed February 7, 1973. Applicant: MAY TRUCKING CO., a corporation, Post Office Box 398, Payette, ID 83661. Applicant's representative: John K. Gatchel, Post Office Box 195, Payette, ID 83661. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, antifreeze preparation and compounds, chemicals, steel cylinders and drums, compressed gases, animal and poultry feed, glassware, hardware, insecticides and fungicides, laundry materials and supplies, paint, paint materials and putty, paper and paper products, petroleum products and rope and twine* in mixed shipments, between the facilities of Van Waters &

Robers, Inc., at Portland, Oreg., and Boise, Idaho. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 128375 (Sub-No. 90), filed February 15, 1973. Applicant: CRETE CARRIER CORPORATION, Box 249, Crete, NE 68333. Applicant's representative: Duane W. Ackle (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Those articles produced and distributed by home product distributors, from Santa Ana, Calif., to points in Nevada, Utah, Arizona, Washington, Oregon, Idaho, Montana, and Wyoming, under contract with Amway Corp.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Chicago, Ill.

No. MC 128504 (Sub-No. 4), filed February 2, 1973. Applicant: JAMES M. BARNETT AND MRS. JAMES M. BARNETT, doing business as BARNETT'S MOVING & STORAGE, Route 4, Post Office Box 726, Kosciusko, MS 39090. Applicant's representative: Alton Massey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used household goods as defined by the Commission, between Kosciusko, Miss., on the one hand, and, on the other, points in Carroll, Holmes, Leake, Choctaw, Winston, Neshoba, Madison, Montgomery, Oktibbeha, Noxubee, Webster, Scott, Kemper, Yazoo, Newton, Grenada, Hinds, Leflore, Humphreys, Rankin, Lee, Lowndes, Pontotoc, Chickasaw, Calhoun, Yalobusha, Tallahatchie, Sunflower, Bolivar, Washington, Monroe, and Itawamba Counties, Miss., restricted to the transportation of traffic having a prior or subsequent out-of-State movement in container, beyond the pickup and delivery services, in connection with packing, crating, and containerization and/or unpacking, uncrating, and decontainerization; and (2) used household goods as defined by the Commission, between points in Mississippi.* **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 Jackson, Miss.

No. MC 129171 (Sub-No. 10), filed February 6, 1973. Applicant: ARTHUR SHELLEY, INC., Rural Delivery No. 2, Dallas, Pa. 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery, from Union, N.J., and the port of entry on the international boundary line between the United States and Canada at Niagara Falls, N.Y., to Portland, Oreg., Los Angeles, Calif., Seattle, Wash., and Salt Lake City, Utah.* **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 126381 and subs thereunder, there-

fore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 129171 (Sub-No. 11), filed February 12, 1973. Applicant: ARTHUR SHELLEY, INC., Rural Delivery No. 2, Dallas, Pa. 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Groceries, between points in California, Oregon, Washington, Idaho, Arizona, and New Mexico on the one hand, and, on the other, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Maryland, Virginia, Delaware, and the District of Columbia.* **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 126381 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant did not specify a location.

No. MC 129413 (Sub-No. 10), filed February 19, 1973. Applicant: C. B. TRANSPORTATION, INC., 1400 Grand Avenue, Post Office Box 3072, Sioux City, IA 51102. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Dry animal and poultry feeds, dry animal and poultry feed ingredients and animal and poultry health aids; (1) from the plantsites of Corn Belt Supply Co., Inc., Murphy Products Co., Inc. and Cargill Inc., Nutrena Feed Division, located at Sioux City, Iowa to points in Nebraska, South Dakota, North Dakota, Minnesota, Kansas, Missouri, Illinois, Colorado, Wyoming, and Wisconsin; (2) between the plantsites and warehouse facilities of Murphy Products Co., Inc. located at Montevideo, Minnesota, Burlington, Wisconsin, and Sioux City, Iowa; and (3) between the plantsites and warehouse facilities of Cargill Inc., Nutrena Feed Division, located at Sioux City, Iowa on the one hand and, on the other, Omaha and Grand Island, Nebr.; and (B) Dry animal and poultry feed ingredients from points in the destination states named in (A) (1) above to the plantsites and warehouse facilities of Corn Belt Supply Co., Inc., Murphy Products Co., Inc., and Cargill Inc., Nutrena Feed Division, located at Sioux City, Iowa.* **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 Sioux City, Iowa.

No. MC 133095 (Sub-No. 38), filed February 8, 1973. Applicant: TEXAS CONTINENTAL EXPRESS, INC., Post Office Box 434, Euless, TX 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-*

products (except commodities in bulk and except hides) from the plantsite and warehouse facilities of National Beef Packing Co., located at Liberal, Kans., to points in Ohio, Illinois, Indiana, Kentucky, Michigan, and Tennessee. **Restriction:** Restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. and destined to the named destinations. **NOTE:** Applicant holds pending contract carrier authority under MC 136032, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Dallas, Tex., Kansas City, Mo., or Washington, D.C.

No. MC 133095 (Sub-No. 39), filed February 14, 1973. Applicant: TEXAS CONTINENTAL EXPRESS, INC., Post Office Box 443, Euless, TX 76039. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is ordinarily dealt in by retail discount store from points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey to points in Arkansas, Oklahoma, and Texas.* **NOTE:** Applicant holds pending contract carrier authority under MC 136032, 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 Dallas, Tex.

No. MC 133119 (Sub-No. 16), filed February 6, 1973. Applicant: HEYL TRUCK LINES, 235 Mill Street, Akron, OH 51001. Applicant's representative: A. J. Swanson, Post Office Box 80806, 521 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foodstuffs, from Tulsa, Okla., to ports of entry on the international boundary line between the United States and Canada, located in Montana, North Dakota, and Minnesota, restricted to traffic moving in foreign commerce; and (2) meats, meat products, meat by-products, and articles distributed by meat packinghouses, as defined by the Commission, from Omaha, Nebr., Cherokee, Iowa, Wichita, Kans., and Worthington, Minn., to ports of entry on the international boundary line between the United States and Canada, located in New York and Michigan, restricted to traffic moving in foreign commerce.* **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 Omaha, Nebr., or Sioux City, Iowa.

No. MC 133220 (Sub-No. 7) (Correction), filed January 23, 1973 published in the FEDERAL REGISTER issue of March 8, 1973, and republished in part, as corrected this issue. Applicant: RECORD TRUCK LINE, INC., Post Office Box 11, Henderson, TN 38340. Applicant's representative: R. Connor Wiggins, Jr., 909

100 North Main Building, Memphis, Tenn. 38103. NOTE: The sole purpose of this partial republication is to correct the destination point of Clito, Ga., in lieu of, Cleito, Ga. as previously published. The rest of the application remains the same.

No. MC 133528 (Sub-No. 4), filed December 12, 1972. Applicant: UPTON FUEL & CONSTRUCTION CO., INC., Maple Avenue, West Upton, Mass. 01587. Applicant's representative: Arthur A. Wentzell, Post Office Box 764, Worcester, MA 01613. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* in bulk or in bags, from points in Massachusetts, to points in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island, on traffic having a prior out-of-state movement by rail to points in Massachusetts. 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 or Worcester, Mass.

No. MC 133757 (Sub-No. 1), filed February 9, 1973. Applicant: CAROLINA EAST FURNITURE TRANSPORT, INC., Post Office Box 906, Irying, TX 75060. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Graham County, N.C., and Monroe County, Tenn., and points in North Carolina and South Carolina. NOTE: Applicant states that tacking is possible with lead certificate at Sumter, Bennettsville, Fairfax, Florence, and Mullins, S.C., for service to points in Mississippi, Arkansas, Louisiana, Oklahoma, and Texas. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Columbia, S.C.

No. MC 134097 (Sub-No. 3), filed February 6, 1973. Applicant: HAHN TRANSPORTATION, INC., New Market, Md. 21774. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast structural concrete products*, from the plantsite of Formigli Corp. at or near Buckeystown, Md., to points in Connecticut, Delaware, Maryland, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, under a continuing contract, or contracts, with Formigli Corp. NOTE: Applicant holds common carrier authority under MC 56388 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134182 (Sub-No. 11), filed February 8, 1973. Applicant: MILK PRODUCERS MARKETING COMPANY, doing business as ALL-STAR TRANSPORTATION, a corporation, Second and

West Turnpike Road, Lawrence, Kans. 66044. Applicant's representative: Warren H. Sapp, Suite 910, Fairfax Building, 101 West 11th Street, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Frozen foods*, from the storage facilities of Banquet Foods, Inc., located at or near Wellston, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, the District of Columbia, and Leavenworth and Wyandotte Counties, Kans. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 134349 (Sub-No. 6), filed January 29, 1973. Applicant: B. L. T. CORPORATION, 405 Third Avenue, Brooklyn, NY 11215. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by women's and children's ready-to-wear retail stores, and in connection therewith, *equipment and supplies* used in the conduct of such businesses, between New York, N.Y., and Secaucus, N.J., on the one hand, and, on the other, points in Arkansas, Indiana, Iowa, Kentucky, Maryland, New Jersey, South Carolina, Tennessee, Virginia, and West Virginia, under contract with Gaylords National Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134387 (Sub-No. 19), filed February 12, 1973. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty cans and can ends*, from points in Washington, to points in California. 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 Los Angeles or San Francisco, Calif.

No. MC 134922 (Sub-No. 40), filed January 22, 1973. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: Craig B. Sherman, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, drugs, and plastic and rubber articles*, from Sturgis, Mich., to points in Texas, Arizona, New Mexico, Oklahoma, California, Colorado, Utah, Nevada, Oregon, Washington, and Montana. NOTE: Applicant states that the requested authority cannot or will not be

tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134922 (Sub-No. 41), filed February 13, 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: *Foodstuffs*, (1) between points in Arkansas, Louisiana, Mississippi, Tennessee, and Texas, and (2) from points in Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Maryland, Minnesota, Missouri, New York, Pennsylvania, and Wisconsin, to points in Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Dallas, Tex.

No. MC 134922 (Sub-No. 42), filed February 13, 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: *Foodstuffs*, (except in bulk), from points in California, Idaho, Oregon, and Washington to points in Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Dallas, Tex.

No. MC 135235 (Sub-No. 1), filed January 29, 1973. Applicant: LOMA CARTAGE, INC., 11359 Franklin Avenue, Franklin Park, IL 60131. Applicant's representative: Frank J. Belline, McDonald's Plaza, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings and materials and supplies* used in the installation of floor coverings, except commodities in bulk, from points in the Counties of Du Page and Lake, Ill., to points in Racine, Kenosha, Milwaukee, and Waukesha County, Wis., and to Mequon, Wis., and from points in Milwaukee County and Mequon, Wis., to points in Cook, Du Page, and Lake 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.

No. MC 136343 (Sub-No. 7), filed February 6, 1973. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 207, Milton, PA 17847. 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: *Containers and component parts*, from the facilities of

Penland Container, Inc., at Hanover, Pa., to points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Vermont, Georgia, Minnesota, Florida, North Carolina, South Carolina, West Virginia, Ohio, Indiana, Illinois, Michigan, Kentucky, Tennessee, Maryland, Virginia, and the District of Columbia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 96098 and subs thereunder, therefore common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136343 (Sub-No. 8), filed February 6, 1973. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 207, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnelle Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products and related articles*, from the facilities of St. Regis Paper Co., at or near Milford, Maine, to points in Ohio, Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Massachusetts, Connecticut, Rhode Island, North Carolina, South Carolina, Michigan, Vermont, New Hampshire, Georgia, Florida, and the District of Columbia. **NOTE:** Common control may be involved. Applicant holds contract carrier authority under MC-96098 and subs thereunder, 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 New York, N.Y., or Washington, D.C.

No. MC 136551 (Sub-No. 1), filed January 8, 1973. Applicant: DONALD M. ELMORE, doing business as M.O.R.T. ENTERPRISES, Post Office Box 616, Hoquiam, WA 98550. Applicant's representative: James J. Solan, 322 West Heron Street, Aberdeen, WA 98520. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shakes, shingles, hip and ridge boards, and associated products*, between points in Washington, Oregon, California, and Colorado. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at either (1) Hoquiam; (2) Aberdeen; or (3) Cosmopolis, Wash.

No. MC 136829 (Sub-No. 2), filed January 26, 1973. Applicant: C. JAMES, doing business as C. JAMES TRUCKING, 415 North Jarrett, Portland, OR 97217. Applicant's representative: Nick I. Goyak, 610 Southwest Alder, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles* as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, between points in Oregon, Washington, California, Nevada,

Arizona, Idaho, Utah, Montana, Colorado, Wyoming, and New Mexico. **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 Portland, Oreg., Seattle, Wash., or San Francisco, Calif.

No. MC 136830 (Sub-No. 1), filed January 21, 1973. Applicant: DARRELL E. SORENSON, doing business as DARRELL SORENSON TRANSPORTATION CO., Post Office Box 311, Centralia, WA 98531. Applicant's representative: Philip G. Skofstad, 4410 Northeast Fremont, Portland, OR 97213. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine, beer, and malt beverages*, from Modesto and San Jose, Calif., to Vancouver and Longview, Wash., under contract with Grimms Distributing Co., Vancouver, Wash., C & R Distributing Co., Longview, Wash., and Longview Ice & Cold Storage Co., Longview, Wash. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 136950 (Sub-No. 2), filed February 8, 1973. Applicant: FROSTY TRANSPORTATION, INC., Box 184, Douglassville, PA 19518. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and berries*, from points in Michigan to Pottstown, Morgantown, York, and Philadelphia, Pa., Portsmouth, Va., and Silver Spring, Md., restricted to traffic originating at points in Michigan and destined to the above-named points. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 138000 (Sub-No. 4), filed February 5, 1973. Applicant: ARTHUR H. FULTON, Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veneer*, (1) between Martinsburg, W. Va., on the one hand, and, on the other, points in Indiana, Kentucky, North Carolina, South Carolina, and Pennsylvania and (2) from Martinsburg, W. Va., to points in Vermont. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 129613 Sub 2 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138000 (Sub-No. 5), filed February 5, 1973. Applicant: ARTHUR H. FULTON, R.F.D., Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common car-*

rier, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Newark, N.J., Winston Salem, N.C., Cumberland, Md., Cleveland, Ohio, Philadelphia and Norristown, Pa., to points in Morgan, Berkeley, and Jefferson Counties, W. Va. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier under MC 129613 Sub 2 and other subs, therefore dual operations may be involved. Applicant further states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138000 (Sub-No. 6), filed February 5, 1973. Applicant: ARTHUR H. FULTON, R.F.D., Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mulch, sawdust, woodchips, waste, veneer, and lumber*, from Martinsburg, W. Va., to Louisville, Ky., New Albany, Ind., and points in New York, Pennsylvania, Maryland, Virginia, North Carolina, and South Carolina, (2) *Veneer*, from Martinsburg, W. Va., to Louisville, Ky., New Albany, Ind., and points in Maryland, Virginia, North Carolina, and South Carolina, (3) *Malt beverages*, (a) from Columbus, Ohio, Detroit, Mich., and St. Louis, Mo., to Martinsburg and Romney, W. Va., (b) from Pittsburgh, Pa., to Martinsburg, W. Va., (c) from Newark, N.J., to Winchester, and Harrisonburg, Va., and (d) from Newport, Ky., and La Trobe, Pa., to Harrisonburg, Va. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 129613 Sub 2 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138022 (Sub-No. 1), filed February 21, 1973. Applicant: CARDINAL MOVING & STORAGE, INC., 1721 Del Monte Boulevard, Seaside, CA 93955. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in Monterey, Santa Cruz, San Benito, San Luis Obispo, Santa Clara, San Mateo, San Francisco, and Alameda Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. **NOTE:** 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 San Francisco, Calif.

No. MC 138072 (Sub-No. 1), filed January 29, 1973. Applicant: MAY TRUCKING COMPANY, INC., Allen, Ky. 41635. Applicant's representative: Francis P. Desmond, 115 East Fifth Street, Chester, PA 19013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nitro carbo nitrate* (except in bulk), from Allen, Ky., to points in Mingo and McDowell Counties, W. Va., and Buchanan, Dickenson, Russell, and Wise Counties, Va., under contract with E. I. Dupont de Nemours and Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky.

No. MC 138079 (Sub-No. 1), filed February 9, 1973. Applicant: BARNUM AIR FREIGHT, INC., 1885 Lowell Avenue, Lima, OH 45805. 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: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between the Cox Municipal Airport located near Dayton, Ohio, on the one hand, and, on the other, points in Ohio within the following described area, beginning at the intersection of the Ohio-Indiana State line and Ohio Highway 613, thence east along Ohio Highway 613 to the junction of Interstate Highway 75, thence south along Interstate Highway 75 to Findlay, Ohio, thence south along U.S. Highway 68 to the junction of U.S. Highway 68 and Ohio Highway 47, thence west along Ohio Highway 47 to the Ohio-Indiana State line, thence north along the Ohio-Indiana State line to the place of beginning, restricted to traffic having an immediately prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus or Sidney, Ohio.

No. MC 138272 (Sub-No. 2), filed February 19, 1973. Applicant: ALBERT ANDERSON AND ALBERT B. ANDERSON, a partnership, doing business as ANDERSON TRUCKING, 310 South Grove Street, Lexington, IL 61753. Applicant's representative: Robert T. Lawley, 300 Reich Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, in bag and bulk, between Lincoln, Ill., and points in Kentucky and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 138295 (Sub-No. 1), filed February 8, 1973. Applicant: CYCLONE TRANSPORT, INC., 104 Black Hawk Street, Post Office Box A, Reinbeck, IA 50669. Applicant's representative: Larry

D. Knox, Ninth Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and household goods as defined by the Commission), from Sioux City, Nev., and Grundy Center, Iowa, to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the plantsite and/or storage facilities of Mid-Equipment, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 138378 (Amendment), filed February 15, 1973, published in the FEDERAL REGISTER issue of March 15, 1973, and republished in part, as amended, this issue. Applicant: DALE'S ENTERPRISES, INC., doing business as SOUTHWEST MOBILE HOMES, Highway 67W, Route 6, Box 29A, Texarkana, TX 75501. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. NOTE: The purpose of this partial republication is to add points in Columbia, Sevier, and Pike Counties, Ark., to the territorial description which were inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 138386 (sub-No. 1), filed February 5, 1973. Applicant: KEPHART TRUCKING CO., Box 386, Bigler, PA 16825. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and sawdust*, in bulk, from the plantsites of Bradford Coal Co. in the townships of Bradford and Pike, Clearfield County, Pa., to points in New York, New Jersey, and Maryland. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 138404, filed January 29, 1973 (Amendment), published in the FEDERAL REGISTER issue of March 15, 1973, and republished as amended, this issue. Applicant: DALE FOWLER AND MERLE THRAPP, a partnership, doing business as D & M TRANSPORT, Spragueville, Iowa 52074. Applicant's representative: Robert E. Konchar, 315 Commerce Exchange Building, Post Office Box 1943, Cedar Rapids, IA 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building material, buildings in sections, building panels, mechanical operated partitions and components, parts and material utilized in assembling buildings and sections*, from Dyersville, Iowa, and New Castle, Ind., to points in the United States (except Alaska and Hawaii). NOTE: The purpose of this republication is to reflect the service sought as common carrier authority, in lieu of contract carrier authority, as previously published. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138424, filed January 29, 1973. Applicant: J. W. "RED" SMITH, doing

business as RED SMITH'S AUTO TRANSPORTS, 209 South Gallatin Street, Jackson, MS 39201. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, Post Office 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used cars and used pickup trucks*, in truckaway service, between points in Mississippi, Tennessee, Louisiana, and Alabama. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 138425, filed February 5, 1973. Applicant: H. ALFRED KING SR., doing business as HELMRICH TOWING SERVICE, 4450 Marlton Pike, Pennsauken, NJ 08110. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, inoperative, stolen, abandoned, and repossessed motor vehicles, and cargo trailers*, with or without cargo, and *replacement motor vehicles and cargo trailers*, with or without cargo, in truckaway, towaway and/or driveaway service, between points in Connecticut, Delaware, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 138445, filed February 6, 1973. Applicant: LEE SCHOFIELD AND RONALD SCHOFIELD, doing business as SCHOFIELD WRECKER SERVICE, 1300 South Sylvania, Fort Worth, TX 76111. Applicant's representative: Clayte Blinn, 1108 Continental Bank Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked and disabled motor vehicles and trailers*; and (2) *replacement vehicles for those described in (1)*, between points in Texas on the one hand, and, on the other points in Louisiana, Mississippi, Oklahoma, Arkansas, Tennessee, Illinois, Missouri, Kansas, and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 138446, filed February 15, 1973. Applicant: MURRAY'S TRANSFER & STORAGE, INC., 1011 Floral Dane, Davenport, IA 52802. Applicant's representative: Larry D. Knox, Ninth Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Davenport, Iowa, to points in Dubuque, Jackson, Jones, Clinton, Linn, Scott, Cedar, Iowa, Poweshiek, Johnson, Washington, Mahaska, Keokuk, Louisa, Des Moines, Henry, Jefferson, Wapello, Davis, Van Buren, Lee and Mauscate counties, Iowa, and Jo Daviess, Stephenson, Carroll, Whiteside, Lee, Henry, Rock Island, Bureau, Mercer, Knox, Henderson, Warren, Hancock, and Putnam Counties, Ill. NOTE: If a hearing

is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 138448, filed February 8, 1973. Applicant: GARY CERNY, doing business as CERNY WRECKER SERVICE, 1261 34th Avenue, Columbus, NE 68601. Applicant's representative: A. J. Swanson, Post Office Box 80806, 521 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled vehicles*, from points in the United States (except Alaska and Hawaii), to points in Nebraska and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 138449, filed February 14, 1973. Applicant: STEVENS VAN LINES, INC., 121 South Niagara, Saginaw, MI 48602. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise and supplies*, from the warehouse facilities of Stevens Van Lines, Inc., to retail facilities of the S. S. Kresge Co. or its subsidiaries in Oakland County, Mich., under a continuing contract with the S. S. Kresge Co. and/or its subsidiaries. NOTE: Applicant holds common carrier authority under MC 74681, therefore common control and dual operations may be involved. Applicant further states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

MOTOR CARRIERS OF PASSENGERS

No. MC 125726 (Sub-No. 3), filed December 5, 1972. Applicant: STEWART DOYLE, INC., doing business as DOYLE TRANSIT COMPANY, 63 North Fifth Street, Fargo, ND 58102. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, between points in the Fargo, N. Dak., commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 138254 (Sub-No. 2), filed February 6, 1973. Applicant: MT. SNOW SHUTTLE SERVICE, INC., Post Office Box 656, Wilmington, VT 05363. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in a door-to-door service, in 12-passenger limousines, including the driver, in special operations, between the Boston, Mass., and New York, N.Y., commercial zones, as defined by the Commission, on the one hand, and, on the other, communities of Dover, East and West Dover, Wilmington, Jacksonville, Wardsboro, West Wardsboro, South Newfane, Marlboro, Williamsville, and Searsburg, Vt. NOTE: If a hearing is

deemed necessary, applicant requests it be held at New York, N.Y., Boston, Mass., and Brattleboro, Vt.

No. MC 138307, filed December 18, 1972. Applicant: ORLANDO BODDIE, SR., 2813 Parish Avenue, Newport News, VA 23607. Applicant's representative: Blair P. Wakefield, First and Merchants Bank Building, Suite 1001, Norfolk, Va. 23510. Authority sought to operate as a *common carrier*, by motor vehicle, over regular/irregular routes, transporting: regular routes: *Passengers*, between Murfreesboro, N.C., and Newport News, Va. (Newport News Shipbuilding & Drydock Co.); from Murfreesboro, N.C., over U.S. Highway 258 to junction Virginia Highway 189, thence over Virginia Highway 189 to Holland, Va., thence over Virginia Highway 189 to junction U.S. Highway 58, thence over U.S. Highway 58 to Suffolk, Va., and junction Virginia Highway 32, thence over Virginia Highway 32/U.S. Highways 17/258 to Newport News, Va., and return over the same route. Irregular routes: *Passengers and their baggage*, in special or charter operations beginning and ending at Murfreesboro, N.C., and extending to points in Delaware, Georgia, Kentucky, Maryland, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newport News, Va., or Norfolk, Va.

WATER CARRIER APPLICATIONS

No. W-1266 (Marine Exploration Co., Inc., contract carrier application), filed February 23, 1973. Applicant: MARINE EXPLORATION COMPANY, INCORPORATED, 2995 Northwest South River Drive, Miami, FL 33125. Applicant's representative: Reginald M. Hayden, Jr., Suite 304, Shaw Maritime Building, Miami, Fla. 33132. Application of Marine Exploration Co., Inc., filed February 23, 1973, for a permit to institute a new operation as a *contract carrier* by water, in interstate or foreign commerce in the transportation of *general commodities*, from Gulf and East Coast ports on an indefinite and unscheduled basis, to foreign ports.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 129656 (Sub-No. 8), filed January 11, 1973. Applicant: TRI DELTA BUILDING MATERIALS CO., INC., 2245 East Jackson Street, Phoenix, AZ 85034. Applicant's representative: Richard E. Apple (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum lath, gypsum wallboard, gypsum plaster and retarder*, from Blue Diamond, Nev., to points in Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

No. MC 129656 (Sub-No. 9), filed January 11, 1973. Applicant: TRI DELTA BUILDING MATERIALS CO., INC., 2245 East Jackson Street, Phoenix, AZ 85034. Applicant's representative: Richard E. Apple (same address as applicant). Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum lath, gypsum wallboard, gypsum plaster and retarder*, from Blue Diamond, Nev., to points in Ventura, Orange, Los Angeles, San Bernardino, Riverside, and San Diego Counties, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.73-5380 Filed 3-21-73; 8:45 am]

[Notice No. 34]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 15, 1973.

The following are notices of filing of applications¹ for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 50069 (Sub-No. 459 TA) (Correction), filed February 6, 1973, published in the FEDERAL REGISTER issue of February 28, 1973, and republished as corrected this issue. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, OH 43616. Applicant's representative: John A. Gollan (same address as above). NOTE: The purpose of partial republication is to correct the sub number to No. MC 50069 (Sub-No. 459 TA), in lieu of No. MC 50069 (Sub-No. 50069 TA) which was published in error. The rest of the application remains the same.

No. MC 78092 (Sub-No. 3 TA), filed March 5, 1973. Applicant: TAYLOR FREIGHT SYSTEMS, INC., 1615 North Delaware, Philadelphia, PA 19124. Applicant's representative: John Steel (same

¹ Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires, tubes and related products*, between Exton and Frazer, Pa., and Philadelphia, Pa., with prior or subsequent rail movement, for 180 days. Supporting shippers: Lee Tire & Rubber Co., Conshohocken, Pa. 19428 and Advanced Shippers Association, Inc., 1615 North Delaware Avenue, Philadelphia, PA 19125. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 94201 (Sub-No. 112 TA), filed March 6, 1973. Applicant: BOWMAN TRANSPORTATION, INC., Post Office Box 17744, 1500 Cedar Grove Road, Atlanta, GA 30316. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough iron casting* (tractor and agricultural implement parts) from the plantsite and warehouse facilities of Central Foundry Co. at or near Holt, Ala., to the plantsite and warehouse facilities of John Deere Tractor Co., at or near East Moline, Ill., for 180 days. Supporting shipper: Central Foundry Co., Post Office Box 188, Holt, AL 35401. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 107515 (Sub-No. 839 TA), filed February 16, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk) from the plantsite of Broughton Foods Co. at Charleston, W. Va., to points in Alabama, Georgia, Florida, Tennessee, and Wisconsin, for 180 days. NOTE: Applicant does intend to tack the authority. Supporting shipper: Broughton Foods Co., 210 North Seventh Street, Marietta, OH 45750. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 309, Atlanta, GA 30309.

No. MC 111545 (Sub-No. 179 TA), filed March 6, 1973. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Post Office Box 6426, Station A, Marietta, GA 30060. Applicant's representative: Robert E. Born (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 buildings in sections moving on undercarriages, from the

plantsite of Festival Homes of Alabama, Inc., in Pickens County, Ala., to points in Mississippi, Louisiana, Arkansas, Tennessee, Georgia, and Florida, for 180 days. Supporting shipper: Festival Homes of Alabama, Inc., Post Office Box 628, 100 Fleetwood Drive, Reform, AL 35481. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 111545 (Sub-No. 180 TA), filed March 6, 1973. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Post Office Box 6426, Station A, Marietta, GA 30060. Applicant's representative: Robert E. Born (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 buildings in sections moving on undercarriages, from the plantsite of Broadmore Homes of North Carolina, Inc., in Rockingham County, N.C., to points in Kentucky, Tennessee, South Carolina, Virginia, and West Virginia, for 180 days. Supporting shipper: Broadmore Homes of North Carolina, Inc., Reidsville, N.C. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 309, Atlanta, GA 30309.

No. MC 114552 (Sub-No. 74 TA), filed March 5, 1973. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, composition board and accessories therefor*, from the facilities of American Wood Finishing Systems, Inc., at Camden, N.J., to points in Virginia, North Carolina, South Carolina, and Georgia, for 180 days. Supporting shipper: American Wood Finishing Systems, Inc., 11 Hancock Street, Trenton, NJ 08604. Send protests to: E. E. Strotheid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 116474 (Sub-No. 25 TA), filed March 6, 1973. Applicant: LEAVITTS FREIGHT SERVICE, INC., a corporation, 3855 Marcola Road, Springfield, OR 97477. Applicant's representative: David C. White, Portland, Ore. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated poles and piling*, (1) from Arlington, Wash. to points in Oregon, Nevada, and points in California in and north of Monterey, Fresno, and Mono Counties and (2) from Eugene, Ore. to points in Alameda, Contra Costa, Marin, Mendocino, Merced, Monterey, Napa, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa

Cruz, Solano, Sonoma, and Stanislaus Counties, Calif., under a continuing contract with J. H. Baxter & Co., for 180 days. Supporting shipper: J. H. Baxter & Co., 1700 South El Camino Real, San Mateo, CA 94402. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 319 Southwest Pine Street, 450 Multnomah Building, Portland, OR 97204.

No. MC 119384 (Sub-No. 24 TA), filed March 5, 1973. Applicant: MORTON TRUCK LINES, INC., a corporation, 101 West Willis Avenue, Post Office Box 496, Perry, IA 50220. Applicant's representative: R. F. Kosek (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Quincy, Ill., to Solon, Ohio, for 180 days. Supporting shipper: Stouffer Foods, Division of Litton Industries, Inc., 5750 Harper Road, Solon, OH 44139. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 119489 (Sub-No. 30 TA), filed March 6, 1973. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, Post Office Box 249, Norfolk, NE 68701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Doniphan, Nebr., to points in Kansas, for 180 days. Supporting shipper: Agrico Chemical Co., National Bank of Tulsa Building, Post Office Box 3166, Tulsa, OK 74101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 124174 (Sub-No. 96 TA), filed March 6, 1973. Applicant: MOMSEN TRUCKING CO., a corporation, 2405 Hiway Boulevard, Spencer, IA 51301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corp., Lackawanna, N.Y., to Fort Smith and Little Rock, Ark.; Beatrice, Grand Island, and Omaha, Nebr.; and points in Illinois, Indiana, Iowa, Minnesota, Missouri, and Wisconsin, for 180 days. Supporting shipper: Bethlehem Steel Corp., Bethlehem, Pa. 18016. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 124236 (Sub-No. 50 TA), filed March 6, 1973. Applicant: CHEMICAL EXPRESS CARRIERS, INC., a corporation, 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrated lime*,

from the plantsite of St. Clair Lime Co. at or near Sallisaw, Okla., to Shreveport, La., for 180 days. NOTE: Carriers does not intend to tack authority. Supporting shipper: St. Clair Lime Co., Post Office Box 893, Oklahoma City, OK. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 128879 (Sub-No. 22 TA), filed March 6, 1973. Applicant: C-B TRUCK LINES, INC., a corporation, 1401 East Brady, Post Office Box 1774, Clovis, NM 88101. Applicant's representative: Edwin E. Piper, Jr., 1118 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Roswell, N. Mex., and Clovis, N. Mex.: From Roswell, N. Mex., over U.S. Highway 70 to Clovis, N. Mex., and return over the same route; (2) between Roswell, N. Mex., and El Paso, Tex.: From Roswell, N. Mex., over U.S. Highway 285 and also alternate U.S. Highway 285 to their junction north of Artesia, N. Mex., thence over U.S. Highway 285 to Carlsbad, N. Mex., thence over U.S. Highways 62 and 180 to El Paso, Tex., and return over the same route, serving the intermediate points on alternate U.S. Highway 285, and serving the intermediate point of Artesia, N. Mex.; and (3) between Roswell, N. Mex., and Lubbock, Tex.: From Roswell, N. Mex., over U.S. Highway 380 to Plains, Tex., thence over U.S. Highways 82 and 380 to Brownfield, Tex., thence over U.S. Highways 62 and 82 to Lubbock, Tex., and return over the same route, for 180 days. NOTE: Applicant intends to tack the routes herein applied for at Roswell, N. Mex., and to tack said routes with existing authority (MC-128879), Sub-No. 10 TA and Sub-No. 17 TA). Applicant further intends to interline at all service points on the routes applied for. Supporting shippers: There are approximately 72 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold SW, Albuquerque, NM 87101.

No. MC 129086 (Sub-No. 19 TA), filed March 5, 1973. Applicant: SPENCER TRUCKING CORPORATION, Box 254-A, Route 2, Keyser, WV 26726. Applicant's representative: Charles E. Creager, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, in pneumatic vehicles, from points in Frederick County, Va., to points

in Maryland, West Virginia, and Pennsylvania, for 180 days. Supporting shipper: Unisil Corp., 345 Park Avenue, New York, NY 10022. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, W. Va. 26003.

No. MC 129510 (Sub-No. 6 TA), filed March 6, 1973. Applicant: CHESTER W. ENGLUND, doing business as C. W. ENGLUND CO., 740 Old Stage Road, Salinas, CA 93401. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acid*, from Port Newark, N.J., to Ashtabula, Ohio, and Lafayette, Ind.; (2) *Coal tar dyes*, from Coventry, R.I.; Elizabethport, Port Newark, Bayonne, and Murray Hill, N.J., to Akron, Ohio; Elk Grove Village and Chicago, Ill.; St. Louis, Mo.; Texas City and Kennedy, Tex., and North Hollywood, Calif.; (3) *Dye intermediates*, (a) from Port Newark, Bayonne, Murray Hill, and Elizabethport, N.J., to North Hollywood, Calif., and (b) from Murray Hill and Port Newark, N.J., to Elk Grove Village and Chicago, Ill.; (4) *Chemicals*, (a) from Coventry, R.I.; Port Newark, Bayonne, Murray Hill, N.J., and Delaware City, Del., to Chicago and Elk Grove Village, Ill.; Texas City and Kennedy, Tex.; North Hollywood, Los Angeles, and San Leandro, Calif., and (b) from North Hollywood, Calif., to Denver, Colo.; Elk Grove Village, Ill.; Bayonne and Port Newark, N.J.; (5) *Plastics, plastic film or sheeting*, (a) from Coventry, R.I.; Port Newark, Bayonne, and Murray Hill, N.J., and Delaware City, Del., to Menasha and New London, Wis.; Des Moines, Iowa; Rockford and Chicago, Ill.; Elk Grove Village, Ill.; North Hollywood, Los Angeles, Visalia, and San Leandro, Calif., and (b) from North Hollywood, Calif., to Delaware City, Del.; (6) *Wax*, from Bridgeport, Pa., and Gulfport, Miss., to Bridgeport, Pa.; Chicago and Elk Grove Village, Ill.; Oklahoma City, Okla.; McPherson, Kans.; San Francisco, North Hollywood, and Los Angeles, Calif.; (7) *Printing plates*, from Coventry, R.I.; Port Newark, Bayonne, and Murray Hill, N.J., and Delaware City, Del., to Chicago and Elk Grove Village, Ill.; North Hollywood, Los Angeles, and San Leandro, Calif.; (8) *Cornstarch*, from Decatur, Ill., to Somerville, N.J.; (9) *Food preservatives*, from Coventry, R.I.; Port Newark, Bayonne, Murray Hill, and Elizabethport, N.J., to North Hollywood, Calif.; and (10) *Reproduction paper*, (a) from Murray Hill and Port Newark, N.J., to Elk Grove Village and Chicago, Ill., and (b) from Murray Hill, N.J., and Delaware City, Del., to Los Angeles and San Leandro, Calif., for 180 days. Restrictions: Service shall be rendered for the account of American Hoechst Corp., and its affiliates. Supporting shipper: American Hoechst Corp., Route 202-206 North, Somerville, N.J. 08876. Send protests to: District

Supervisor, Claud W. Reeves, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 134264 (Sub-No. 14 TA), filed March 6, 1973. Applicant: OCKENFEL'S TRANSFER, INC., 1301 Sheridan Avenue, Iowa City, IA 52240. Applicant's representative: Kenneth F. Dudley, P.O. 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 Pennsylvania and Virginia, for 180 days. Supporting shipper: Victor Metals Products Corp., Iowa City, Iowa 52240. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, IA 50309.

No. MC 135359 (Sub-No. 6 TA) (Correction), filed February 5, 1973, published in the FEDERAL REGISTER issue, of February 28, 1973, as Sub-No. 5 TA, in error, and republished as corrected, this issue. Applicant: BERNARD BAILEY, Bushwood, Md. 20618. Applicant's representative: Charles E. Creager, Suite 523, 815 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Chesapeake, Va., to points in Calvert, Charles, Prince Georges and St. Mary's Counties, Md., for 180 days. Supporting Shipper: Royster Co., P.O. Drawer 1940, Norfolk, VA 23501. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th Street and Constitution Avenue NW, Washington, DC 20423. NOTE: The purpose of this republication is to show the correct Sub number assigned thereto, Sub-No. 6 TA, in lieu of Sub-No. 5 TA, which was assigned to another proceeding which was published in the FEDERAL REGISTER issue of February 22, 1973.

No. MC 136485 (Sub-No. 2 TA), filed March 7, 1973. Applicant: WALDORF TRANSPORTATION CO., INC., Route 4, Box 108, Waldorf, MD 20601. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW, Washington, DC 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment, electrical supplies and materials, supplies and equipment* used in the installation of electrical equipment, and electrical supplies (except commodities which because of size or weight require the use of special equipment, and except commodities in bulk), from points in Pennsylvania, Ohio, New York, and Maryland, to points in Anne Arundel, Baltimore, Howard, Washington, Montgomery, Calvert, and Prince Georges Counties, and Baltimore City, Md.; Stafford, Fauquier, Loudoun,

Fairfax, Arlington, and Prince William Counties, Va.; and Washington, D.C., for 180 days. Restricted to a service to be performed under a continuing contract or contracts with Ellen-Breslin Associates, Inc., 1525 North Gay Street, Baltimore, MD 21213. Supporting shipper: Ellen-Breslin Associates, Inc., 1525 North Gay Street, Baltimore, MD 21213. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, DC 20423.

No. MC 136927 (Sub-No. 1 TA), filed December 20, 1972. Applicant: PETERSEN NORTHWEST CORPORATION, Post Office Box 3156, Midway, WA 98031 and Office address below, 21841 Pacific Highway South, Seattle, WA 98188. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, WA 98104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Modular or factory constructed buildings or substantial sections thereof*, in truckaway service, and/or towaway service, from points in Washington to points in Oregon, Idaho, and Montana and within said States, for 180 days. Supporting shipper: Modular Pacific Corp., 9407 East Marginal Way South, Seattle, WA 98108. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, WA 98104.

No. MC 138115 (Sub-No. 1 TA), filed March 5, 1973. Applicant: FRANK D. CORBIN, 1308 Ambrose Drive, Bloomery Star Route, Box 32, Winchester, VA 22601. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Business forms, lottery tickets and off track betting tickets*, from Hagerstown, Md., and its commercial zone, to points in New York, New Jersey, Pennsylvania, Virginia, and the District of Columbia, for 180 days. Supporting shipper: Arnold Graphic Industries, Inc., Middleburg Pike, U.S. Route 11, Post Office Box 2036, Hagerstown, MD 21740. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, DC 20423.

No. MC 138328 (Sub-No. 1 TA) (Correction), filed February 13, 1973, published in the FEDERAL REGISTER issue of March 5, 1973, and republished as corrected this issue. Applicant: WERNER ENTERPRISES, 805 32d Avenue, Post Office Box 831, Council Bluffs, IA 51501. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202. Note: The purpose of this partial republication is to remove the restriction "under contract with Charles Schneider and Co., Inc.". The rest of the notice remains as previously published.

No. MC 138353 (Sub-No. 1 TA), filed March 5, 1973. Applicant: JAMES D. HOELZEMAN, doing business as SCRAP HAULERS, 13840 South Halsted, Chicago, IL 60627. Applicant's representative: Samuel Ruff, 2109 Broadway, East Chicago, IN. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Scrap materials* having no commercial value except for remelting purposes, between Muskegon, Mich., and points in Ohio, Illinois, Michigan, Indiana, Kentucky, Wisconsin, Iowa, and Tennessee, for 150 days. Supporting shippers: Attention Richard J. Kelly, Ashland Iron & Steel Co., Inc., 1533 West 119th Street, Chicago, IL 60643; Attention William Fisher, Fisher Iron & Supply Co., Muskegon, Mich.; Leo Weiskopf, Empire Iron & Supply Co., Inc. 1515 West 122d Street, Chicago, IL 60643; and Attention Larry Prescott, Price Iron & Steel Co., Inc., 185 North Wabash Avenue, Chicago, IL. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 138459 TA, filed March 5, 1973. Applicant: GEORGES ED. CHOQUETTE, 355 rue St. Paul, St. Pie de Bagot, PQ, Canada. Applicant's representative: J. P. Vermette, 250 Napoleon-Provost Street, Repentigny, PQ, Canada. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Soya bean meal*, in bulk, in dump vehicles, (1) from Rouses Point, N.Y., to the international boundary line between the United States and Canada located at or near Rouses Point, N.Y., and (2) from Swanton, Vt., to the international boundary line between the United States and Canada located at or near Highgate Springs, Vt., for 180 days. Restriction: Restricted to traffic in foreign commerce destined to points in the Province of Quebec, Canada. Supporting shippers: Antoine Guertin Limitee, St. Pie de Bagot, Quebec, Canada, and Pillsbury Canada Limited, Post Office Box 488, Lacolle, PQ, Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 138460 TA, filed March 6, 1973. Applicant: PARK CITIES VAN LINES, INC., 11282 Indian Trail, Dallas, TX 75229. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, TX 76116. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Dallas, Tex., and Grand Prairie, Tex., on the one hand, and, on the other, points in Anderson, Collin, Cooke, Dallas, Denton, Delta, Cherokee, Ellis, Fannin, Freestone, Henderson, Grayson, Hunt, Kaufman, Johnson, Lamar, Navarro, Rockwall, Rains, Smith, Tarrant, Van Zandt, Wise, and Wood Counties, Tex., for 180 days. Restrictions: Operations are restricted to

the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized. Operations are also 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: Carrier does not intend to tack authority. Supporting shippers: Small Business Administration, 1100 Commerce Street, Dallas, TX 75202; Karevan, Inc., Post Office Box 9240, Queen Anne Station, Seattle, WA 98109; and Jet Forwarding, Inc., 200 West Central Avenue, Santa Ana, CA 92707. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 138461 TA, filed February 26, 1973. Applicant: YUCCA MOVING & STORAGE CO., 720 West Organ Street, Las Cruces, NM 88001. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in the counties of Hidalgo, Grant, Luna, Sierra, Dona Ana, Otero, N. Mex., restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating, or decontainerization of such traffic, for 180 days. Supporting shippers: Davidson Forwarding Co., Towson Plaza, 698 Fairmount Avenue, Baltimore, MD 21204 and Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, WA 98133. Send protests to: District Supervisor William R. Murdoch, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

No. MC 138462 TA, filed March 6, 1973. Applicant: GRACO CARTAGE CO., INC., 437 North Preston Street, Louisville, KY 40202. Applicant's representative: Herbert D. Liebman, 403 West Main Street, Frankfort, KY 40601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from the warehouses and other facilities of Port of Louisville, Inc., in Jefferson County, Ky., to points in Oldham, Henry, Shelby, Franklin, Woodford, Fayette, Clark, Montgomery, Bullitt, Hardin, Carroll, Trimble, Bourbon, Scott, Owen, Meade, Spencer, Washington, Anderson, Nelson, and Larue Counties, Ky., for 180 days. Supporting shipper: Mr. C. A. Hawkins, Jr., Manager—Sales, Port of Louisville Terminal, Inc., 333 River Road (P.O. Box 1020), Louisville, KY 40201. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 138463 TA, filed March 6, 1973. Applicant: LANDS TRANSPORTATION, INC., Post Office Box 1300, 500 Industrial Road, Bristow, OK 74010. Applicant's representative: J. C. Spitler, Jr. (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Carpet, carpet padding, items used in and dealt by carpet manufacturers, from Bristow,

Okla., to Houston and Dallas, Tex.; Salt Lake City, Utah; Albuquerque, N. Mex.; Spokane and Yakima, Wash.; Mobile and Birmingham, Ala.; Memphis, Tenn.; Tampa, Miami, Jacksonville, Orlando, Fla.; San Francisco and Los Angeles, Calif.; Wichita and Kansas City, Kans.; Kansas City, Mo.; Minneapolis, Minn.; Lawrenceburg, Ky.; and Denver, Colo., for 180 days. Supporting shipper: Sikes Carpet Co., Inc., Sanford D. Lee, 500

Industrial Road, Bristow, OK 74010. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5534 Filed 3-21-73;8:45 am]

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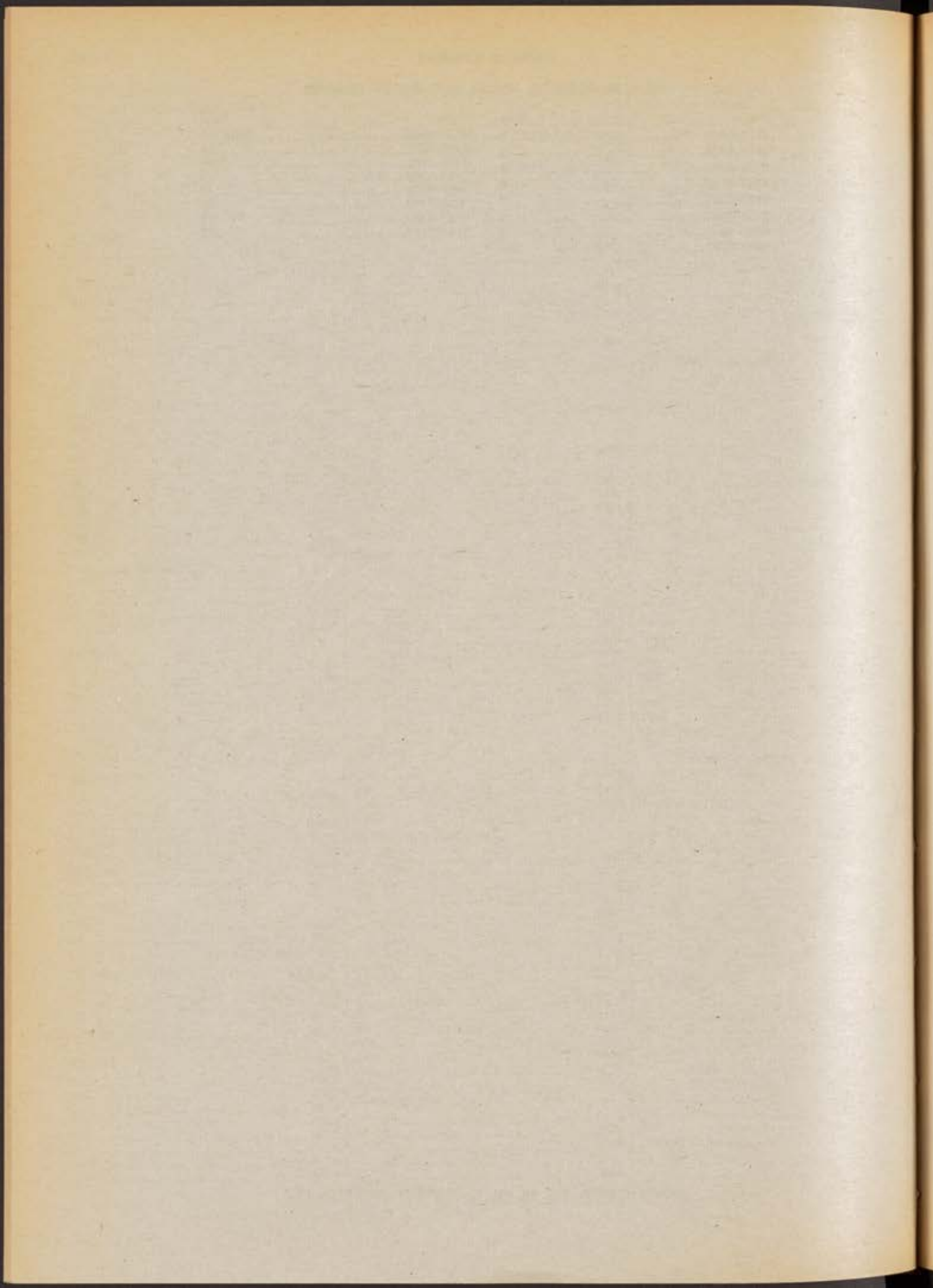
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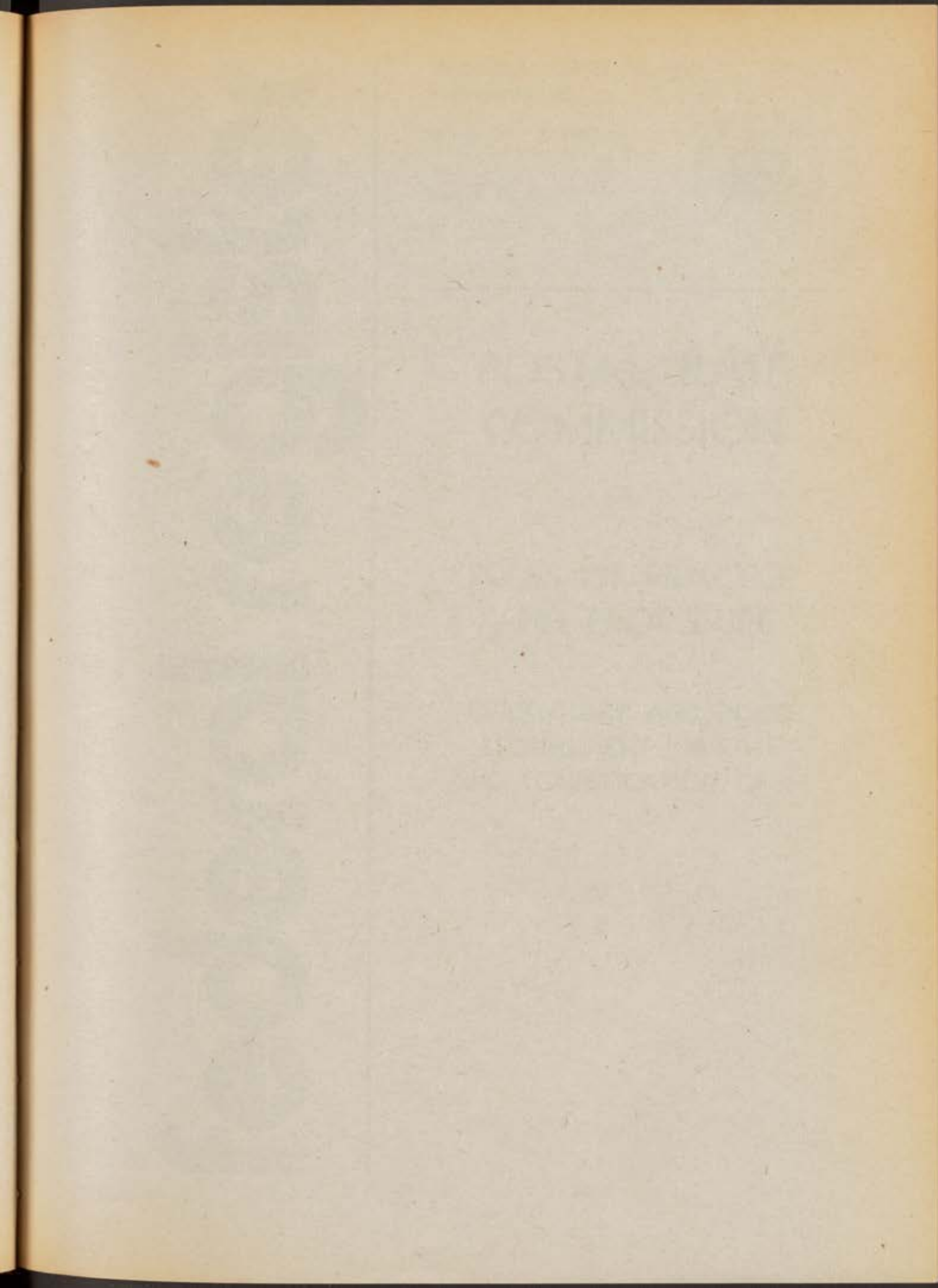
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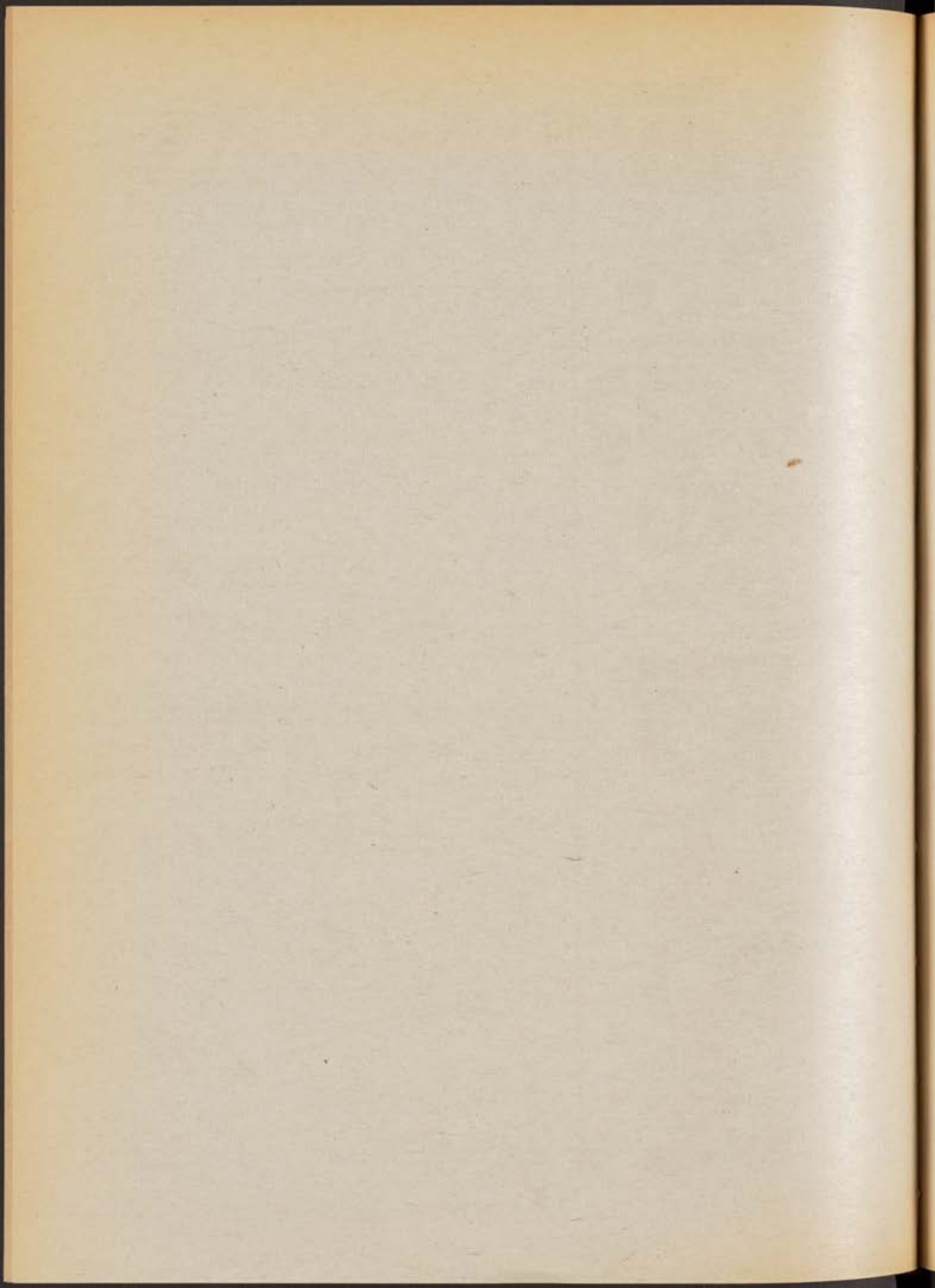
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PART II



POSTAL RATE COMMISSION

■

RULES OF PRACTICE AND PROCEDURE

EVIDENTIARY AND FILING REQUIREMENTS IN RATE AND CLASSIFICATION CASES

Title 39—Postal Service
CHAPTER III—POSTAL RATE
COMMISSION

[Docket RM78-1]

PART 3001—RULES OF PRACTICE AND
PROCEDURE

Evidentiary and Filing Requirements in
Rate and Classification Cases

By notice published in the FEDERAL REGISTER on July 18 and 28, 1972, the Commission initiated this proceeding for the purpose of revising its requirements for the filing of data in postal rate and mail classification proceedings (37 FR 14243 and 15437). The notices included a staff task force proposal for amending our rules of practice (39 CFR Part 3001) in this respect. In response to the staff proposal and our notices, 23 parties filed comments and counter proposals; 10 also filed reply comments (see Appendix A). After studying the comments, the Commission has decided that there is a need to modify the July staff proposal but, as modified, the proposal should be adopted.

I. THE NEED FOR REVISED RULES

The central goal of this proceeding is to improve the quality of information presented in Commission proceedings. Although the U.S. Postal Service (Postal Service or the Service) contends that rulemaking action is now "premature" and should be deferred until after "at least several (litigated) cases," we cannot agree.

Experience convinces us that the parties must be encouraged to present more and better evidence in Commission proceedings. In the first rate case, Docket R71-1, the Commission recognized that there were many areas in which more complete data would have been desirable. Among other things, the Commission pointed out the need to refine techniques for apportionment and to present data representing the Service's functionalized operations. The Commission cannot defer its obligation to secure the best possible evidence in future proceedings.

Moreover, prompt adoption of new rules will assist the Commission in conducting its proceedings "with utmost expedition consistent with procedural fairness to the parties." (See 39 U.S.C. 3624 (b).) As the Commission noted in the July 18 notice, the first rate case showed that inadequate data submissions led to significant delay. Delays in future proceedings cannot be avoided unless we can reduce the time needed to conclude the discovery phase of Commission proceedings. One way to shorten Commission proceedings is to devise some means whereby parties seeking relevant information from the Service will have it available to them when the Service files a rate or mail classification request. Prompt establishment of procedures accomplishing that end is in the interest of the Commission, the mailers, and the Service.

Nonetheless, the Service has made a persuasive case for modifying the July staff proposal. Some of the staff's July proposals, and those presented by certain mailers, are very comprehensive and do not appear capable of being achieved at this stage of postal regulation. In

reaching this conclusion we have taken account of the Service's statement that it "is now engaged in a major revision of its accounting, budget, and reporting systems." We expect that such revisions will not eliminate data compilations which the Service has agreed to retain in its offices. We do not, however, wish to hinder this program and unnecessarily lengthen the transitional period.

In sum, while we are acutely aware that it is impossible to perfect a filing or reporting system at this stage of postal regulation, we are satisfied that a beginning must be made. The rules which we adopt here represent a general approach to the problem of filing requirements which will alert the Service to the types of evidence it should file. At the same time, the rules avoid onerous requirements which could disrupt current efforts to establish meaningful data systems. Although the rules do not encompass all of the parties' suggestions, this proceeding must be viewed as the first of its genre. Future proceedings will refine our filing requirements. The rules adopted at this time, however, will provide a sound foundation for future modifications.

II. THE SERVICE'S FILINGS IN RATE
PROCEEDINGS

As contemplated by the July staff proposal, our revised rules (39 CFR Part 3001, Subpart B) increase the evidence which the Postal Service must file with its formal requests for rate changes. These rules are designed to enable the Commission staff and interested parties to analyze the scope of each filing, fully understand its contents, and thereby avoid protracted discovery procedures.

General requirements. The July staff proposal contemplated that the Service would file all the specified evidence with every rate request. The Service contends that such a requirement would be enormously expensive. We are convinced that means are available to obtain satisfactory regulatory information, albeit not perfect, without the incurrance of inordinate burdens.

With this in mind, we have revised our present rule (39 CFR 3001.54(a)) so that it requires that the specified evidentiary data (set out in the new paragraphs (b) through (c) of 39 CFR 3001.54) need be provided only "to the extent information is available or can be made available without undue burden." This will avoid burdening the Postal Service by mandatory reports of data not truly available to it.

As a concomitant provision, the rules also direct the Service to supply detailed explanations when it asserts that data are unavailable. Interested parties will thus be informed why such information is not available, what action would be needed to make it available, whether the Postal Service contemplates making it available, and, if so, when.

The rule also states that it is "not in derogation" of the Commission's normal discovery procedures. Upon request, the presiding officer can direct the Service to file any relevant and material information which was omitted from the filing.

Rates and standards information. The July staff proposal asked the Service to identify the existing and proposed new rates, and the related services rendered by the Postal Service. It thus called for a succinct specification of all mail services and the related rules, regulations, and practices which establish the conditions of mailability and standards of service.

The Service takes the position that this information need not be specified because much of it is already available in the Code of Federal Regulations and in the Postal Service Manual. These documents, however, contain "regulations . . . for both public and internal use" and do not readily reflect a separate catalog of all the necessary information. As we see it, the Service has an obligation to identify the services which it renders in exchange for the users' payment of a prescribed rate.

The Commission, however, will change the July proposal in several respects. As revised, the rule (39 CFR 3001.54(b)) allows the postal regulations to be set forth in summary fashion and tariff-like form. In addition, at the Service's suggestion, we have modified the rule's provision asking the Service to state the degree of substitutability between the various mail classes and subclasses. It is now clear that the rule is aimed at "economic" substitutability.¹

Mail characteristics. The rules (39 CFR 3001.54(c)) will retain the staff's proposal that the Service identify the characteristics of the mailer and recipient—and describe the items being mailed. The Service has indicated a willingness to provide this information to the extent it is available. As noted earlier, the rules contain a general provision exempting information which is unavailable.

Physical attributes of mail. The July staff proposal sought information on the "physical attributes of mail." Although the Postal Service stated that it cannot achieve substantial compliance with this rule in the immediate future, the rule is of fundamental importance and will be retained as a goal (39 CFR 3001.54(d)). The Service states that it has accumulated certain data relating to physical shapes in connection with its own studies. Moreover, as we understand the Service's response to staff's proposed PRC Form C-1, certain additional data will become available in the future. Such information can constitute a beginning in this important area.

Special service arrangements. Another feature of the July staff proposal was a request that the characteristics of the postal service rendered be identified. As revised (39 CFR 3001.54(e)), the rule asks the Service to supply a "summary statement" describing any "special service arrangements."

¹The revised rule also incorporates the third-class mailers' suggestion that the rate schedules filed by the Service identify, where applicable, the phased rates and the adjusted rates proposed by the Service under 39 U.S.C. §§ 3626 and 3627, respectively. This requirement is applicable, however, only to the "circumstances known at the time of filing."

The new rule reflects the salutary principle that there should be no undue service discrimination among mail users within a given class. In other utility industries, arrangements have existed whereby a utility company has incurred additional costs for a small segment of users within a given service class without all such users obtaining proportionate benefits. These arrangements may signal the need for rate adjustments. The rule will enable the Commission to know about and to evaluate any such arrangements for mailers.

Total functionalized costs. The July staff proposal sought to obtain information regarding the Postal Service's total costs for the most recent past year and as projected for the future. Such cost information, which must be keyed to the different postal functions, is important for effective rate regulation. Our final rule (39 CFR 3001.54(f)) will endorse the staff's concept, with several changes of detail.

In this and other related rules, the Commission has uniformly incorporated the Service's suggestion that the reported data be presented solely on a fiscal-year basis. In addition, the Commission has expanded this rule so as to require estimated costs for the fiscal year in which the filing is made. This latter change will ensure that the Commission has comprehensive current data before it.²

Like other rules drafted by the staff task force last July, this rule incorporated certain proposed reporting forms. After studying the parties' comments on the forms, we have decided to delete the forms at this time. The Service has available much of the summary data sought in some forms and can present those data in evidentiary proceedings. Other forms need substantial refinement or request data which are not available at this time or cannot be made readily available. Given the expected changes in the Service's data collection and accounting systems, we are of the view that the reporting forms are now premature. Further action on the report forms should await future developments.³

² Similarly, in 39 CFR 3001.54(j) (1)-(5), related revenues and volumes are required.

³ Meanwhile, we shall direct the staff to continue its work on these forms and, further, urge the Postal Service to carefully consider the data collection requests contained therein, as well as the intervenors' suggested changes—particularly the extensive and detailed report form submitted by Poster Associates. Also see the initial comments of American Business Press pp. 3-6 (mail delivery costs, peaking patterns, zone rate information); Association of American Publishers pp. 2-3 (handling costs for special fourth class mail); Council of Public Utility Mailers pp. 5-7 (functional costs of subclasses comprising first class mail, costs of local mail and peaking patterns); Magazine Publishers of America pp. 7-11, 25-27 (capacity requirements, peaking patterns, mailer preparation, level of service, and various specific cost related data); Mail Advertising Corporation of America pp. 3-6 (mail forwarding costs, certain revenue and cost data for specified types of mail service, and peaking patterns); Readers Digest pp. 7-10 (functionalized unit costs, larger mailer volumes); United Parcel Service pp. 2-4 (periodic reports).

The revised rule also incorporates a proposal submitted by certain third-class mailers. Thus, the estimated costs are to be shown on two bases: (i) At the pre-filing rates, and (ii) at the suggested rates. This information is designed to show potential interclass shifts of volume or loss of volume due to changed rates.

Under the new rule, the Service will be required—when it assigns and distributes costs by account to functional categories—to include the related mail volumes. We recognize that this might initially entail considerable effort on the part of the Service. Nonetheless, we believe that substantial functionalization of costs and related volumes, if achieved, will aid in the development of functionalized unit costs.⁴

Another modification proposed by the Postal Service relates to reporting these data only "in final, complete form" for the fiscal year just ended. That is, if data for the most recently concluded fiscal year have not been audited in complete form, the Postal Service wants to present the data for the fiscal year preceding it. We have not adopted this suggested modification. Instead we have modified the rule to require "preliminary or pro forma" fiscal year data for the most recently concluded fiscal year if the accounting data for that year have not been completed in final form. A final complete statement is to be substituted for the preliminary data when it becomes available. This requirement is necessary to avoid the use of "stale" data and to expedite rate cases.

Costs of prior years. The July staff proposal required the Service to show its total costs for each year since its last request for a change in rates. Under the staff rule, this historic data had to be in a form "consistent" with the cost information provided for the most recent year. The Service fears that the rule's phraseology might preclude the reporting of costs reflecting "newly-developed reporting concepts . . . (which) may . . . provide more detailed information than was available in previous years." The rule as revised (39 CFR 3001.54(g)) now recognizes that departures from consistent reporting could occur in the future and requests the Service to provide an explanation of their effect.

Separation of costs. Perhaps the most controversial staff proposal was a draft rule which contemplated the allocation of costs to the mail classes. Primarily because the draft rule was tied to certain reporting forms, the Service and others construe it as requiring the Service to present a "fully distributed cost" study. Not only has the Commission decided to postpone consideration of the contested forms, but it has also substantially rewritten this rule.

⁴ In this connection, see our discussion in Docket R71-1 concerning the need for unit cost evidence relating to the "various postal processing operations" (Vol. I, 1-284). References to the record in the Docket R71-1 proceeding are to the four volumes published in eight parts by the Government Printing Office under 39 U.S.C. 3625(e).

As revised, the rule (39 CFR 3001.54(h)) tracks the provisions of 39 U.S.C. 3622(b) (3). Although some parties urge the Commission to rule on the use of "fully distributed costs" in Commission proceedings, we still consider the final disposition of this question to be premature and adhere to our views expressed in this matter in the first mail rate proceeding in Docket R71-1, see Volume I, 1-279 to 280. Thus, this rule states that "[t]he Commission neither requires nor approves any particular methodology." Similarly, we do not wish to foreclose the submission of data by any other participant related to any particular costing methodology.

Also, the Service cautions that it will not be able to quantify various factors which the rule lists as a part of the costing analysis. For example, it will not be able to measure the effect of peaking patterns until some future time. Apparently, for the present, a quantification "simply [is] not available." To a large degree, the rules we are adopting at this time have been written in anticipation of foreseeable future developments and it is not unreasonable to seek some measurement of these factors listed in the rule, subject to the availability clause of 39 CFR 3001.54(a). For this reason, the rule continues to list those factors which bear importantly upon utility costing.

In view of the Service's statement of its difficulties in providing the information already requested, the requests of the third-class mailers and American Business Press for additional data will not be granted at this time.

Criteria for rate schedule. In its July proposal, the staff task force requested, among other things, a statement of the criteria used by the Postal Service to distribute costs which are not directly "associated" with any class or subclass of mail. In this connection, the staff draft called for the submission of "studies, information and data relevant to the criteria established by section 3622 of the Act with appropriate explanations" which will assist the Commission in establishing an appropriate rate schedule. The Commission will adopt the rule with several changes (39 CFR 3001.54(i)).

One change stems from the Service's objection to the proposal that it be required to state the "relative importance of each criterion." According to the Service, this requirement unrealistically implies comparability among the criteria and more precision than is normally achieved in the ratemaking process. The objection appears sound, and this phrase is deleted from the adopted rules.

In response to the third-class mailers' suggestion, the rule will also be modified to speak in terms of costs "attributed to" mail classes, rather than "associated with" them.

Revenues and volumes. On this subject, the July staff proposal is not questioned insofar as it asked for fundamental information about revenues and

volume, by mail classes. These provisions are therefore adopted without further discussion (39 CFR 3001.54(j)(1)-(5)).⁶

In connection with the estimate of revenue, the July draft rule also required the submittal of a demand analysis for each subclass of service, with the analysis addressed to a number of economic factors—variables in customer demand, price elasticity and cross-elasticity of demand for each class of mail, the relationship of mail volume to various elements (population, income, etc.), and peaking patterns. The Postal Service's comments relate almost entirely to problems flowing from the quantifications implicit in this demand analysis.

Thus, the Service objects to the requirement that a forecast of future mail volume and related estimates of future revenues identify the relationship of total mail volume to "population, income, substitutable services, business activity, and any other nonprice variables affecting volume." (See 39 CFR 3001.54(j)(6).) Although the Postal Service states that it cannot currently comply with the rule as phrased, it nevertheless has "begun a program to increase its ability to furnish the required information." The "availability" rule in 39 CFR 3001.54(a) would appear to allay the Service's concern. This "availability" proviso should also obviate the Service's concern that the rule requires a quantitative identification of (1) the price elasticity of demand for each class and subclass of mail and service as well as (2) the cross-elasticities for such classes and subclasses and (3) peaking patterns of postal usage. Considering the complexity and the current status of the Service's data systems, we are aware that quantitative measurements of these factors must "await a prolonged period of development," as stated by the Service. However, the Service itself recognized in the first rate request proceeding the importance of elasticity concepts for the purpose of estimating demand for postal services. While we agree that the implementation of these concepts and the development of refined and reliable measurements may present analytical problems, we nonetheless think that further exploration of these techniques could produce information valuable to the setting of postal rates.

Financial statements. Included in the July staff draft was a rule introducing the report forms which the Service was to have utilized in its rate filings for the reporting of various information. We have modified the rule (39 CFR 3001.54(k)) by eliminating all references to those forms. Instead, the rule now requires, in general terms, five categories of information which track the staff's forms but eliminate the reporting rigidity inherent in the forms. Thus, for the time being, the Service is free to report the data in its own format.

⁶ One minor change is noted, see footnote 2, supra.

Performance goals. The staff's July draft of the rules required the Service to submit every quarterly issue of the National Service Index, not previously filed with the Commission, as part of its formal rate requests. We have totally eliminated this evidentiary requirement from the new rule (39 CFR 3001.54(l)), as suggested by the Postal Service. The Service correctly notes that this document is publicly available upon request and that its inclusion in rate filings is unnecessary. In lieu of staff's rule we have required the Service to identify the performance goals it has established for the various mail classes and achieved levels of service where such goals have been set.

Workpapers. The staff task force proposed in its July draft that the Service be required to submit workpapers at the time it files a rate request with the Commission. With certain changes, the proposed rule will be adopted (39 CFR 3001.54(m)).

The staff's draft of this rule required that the workpapers meet certain uniformity requirements of the evidentiary rules, and the Service properly objects that such requirements are foreign to the nature of workpapers. We agree and have modified the rule to eliminate such requirements.

The Service also objects to the requirement that eight sets of workpapers be submitted. We have reduced this number to seven. Five sets of workpapers will be needed by Commission staff members who analyze the Service's filings. The remaining two will be available at the Commission's offices so that the public may inspect and copy them. The purpose of this rule is to reduce the amount of time needed to analyze the filing after it is lodged with the Commission. However, we agree with the Service's observation that certain elements of workpapers such as computer tapes and related programs cannot be duplicated and submitted as a part of a filing. Such items must be the object of special requests.

Certifications. The Commission has decided to adopt rules requiring that certain filed information be certified by postal officials and an independent public accountant (39 CFR 3001.54(n) and (o)). The final rules have been modified to incorporate the substance of suggestions submitted by the Service in its comments upon the staff's proposed rules.

Minor rate cases. The staff's July proposal made no provision for the waiver of certain filing requirements where the Service files a rate request involving minor changes. The rules (39 CFR 3001.54(p)) now include appropriate provision for such action.

Failure to comply. The Service expresses considerable consternation over the staff's July proposal governing instances where the Service fails to comply with the evidentiary filing requirements. The staff's draft rule authorized the Commission to reject the Service's filing or to accept it provisionally. We have eliminated the staff's proposal from the revised rules and in place thereof have substituted the rule expressed in 39 CFR 3001.56. We agree with the staff that the

Commission should have procedural controls to insure expeditious regulatory treatment of rate and mail classification filings. The July draft rule, however, would foster potential procedural difficulties, particularly with respect to the establishment of temporary postal rates. These problems can be avoided and the Commission can still fulfill its responsibilities by adopting a rule providing for a stay of proceedings where the Commission makes an express finding that the Service's failure to supply information interferes with the Commission's ability to expedite a rate request.

III. THE SERVICE'S FILING IN CLASSIFICATION CASES

Threshold questions. Before dealing with the classification rules themselves, the Commission must decide whether it is premature to adopt any such rules at this time and, if not, when those rules should become effective. The Service, Association of American Publishers and certain third-class mailers believe that no classification rules should be adopted now. We disagree. If the parties to the present classification case, Docket MCT3-1, have the rules before them, they will be far more likely to become aware of which rules need additional refinement. To promulgate the rules now will help both the Commission and the parties.

At the same time, the Commission recognizes that it would be impractical to make the new rules mandatory for the present classification case. The Postal Service has been preparing that filing for some time and cannot now be expected to acquire all the newly required data. Consequently, the new rules (including those related to intervenors' evidence will not apply to Docket MCT3-1. This, of course, does not preclude the presiding officer from requiring the production of any relevant and material evidence.

Filings affecting rates. The July staff proposal contained a special rule for classification filings which change rates or establish new postal services. In such cases, the staff proposal directed the Service to supply supporting cost (and other) information. The Service does not object to the rule's basic thrust, and we will adopt the rule (39 CFR 3001.64(h)) with modifications.

The Service voices several objections to the applicability provisions of this rule. First, it characterizes the rule as being too broad in that it would require the Service to submit excessively burdensome filings for "relatively minor changes in rates or classifications." As a curative we have added a paragraph to the rule which enables the Service to ask for a waiver of "certain * * * (rate request) requirements if in the Commission's judgment * * * the proposed change in the classification schedule does not significantly change the rates and fees or the cost-revenue relationships * * *."

Secondly, the Postal Service asserts that the rule should be restricted to those services over which the Commission has jurisdiction. At this early stage of postal regulation, the Service should

not attempt to make unilateral interpretations as to the extent of the Commission's jurisdiction. If the Service believes that a given service falls outside the Commission's jurisdiction, it is always free to request the Commission to disclaim jurisdiction. As now drafted, the rule allows these questions to be resolved in the context of actual controversies presented to the Commission or in proceedings initiated by the Commission.

Other classification rules. The remaining classification rules are parallel or related to the rate case rules discussed in Part II of this preamble. Since the parties' comments on these two sets of rules are similar, the Commission has made essentially the same changes in the classification rules which it explained in connection with the rate case rules.*

IV. INTERVENORS' FILINGS

In the July draft, the staff proposed entirely new rules soliciting information from intervenors. If this information is provided as part of the intervenors' original evidentiary filing, the Service and the Commission staff can study it promptly and thus expedite the hearings. After careful study of the mailers' thoughtful comments, the Commission will adopt the proposed rules in modified form.† (39 CFR 3001.91-3001.92.)

Voluntary submissions. Although many mailers object to the rules, much of their opposition is predicated upon the misconception that the proposed rules are mandatory. To clarify this, the rules now specify that the intervenors are "invited" to submit the information, as part of their direct cases, "on a voluntary basis."

Although intervenors are thus not required to file the specified information with their direct cases, in appropriate instances they may properly be asked to supply relevant data in response to discovery requests. Insofar as the Commission needs data in order to evaluate the mailers' claims, the rules specify that they are not in derogation of the agency's authority to compel discovery.

This approach is, we believe, preferable to the Service's suggestion that provision of all the specified information be made mandatory, unless a special "waiver" is granted. At this stage of regulation, the Service's suggestion would impose an overly rigid presumption favoring discovery. In our view, the existing discovery procedures are better suited for adjudicating contentions that information is privileged or that the expense of furnishing it outweighs its probative value. The Service's suggested "waiver" system would hamper the presiding officer's ability to appraise the

facts of each situation and to balance the conflicting considerations.

Description of intervenors' operations. The July staff proposal called for intervenors to describe their businesses, their use of postal services, and their mailing operations. We will modify the rule in several respects.

First, in response to some trade associations' requests, such associations will be allowed to limit their response to a "general" description of their members' businesses (39 CFR 3001.92(a)). Next, data regarding postal costs may be supplied on an "estimated" basis (39 CFR 3001.92(b)). Finally, as suggested by the Service, the rules ask for a functional breakdown of intervenors' mailing operations (39 CFR 3001.92(c)). This is a potentially burdensome requirement, but given the voluntary nature of the rule we have incorporated it because of the obvious value of such information.

A few intervenors state that some information regarding their mailing operations is not generally available. So far as the intervenors' direct evidentiary filings are concerned, however, compliance with the rule is voluntary. The presiding officer will be able to assess claims of unavailability if such information is requested through interrogatories.

Postage costs. In the July draft, the staff task force asked for a statement of the relationship between the intervenors' postage costs and their other expenses. Although some mailers believe that this information is difficult to obtain, other intervenors will find it feasible to present such information. In this connection we have expanded the rule, as suggested by American Business Press and the Service, so as to obtain an itemization of postage costs by mail class and as related to total operating expenses (39 CFR 3001.92(d)).

Financial impact. The July staff proposal requested each intervenor to estimate the financial impact on itself of proposed rate and classification changes. As requested by Magazine Publishers Association and Parcel Post Association, the rule will be revised so that trade associations can present this information on an aggregate basis for their members (39 CFR 3001.92(e)). The Commission reserves the right to require this information to be provided by subgroups of companies.

Absorption of rate changes and demand for postal service. Another staff proposal sought information bearing upon the extent to which intervenors can absorb or avoid rate changes. Although mailers question this rule, the Commission finds that no modifications are required, particularly in light of the 39 CFR 3001.91 applicability section (39 CFR 3001.92(f)). For the same reason, no change to 39 CFR 3001.92(g)—requesting information on the demand for postal service—is indicated.

Information from competitors and suppliers. One of the most important July proposals concerned information on competitive operations between the Postal Service and its competitors, like

United Parcel Service. We have expanded this rule (39 CFR 3001.92(h)) to request an intervenor's costs relating to competitive services, as requested by the Postal Service. No opposition was voiced to this additional request.† Similarly, no reply comments were opposed to the Service's proposed expansion of another rule (39 CFR 3001.92(i)) to obtain supporting statistical or accounting data from an intervenor who is a manufacturer or supplier for users of the Postal Service.

"Impact" data. In order to analyze claims that mailers are financially injured by Service proposals, the July staff draft sought a statement of intervenors' revenues, volumes, costs, and profits. The rule originally sought such data for a 10-year period. In the final rule, this period has now been changed to 5 years (39 CFR 3001.92(j)). Association of American Publishers' suggestion that a 2-year period be used is rejected because these data are subject to radical fluctuations over such a short period. Thus, a data time-series of less than 5 years would probably detract substantially from the data's value.‡

User studies. Another July proposal, which solicited user studies of the Postal Service, is unchallenged and will be adopted (39 CFR 3001.92(k)).

Representative data. In requesting the information discussed above, the July draft did not require intervenors to specify whether their evidence is representative of a significant category of mailers. At the suggestion of the third-class mailers, we will correct this omission (39 CFR 3001.92). As revised, the rule will aid in establishing the materiality of much of the intervenors' evidence. This will not preclude individual presentations but, if they are not representative, the revised rule will aid in establishing that fact.

Workpapers. The staff task force provided in its July draft that intervenors, like the Postal Service, should accompany their filings with copies of workpapers. After reviewing Commission needs, we have reduced the total number of workpaper sets to be filed to seven (39 CFR 3001.92(l)). Otherwise, we

* The rule originally required information on a competitor's operations covering a 10-year span. We have concluded that a 5-year period will provide satisfactory data and the rule is changed accordingly.

† Our recent order in Docket RM73-2 dealt fully with the Service's additional suggestion that every trade association should be required to produce the requested information with respect to each member of the association (38 FR 4750-4753, Feb. 22, 1973, correcting 38 FR 4324-4325, Feb. 13, 1973). There the Commission also emphasized that trade association intervenors should not be permitted to funnel the rate impact complaints of constituent members—and then become a shield for such members when the Commission or the Postal Service seeks to obtain data supporting the impact claims. And, finally, the Commission also answered a proposal (also made here) that parties should be "encouraged" to seek protective orders preserving confidential data.

* In addition, one classification rule (39 CFR 3001.94(e)) differs from the July staff proposal in that it seeks information for the period "before and after" a mail service is transferred from one class to another.

† As noted in Part III of this preamble, these rules (and those governing Service filings in classification cases) will not apply to the pending proceeding in Docket MC73-1.

think the rule is workable and we make no other revisions to staff's proposed rule except (1) to provide for the transmittal of two sets of workpapers to counsel for the Postal Service, and (2) to delete the reference to 39 CFR 3001.31, as requested by the Postal Service.

Conclusions on intervenors' filings. The Commission is sympathetic to the mailers' concern that overly stringent rules in this area might discourage mailer participation in Commission proceedings. That is why the Commission designed these rules to encourage voluntary compliance (39 CFR 3001.91). It is also the reason that we have denied certain Service requests to make the rules mandatory and more stringent.

Our efforts to keep Commission proceedings open to all mailers do not stop there, however. On February 6, 1973, the Commission issued a new rule allowing persons (who choose not to be full parties) to participate in Commission proceedings on a limited basis. Under the new rules, "limited participants" may be heard without making themselves subject to interrogatories and other discovery procedures (38 FR 3510).

In the final analysis, however, mailers must recognize that rules soliciting complete information are in their own best interests. Unless mailers provide adequate information, the Commission may be unable to appraise their contentions that Service proposals will injure them financially. It is too early to say, in the abstract, whether a participant's refusal to produce data should lead to a "negative inference." However, the rules give plain warning that, when the Commission determines how much weight should be accorded to a participant's contentions, it will take account of any failure to provide relevant and material information.

V. GENERAL EVIDENTIARY RULES

The staff's July proposal also included a general rule covering the introduction of studies in Commission proceedings. The purpose of the rule was to enable the Commission to analyze and evaluate the validity of studies presented in evidentiary proceedings. Only the Postal Service suggests changes to this rule and we have adopted all of them as useful revisions (39 CFR 3001.31(k)). Thus, the Service suggests that the requirement, in paragraph (1), for "a statement of the relative weights given to the various factors in arriving at each conclusion" in a study plan be eliminated. We agree.

We have also changed the language in paragraph (2) so that statistical studies will not be automatically presented, but only "[u]pon proper request," as suggested by the Postal Service. Further, it is appropriate that the confidence limits requested in this paragraph be restricted to "major estimates" where sample surveys are employed. We find that these changes are proper in order to avoid placing an undue burden on either the Postal Service or other participants. However we do not intend thereby to preclude an examination of an appro-

priate witness on these subjects during a proceeding.

VI. CONCLUSION

As noted earlier, the rules promulgated now must be regarded as the beginning—not the end—of an evolutionary process. Experience in pending and future proceedings may point the way for improvements and changes. Until that experience is gained, however, we doubt that either additional written comments³⁹ or on-the-record conferences are likely to be of much help in this proceeding. After due time, the Commission will review the rules and any rulemaking proposals submitted by the parties.

Accordingly, in light of the foregoing findings, and pursuant to sections 3603, 3622, 3623, and 3624 of the Postal Reorganization Act, 39 U.S.C. 3603, 3622, 3623, and 3624, the Commission hereby amends Part 3001 of its regulations (39 CFR Part 3001) as set forth below. It is further ordered that the amendments shall become effective on March 22, 1973, but that they shall not be applicable to the pending proceeding in Docket MC73-1.

1. Amend the Table of Contents by adding new §§ 3001.56 and 3001.66 and a new Subpart F as follows:

Subpart B—Rules Applicable to Requests for Changes in Rates and Fees
Sec.

3001.56 Failure to comply.

Subpart C—Rules Applicable to Requests for Establishing or Changing the Mail Classification Schedule

3001.66 Failure to comply.

Subpart F—Rules Applicable to the Filing of Testimony by Intervenors

3001.91 Applicability.

3001.92 Submissions by intervenors.

2. Section 3001.31 is amended by adding a new paragraph (k) reading as follows:

§ 3001.31 Evidence.

(k) *Introduction of studies and analyses.* (1) In the case of all studies and analyses offered in evidence in hearing proceedings, other than the kinds described in subparagraph (2) of this paragraph, there shall be a clear statement of the study plan, all relevant assumptions and a description of the techniques of data collection, estimation and/or testing. In addition, there shall be a clear statement of the facts and judgments upon which conclusions are based, together with an indication of the alternative courses of action considered. Tabulations of input data shall be made available upon request at the offices of the Commission.

³⁹ "The requirement of submission of a proposed rule for comment does not automatically generate a new opportunity for comment merely because the rule promulgated by the agency differs from the rule it proposed, partly at least in response to submissions." See *International Harvester Co. v. EPA*, 481 F.2d 1154 (D.C. Cir. No. 72-1517, Feb. 10, 1973) (slip op. page 24, footnote omitted).

(2) Upon proper request all statistical studies offered in evidence in hearing proceedings shall be described in a summary statement with supplementary details added in appendices so as to give a comprehensive delineation of the assumptions made, the study plan utilized and the procedures undertaken. For example, for each of the following types of statistical studies, the indicated information should be furnished:

(i) *Sample surveys.* (a) A clear description of the survey design, including the definition of the universe under study, the sampling frame and units, and the validity and confidence limits that can be placed on major estimates; and

(b) An explanation of the method of selecting the sample and the characteristics measured or counted.

(ii) *Econometric investigations.* (a) A complete description of the econometric model and the reasons for each assumption and statistical specification;

(b) A clear statement as to the effects on the final result of changes in the assumptions; and

(c) Upon request, make available alternative studies which may have been made, which employed alternative models and variables.

(iii) *Experimental analyses.* (a) A complete description of the experimental design, including a specification of the controlled conditions and how the controls were realized; and

(b) A complete description of the methods of making observations and the adjustments, if any, to observed data.

(iv) *All studies involving statistical methodology.* (a) The formula used for statistical estimates;

(b) The standard errors of each component estimated;

(c) Test statistics and the description of statistical tests and all related computations, computer programs and final results; and

(d) Summary descriptions of input data, and upon request the actual input data shall be made available at the offices of the Commission.

3. Section 3001.54 is revised to read as follows:

§ 3001.54 Contents of formal requests.

(a) *General requirements.* (1) Each formal request filed under this subpart shall include such information and data and such statements of reasons and bases as are necessary and appropriate fully to inform the Commission and the parties of the nature, scope, significance and impact of the proposed changes or adjustments in rates or fees and to show that the changes or adjustments in rates or fees are in the public interest and in accordance with the policies of the Act and the applicable criteria of the Act. To the extent information is available or can be made available without undue burden, each formal request shall include the information specified in paragraphs (b)-(c) of this section. If the required information is set forth in the Postal Service's prepared direct evidence, it shall be deemed to be

part of the formal request without restatement.

(2) If any information required by paragraphs (b)-(o) of this section is not available and cannot be made available without undue burden, the request shall provide where reference is made to this paragraph, in lieu of such information, a statement explaining with particularity:

(i) The information which is not available or cannot be made available without undue burden;

(ii) The reason or reasons that each such item of information is not available and cannot be made available without undue burden;

(iii) The steps or actions which would be needed to make each such item of information available, together with an estimate of the time and expense required therefor;

(iv) Whether it is contemplated that each such item of information will be supplied in the future and, if so, at what time; and

(v) Whether reliable estimates are available where such information cannot be furnished and, if so, the specifics of such estimates.

(3) The provisions of subparagraph (2) of this paragraph for the Postal Service to include in its formal request certain alternative information in lieu of that specified by paragraphs (b)-(o) of this section are not in derogation of the Commission's and the presiding officer's authority, pursuant to §§ 3001.23-3001.28, respecting the provision of information at a time following receipt of the formal request.

(4) The Commission may request information in addition to that required by paragraphs (b)-(o) of this section.

(b) *Rates and standards information.*

(1) Every formal request shall include schedules of the then effective rate or rates of postage and fee or fees for all postal services and the rate or rates of postage and fee or fees for all postal services as proposed to be changed or adjusted by the Postal Service. The schedules shall show the full rate and where applicable the phased rate under section 3626 of the Act and any proposed adjustment to such phased rates under section 3627 of the Act indicated by circumstances known at the time of filing.

(2) The schedules required by subparagraph (1) of this paragraph shall, for all classes and subclasses of mail and service, be in summary fashion and tariff-like form. (E.g., there shall be a specification of those rules, regulations and practices which establish the conditions of mailability and the standards of service.) As a part thereof, the schedules shall specifically be addressed to such functions as mail pickup and delivery, processing and other similar functions.

(3) Subject to paragraph (a)(2) of this section, the schedules required by subparagraph (1) of this paragraph shall also contain a statement identifying the degree of economic substitutability between the various classes and subclasses, e.g., a description of cross-elasticity of

demand as between various classes of mail.

(4) Subject to paragraph (a)(2) of this section, the schedules required by subparagraph (1) of this paragraph shall be accompanied by an identification of all nonpostal services.

(c) *Mail characteristics.* Subject to paragraph (a)(2) of this section, every formal request shall include an identification of the characteristics of the mailer and recipient, and a description of the contents of items mailed within the various classes and subclasses of mail and service.

(d) *Physical attributes of mail.* Subject to paragraph (a)(2) of this section, every formal request shall include an identification of the physical attributes of the items mailed by class and subclass, including shape, weight, and distance.

(e) *Special service arrangements.* Subject to paragraph (a)(2) of this section, every formal request shall contain, to the extent the following information is not expressly included under paragraph (b)(2) of this section, a summary statement describing special service arrangements provided to, or requested or required of, mailers by the Postal Service which bear upon the cost of service or the value of the mail service to both the sender and the recipient, e.g., services relating to mailer preparations in excess of requirements specified by the Postal Service Manual, pick-up and delivery, expedited or deferred processing, and other similar activities performed.

(f) *Total functionalized accrued costs.*

(1) Subject to paragraph (a)(2) of this section, every formal request shall set forth the total actual accrued costs during the most recent fiscal year for which they are reasonably available. In the event final total actual accrued costs are not yet available for the fiscal year immediately preceding the fiscal year in which the filing is made, a preliminary or pro forma statement of such actual accrued costs shall be furnished. Any preliminary statement shall use, as appropriate, quarterly or accounting period reports for the preceding fiscal year. A final complete statement shall be substituted for any preliminary statement when the former becomes available.

(2) Subject to paragraph (a)(2) of this section, every formal request shall also set forth (i) the estimated total accrued costs of the Postal Service for the fiscal year in which the filing is made and (ii) the estimated total accrued costs of the Postal Service as specified in section 3621 of the Act which form the basis for proposed change in rates or fees. Estimated accrued costs referred to in subdivision (ii) of this subparagraph shall be for a fiscal year beginning not more than 12 months subsequent to the filing date of the formal request. These two estimates of accrued costs shall be calculated on two bases: First, assuming the pre-filing rates and fees and, second, assuming the suggested rates and fees. Estimated accrued costs shall be accompanied by an explanation of the methods and procedures used for cost

projections. The analyses of estimated costs shall include, but need not be limited to:

(a) An explanation of the projection of total volumes;

(b) An explanation of the effect of the projected volume levels on estimated total costs;

(c) The specification of the cost savings which will be realized from gains and improvements in total productivity, indicating such factors as operational and technological advances and innovations; and

(d) The identification of abnormal costs which are expected to be incurred in the forecasted test period.

(3) Each cost presentation required by subparagraphs (1) and (2) of this paragraph shall, subject to paragraph (a)(2) of this section:

(i) Show operating costs in sufficient detail as to the accounting and functional classifications and with such reasonable explanation so that the actual or estimated amount for each item of expense may be readily understood;

(ii) State and fully explain the amounts included for:

(a) Depreciation on capital facilities and equipment;

(b) Debt service;

(c) Contingencies; and

(d) Extraordinary or nonrecurring expenses;

(iii) Assign and distribute costs to each of the functions comprising the mail process. Such presentations shall include:

(a) An itemization of costs by the major accounts as reflected by the Service's books of accounts for all cost segments, such as postmasters, supervisors, etc.;

(b) An itemization of costs by functions such as collection, acceptance, general overheads, etc.;

(c) An assignment and distribution of the costs by account, as set forth in (a) of this subdivision, together with related mail volumes, to the functions set forth in (b) of this subdivision;

(d) An assignment and distribution of the costs by account, together with related mail volumes, to such subfunctions within each category for which information is available or can be developed; and

(e) An explanation of the method by which the costs by accounts are assigned and distributed to functions.

(g) *Costs of prior fiscal years.* Subject to paragraph (a)(2) of this section, every formal request shall present the total actual accrued costs for each fiscal year since the last filing pursuant to this section. Such submission should be in a form as nearly consistent as possible with the filing under paragraph (f) of this section, together with explanations of any departures from such form and the effect of such departures.

(h) *Separation, attribution, and assignment of certain costs.* (1) Every formal request shall separate the Service's actual and estimated total costs,

for the fiscal years specified in paragraph (f) of this section, as between postal services (including international mail) and nonpostal services. The presentation shall show the methodology for separating postal costs as between postal services and nonpostal services, and shall be in sufficient detail to allow a determination that no nonpostal costs have been assigned or allocated to postal services.

(2) Subject to paragraph (a)(2) of this section, the costs for postal services, as set forth by functions pursuant to paragraph (f), shall be separated as between:

(i) Those direct costs which can be attributed to each class of mail or type of mail service;

(ii) Those indirect costs which can be attributed to each class of mail or type of mail service;

(iii) Any other costs of the Service which can be reasonably assigned to each class of mail or type of mail service; and

(iv) Any costs which cannot be attributed or reasonably assigned.*

(3) The methodology used to derive the costs requested in subdivisions (1) through (iv) of subparagraph (2) of this paragraph shall be set forth in detail.

(4) The direct costs, indirect costs and other costs reasonably assignable as provided in subdivisions (i) through (iii) of subparagraph (2) of this paragraph shall separately be attributed or assigned to mail classes and subclasses and type of mail service. The Commission neither requires nor approves any particular methodology. The submission shall identify the methodology used to attribute or assign each type of such costs and, subject to paragraph (a)(2) of this section, shall also include an analysis of the effect on costs of:

(i) Volume;

(ii) Peaking patterns;

(iii) Priority of handling;

(iv) Mailer preparations;

(v) Quality of service;

(vi) The physical nature of the item mailed;

(vii) Expected gains in total productivity, indicating such factors as operational and technological advances and innovations; and

(viii) Any other factor affecting costs.

(5) Any nonattributed or unassigned costs specified in subdivision (iv) of subparagraph (2) of this paragraph shall be clearly and separately identified. An explanation shall be furnished as to why such costs cannot be attributed or as-

signed. To the extent possible, the presentation shall identify all such costs which benefit more than one class of mail or type of service (but not all classes or types), together with the mail classes or types of services so benefited.

(6) The Service shall furnish the data relevant to its analysis of the effect on costs of the factors specified in subdivisions (1) through (viii) of subparagraph (4) of this paragraph.

(1) *Criteria for rate schedule.* There shall be included in every formal request a statement of the criteria employed in constructing the proposed rate schedule. The submission shall include:

(i) The identification of the relationship between the revenues derived from the rates and fees for a particular class and subclass of mail or service and the costs attributed or assigned to that class and subclass or service;

(ii) The identification of the procedures and methods used to apportion (to postal services) that part of the total revenue requirement, if any, which is in excess of costs attributed or assigned.*

(3) Such other studies, information and data relevant to the criteria established by section 3622 of the Act with appropriate explanations as will assist the Commission in determining whether or not the proposed rates or fees are in accordance with such criteria.

(j) *Revenues and volumes.* (1) Subject to paragraph (a)(2) of this section, every formal request shall set forth the actual and estimated revenues of the Postal Service from the then effective postal rates and fees for the fiscal years selected for the presentation of cost information submitted pursuant to paragraphs (f) and (g) of this section.

(2) Subject to paragraph (a)(2) of this section, every formal request shall set forth the estimated revenues based on the suggested rates and fees for the fiscal years selected for the presentation of cost information submitted pursuant to subparagraph (2) of paragraph (f) of this section.

(3) Subject to paragraph (a)(2) of this section, the actual and estimated revenues referred to in subparagraphs (1) and (2) of this paragraph shall be shown in total and separately for each class and subclass of mail and postal service and for all other sources from which Postal Service collects revenues.

(4) Each revenue presentation required by subparagraphs (1), (2), and (3) of this paragraph shall, subject to paragraph (a)(2) of this section, be supported by an identification of the methods and procedures employed.

(5) Subject to paragraph (a)(2) of this section, there shall be furnished in every formal request:

(i) The actual volume of mail at the prefilled rates for the most recent past fiscal year;

(ii) The estimated volume of mail at the prefilled rates for the fiscal year in which the filing is made;

(iii) The estimated volume of mail for the fiscal year in which the filing is made

* See footnote a, supra.

assuming the effectiveness of the suggested rates;

(iv) The estimated volume of mail for the future fiscal year, assuming the retention of the prefilled rates; and

(v) The estimated volume of mail for the future fiscal year assuming the effectiveness of the suggested rates.

(6) Subject to paragraph (a)(2) of this section, a demand analysis shall be presented in every formal request, for each class and subclass of mail and service. The analysis shall include such items as the following:

(i) The identification of the variables relevant to customer demand;

(ii) The identification of the price elasticity of demand for each class and subclass of mail and service;

(iii) The identification of the cross-elasticity of demand for the various classes and subclasses of mail and services;

(iv) The identification of the relationship of total mail volume to: Population, income, substitutable services, business activity, and any other nonprice variable affecting volume; and

(v) The identification of peaking patterns.

(k) *Financial statements and related information.* (1) Subject to subparagraph (3) of this paragraph, every formal request shall include, for the 2 fiscal years immediately preceding the fiscal year in which the date of formal filing occurs, the Balance Sheet, the Statement of Income and Expense, basic statistical information and the Statement of Income and Expense by budget categories of the Postal Service. This information shall include data with respect to:

(i) Balance Sheet and a supporting schedule for each item appearing thereon;

(ii) Statement of Income and Expense and a supporting schedule for each item appearing thereon;

(iii) As appropriate, statistical data with respect to revenue, pieces (by physical attributes, showing separately amounts of mail identified as stamped, metered, and imprinted, or other), weight, distance, "billing determinants," postal employees (number, total payroll, productivity, etc.), postal space, post offices (number, classes, etc.), summary reports (accounting period 13 or annual) of the workload recording system for the latest 2 fiscal years and any other pertinent factors which have been utilized in the development of the suggested rate schedule;

(iv) Statement of Income and Expense by budget categories; and

(v) Reconciliation of costs, by budget categories, with costs by accounting classification.

(2) A reconciliation of the budgetary information with actual accrued costs shall be provided for the most recent fiscal year.

(3) If the fiscal information for the immediately preceding fiscal year is not fully available on the date of filing, a preliminary or pro forma submittal shall be

* In his initial decision in Docket R71-1 the presiding officer noted two possible interpretations of 39 U.S.C. 3622(b)(3)—first, that all costs are either "attributable" or "reasonably assignable" and, second, that there are some "remaining costs which cannot be attributed or reasonably assigned to classes of mail". See Docket R71-1, Vol. I, 1-9. If the first interpretation is deemed to be correct, no costs would be reported in the category denominated by § 3001.54(h)(2)(iv). The Commission was cognizant in writing the rules of the presiding officer's belief that it was not necessary to adopt either reading as exclusive.

made and upon final completion an updated report shall be filed in substitution therefor.

(1) *Performance goals.* (1) Every formal request shall identify any performance goals which have been established for the classes and subclasses of mail.

(2) Subject to paragraph (a)(2) of this section, the request shall identify the achieved levels of service for those classes and subclasses of mail and mail services for which performance goals have been set. This information may be provided by reference to published documents or otherwise.

(m) *Workpapers.* (1) Whenever the Service files a formal request it shall accompany the request with seven sets of workpapers, five for use by the Commission staff and two which shall be available for use by the public at the Commission's offices.

(2) Workpapers shall contain:

(i) Detailed information underlying the data and submissions for paragraphs (b)-(1) of this section in such fashion and content so as to permit independent analysis of each cost component and an independent attribution or assignment of costs to classes and subclasses and the assignment of nonattributed or unassigned costs to classes and subclasses;

(ii) A description of the methods used in collecting, summarizing and expanding the data used in the various submissions;

(iii) Summaries of sample data, allocation factors and other data used for the various submissions;

(iv) The expansion ratios used (where applicable); and

(v) The results of any special studies used to modify, expand, project, or audit routinely collected data.

(3) Workpapers shall be neat and legible and shall indicate how they relate to the data and submissions supplied in response to paragraphs (b)-(1) of this section.

(4) When workpapers do not contain all the supporting data, the omitted data shall be indicated in a manner allowing the data to be retrieved upon request.

(n) *Certification by officials.* (1) Every formal request shall include one or more certifications stating that the cost statements and supporting data submitted as a part of the formal request, as well as the accompanying workpapers, which purport to reflect the books of the Postal Service, accurately set forth the results shown by such books.

(2) The certificates required by subparagraph (1) of this paragraph shall be signed by one or more representatives of the Postal Service authorized to make such certification. The signature of the official signing the document constitutes a representation that the official has read the document and that, to the best of his knowledge, information and belief, every statement contained in the instrument is proper.

(o) *Opinion of independent public accountant.* Every formal request shall include an opinion from an independent public accountant to the extent and as required by 39 U.S.C. section 2008(e).

(p) *Special waiver provision for minor rate cases.* The Commission may, upon the filing of a proper motion by the Postal Service, together with a showing of good cause therefor, waive certain of the filing requirements of paragraphs (b)-(o) of this section if in the Commission's judgment it has been demonstrated that the proposed change in a rate or rates of postage and a fee or fees for postal service does not significantly change the then effective rates and fees or alter the cost-revenue relationships of the various classes and types of postal services.

4. Subpart B is amended by adding a new § 3001.56 reading as follows:

§ 3001.56 Failure to comply.

If the Postal Service fails to provide any information specified by this subpart, or otherwise required by the presiding officer or the Commission, the Commission, upon its own motion, or upon motion of any participant to the proceeding, may stay the proceeding until satisfactory compliance is achieved. The Commission will stay proceedings only if it finds that failure to supply adequate information interferes with the Commission's ability promptly to consider the request and to conduct its proceedings with expedition in accordance with the Act.

5. Section 3001.64 is revised to read as follows:

§ 3001.64 Contents of formal requests.

(a) *General requirements.* (1) Each formal request filed under this subpart shall include such information and data and such statements of reasons and bases as are necessary and appropriate fully to inform the Commission and the parties of the nature, scope, significance, and impact of the proposed new mail classification schedule or the proposed changes therein and to show that the mail classification schedule as proposed to be established or changed is in accordance with the policies and the applicable criteria of the Act. To the extent the information is available or can be made available without undue burden, each formal request shall include the information specified in paragraphs (b)-(h) of this section. If the required information is set forth in the Postal Service's prepared direct evidence, it shall be deemed to be part of the formal request without restatement.

(2) If any information required by paragraphs (b)-(h) of this section is not available and cannot be made available without undue burden, the request shall provide where reference is made to this paragraph, in lieu of such information, a statement explaining with particularity:

(i) The information which is not available or cannot be made available without undue burden;

(ii) The reason or reasons that each such item of information is not available and cannot be made available without undue burden;

(iii) The steps or actions which would be needed to make each such item of information available, together with an

estimate of the time and expense required therefor;

(iv) Whether it is contemplated that each such item of information will be supplied in the future and, if so, at what time; and

(v) Whether reliable estimates are available where such information cannot be furnished and, if so, the specifics of such estimates.

(3) The provisions of subparagraph (2) of this paragraph for the Postal Service to include in its formal request certain alternative information in lieu of that specified by paragraphs (b)-(h) of this section are not in derogation of the Commission's and the presiding officer's authority, pursuant to §§ 3001.23-3001.28, respecting the provision of information at a time following receipt of the formal request.

(4) The Commission may request information in addition to that required by paragraphs (b)-(h) of this section.

(b) *Classification and standards information.* (1) Every formal request shall include copies of the then effective mail classification schedule and the proposed changes in the then effective classification schedule.

(2) The schedules required by subparagraph (1) of this paragraph shall, for all classes and subclasses of mail and service, be in summary fashion and tariff-like form. (E.g., there shall be a specification of those rules, regulations, and practices which establish the conditions of mailability and the standards of service.) As a part thereof, the schedules shall specifically be addressed to such functions as mail pick-up and delivery, processing, and other similar functions.

(3) The schedules required by subparagraph (1) of this paragraph shall also contain a statement identifying the degree of economic substitutability between the various classes and subclasses, e.g., a description of cross-elasticity of demand as between various classes of mail.

(4) The schedules required by subparagraph (1) of this paragraph shall be accompanied by an identification of all nonpostal services.

(c) *Mail characteristics.* Every formal request shall include such studies, information and data on the characteristics of the users of the Postal Service, the nature of the items mailed and the nature of the methods of mailing, which will assist the Commission in determining whether or not the proposed mail classification schedule or the proposed changes therein are in accordance with the policies and the applicable criteria of the Act. Included, subject to paragraph (a)(2) of this section, shall be:

(1) An identification of the characteristics of the mailer and recipient, and a description of the contents of items mailed within the various classes and subclasses of mail and service.

(2) An identification of the physical attributes of the items mailed by class and subclass, including shape, weight, and distance.

(3) To the extent the following information is not expressly included

under paragraph (b) (2) of this section, a summary statement describing special service arrangements provided to, or requested or required of, mailers by the Postal Service which bear upon the cost of service or the value of the mail service to both the sender and the recipient, e.g., services relating to mailer preparations in excess of requirements specified by the Postal Service Manual, pick-up and delivery, expedited or deferred processing, and other similar activities performed.

(d) *Effects of proposed changes.* Subject to paragraph (a) (2) of this section, every formal request shall include a statement showing the effects of the proposed changes in the then effective classification schedule upon:

(i) The costs attributed and assigned to each class and subclass of mail or service as developed pursuant to § 3001.54(h);

(ii) The total accrued costs of the Postal Service developed pursuant to § 3001.54(f); and

(iii) The total revenues of the Postal Service and the revenues of each class and subclass of mail or service developed pursuant to § 3001.54(j).

(e) *Interclass changes.* Subject to paragraph (a) (2) of this section, whenever it is proposed that a portion of one existing class or subclass of mail or service be reassigned to another existing class or subclass of mail or service, every formal request shall include a comparison of the before and after costs and revenues associated with handling the relevant classes or subclasses of mail or service, and the before and after costs and revenues of the portion which is to be reassigned.

(f) *Statement of reasons.* Every formal request shall include a complete statement of the reasons and bases for the Postal Service's proposed mail classification schedule or proposed changes therein.

(g) *Workpapers.* (1) Whenever the Service files a formal request it shall accompany the request with seven sets of workpapers, five for use by the Commission staff and two which shall be available for use by the public at the Commission's offices.

(2) Workpapers shall contain:

(i) Detailed information underlying the data and submissions for paragraphs (b)-(f) of this section;

(ii) A description of the methods used in collecting, summarizing and expanding the data used in the various submissions;

(iii) Summaries of sample data, allocation factors and other data used for the various submissions;

(iv) The expansion ratios used (where applicable); and

(v) The results of any special studies used to modify, expand, project, or audit routinely collected data.

(3) Workpapers shall be neat and legible and shall indicate how they relate to the data and submissions supplied in response to paragraphs (b)-(f) of this section.

(4) When workpapers do not contain all the supporting data, the omitted data shall be indicated in a manner allowing the data to be retrieved upon request.

(h) *Matters affecting rates and fees.* (1) This paragraph applies to any proposed change in the then effective classification schedule which would result:

(i) In a change in the rates or fees for any existing class or subclass of mail and service, or

(ii) In the establishment of a new class or subclass of mail or service for which rates or fees are to be established, or

(iii) In a change in the relationship of the costs attributed or assigned to any class or subclass of mail or service to the revenues of that class or subclass of mail or service, or

(iv) In a change in the relationship of the total costs of the Postal Service to the total revenues.

(2) In the case of any proposed change in the then effective classification schedule covered by subparagraph (1) of this paragraph, every formal request shall include, subject to paragraph (a) (2) of this section:

(i) The information required by paragraphs (b)-(h) and (j)-(m) of § 3001.54, together with the statement and opinion required by paragraphs (n) and (o) of § 3001.54; and

(ii) A statement explaining to what extent the Postal Service has considered the criteria of section 3622 of the Act as justifying the rate consequences of the proposed classifications. The submission shall also include the identification of the relationship between the rates and fees for a particular class and subclass or service, the identification of the procedures and methods used to relate the residual costs which have not been attributed to any class and subclass of mail or service or groups thereof, and such other studies, information, and data relevant to the criteria established by section 3622 of the Act with appropriate explanations.

(3) The Commission may, upon the filing of a proper motion by the Postal Service, together with a showing of good cause therefor, waive certain of the above requirements if in the Commission's judgment it has been demonstrated that the proposed change in the classification schedule does not significantly change the rates and fees or the cost-revenue relationships referred to in subdivisions (i) through (iv) of subparagraph (1) of this paragraph.

6. Subpart C is amended by adding a new § 3001.66 reading as follows:

§ 3001.66 Failure to comply.

If the Postal Service fails to provide any information specified by this subpart, or otherwise required by the presiding officer or the Commission, the Commission, upon its own motion, or upon motion of any participant to the proceeding, may stay the proceeding until satisfactory compliance is achieved. The Commission will stay proceedings only if it finds that failure to supply adequate

information interferes with the Commission's ability promptly to consider the request and to conduct its proceedings with expedition in accordance with the Act.

7. Add a new Subpart F reading as follows:

Subpart F—Rules Applicable to the Filing of Testimony by Intervenors

§ 3001.91 Applicability and general policy.

(a) The rules in this Subpart identify those areas in which intervenors in rate and classification proceedings could assist the Commission. Intervenors are free to file any relevant and material evidence which is not unduly repetitious or cumulative.

(b) Intervenors are invited to submit the information specified in § 3001.92 (a)-(1) on a voluntary basis as part of their own direct cases. The Commission's request that intervenors voluntarily file such information is not in derogation of the Commission's and the presiding officer's authority, pursuant to §§ 3001.23-3001.28, respecting the provision of such or other information. Intervenors, particularly those making contentions under section 3622(b) (4) of the Act, shall be aware that their failure to provide relevant and material information will be taken into account in determining the weight which the Commission accords to their arguments and evidence.

(c) All evidence shall be filed in accordance with § 3001.31. The rules of general applicability of Subpart A of this part are also applicable to filings subject to this Subpart.

§ 3001.92 Submissions by intervenors.

In addition to any other direct testimony submitted by an intervenor in a rate or classification proceeding, and in addition to further requests for information by the Commission, the Commission requests that the following information be submitted where applicable and where it is within the ability of the intervenor to produce it. If it is alleged that such information is representative of a significant segment of a rate-category of mail or of the users thereof it should be accompanied by a demonstration to that effect.

(a) *Description of intervenor.* A statement as to the nature of the business and operations of the intervenor. If the intervenor is an association, the names of the members of the association and a general description of their business and operations.

(b) *Usage of postal services.* An identification of the extent to and method by which the postal services are used, including an estimated itemization of the postage cost by class and rate.

(c) *Intervenor's mailing operations.* A description of the mailing and handling operations of the intervenor for items which are to pass through the Postal Service. Descriptions of premailing operations should include the details as to any special arrangements with the Postal Service. Also, a statement as

to the total mail handling costs exclusive of Postal Service payments including a breakdown of such costs by, and identification of, the functions for which the costs are incurred.

(d) *Intervenor's postage costs.* A statement of the relative importance of postage costs to other expenses. An estimated itemization of postage costs by class of mail as related to total operating expenses. If more than one major product is affected by postage costs, data should be presented for each, e.g., each periodical of a firm in the publishing business.

(e) *Financial impact of rate or classification changes.* An estimate of the financial impact of the proposed rate or classification changes on the intervenor, or aggregate data for members of mail user associations, together with details of the basis of estimates and supporting data.

(f) *Absorption/avoidance of rate changes.* An analysis as to the ability or inability of the intervenor to absorb, avoid, or pass on postal rate changes, to customer groups (or advertisers or sponsoring organizations, if any). The analysis should include an analysis of the intervenor's customers' demand for the product of the intervenor's industry.

(g) *Demand for postal services.* An indication of the demand of the intervenor's industry for postal services including an estimate of the elasticity of such demand.

(h) *Competitor operations.* If the intervenor is a competitor of the Postal Service, a definition of the areas of competition between the intervenor and the Postal Service and a demonstration of the intervenor's ability or inability to meet postal competition. Include a brief historical description of the company's operations during the past 5 years, showing growth in each major segment of the company's business and a statement of the current rates and all conditions of service applicable to the portion of the intervenor's operations which is affected by comparable service of the Postal Service. The statement should include data on the costs of the services

which the intervenor contends are competitive with services of the Postal Service. The statement of costs should identify by character and amount those attributed to the competitive service and the intervenor's rationale (i.e., cost and pricing hypothesis) for such attribution.

(i) *Impact of rate changes on users' suppliers.* If the intervenor is a manufacturer or supplier of goods or services provided to users of the Postal Service, a statement of the impact on expenses and revenues resulting from postage changes, together with statistical or other accounting data and the reasons supporting such statement.

(j) *Statement of revenues, volumes, costs, and profits.* For all intervenors, a certified statement of the total revenues, costs, and profits for each of the last 5 years together with an estimate of the impact of the proposed postal changes on total revenues, costs, and profits. Also the intervenor's volume of mail passing through the Postal Service (by class and subclass) and the comparable volume of traffic moving by competitive services (or the volume of services performed in competition with the Postal Service, or the volume of materials manufactured for or supplied to the Postal Service or users of the Postal Service). Volume data should be presented for each of the 5 years for which total revenues, costs, and profits are reported. An estimate of the impact on volume resulting from the proposed postal increases should be included.

(k) *User studies of Postal Service.* Any studies of the Postal Service's costs, revenues, or operations which would be of help to the Commission in evaluating the merits of the Postal Service's request.

(1) *Workpapers.* (1) Whenever an intervenor presents evidence it shall accompany such evidence with seven sets of workpapers, five for use by the Commission staff and two which shall be available for use by the public at the Commission offices. Two additional sets shall be delivered to counsel for the U.S. Postal Service.

(2) Workpapers shall contain the data and analyses underlying the submissions, including:

(i) A description of the methods used in collecting, summarizing and expanding the data and a clear indication of how the workpapers relate to the various submissions;

(ii) Summaries of sample data and other data used; and

(iii) Any special studies made.

(3) Workpapers shall be neat and legible.

(4) When supporting data are not supplied, a clear indication shall be made of the source of the data so that they might be retrieved easily upon request.

(Sections 3603, 3622-3624 of the Postal Reorganization Act; 84 Stat. 759, 760-761; 39 U.S.C. §§ 3603, 3622-3624; 5 U.S.C. §§ 552, 553; 80 Stat. 383-384.)

By the Commission.

[SEAL] JOSEPH A. FISHER,
Secretary.

APPENDIX A

Comments were filed by the following:
United States Postal Service.
The American Bankers Association.
American Business Press, Inc.
American Retail Federation.
Associated Third Class Mail Users.¹
Association of American Publishers, Inc.
Catholic Press Association, et al.
Council of Public Utility Mailers.
Direct Mail Advertising Association, Inc.²
Fairchild Publications, Inc.
Magazine Publishers Association, Inc.
Mail Advertising Corp. of America.
Mail Advertising Service Association, International, Inc.³
National Industrial Traffic League.
National Newspaper Association.
Parcel Post Association.
J. C. Penney Co., Inc.
The Reader's Digest Association, Inc.
The Recording Industry Association of America, Inc.
Second Class Mail Publications, Inc.³
Time Incorporated.
United Parcel Service.
Dr. G. M. Wattles.

[FR Doc. 73-5535 Filed 3-21-73; 8:45 am]

¹ These parties filed joint comments.

² The comments of Second Class Mail Publications were considered in Docket RM73-2.

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