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

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Fruits and Vegetables

ENTRY OF APPLES AND PEARS FROM AUSTRALIA (INCLUDING TASMANIA) AND NEW ZEALAND

The following document prescribes the conditions of entry into the United States of apples and pears from Australia (including Tasmania) and New Zealand.

Apples and pears from Australia (including Tasmania) and New Zealand where certain insect pests of the family Tortricidae (fruit-leaf roller complex) are known to occur are subject to inspection upon arrival at approved ports of entry in the United States. Such insects are dangerous and destructive pests of apples and pears and are not now known to exist or be widely prevalent in the United States. Such pests, if allowed to become established, would threaten certain domestic fruit produced in this country. Recent inspections of statistical samples of apples imported from Australia (including Tasmania) have revealed infestations of live pests of the family Tortricidae which required treatment of a high percentage of the shipments. Inspection of statistical samples of pears from Australia (including Tasmania) and apples and pears from New Zealand have shown these fruits to be substantially free of the pests. Further, the Administrator of the Animal and Plant Health Inspection Service has determined that the large volume of apples imported from Australia (including Tasmania) increases the pest risk. These circumstances make it necessary to require, with respect to such importations of apples, the fumigation treatment prescribed in § 319.56–2k(a)(2) set forth below, which has proved effective against such pests. Pear shipments from Australia (including Tasmania) and apple and pear shipments from New Zealand will be subject to the statistical sampling procedures of paragraph (a)(1) of § 319.56–2k and, if found to be infested, will require treatment as described in paragraph (a)(2).

Therefore, pursuant to the authority conferred by sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 162), the following is added as a new § 319.56–2k to read:

§ 319.56–2k Conditions governing the entry of apples and pears from Australia (including Tasmania) and New Zealand.[1]

Apples and pears from Australia (including Tasmania) and New Zealand may be imported only in accordance with § 319.56–2(e) (2) or (3) and under permit and in compliance with this section and the other requirements of this subpart.

(a) *Conditions of entry.*—(1) *Statistical sample inspection.* A biometrically designed statistical sample will be taken under § 319.56–6 by the inspector of the plant protection and quarantine programs from each shipment[2] of apples and each shipment of pears moved from New Zealand or each shipment of pears moved from Australia (including Tasmania), that are offered for entry into the United States and, if inspection of such sample discloses that pests of the family Tortricidae (fruit-leaf roller complex) which are dangerous and destructive pests of apples and pears are not present in the shipment sampled and the shipment therefore does not present a risk of introducing such pest, such fruit may be imported under § 319.56–2(e)(2) without treatment as prescribed in subparagraph (2) of this paragraph. If any such pests are found on such inspection the shipment must be treated as prescribed in subparagraph (2) of this paragraph.

(2) *Approved fumigation.* Fumigation with methyl bromide in accordance with procedures described in this section is effective against certain insect pests of the family Tortricidae found in Australia (including Tasmania) and New Zealand. Accordingly, this treatment is required as a condition of entry under § 319.56–2(e)(3) for apples shipped from Australia (including Tasmania) and for any shipment of apples or pears required to be treated under subparagraph (1) of this paragraph.

The fruit may be fumigated in normal atmospheric chambers, under tarpaulins, in van trucks or other enclosures that have been approved for that purpose by an inspector of the plant protection and quarantine programs. When the fumigation is carried out, it must be accomplished in a manner satisfactory to the inspector to insure adequate air and commodity temperatures, and proper volatilization, distribution, and concentration of the fumigant, for effective destruction of all such pests present. Apples and pears to be fumigated may be packed in wooden crates, fiberboard cartons, or other gas-permeable containers. The fruit must be packed so as to provide for maximum distribution of the fumigant. If the fruit is packed in a gas-impervious liner, the liner must be perforated to provide for the entry and aeration of the methyl bromide gas. The individual fruit may be wrapped with tissue paper. Cubic feet of space under fumigation shall include the load of fruit to be fumigated. The exposure period shall begin when all the fumigant which has been introduced into the chamber or enclosure has been volatilized. The fumigation temperatures required in these treatments shall be that of the pulp temperatures of the fruit. Fumigation with methyl bromide shall be in accordance with the following schedules:

[1] Apples and pears from Australia (excluding Tasmania) where certain tropical fruit flies occur are also subject to the cold treatment requirements of § 319.56–2d.

[2] A shipment is defined as all of a type (genus) of fruit from the same country of origin offered at a U.S. port and from a single carrier, regardless of marks and numbers, growers' lots, Customs entries, or numbers of importers involved.

(i) Chamber:[3]

MB at NAP	1½ lb for 2 hours at 80°–89° F.
	2 lb for 2 hours at 70°–79° F.
	2½ lb for 2 hours at 60°–69° F.
	3 lb for 2 hours at 50°–59° F.
	4 lb for 2 hours at 40°–49° F.

(ii) Tarpaulin truck van and refrigerator railway car fumigation:

MB at NAP	1½ lb/1,000 ft³ for 2½ hours at 80°–89° F. (18 oz minimum gas concentration at ½ hour) (14 oz minimum gas concentration at 2½ hours). 2 lbs/1,000 ft³ for 2½ hours at 70°–79° F. (25 oz minimum gas concentration at ½ hour) (18 oz minimum gas concentration at 2½ hours). 2½ lbs/1,000 ft³ for 2½ hours at 60°–69° F. (31 oz minimum gas concentration at ½ hour) (24 oz minimum gas concentration at 2½ hours). 3 lbs/1,000 ft³ for 2½ hours at 50°–59° F. (36 oz minimum gas concentration at ½ hour) (28 oz. minimum gas concentration at 2½ hours). 4 lb/1,000 ft³ for 2½ hours at 40°–49° F. (45 oz minimum gas concentration at ½ hour) (34 oz minimum gas concentration at 2½ hours).

[3] MB = methyl bromide; NAP = normal atmospheric pressure.

(3) *Ports of entry.* Apples and pears to be offered for entry under this section may be shipped to any United States port where inspectors are located and which are named in the permit.

(4) *Supervision of treatment.* The treatment approved in this section must be conducted under the supervision of an inspector of the plant protection and quarantine programs. The insepctor shall require such safeguards in each specific case for unloading and handling of the fruit at the port of entry, transportation of the fruit from the place of unloading to the treatment facilities, and its handling during fumigation and aeration as required by subparagraph (2) of this paragraph, as he deems necessary to prevent the spread of insect pests and assure compliance with the provisions of this subpart.

(5) *Costs.* All costs of treatment, required safeguards, and supervision, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall be borne by the owner of the fruit or his representative.

(6) *Department not responsible for damages.* The treatment prescribed in subparagraph (2) of this paragraph is judged from experimental tests and uses for quarantine purposes to be safe for fumigation of apples and pears. However, the Department assumes no responsibility for any damage sustained through or in the course of the treatment or because of safeguards required under subparagraph (4) of this paragraph.

(Secs. 5 and 9, 37 Stat. 316, 318; 7 U.S.C. 159, 162; 37 FR 28464, 28477)

Insofar as this document changes present requirements, it makes more stringent requirements than now apply to importation of apples and pears, and is necessary to prevent the introduction of insect pests of the family Tortricidae into the United States. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that public rulemaking proceedings on the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date.—This amendment shall become effective April 9, 1973.

Done at Washington, D.C., this 4th day of April 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-6775 Filed 4-6-73;8:45 am]

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of this amendment is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of the plant protection and quarantine programs performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, plant protection and quarantine programs by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing at 7 CFR 354.2, as amended, December 6, 1972 (37 FR 25913) and February 28, 1973 (38 FR 5340), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding (in appropriate alphabetical sequence) the information as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

COMMUTED TRAVELTIME ALLOWANCES (IN HOURS)

Location covered	Served from	Metropolitan area	
		Within	Outside
ADD:			
* * *	* * *	* * *	* * *
Texas:			
Love Field (Dallas)	Waxahachie		2
* * *	* * *	* * *	* * *

(64 Stat. 561; 7 U.S.C. 2260)

Effective date.—The foregoing amendment shall become effective on April 9, 1973.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of April 1973.

LEO G. K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.73-6776 Filed 4-6-73;8:45 am]

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

[Valencia Orange Reg. 424, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period March 30–April 5, 1973. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR 908), regulating the handling of Valencia 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 recommendation and information submitted by the Valencia 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 Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 424 (38 FR 8171). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, 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 rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves the restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(iii) of § 908.724 (Valencia Orange Regulation 424 (38 FR 8171)) are hereby amended to read as follows:

§ 908.724 Valencia Orange Regulation 424.

* * * * *

(b) *Order.* (1) * * *

(iii) District 3: 400,000 cartons.

* * * * *

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

Dated April 4, 1973.

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

[FR Doc.73-6777 Filed 4-6-73;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 73—SCABIES IN CATTLE

Areas Quarantined and Released

These amendments quarantine Chaves County in New Mexico because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR part 73, as amended, will apply to the areas quarantined.

The amendments release Briscoe, Childress, Cottle, Floyd, Foard, Hall, Hardeman, and Motley Counties in Texas from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR part 73, as amended, do not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 73.1a. Further, the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said part 73 apply to the excluded areas.

Pursuant to provisions of the act of May 29, 1884, as amended, the act of February 2, 1903, as amended, the act of March 3, 1905, as amended, and the act of July 2, 1962 (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f), Part 73, Title 9, Code of Federal Regulations, restricting the interstate movement of cattle because of scabies, is hereby amended as follows:

In § 73.1a, paragraphs (a) relating to the State of Texas and (c) relating to the State of New Mexico are amended to read:

§ 73.1a Notice of quarantine.

(a) Notice is hereby given that cattle in certain portions of the State of Texas are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

(1) Armstrong County.
(2) Bailey County.
(3) Carson County.
(4) Castro County.
(5) Collingsworth County.
(6) Dallam County.
(7) Deaf Smith County.
(8) Donley County.
(9) Gray County.
(10) Hale County.
(11) Hamphill County.
(12) Hansford County.
(13) Hartley County.
(14) Hutchinson County.
(15) Lamb County.
(16) Lipscomb County.
(17) Moore County.
(18) Ochiltree County.
(19) Oldham County.
(20) Parmer County.
(21) Potter County.
(22) Randall County.
(23) Roberts County.
(24) Sherman County.
(25) Swisher County.
(26) Wheeler County.

* * * * *

(c) Notice is hereby given that cattle in certain portions of the State of New Mexico are affected with scabies, a contagious, infectious, and communicable disease; and therefore, the following areas in such State are hereby quarantined because of said disease:

(1) Chaves County.
(2) Curry County.
(3) DeBaca County.
(4) Guadalupe County.
(5) Harding County.
(6) Lincoln County.
(7) Roosevelt County.
(8) Torrance County.
(9) Quay County.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477.)

Effective date.—The foregoing amendments shall become effective April 3, 1973.

The amendments impose certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish their purpose in the public interest. The amendments relieve restrictions presently imposed but no longer deemed necessary to prevent the spread of cattle scabies, and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

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

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-6725 Filed 4-6-73;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

PART 121—SMALL BUSINESS SIZE STANDARDS REGULATION

[Rev. 12, Amdt. 1]

Definition of Small Business for the Purpose of Obtaining an SBA Loan—Time as of Which Size Status Is Determined

For many years it has been the policy of the Small Business Administration (SBA) that the size status of an applicant for financial assistance is determined as of the date of receipt of the accepted application. Also, when a concern applies for an SBA loan to refinance an existing SBA loan but, by natural growth as distinguished from merger, etc., the applicant has grown to a size which exceeds the applicable size standard, it has been SBA's policy that such concern can qualify as small for the purpose of the refinancing provided that SBA administratively determines that the granting of the assistance is necessary for the protection of the Government's financial interest. The aforementioned policy and administrative practice do not appear in the size regulation; therefore, they are being made a part of the size regulation for clarification purposes.

Accordingly, the "Small Business Size Standards Regulation, Revision 12" (37 FR 25340), is hereby amended by revising the first sentence of § 121.3–10 to read as follows:

§ 121.3–10 Definition of small business for SBA loans.

A small business concern for the purpose of receiving an SBA loan is a concern, including its affiliates, which, on the date of receipt of the loan application accepted by the SBA, is independently owned and operated, is not dominant in its field of operation, and can further qualify under the criteria set forth below provided, however, that a concern which applies for an SBA loan to refinance an existing SBA loan but which, since the date of the original financing, by natural growth as distinguished from merger, etc., has grown to a size which exceeds the applicable size standard is considered as small for the purpose of the refinancing if SBA administratively determines refinancing is necessary to protect the Government's financial interest. * * *

Effective date.—This amendment shall become effective on April 9, 1973.

Dated March 22, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-6715 Filed 4-6-73;8:45 am]

[Rev. 12, Amdt. 2]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Purpose of Financial Assistance to Certain Agriculture-Related Businesses

On February 6, 1973, there was published in the FEDERAL REGISTER (38 FR 3413) a notice that the Small Business Administration proposed to amend the definition of small business for the purpose of SBA financial assistance to certain agriculture-related businesses.

Interested parties were given 15 days to submit written statements of facts, opinions, and arguments concerning the proposal.

On the basis of all information available, it has been determined to adopt the proposal.

Accordingly, part 121 of chapter I of title 13 of the Code of Federal Regulations is hereby amended by revising § 121.3–10(j) to read as follows:

§ 121.3–10 Definition of small business for SBA loans.

* * * * *

(j) Agriculture production (crops), fish farms and fish hatcheries, etc. Any concern primarily engaged: (1) In an industry set forth in Major Group 01–Agriculture Production-Crops, of the Standard Industrial Classification Manual, (2) in the operation of a fish farm (part of Standard Industrial Classification Industry No. 0279, Animal Specialties, Not Elsewhere Classified), (3) in the operation of a fish hatchery (part of Standard Industrial Classification Industry No. 0921, Fish Hatcheries and Preserves), (4) in the propagation of fur-bearing animals (part of Standard Industrial Classification Industry No. 0271, Fur-Bearing Animals and Rabbits), (5) in the planting of oysters (part of Standard Industrial Classification Industry No. 0913, Shellfish), or (6) in the operation of hatcheries for chicks and poults (Standard Industrial Classification Industry No. 0254, Poultry Hatcheries), where such hatchery operators produce more than 50 percent of the chicks or poults hatched are retained by the operator for the production of broilers or turkeys for market, is classified as small of its annual receipts do not exceed $250,000.

Effective date.—This amendment shall become effective on April 9, 1973.

Dated March 22, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73–6716 Filed 4–6–73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73–SW–9]

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 Lafayette, La., 700-foot transition area.

On February 14, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 4414) stating the Federal Aviation Administration proposed to alter the Lafayette, La., transition area by enlarging the area to the east.

Interested persons were afforded an opportunity to participate in the rulemaking 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., June 21, 1973, as hereinafter set forth.

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

LAFAYETTE, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of latitude 30°02'15" N., longitude 91°53'00" W., within 2 miles each side of the Lafayette VORTAC 139° radial extending from the 5-mile radius area to the VORTAC, within 2 miles each side of the Lafayette ILS localizer north course extending from the OM to 1 mile south, within 2 miles each side of the Lafayette ILS localizer south course extending from the arc of a 5-mile radius circle centered on the Lafayette Airport (lat. 30°12'00" N., long. 91°59'40" W.) to 14 miles south of the airport, and within 2 miles each side of the Lafayette VORTAC 171° radial extending from the VORTAC to 8 miles south, within 2 miles each side of the 276° bearing from the Lafayette RBN (lat. 30°11'35" N., long. 91°52'58" W.) extending from the RBN westward to the arc of the 5-mile radius circle centered on the Lafayette Airport; within a 5-mile radius of the Abbeville Municipal Airport (lat. 29°58'19" N., long. 92°05'06" W.) and within 2 miles each side of the Lafayette VORTAC 207° radial extending from the VORTAC to the Abbeville Municipal Airport.

(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 30, 1973.

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

[FR Doc.73–6743 Filed 4–6–73;8:45 am]

[Docket No. 12671; Amdt. No. 189–1]

PART 189—USE OF FEDERAL AVIATION ADMINISTRATION COMMUNICATIONS SYSTEMS

Transmission of Messages by FAA Communications Stations

The purpose of this amendment is to make a minor correction to part 189 of the Federal Aviation Regulations.

Section 189.5 which prescribes the charges for messages transmitted by FAA communications stations, contains in paragraph (d) thereof a reference to "the Assistant Administrator of the area." This terminology is obsolete and should be corrected by referring to the regional director. Part 189 is amended to reflect this correction.

Since this amendment is minor in nature and no substantive change in the regulation is effected, and is one which relates to agency organization, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, part 189 is amended, effective April 9, 1973, as hereinafter set forth:

§ 189.5 [Amended]

1. Section 189.5 is amended by deleting the words "the Assistant Administrator of the area" and by substituting the words "the Director of the region" therefor.

(Secs. 303(d), 313(a) Federal Aviation Act of 1958, 49 U.S.C. 1344(d), 1354(a); sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Washington, D.C., on March 30, 1973.

G. S. MOORE,
Acting Administrator.

[FR Doc.73–6705 Filed 4–6–73;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–794, Amdt. 1]

PART 229—SPECIAL PROVISIONS UNDER PRICE STABILIZATION PROGRAM

Miscellaneous Amendments

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

By ER–754,[1] the Board added new part 229 to the economic regulations establishing certain standards for use by the Board in assessing increases in rates, fares, and charges for services subject to its jurisdiction during the price stabilization program.[2] Subject to certain exceptions, the regulations require carriers proposing rate increases to submit sufficient information for the Board to determine whether the proposed increase is consistent with the standards so established. These rules were approved by the Price Commission which, in turn, issued to the Board a certificate of compliance with the stabilization program.

On January 11, 1973, the President issued Executive Order 11695 initiating phase 3 of the economic stabilization program and abolishing the Pay Board and Price Commission. Contemporaneously therewith, the Cost of Living Council (CLC) promulgated, inter alia, regulations with respect to public utility price increases[3] which superseded regulations of the Price Commission on the same subject applicable to public utilities and regulatory agencies.[4] Under the phase 3 regulations, all rate increases to be placed in effect after January 10, 1973, must be consistent with certain prescribed criteria to be applied on a self-administered basis by public utilities and by regulatory agencies. With one exception,[5] these criteria

[1] Issued July 20, 1972, 37 FR 16476.

[2] Our present rules require that all increase in air carrier rates, fares, and charges: shall be cost justified and shall not reflect future inflationary expectations; shall be the minimum required to assure continued adequate and safe service or to provide for necessary expansion to meet future requirements; shall achieve no more than the minimum rate of return needed to attract capital at reasonable costs and not to impair the credit of the carrier; shall not reflect labor costs in excess of those allowed by the Price Commission; and shall take into account expected and obtainable productivity gains.

[3] Sections 130.80 and 130.81 of the regulations of the Cost of Living Council (6 CFR 130.80, 130.81 issued Jan. 12, 1973).

[4] We note that these new regulations continue to exempt from the price stabilization program all rates, fares, and charges for foreign air transportation (as defined in sec. 101(21) of the act) which are set forth in tariffs filed with the Board or which are established or approved by the Board.

[5] The requirement that public utility price increases must not reflect labor costs in excess of those allowed by the Price Commission.

are the same as those formerly embodied in the Price Commission's public utility regulations and currently reflected in part 229.

We believe that continued application of the substantive and procedural requirements prescribed by our present price stabilization rules is necessary to insure that increase in air carrier rates, fares, and charges are reasonably consistent with the overall anti-inflationary objectives of price stabilization. Accordingly, we have been implementing the new CLC regulations by reviewing proposed rate increases under the standards and requirements of part 229, and we shall continue to do so during the phase 3 program.

We have made the following editorial and clarifying changes to part 229 so as to reflect the abolition of the Price Commission and the promulgation of phase 3 regulations by the Cost of Living Council.

1. Section 229.1 will use the phrase "in relation to regulations of the Cost of Living Council" in lieu of the phrase originally used in the section: "in relation to regulations of the Price Commission."

2. The specific price stabilization criterion in paragraph (a)(4) of § 229.3 under which proposed rate increases must not reflect labor costs in excess of those allowed by the Price Commission and the corresponding requirement in paragraph (b)(2) of § 229.4 to exclude any such excess costs from economic justifications supporting proposed increases are now obsolete and have been deleted.

Since the foregoing changes in part 229 are necessary to reflect current price stabilization requirements, the Board finds that notice and public procedure thereon are impracticable and unnecessary and that good cause exists for making them effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends part 229 of the economic regulations (14 CFR part 229) effective April 2, 1973, as follows:

1. Amend § 229.1 to read as follows:

§ 229.1 Applicability.

This part contains certain criteria for use by the Board in assessing increases in rates, fares, and charges for services subject to its jurisdiction in relation to regulations of the Cost of Living Council issued under the authority of the Economic Stabilization Act of 1970, subject to such exemptions as may from time to time be issued by said Council.

2. Amend § 229.3(a) by deleting and reserving subparagraph (4), the section as amended to read in part as follows:

§ 229.3 Price stabilization criteria.

(a) *General.* Except as provided in paragraph (b) of this section, each rate increase proposed by an air carrier:

* * * * *

(4) [Reserved]

* * * * *

3. Amend § 229.4(b) by deleting and reserving subparagraph (2), the section as amended to read in part as follows:

§ 229.4 Information submissions.

* * * * *

(b) Each air carrier * * *

(2) [Reserved]

* * * * *

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324; Executive Order 11695; 38 FR 1473, Jan. 12, 1973, §§ 130.80 and 130.81 of the regulations of the Cost of Living Council, 38 FR 1484, Jan. 12, 1973)

By the Civil Aeronautics Board.

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

[FR Doc.73-6759 Filed 4-6-73;8:45 am]

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS, DEPARTMENT OF THE TREASURY

[T.D. 73-95]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money, Togo

The Department of State advised the Department of the Treasury on November 8, 1972, that under the Treaty of Amity and Economic Relations between the United States of America and Togo of February 8, 1966, vessels of either party and their cargoes are accorded national treatment and most-favored-nation treatment within the ports and waters of the other party.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR ch. II), and pursuant to authorization provided by Treasury Department Order No. 190, Rev. 8, September 13, 1972 (37 FR 18572), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, with respect to vessels of Togo, and the produce, manufactures, or merchandise imported into the United States in Togolese vessels from Togo or from any other foreign country. This suspension and discontinuance shall take effect from November 8, 1972, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

Accordingly, § 4.22 of the Customs regulations, is amended by the insertion in appropriate alphabetical order of "Togo" in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 301, 46 U.S.C. 3, 121, 128, 141.)

Since there is a statutory requirement for the suspension of discriminating duties when reciprocity has been established, notice and public procedure under 5 U.S.C. 553 is unnecessary. Inasmuch as the suspension grants an exemption from the payment of duties, there is good cause under 5 U.S.C. 553(d)(1) for making the suspension effective on the earliest date possible.

Effective date.—This amendment shall become effective on April 9, 1973.

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

[FR Doc.73-6783 Filed 4-6-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Decoquinate

The Commissioner of Food and Drugs has evaluated a new animal drug application (91-913V) filed by Central Soya Co., Inc., 1300 Fort Wayne Bank Building, Fort Wayne, Ind. 46802, proposing the safe and effective use of a premix level of 0.00828 percent decoquinate for use in making medicated feed for broiler chickens. The application is approved.

The designation for Central Soya Co., Inc. in § 135.501(c) (21 CFR 135.501) is revised to reflect the current address.

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

1. Part 135 is amended in subpart C by revising the name and address for code number 006 in § 135.501(c) as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

Code No.:	*Firm name and address*
*	* * *
006	Central Soya Co., Inc., 1300 Fort Wayne Bank Bldg., Fort Wayne, Ind. 46802

2. Part 135e is amended in § 135e.51 by adding a new paragraph (c)(2) as follows:

§ 135e.51 Decoquinate.

* * * * *

(c) *Approvals.*—(1) * * *

(2) Premix level 0.00828 percent granted to code No. 006 as listed in § 135.501(c) of this chapter.

ted to code No. 006 as listed in § 135.501 (c) of this chapter.

* * * * *

Effective date.—This order shall be effective April 9, 1973.

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

Dated April 2, 1973.

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

[FR Doc.73-6731 Filed 4-6-73;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Meglumine Diatrizoate and Sodium Diatrizoate Injection

The Commissioner of Food and Drugs has evaluated a new animal drug application (91-192V) filed by E. R. Squibb & Sons, Inc., New Brunswick, N.J. 08903, proposing the safe and effective use of meglumine diatrizoate and sodium diatrizoate injection for the treatment of dogs and cats. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to part 135b:

§ 135b.85 Meglumine diatrizoate and sodium diatrizoate injection.

(a) *Specifications.*—Meglumine diatrizoate and sodium diatrizoate injection contains 66 percent meglumine diatrizoate and 10 percent sodium diatrizoate in sterile aqueous solution.

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

(c) *Conditions of use.*—(1) It is indicated for use in dogs and cats for visualization in excretion urography, including renal angiography, uretography, cystography and urethrography; aortography; angiocardiography; peripheral arteriography and venography; selective coronary arteriography; cerebral angiography; lymphography; arthrography; discography; and sialography. It is also useful as an aid in delineating peritoneal hernias and fistulous tracts.

(2) For excretion urography administer 0.5 to 1.0 milliliter per pound of body weight to a maximum of 30 milliliters intravenously. For cystography remove urine, administer 5 to 25 milliliters directly into the bladder via catheter. For urethrography administer 1.0 to 5 milliliters via catheter into the urethra to provide desired contrast delineation. For angiocardiography (including aortography) rapidly inject 5 to 10 milliliters directly into the heart via catheter or intraventricular puncture. For cerebral angiography rapid injection of 3 to 10 milliliters via carotid artery. For peripheral arteriography and/or venography and selective coronary arteriography rapidly inject 3 to 10 milliliters intravascularly into the vascular bed to be delineated. For lymphography slowly inject 1.0 to 10 milliliters directly into the lymph vessel to be delineated. For arthrography slowly inject 1.0 to 5 milliliters directly into the joint to be delineated. For discography slowly inject 0.5 to 1.0 milliliter directly into the disc to be delineated. For sialography slowly inject 0.5 to 1.0 milliliter into the duct to be delineated. For delineation of fistulous tracts slowly inject quantity necessary to fill the tract. For delineation of peritoneal hernias inject 0.5 to 1.0 milliliter per pound of body weight directly into the peritoneal cavity.

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

Effective date.—This order shall be effective April 9, 1973.

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

Dated April 2, 1973.

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

[FR Doc.73-6732 Filed 4-6-73;8:45 am]

DEMECLOCYCLINE HYDROCHLORIDE AND DEMECLOCYCLINE MONOGRAPHS

Recodification, Updating, and Technical Revisions

In a notice of proposed rule making published in the FEDERAL REGISTER of September 14, 1972 (37 FR 18625), the Commissioner of Food and Drugs proposed that the antibiotic drug regulations be amended by revising parts 141c and 146c (21 CFR 141c and 146c) and by establishing a new part 150b to provide for the recodification, updating, and technical revisions of the demeclocycline hydrochloride and demeclocycline monographs. Interested persons were invited to submit their comments in response to the notice of proposed rule making within 60 days. No comments were received. Accordingly, the Commissioner of Food and Drugs concludes that the antibiotic drug regulations should be amended as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), parts 141c and 146c are amended and a new part 150b is added as follows:

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

1. In Part 141c:

§ 141c.259 [Amended]

a. In § 141c.259 *Demeclocycline hydrochloride-nystatin capsules* by revising the first sentence in paragraph (a)(1) to read as follows: "Proceed as directed in § 150b.11(b)(1) of this chapter."

§ 141c.263 [Amended]

b. In § 141c.263 *Demeclocycline-nystatin for oral suspension* by deleting the first and second sentences of paragraph (a)(1) and substituting for them the following sentence: "Proceed as directed in § 150b.13(b)(1) of this chapter."

§ 141c.271 [Amended]

c. In § 141c.271 *Demeclocycline hydrochloride-nystatin tablets* by revising the first sentence in paragraph (a)(1) to read as follows: "Proceed as directed in § 150b.12(b)(1) of this chapter."

§§ 141c.251, 141c.252, 141c.253, 141c.254, 141c.255, and 141c.256 [Revoked]

d. By revoking § 141c.251 *Demeclocycline hydrochloride,* § 141c.252 *Capsules demeclocycline hydrochloride,* § 141c.253 *Demeclocycline,* § 141c.254 *Demeclocycline for oral suspension,* § 141c.255 *Demeclocycline syrup (demeclocycline oral drops),* and § 141c.266 *Demeclocycline hydrochloride tablets.*

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

2. In Part 146c:

a. In § 146c.259 by revising the section introductory text and the first sentence of paragraph (d) to read as follows:

§ 146c.259 Demeclocycline hydrochloride-nystatin capsules.

Demeclocycline hydrochloride-nystatin capsules are capsules that conform to all requirements and are subject to all procedures prescribed by § 150b.11(a) of this chapter for demeclocycline hydrochloride capsules, except that:

* * * * *

(d) In addition to complying with the requirements of § 150b.11(a)(3) of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the date of the latest tests and assays of the nystatin used in making the batch for potency, toxicity, pH, moisture, and identity. * * *

b. In § 146c.263, by revising the section introductory text and the first sentence of paragraph (c) to read as follows:

§ 146c.263 Demeclocycline-nystatin for oral suspension.

Demeclocycline-nystatin for oral suspension conforms to all requirements and procedures prescribed by § 150b.13(a) of this chapter for demeclocycline for oral suspension, except that:

* * * * *

(c) In addition to complying with the requirements of § 150b.13(a)(3) of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the date of the latest tests and assays of the nystatin used in making the batch for potency, toxicity, pH, moisture, and identity. * * *

§§ 146c.251, 146c.252, 146c.253, 146c.254, 146c.255, and 146c.266 [Revoked]

c. By revoking § 146c.251 *Demeclocycline hydrochloride,* § 146c.252 *Capsules demeclocycline hydrochloride,* § 146c.253 *Demeclocycline,* § 146c.254

Demeclocycline for oral suspension, § 146c.255 *Demeclocycline syrup (demeclocycline oral drops)*, and § 146c.266 *Demeclocycline hydrochloride tablets.*

PART 150b—DEMECLOCYCLINE

3. By adding a new Part 150b consisting at this time of six sections, as follows:

Sec.
150b.1 Demeclocyline hydrochloride.
150b.2 Demeclocycline.
150b.3—150b.10 [Reserved.]
150b.11 Demeclocycline hydrochloride capsules.
150b.12 Demeclocycline hydrochloride tablets.
150b.13 Demeclocycline for oral suspension.
150b.14 Demeclocycline oral suspension.

AUTHORITY: The provisions of this Part 150b issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 150b.1 Demeclocycline hydrochloride.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Demeclocycline hydrochloride is the hydrochloride salt of a kind of demeclocycline. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms per milligram on the anhydrous basis.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 2 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2 and not more than 3.

(v) When calculated on the anhydrous basis, its absorptivity at 380 nanometers is 100±4.2 percent of that of the demeclocycline hydrochloride standard similarly treated.

(vi) It is crystalline.

(vii) It passes the identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

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

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, absorptivity, crystallinity, and identity.

(ii) Samples required: 10 packages, each containing approximately 250 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*N* hydrochloric acid to obtain a concentration of 1,000 micrograms of demeclocycline hydrochloride per milliliter (estimated). Further dilute an aliquot of the stock solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of demeclocycline hydrochloride per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 141.5 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(5) *Absorptivity.* Determine the percent absorptivity of the sample relative to that of the standard in the following manner: Dissolve an accurately weighed portion of approximately 40 milligrams of the sample in 2 milliliters of 0.1*N* HCl dilute to exactly 250 milliliters with distilled water, and mix thoroughly. Transfer a 10 milliliter aliquot of this solution to a 100-milliliter volumetric flask. Add about 75 milliliters of distilled water and 5 milliliters of 5*N* NaOH, dilute to volume with distilled water, and mix thoroughly. Exactly 6 minutes after the addition of the NaOH, determine the absorbance of the solution at a wavelength of 380 nanometers, using a suitable spectrophotometer and distilled water as the blank. Treat a portion of the working standard in the same manner. Determine the percent relative absorptivity of the sample using the following calculation:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram} \times 10}{\text{Absorbance of standard} \times \text{weight of sample in milligrams} \times (100-m)}$$

where: m = percent moisture in the sample.

(6) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

(7) *Identity.* Accurately weigh 40 milligrams of the sample and place into a 200-milliliter volumetric flask. Add 100 milliliters of 0.1*N* HCl and place on a shaker until the sample is dissolved. Dilute to volume with 0.1*N* HCl and mix well. Transfer a 5-milliliter aliquot of the solution to each of two 50-milliliter volumetric flasks. To one flask add 10 milliliters of 6*N* HCl and to the other add 10 milliliters of 3*N* HCl. Place the acid-treated flasks into a boiling water bath for 20 minutes. Remove the flasks and place in a cold water bath. When cool, dilute to volume with water and mix well. Treat a portion of the standard in the same manner. Using a suitable spectrophotometer, place the 6*N* HCl-treated sample into the reference cell and read against the 3*N* HCl-treated sample at a wavelength of 368 nanometers. Reverse the order of the cells in the cell holder and read at a wavelength of 430 nanometers.

$$\frac{(A_{368}+A_{430}\ \text{sample})\ (\text{milligrams of standard per milliliter})\ (100)}{(A_{368}+A_{430}\ \text{standard})\ (\text{milligrams of sample per milliliter})\ (100-m)} = 0.9 \text{ to } 1.1$$

where: m = percent moisture in the sample.

§ 150b.2 Demeclocycline.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Demeclocycline is a hydrated compound of a kind of demeclocycline. It is so purified and dried that:

(i) Its potency is not less than 970 micrograms of demeclocycline hydrochloride equivalent per milligram on the anhydrous basis.

(ii) It passes the safety test.

(iii) Its moisture content is not less than 4.3 percent and not more than 6.7 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 4 and not more than 5.5.

(v) When calculated on the anhydrous basis, its absorptivity at 380 nanometers is 107.4±3.88 percent of that of the demeclocycline hydrochloride working standard similarly treated.

(vi) It is crystalline.

(vii) It passes the identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

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

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, absorptivity, crystallinity, and identity.

(ii) Samples required: 10 packages, each containing approximately 250 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*N* hydrochloric acid to obtain a concentration of 1,000 micrograms of demeclocycline hydrochloride per milliliter (estimated). Further dilute an aliquot of the stock solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of demeclocycline hydrochloride per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 141.5 of this chapter, preparing the test dose solution by dissolving 40 milligrams (as the anhydrous compound) in 2 milliliters of 0.1*N* HCl and diluting with the required amount of water.

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

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(5) *Absorptivity.* Determine the percent absorptivity of the sample relative to that of the standard in the following manner: Dissolve an accurately weighed portion of approximately 40 milligrams of the sample in 2 milliliters of 0.1*N* HCl, dilute to exactly 250 milliliters with distilled water, and mix thoroughly. Transfer a 10-milliliter aliquot of this solution to a 100-milliliter volumetric flask. Add about 75 milliliters of distilled water and 5 milliliters of 5*N*

NaOH, dilute to volume with distilled water, and mix thoroughly. Exactly 6 minutes after the addition of the NaOH, determine the absorbance of the solution at a wavelength of 380 nanometers, using a suitable spectrophotometer and distilled water as the blank. Treat a portion of the demeclocycline hydrochloride working standard in the same manner. Determine the percent relative absorptivity of the sample using the following calculation:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram} \times 10}{\text{Absorbance of standard} \times \text{weight of sample in milligrams} \times (100-m)}$$

where: m = percent moisture in the sample.

(6) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

(7) *Identity.* Proceed as directed in § 150b.1(b)(7). The value yielded by calculation ranges between 0.97 and 1.17.

§§ 150b.3–150b.10 [Reserved]

§ 150b.11 Demeclocycline hydrochloride capsules.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Demeclocycline hydrochloride capsules are composed of demeclocycline hydrochloride, with one or more suitable and harmless diluents and lubricants, enclosed in a gelatin capsule. Each capsule contains 75 milligrams, 150 milligrams, or 300 milligrams of demeclocycline hydrochloride. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of demeclocycline hydrochloride that it is represented to contain. Its loss on drying is not more than 2 percent, except that if starch is used as a diluent the loss on drying is not more than 8 percent. The demeclocycline hydrochloride used conforms to the standards prescribed by § 150b.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

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

(i) Results of tests and assays on:

(*a*) The demeclocycline hydrochloride used in making the batch for potency, safety, loss on drying, pH, absorptivity, crystallinity, and identity.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The demeclocycline hydrochloride used in making the batch: 10 packages, each containing approximately 250 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in §141.111 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar containing sufficient 0.1*N* hydrochloric acid to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of demeclocycline hydrochloride per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(3) *Disintegration time.* Proceed as directed in §141.540 of this chapter.

§ 150b.12 Demeclocycline hydrochloride tablets.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Demeclocycline hydrochloride tablets are composed of demeclocycline hydrochloride with one or more suitable and harmless diluents, lubricants, binders, and flavorings. Each tablet contains 75 milligrams, 150 milligrams, or 300 milligrams of demeclocycline hydrochloride. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of demeclocycline hydrochloride that it is represented to contain. Its loss on drying is not more than 2 percent. It shall disintegrate within 30 minutes. The demeclocycline hydrochloride used conforms to the standards prescribed by § 150b.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

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

(i) Results of tests and assays on:

(*a*) The demeclocycline hydrochloride used in making the batch for potency, safety, loss on drying, pH, absorptivity, crystallinity, and identity.

(*b*) The batch for potency, loss on drying, and disintegration time.

(ii) Samples required:

(*a*) The demeclocycline hydrochloride used in making the batch: 10 packages, each containing approximately 250 milligrams.

(*b*) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar containing sufficient 0.1*N* hydrochloric acid to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of demeclocycline hydrochloride per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

§ 150b.13 Demeclocycline for oral suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Demeclocycline for oral suspension is composed of demeclocycline with or without one or more suitable and harmless buffer substances, preservatives, diluents, colorings, and flavorings. When reconstituted as directed in the labeling, each milliliter contains demeclocycline equivalent to 15 milligrams of demeclocycline hydrochloride. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of demeclocycline hydrochloride equivalent that it is represented to contain. Its moisture content is not more than 5 percent. The demeclocycline used conforms to the standards prescribed by § 150b.2(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

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

(i) Results of tests and assays on:

(*a*) The demeclocycline used in making the batch for potency, safety, moisture, pH, absorptivity, crystallinity, and identity.

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

(ii) Samples required:

(*a*) The demeclocycline used in making the batch: 10 packages, each containing approximately 250 milligrams.

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

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Transfer an accurately measured representative portion of the sample to an appropriate-sized volumetric flask, dilute to volume with 0.1*N* hydrochloric acid, and mix. Further dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of demeclocycline hydrochloride per milliliter (estimated).

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

§ 150b.14 Demeclocycline oral suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Demeclocycline oral suspension is composed of demeclocycline with or without one or more suitable and harmless buffer substances, suspending and stabilizing agents, and preservatives suspended in a suitable and harmless vehicle. Each milliliter contains demeclocycline equivalent to either 15 milligrams or 60 milligrams of demeclocycline hydrochloride. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of demeclocycline hydrochloride equivalent that it is represented to contain. The pH is not less

than 4 and not more than 5.8. The demeclocycline used conforms to the standards prescribed by § 150b.2(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

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

(i) Results of tests and assays on:

(*a*) The demeclocycline used in making the batch for potency, safety, moisture, pH, absorptivity, crystallinity, and identity.

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

(ii) Samples required:

(*a*) The demeclocycline used in making the batch: 10 packages, each containing approximately 250 milligrams.

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

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Transfer an accurately measured representative portion of the sample to an appropriate-sized volumetric flask, dilute to volume with 0.1*N* hydrochloric acid, and mix. Further dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of demeclocycline hydrochloride per milliliter (estimated).

(2) *pH.* Proceed as directed in § 141.503 of this chapter, using the undiluted sample.

Effective date.—This order shall become effective May 9, 1973.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.)

Dated April 3, 1973.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.73-6733 Filed 4-6-73;8:45 am]

PART 150g—MINOCYCLINE HYDROCHLORIDE

Certification of Antibiotic Tablets

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, with respect to approval of the antibiotic drug minocycline hydrochloride tablets.

The Commissioner concludes that data supplied by the manufacturer concerning the subject antibiotic drug is adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for the certification of this drug.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), part 150g (21 CFR Part 150g) is amended to provide for the certification of the antibiotic minocycline hydrochloride tablets by adding the following new section:

§ 150g.14 Minocycline hydrochloride tablets.

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.*—Minocycline hydrochloride tablets are composed of minocycline hydrochloride and one or more suitable and harmless diluents, binders, lubricants, coloring, and coating substances. Each tablet contains minocycline hydrochloride equivalent to 100 milligrams of minocycline. Its potency is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams of minocycline that it is represented to contain. Its moisture content is not more than 12 percent. The tablets disintegrate within 30 minutes. The minocycline hydrochloride used conforms to the standards prescribed by § 150g.1(a)(1).

(2) *Labeling.*—It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

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

(i) Results of tests and assays on:

(*a*) The minocycline hydrochloride used in making the batch for potency, safety, moisture, pH, minocycline content, identity, and crystallinity.

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

(ii) Samples required:

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

(*b*) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay*—(1) *Potency.*—Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar containing sufficient 0.1*N* hydrochloric acid to give a stock solution of convenient concentration containing not less than 150 micrograms of minocycline per milliliter (estimated). Blend for 3 to 5 minutes. Remove an aliquot and further dilute with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of minocycline per milliliter (estimated).

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

(3) *Disintegration time.*—Proceed as directed in § 141.540 of this chapter, using the procedure described in paragraph (e)(1) of that section.

Since the conditions prerequisite to providing for certification of this drug have been complied with and since the matter is noncontroversial in nature, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date.—This order shall be effective April 9, 1973.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated April 3, 1973.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.73-6734 Filed 4-6-73;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.686]

PART 6—FREEDOM OF INFORMATION POLICY AND PROCEDURES

Availability of Records

Part 6 of title 22 of the Code of Federal Regulations (37 FR 18617, Sept. 14, 1972), is amended to provide for the deletion of all reference to Executive Order 11671 of June 5, 1972 (37 FR 11307, June 7, 1972), and language contained therein, and to cite in lieu thereof the Federal Advisory Committee Act, effective January 5, 1973 (Public Law 92-463, 86 Stat. 770).

Accordingly, the heading and text of section 6.10 is amended to read as follows:

§ 6.10 Activities of advisory committees.

Any determination under section 10(d) of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) that activities of an advisory committee are matters which fall within policies analogous to those recognized in section 552 (b) of title 5 of the United States Code and that the public interest requires such activities to be withheld from disclosure shall be made by the Chairman of the Council on Classification Policy of the Department of State. His determination shall be in writing and is final.

(Sec. 552, title 5, U.S.C., the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), sec. 4 of the act of May 26, 1949 (63 Stat. 111), as amended; and 22 U.S.C. 2658)

Effective date.—This amendment to the regulation became effective on January 5, 1973.

For the Secretary of State.

WILLIAM B. MACOMBER, JR.,
Deputy Under Secretary for Management.

MARCH 27, 1973.

[FR Doc.73-6753 Filed 4-6-73;8:45 am]

Title 24—Housing and Urban Development

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

[Docket No. F-100]

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of part 1914 of subchapter B of chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Illinois	Will	Joliet, City of				Apr. 13, 1973, Emergency.
Michigan	Kent	Grand Rapids, City of.				Do.
Do	Oakland	Madison Heights, City of.				Do.
Do	Berrien	Michigana, Village of.				Do.
New York	Westchester	Yonkers, City of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued March 30, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-6627 Filed 4-6-73;8:45 am]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of part 1914 of subchapter B of chapter X of title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Yuba	Unincorporated areas.				Apr. 9, 1973, Emergency.
Illinois	Cook	Oak Lawn, Village of.				Do.
Do	Kane	Aurora, City of				Do.
Indiana	Brown	Unincorporated areas.	I 18 013 0000 01 through I 18 013 0000 03	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46304. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Brown Co. Area Plan Commission, P.O. Box 154, Nashville, Ind. 47448.	Oct. 22, 1971, Emergency. Apr. 13, 1973, Regular.
Massachusetts	Norfolk	Needham, Town of.	I 25 021 0847 01 through I 25 021 0847 04	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Needham Town Hall, Office of the Planning Board, town of Needham, Needham, Mass. 02192.	June 25, 1971, Emergency. Apr. 13, 1973, Regular.
Michigan	Berrien	St. Joseph, City of.				Apr. 9, 1973, Emergency.
Do	Iosco	Baldwin, Township of.				Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
New Hampshire.	Coos	Lancaster, Town of.	I 33 007 0270 01 through I 33 007 0270 13	Office of State Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Office of the Town Manager, Town Hall, Lancaster, N.H. 03301.	Nov. 12, 1971. Emergency. Apr. 13, 1973. Regular.
New Jersey	Camden	Collingswood, Borough of.				Apr. 9, 1973. Emergency.
Do.	Passaic	Passaic, City of				Do.
New York	Monroe	Rochester, City of				Do.
South Dakota	Brown	Unincorporated areas.				Do.
Do.	do.	Aberdeen, City of				Do.
Wisconsin	Wood	Port Edwards, Village of.	I 55 141 3840 01 through I 55 141 3840 03	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	Office of the Village Clerk, Village of Port Edwards, Port Edwards, Wis. 54469.	July 2, 1971. Emergency. Apr. 13, 1973. Regular.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued March 30, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73–6692 Filed 4–6–73;8:45 am]

[Docket No. F–100]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of part 1914 of subchapter B of chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
New York	Clinton	Plattsburgh, City of.				Apr. 12, 1973. Emergency.
South Dakota	Meade	Unincorporated areas.				Do.
Virginia	Albemarle	Scottsville, Town of.				Do.
Vermont	Chittenden	Colchester, Town of.				Do.
Wisconsin	Crawford	Gays Mills, Village of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued March 30, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73–6693 Filed 4–6–73;8:45 am]

[Docket No. F-100]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective on April 6, 1973. Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Arizona	Maricopa	Mesa, City of	H 04 013 0290 01 through H 04 013 0290 07	Arizona State Land Department, 1624 West Adams, room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7008, 718 West Glenrosa, Phoenix, Ariz. 85011.	Municipal Bldg., city of Mesa, 55 North Center St., Mesa, Ariz. 85201.	Apr. 13, 1973.
Indiana	Brown	Unincorporated areas.	H 18 013 0000 01 through H 18 013 0000 03	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Brown Co. Area Plan Commission, P.O. Box 154, Nashville, Ind. 47448.	Do.
Massachusetts	Norfolk	Needham, Town of.	H 25 021 0847 01 through H 25 021 0847 04	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Needham Town Hall, Office of the Planning Board, town of Needham, Needham, Mass. 02192.	Do.
New Hampshire	Coos	Lancaster, Town of.	H 33 007 0270 01 through H 33 007 0270 13	Office of State Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Office of the Town Manager, Town Hall, Lancaster, N.H. 03301.	Do.
New Jersey	Somerset	Manville, Borough of.	H 34 035 1820 01	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Municipal Bldg., Main Office, 101 South Main St., Manville, N.J. 08835.	Do.
Do	Warren	Phillipsburg, Town of.	H 34 041 2580 01 H 34 041 2580 02	do	Office of the Municipal Engineer, Municipal Bldg., 675 Corliss Ave., Phillipsburg, N.J. 08865.	Do.
New York	Chautauqua	Jamestown, City of.	H 36 013 2950 01 through H 36 013 2950 04	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038, and 324 State St., Albany, N.Y. 12210.	Building Inspector's Office, Municipal Bldg., Jamestown, N.Y. 14701.	Do.
Do	Westchester	Ardsley, Village of.	H 36 119 0240 01 H 36 119 0240 02	do	Ardsley Municipal Bldg., 505 Ashford Ave., Ardsley, N.Y. 10520	Do.
North Carolina	Beaufort	Belhaven, Town of.	H 37 013 0360 01	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Town Manager, Town Hall, Belhaven, N.C. 27810.	Do.
Pennsylvania	Bucks	Durham, Township of.	H 42 017 1785 01 through H 42 017 1785 06	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Office of the Supervisor, Township of Durham, R. D., Riegelsville, Pa. 18077.	Do.
Do	Delaware	Upper Providence, Township of (Crum Creek area).	H 42 045 5040 01 through H 42 045 5040 04	do	Upper Providence Township Municipal Bldg., 935 North Providence Rd., Media, Pa. 19063.	Do.
Rhode Island	Kent	West Warwick, Town of.	H 44 003 0245 01 through H 44 003 0245 03	Rhode Island Statewide Planning Program, 265 Melrose St., Providence, R.I. 02907. Rhode Island Insurance Division, 169 Weybosset St., Providence, R.I. 02903.	Town Clerk's Office, Town Hall, 1170 Main St., West Warwick, R.I. 02893.	Do.
Do	Providence	North Providence, Town of.	H 44 007 0156 01 H 44 007 0156 02	do	Building Inspector's Office, Town Hall Annex, Steere St., North Providence, R.I. 02911.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Tennessee	Obion	South Fulton, City of.	H 47 131 2280 01	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	South Fulton City Bldg., Broadway, South Fulton, Tenn. 42041.	Apr. 13, 1973.
Texas	Tarrant	Lakeside, City of	H 48 439 3813 01 H 48 439 3813 02	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Lakeside City Hall, F.M. 1886, Route 8, Box 539, Fort Worth, Tex. 76108.	Do.
Wisconsin	Wood	Port Edwards, Village of.	H 55 141 3840 01 through H 55 141 3840 03	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	Office of the Village Clerk, Village of Port Edwards, Port Edwards, Wis. 54469.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued March 30, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-6696 Filed 4-6-73;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER B—SALES AND SERVICE

PART 815—PERSONS AUTHORIZED MEDICAL CARE

Job Corps and VISTA Personnel; Correction

In FR Doc. 72-20535 appearing at page 25362 of the issue for Thursday, November 30, 1972, § 815.73 [Amended] is corrected as follows:

20. Section 815.73 is amended by changing "SF-89" to "SF-93" in paragraph (a), and by changing the office symbol reference in paragraphs (a), (b), (c)(1), and (c)(2) to read "HQ USAF/SGHC."

By order of the Secretary of the Air Force

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-6714 Filed 4-6-73;8:45 am]

CHAPTER XIV—RENEGOTIATION BOARD

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1499—RENEGOTIATION RULINGS AND BULLETINS

Recalcitrant Contractors

Efficient administration of the Renegotiation Act requires timely filings by contractors from whom reports are required. If a contractor willfully fails or refuses to file a required report, it is imperative that action be taken to impose the criminal sanctions provided by the act. This regulation establishes the procedures to be followed by the Board with respect to such recalcitrant contractors.

Dated April 4, 1973.

RICHARD T. BURRESS,
Chairman.

Part 1499 is amended by adding at the end thereof a new § 1499.2–20 to read as follows:

§ 1499.2–20 Renegotiation Bulletin No. 20: Recalcitrant contractors.

(a) Efficient administration of the act requires the timely and orderly submission of filings and information by contractors. Thus, in section 105(e)(1), Congress has provided criminal sanctions for willful failure or refusal to comply with this obligation:

> Any person who willfully fails or refuses to furnish any statement, information, records, or data required of him * * * shall, upon conviction thereof, be punished by a fine of not more than $10,000 or imprisonment for not more than 1 year, or both.

(b) The act does not contemplate criminal punishment for a contractor who, through inadvertence or for good cause, fails to submit a report on time and thereby becomes delinquent. However, if a contractor refuses to file or knowingly continues his delinquency, it is imperative that action be taken to impose the sanctions provided by the act. This section describes the procedures that the Board will follow in such instances.

(c) A contractor will be considered "recalcitrant" and subjected to the steps outlined below when:

(1) He had receipts or accruals under renegotiable contracts or subcontracts which exceeded the applicable statutory floor in his fiscal year;

(2) He has been clearly informed of his obligations under the act and provided with the necessary forms and instructions for their use; and

(3) He has failed or refused to file.

(d) After establishing that a contractor is recalcitrant, the Board will notify the contractor that:

(1) Information available to the Board indicates that he is subject to renegotiation for a specified period or periods.

(2) He is therefore required to file an appropriate report or reports with the Board.

(3) He has theretofore been advised of his obligation under the act and provided with the necessary forms and instructions to discharge such obligation.

(4) The act provides criminal sanctions for willful noncompliance with his obligation to file reports or furnish information to the Board under the act.

(5) Unless compliance with the statutory requirements is forthcoming on or before a date certain, the Board will consider his continued failure or refusal to file willful and will refer the matter to the Department of Justice for enforcement of such criminal sanctions.

(6) If, after the expiration of the stated period, the contractor has not filed, the Board will refer the matter to the Attorney General for criminal prosecution, or for such other action as the Attorney General may deem appropriate.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A. app. sec. 1219.)

[FR Doc.73-6754 Filed 4-6-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-343]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

License Period

Order. In the matter of amendment of § 21.35(a) of the Commission's rules to authorize individually licensed land and airborne mobile units for a full 5-year license period from date of grant.

1. The Commission has under consideration § 21.35 of the rules which, in subsection (a), provides that a license

granted subsequent to the last renewal date of the class of license involved, shall be issued only for the unexpired period of the current license term for such class. Our consideration concerns only individual land and airborne mobile units licensed in the Domestic Public Land Mobile Radio Service in the name of a person who is not the licensee of the base station with which the mobile units will be associated. As a result of the Commission's present fee schedule, the current licensing procedure has become an increasing source of irritation to both this class of licensee and the Commission in that it produces burdensome and inequitable predicaments for licensees whose authorizations have been issued near the end of the term of the associated base station license. With the expiration of the associated base station license, the mobile licensee's authorization expires as well, and he must file a renewal application together with a second fee in an unreasonably short period of time.

2. We conclude that the efficiency of the Commission's processes and the fairness to its licensees would each be benefited by amending § 21.35(a) to allow individually licensed land and airborne mobile units to be authorized to operate for a full 5-year period from the date of any grant.

3. The authority for the amendment is contained in sections 4 (i) and (j), and 303(r) of the Communications Act of 1934, as amended.

4. The amendment adopted herein is procedural in nature, and hence the notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

5. *Accordingly, it is ordered,* That effective April 9, 1973, the rules of practice and procedure are amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted March 29, 1973.

Released April 3, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 21 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

Section 21.35(a) is amended by changing the period at the end of the paragraph to a colon and adding the following proviso:

§ 21.35 License period.

(a) * * *: *Provided, however,* That the license for land and airborne mobile units issued in the Domestic Public Land Mobile Radio Service in the name of a person who is not the licensee of the base station with which the mobile unit will be associated shall be issued for a full 5-year term from the date of grant thereof.

* * * * *

[FR Doc.73-6755 Filed 4-6-73;8:45 am]

[1] Commissioner Reid absent.

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

Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on April 9, 1973.

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

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Sport fishing on the Seney National Wildlife Refuge, Seney, Mich., is permitted on areas as described under special conditions below, and as delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Stream and ditches, open only during the regular State trout fishing season, are:

(a) Driggs River from Highway M-28 south to the diversion ditch.

(b) Walsh Creek and ditch from Highway M-28 south to C-3 pool.

(c) Creighton River—entire length through refuge.

(2) Manistique River, entire length through refuge, open from January 1, 1973, through December 31, 1973.

(3) Pools are open to fishing, daylight hours only, as follows:

(a) All pools—January 1, 1973, through February 28, 1973.

(b) Show pools (located west of Highway M-77, one-half mile north of the headquarters entrance road) from Memorial Day (May 28, 1973) through Labor Day (Sept. 3, 1973).

(c) C-3 pool—July 1, 1973, through Labor Day (Sept. 3, 1973).

(4) Night fishing, boats, and the use of minnows for bait are prohibited except on the Creighton and Manistique Rivers

(5) Snowmobiles, all-terrain vehicles or motorized bikes are not allowed on the refuge.

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.

EDWARD C. MURCZEK,
Acting Refuge Manager, Seney National Wildlife Refuge, Seney, Mich. 49883.

APRIL 2, 1973.

[FR Doc.73-6752 Filed 4-6-73;8:45 am]

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

SUBCHAPTER E—NORTHWEST ATLANTIC COMMERCIAL FISHERIES

PART 240—GROUNDFISH FISHERIES

On February 7, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 3517) to establish regulations to implement conservation measures on haddock, cod, silver hake, red hake, yellowtail flounder, and American plaice, adopted at the 22d annual meeting of the International Commission for the Northwest Atlantic. No formal comments from interested persons were received, but several editorial changes were suggested that would clarify existing language. The procedure to close the open fishing season for haddock under an international quota by member countries that was inadvertently not included in the proposed rulemaking is added under § 240.13. This procedure is similar to that published in FEDERAL REGISTER (37 FR 786). Therefore, the proposed regulations are hereby adopted, subject to the following changes:

(1) Paragraph (a) of § 240.2, is changed by deleting the words, "desiring to fish" and inserting the word "fishing" and changing the words "possess" to "possessing," "transport" to "transporting," and "deliver" to "delivering."

(2) In subparagraph (2) of § 240.4(b), the word "appropriate" on the sixth line is changed to read, "authorized."

(3) Paragraph (a) of § 240.11, is changed by deleting the words, "under the jurisdiction of the United States" and inserting the words, "of all member countries."

(4) Paragraphs (b) (c) (d) of § 240.13 are changed as follows: Paragraph "(b)" is changed to "(1)" and in the third line delete the words "haddock and," existing paragraph (c) is changed to "(2)" and in the second line, delete the words, "haddock or," insert new paragraph (b)(1) (2) and (3), and change existing paragraph "(d)" to "(c)."

(5) Paragraph (a) of § 240.31, is changed by inserting the words, "(east of 69° W. longitude)" following the word, "5Ze" on the fourth line.

(6) Paragraph (a) of § 240.31, is changed by inserting the words, "(west of 69° W. longitude)" following the word, "5Zw" on the fourth line.

Effective date.—This regulation is effective April 3, 1973.

ROBERT L. CARNAHAN,
Acting Assistant Administrator for Administration.

Sec.
240.12 Open season.
240.13 Closed season and areas.
240.14 Gear restrictions.
240.15 General restrictions.

Subpart C—Flatfish Fisheries

Sec.
240.20 Definitions.
240.21 Catch quota.
240.22 Open season.
240.23 Closed season and areas.
240.24 Gear restrictions.
240.25 General restrictions.

Subpart D—Hake Fisheries

Sec.
240.30 Definitions.
240.31 Catch quota.
240.32 Open season.
240.33 Closed season and areas.
240.34 Gear restrictions.
240.35 General restrictions.

AUTHORITY: Sec. 7(a), Northwest Atlantic Fisheries Act of 1950, 64 Stat. 1069; U.S.C. 986; as modified by Reorganization Plan No. 4, effective October 3, 1970, 35 FR 15627.

Subpart A—General Provisions

§ 240.1 Definitions.

(a) *Convention area.* The term "Convention area" means and includes all waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71°40′ west longitude; thence due south to 39°00′ north latitude; thence due east to 42°00′ west longitude; thence due north to 50°00′ north latitude; thence due west to 44°00′ west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78°10′ north latitude; thence southward to a point in 75°00′ north latitude and 73°30′ west longitude, thence along a rhumb line to a point in 69°00′ north latitude and 50°00′ west longitude; thence due south to 61°00′ north latitude; thence due west to 64°30′ west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island, to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

(b) *Regulatory area.* The term "Regulatory area" means and includes the whole of those portions of the Convention area which are separately described as follows:

(1) *Subarea 1.* The term "Subarea 1" means that portion of the Convention area, including all waters except territorial waters, which lies to the north and east of a rhumb line from a point in 75°00′ north latitude and 73°30′ west longitude to a point in 69°00′ north latitude and 59°00′ west longitude; east of 59°00′ west longitude; and to the north and east of a rhumb line from a point in 61°00′ north latitude and 59°00′ west longitude to a point in 52°15′ north latitude and 42°00′ west longitude.

(2) *Subarea 2.* The term "Subarea 2" means that portion of the Convention area, including all waters except territorial waters, lying to the south and west of subarea 1, as defined in paragraph (b)(1) of this section, and to the north of the parallel of 52°15′ north latitude.

(3) *Subarea 3.* The term "Subarea 3" means that portion of the Convention area, including all waters except territorial waters, lying south of the parallel of 52°15′ north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52°15′ north latitude; to the north of the parallel of 39°00′ north latitude; and to the east and north of a rhumb line extending in a northwesterly direction which passes through a point in 42°30′ north latitude, 55°00′ west longitude, in the direction of a point in 47°50′ north latitude, 60°00′ west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray.

(4) *Subarea 4.* The term "Subarea 4" means that portion of the Convention area, including all waters except territorial waters, lying to the west of Subarea 3 as described in paragraph (b)(3) of this section, and to the east of a line described as follows: Beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point 44°46′35.34″ north latitude, 66°54′-11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the meridian of 67°40′ west longitude; thence due south to the parallel of 42°40′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00′ north latitude, 65°40′ west longitude; thence due south to the parallel of 39°00′ north latitude.

(5) *Subarea 5.* The term "Subarea 5" means that portion of the Convention area, including all waters except territorial waters, bounded by a line beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel at a point in 44°46′35.34″ north latitude, 66°54′11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the meridian of 67°40′ west longitude; thence due south to the parallel of 42°20′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00′ north latitude 65°40′ west longitude; thence due south to the parallel of 39°00′ north latitude; thence due west to the meridian of 71°40′ west longitude; thence due north to a point 3 statute miles off the coast of the State of Rhode Island; thence along the coasts of Rhode Island, Massachusetts, New Hampshire, and Maine at a distance of 3 statute miles to the point of beginning.

(c) *Regulated species.* The regulations in this part shall apply to the following species by the subareas they are included in and wherever in the regulations in this part the term "regulated species" is used, it shall apply to those in this list.

(1) *In Subarea 1.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) Ocean perch (redfish) (*Sebastes*).

(iv) Halibut (*Hippoglossus hippoglossus* (L.)).

(v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).

(vi) Dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).

(vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

(2) *In Subarea 2.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) Ocean perch (redfish) (*Sebastes*).

(iv) Halibut (*Hippoglossus hippoglossus* (L.)).

(v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).

(vi) Dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).

(vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

(3) *In Subarea 3.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) In aggregate: Ocean perch (redfish) (*Sebastes*), except in the statistical division 3N, 30, and 3P, halibut (*hippoglossus hippoglossus* (L.)), grey sole (witch) (*Glyptocephalus cynoglossus* (L.)), yellowtail flounder (*Limanda ferruginea* (Storer), dab (American plaice) (*Hippoglossoides platessoides* (Fab.)), Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)), pollock (saithe) (*Pollachius virens* (L.)), white hake (*Urophycis tenuis* (Mitch.)).

(4) *In Subarea 4.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) In aggregate: Flounders: grey sole (witch) (*Glyptocephalus cynoglossus* (L.)), yellowtail flounder (*Limanda ferruginea* (Storer)), black back or lemon sole (winter flounder) (*Pseudopleuronectes americanus* (Walb.)), dab (*American plaice*) (*Hippoglossoides platessoides* (Fab.)).

(5) *In Subarea 5.* (i) Cod (*Gadua morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) Yellowtail flounder (*Limanda ferruginea* (Storer)).

(iv) Silver hake (*Merluccius bilinearis* (Mitch.)).

(v) Red hake (*Urophycis chuss* (Walb.)).

(d) *Chafer.* A protective covering of canvas, netting, or other material attached to the underside of the cod end only of the net to reduce and prevent damage, and a rectangular piece or pieces of netting attached to the upper side of the cod end only of the net to reduce and prevent damage, so long as the netting attached to the upper side of the cod end conforms to the specifications of

either the "ICNAF-type chafer," the "multiple flap-type chafer," or the "Polish-type chafer," described below. For the purposes of this paragraph, the required mesh size, when measured wet after use, shall be deemed to be the average of the measurements of 20 consecutive meshes in a series across the netting.

(1) *ICNAF chafer.* A chafer having the following characteristics:

(i) The width of the netting shall be at least 1½ times the width of the area of the cod end which is covered, such width to be measured at right angles to the long axis of the cod end.

(ii) Such netting may be fastened to the cod end of the trawl net only along the forward and lateral edges of the netting and at no other place in the netting.

(iii) On cod ends having a splitting strap, the netting shall be fastened in such a manner that it extends forward of the splitting strap no more than four meshes and ends not less than four meshes in front of the cod line mesh.

(iv) On cod ends not having a splitting strap, the netting shall not extend to more than one-third the length of the cod end measured from not less than four meshes in front of the cod line mesh.

(v) The netting shall not have a mesh size less than that specified for the cod end to which it is attached.

(2) *Multiple flap-type chafer.* A chafer having the following characteristics:

(i) Each piece of netting shall not exceed 10 meshes in length; each shall be at least the width of the cod end, such width being measured at right angles to the long axis of the cod end at the point of attachment; each shall be fastened by its forward edge only across the cod end at right angles to its long axis.

(ii) The aggregate length of all pieces of netting shall not exceed two-thirds the length of the cod end.

(iii) The netting shall not have a mesh size less than that specified for the cod end to which it is attached.

(3) *Polish-type chafer.* A chafer having the following characteristics:

(i) The rectangular piece of netting attached to the upper side of the cod end shall have a mesh size at least twice as large as that specified for the cod end to which it is attached and shall have a width the same as that for the cod end.

(ii) It shall be fastened to the cod end only along the forward, lateral, and rear edges of the netting so that the meshes exactly overlay the meshes of the cod end.

(iii) The netting shall be the same twine size and material as that of the cod end.

(e) *Closed season.* The time during which regulated species in specified areas may not be taken in quantities exceeding the amounts specified as incidental fisheries.

(f) *Cod end.* The bag-like extension attached to the after end of the belly of the trawl net and used to retain the catch.

(g) *Commission.* The International Commission for the Northwest Atlantic Fisheries established pursuant to the Convention.

(h) *Convention.* The International Convention for the Northwest Atlantic Fisheries signed at Washington, D.C., February 8, 1949, and amendments.

(i) *Contracting governments.* Governments party to the Convention.

(j) *Demersal species.* Fishes living at the bottom of the sea.

(k) *Executive Secretary.* The Executive Secretary of the International Commission for the Northwest Atlantic Fisheries.

(l) *Fishing.* The catching, taking, or fishing for, or the attempted catching, taking, or fishing for any regulated species.

(m) *Incidental fisheries.* The inadvertent taking of regulated species while conducting fishing operations primarily for other species.

(n) *Mesh size.* Any part of the net, the average of the measurements of any 20 consecutive meshes in any row located at least 10 meshes from the side lacings measured when wet after use.

(o) *License.* A license issued by the National Marine Fisheries Service to enable the holder thereof to fish for, possess, transport, or deliver, by means of any fishing vessel, any regulated species.

(p) *Official or authorized official.* Any representative of the National Marine Fisheries Service (NMFS), U.S. Coast Guard, or U.S. Bureau of Customs Service, authorized to enforce this part.

(q) *Open season.* The time during which regulated species may lawfully be captured and taken on board a fishing vessel without limitation of the quantity permitted to be retained during each fishing voyage, except as otherwise provided in this part.

(r) *Person.* Any owner, master, or operator of a vessel.

(s) *Regional Director.* The Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, MA 01930. Telephone number: Area code (617) 281-0640.

(t) *Service.* The National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(u) *Service Director.* The Director of the National Marine Fisheries Service.

(v) *Trawl net.* Any large bag net dragged in the sea by a vessel or vessels for the purpose of fishing.

(w) *Vessel.* Every kind, type or description of watercraft subject to the jurisdiction of the United States, used, or capable of being used, as a means of transportation on water.

(x) *Trip.* As used in connection with the trip exemption provided in § 240.3(b) means a departure from port, transit to the Convention area, participation in the fisheries, including incidental fisheries, and discharges any part of the catch on board.

§ 240.2 Licensing provisions.

(a) Any person or vessel fishing for any regulated species within the Convention area, or possessing, transporting, or delivering for sale, any regulated species taken within the Convention area, must first obtain a license for that purpose.

(b) The owner or operator of a vessel may obtain the appropriate license by furnishing, on a form supplied by the National Marine Fisheries Service, information specifying the names and addresses of the owner and operator of the vessel and the name, official number, and home port of the vessel. The form shall be submitted, in duplicate, to the Regional Director, National Marine Fisheries Service, Gloucester, Mass., who shall grant the requested license, without fee, for the calendar year in which the license is issued. New licenses shall be issued to replace expired, lost, or mutilated licenses. An application for replacement of an expiring license shall be made in like manner as the original application, not later than 10 days prior to the expiration date of the expiring license.

(c) The owner or operator of any licensed vessel which is proposed to be used in fishing outside the Convention area may obtain a temporary suspension of the license until such time that the vessel returns to fish within the Convention area.

(d) The temporary suspension or modification of the license shall be granted upon either an oral or a written request, specifying the period of suspension or modification desired by an authorized State official or by an authorized official of the National Marine Fisheries Service, or Coast Guard. Such official shall make appropriate endorsement on the license evidencing the duration of its suspension or modification.

(e) The license issued by the National Marine Fisheries Service must be carried, at all times, on board the vessel for which it is issued and such license, the vessel, its gear and equipment shall be subject to inspection, at reasonable times, by authorized officials.

(f) Licenses issued under this part may be revoked by the Regional Director for violations of this part.

§ 240.3 Persons and vessels exempted.

(a) *Scientific investigation.* Any person operating a vessel authorized by the Secretary of Commerce to engage in fishing for scientific purposes is exempted from all the requirements of this part.

(b) *Trip exemption.* (1) Any person operating a vessel in the course of fishing for nonregulated species in Subareas 3, 4, and 5, is exempted from the requirements of this part, and may take and possess, on any one trip, an incidental catch of regulated species not to exceed, for each species, 5,000 pounds or ten percent (10%) by weight of all the fish on board, whichever is greater, taken from the same subarea.

(2) Any person or vessel fishing for haddock and cod, using gear required for

that fishery, may take and possess, on any one trip, yellowtail flounder, not to exceed 5,000 pounds or ten percent (10%) by weight of all fish on board, whichever is greater: *Provided*, That a valid license issued under the provisions of § 240.2 is in force.

(c) *Annual exemption.* Any person operating a vessel engaged in fishing for nonregulated species within Subarea 3, 4, or 5, who does not take in any period of 12 months more than ten percent (10%) by weight of regulated species described in the immediately preceding paragraph may avail himself of the exemption provided in this paragraph by obtaining a license for exemption under the provision of § 240.2(a).

§ 240.4 Reports and records.

(a) *Dealers.* (1) All persons, individuals, firms or corporations, at any port or place within the United States, that buy from other U.S.-flag vessels or from a carrier licensed as a common carrier engaged in either interstate or intrastate commerce, any regulated species taken within the Convention area by any fishing vessel, shall make and shall furnish to an authorized officer of the National Marine Fisheries Service, within 72 hours of sale or within 72 hours after buying or receiving, vessel returns to any port of the United States, a complete record of each purchase, on forms supplied by the National Marine Fisheries Service.

(2) All persons purchasing or receiving any regulated species in the Convention area for transport to any port of the United States must maintain records identical to those required under paragraph (a)(1) of this section.

(3) The possession by any person, firm or corporation of regulated species which such person, firm, or corporation knows to have been taken by a vessel of the United States without a valid license, is prohibited.

(b) *Owner or master.* (1) In the case of a vessel licensed under § 240.2, and fishing for any of the regulated species, the owner or master of vessels of 50 gross tons or more must maintain an accurate log of fishing operations showing date, type and size of gear used, locality fished, duration of fishing time or tow, and the estimated poundage of each species taken at 12-hour intervals. Such logbooks shall be available for inspection by an authorized official in accordance with the ICNAF International Inspection Scheme adopted at the Twenty-first Annual Meeting, May 27–June 4, 1971. At the conclusion of each fishing trip, such logbook shall be delivered to an authorized official of the United States or, if no official is available, such logbook must be mailed in the envelope provided for that purpose. These forms will be furnished without cost by the National Marine Fisheries Service. Such logbooks shall be used for statistical and biological purposes only.

(2) In the case of vessels of less than 50 gross tons licensed under § 240.2, and fishing for any of the regulated species, the owner or master may be required to maintain the logbook for sampling purposes at the option of an authorized official of the United States.

(3) In the case of vessels desiring to fish for nonregulated species on a trip basis, no reports are required of the owner or master.

Subpart B—Groundfish Fisheries

§ 240.10 Definitions.

(a) Unless otherwise defined herein, the terms used in this subpart will have the meanings ascribed to them in Subpart A, § 240.1.

(b) Regulations in this subpart will apply to haddock (*Melanogrammus aeglefinus* (L.)), and cod (*Gadus morhua* (L.)).

§ 240.11 Catch quota.

(a) An annual catch limitation is placed upon the quantity of haddock permitted to be taken in Divisions 4W and 4X of Subarea 4 and Subarea 5. The aggregate catch of haddock during 1973, by persons or fishing vessels of all member countries, in each area, is as follows:

(1) The annual catch of haddock by persons or fishing vessels fishing in Division 4W of Subarea 4, in the year 1973, shall not exceed 4,000 metric tons.

(2) The annual catch of haddock by persons or fishing vessels fishing in Division 4X of Subarea 4, in the year 1973, shall not exceed 9,000 metric tons.

(3) The annual catch of haddock by persons or fishing vessels fishing in Subarea 5, shall not exceed 6,000 metric tons.

(b) An annual catch limitation is placed upon the quantity of cod permitted to be taken in Subdivision 4Vs and Division 4W of Subarea 4, Division 5Y of Subarea 5, and Subdivisions 5Ze and 5Zw of Subarea 5. The aggregate catch of cod during 1973, by persons or fishing vessels under the jurisdiction of the United States, in each area, is as follows:

(1) The annual catch of cod in Subdivision 4Vs and Division 4W of Subarea 4 shall not exceed 1,050 metric tons.

(2) The annual catch of cod in Division 5Y of Subarea 5 shall not exceed 9,400 metric tons.

(3) The annual catch of cod in Subdivision 5Ze and 5Zw of Subarea 5 shall not exceed 19,600 metric tons.

§ 240.12 Open season.

(a) The open season for haddock and cod in Subdivision 4Vs, Division 4X and Division 4W of Subarea 4, and Subarea 5, shall begin at 0001 hours of the first day of January 1973, and terminate at a time and a date to be determined and announced in the FEDERAL REGISTER: *Provided*, That the areas described in § 240.13 shall be closed to any vessel using gear capable of catching demersal species.

§ 240.13 Closed seasons and areas.

(a) The Director shall announce the closure of the season by publication of a notice in the FEDERAL REGISTER, specifying the time and date for the termination of specialized fishing for haddock or cod in Subarea 4 or 5, or any division thereof. The closure is determined in the following manner:

(1) The National Marine Fisheries Service maintains records of the catches of cod made in Subdivision 4Vs, Division 4X and Division 4W of Subarea 4 and Subarea 5, during the open season, by vessels under the jurisdiction of the United States participating in the fishery.

(2) When the accumulative and estimated prospective catch of cod in each subarea, making allowance for the incidental catch for the remainder of the year, equals 100 percent of the allowable catch permitted under § 240.11, the Director shall promptly publish the notice required in paragraph (a) of this section, and shall notify the Executive Secretary of the date on which vessels subject to the jurisdiction of the United States have ceased a specialized fishery.

(b) The Executive Secretary of the International Commission for the Northwest Atlantic Fisheries maintains records of the catches of regulated species made in Division 4X and Division 4W of Subarea 4 and Subarea 5 during the open season by the vessels of all Contracting Governments participating in the fishery.

(1) When the accumulative and estimated prospective catch of haddock, in each subarea making allowance for the incidental catch for the remainder of the year, equal 100 percent of the allowable catch permitted under § 240.10, the Executive Secretary shall notify each Contracting Government of that fact.

(2) If, after having given the notification provided in subparagraph (1) of this paragraph, the Executive Secretary determines, on the basis of new or further information, that the total catch will be less than 100 percent of the allowable catch, he may so inform each Contracting Government, stating the number of additional days haddock fishing may be permitted in each subarea.

(3) Within 10 days of the receipt of the notification specified in subparagraphs (1) or (2) of this paragraph, the Director shall announce by publication in the FEDERAL REGISTER the time and date for the termination of fishing, or the number of days that a previously announced closure shall be extended, as appropriate.

(c) It shall be unlawful for any person to use, during the period from 0001 hours, March 1, to 2400 hours May 31, 1973, fishing gear capable of catching demersal species, including any trawl gear or similar devices, gill net, or hook and line, in:

(1) Division 4X of Subarea 4, bounded by straight lines connecting the following coordinates in the order listed: 65° 44′W., 42°04′N.; 64°30′W., 42°40′N.; 64° 30′W., 43°00′N.; 66°32′W., 43°00′N.; 66°32′W., 42°20′N.; 66°00′W., 42°20′N.

(2) Subarea 5, two areas bounded by lines connecting the following coordinates:

(i) 69°55′W., 42°10′N.; 69°10′W., 41° 10′N.; 68°30′W., 41°35N.; 68°45′W., 41°50′N.; 69°00′W., 41°50′N.

(ii) 67°00'W., 42°20'N.; 67°00'W., 41°15'N.; 65°40'W., 41°15'N.; 65°40'W., 42°00'N.; 66°00'W., 42°20'N.

(iii) Except that vessels using hooks having a gap of not less than 3 cm (1⅛") may fish in Subarea 5, without restriction.

§ 240.14 Gear restrictions.

(a) In Subareas 1, 2, and 3, no person shall fish for regulated species with a trawlnet or nets, parts of nets, or netting of manila or of the trade named twines, under the chemical category of polypropylene, having a mesh size of less than 5⅛ inches (130 mm.), or a trawlnet or nets or parts of nets, or netting of material other than manila or polypropylene twine, unless it shall have a selectivity equivalent too that of a 5⅛ inch (130 mm.) manila trawlnet.

(b) In Subareas 4 and 5, except as provided in § 240.23(a), no person shall fish for haddock or cod with a trawlnet or nets, parts of nets, or netting of manila or of the trade named twines, under the chemical category of polypropylene, having a mesh size of less than 4½ inches (114 mm.) or a trawlnet or nets, or netting of material other than manila or polypropylene twine, unless it shall have a selectivity equivalent to that of a 4½ inch (114 mm.) manila trawlnet.

(c) The use in fishing for haddock or cod within the Regulatory area of any device or method which would, or otherwise, have the effect of diminishing the size of said meshes of the trawlnet is prohibited: *Provided*, That an approved chafer described in § 240.1(d) may be used.

§ 240.15 General restrictions.

(a) Except as provided in paragraphs (b), (c), and (d), of this section, after the dates announced in the manner provided in § 240.13(a), for the closure of haddock or cod fishing seasons in Division 4X or Division 4W of Subarea 4 and Subarea 5, it shall be unlawful for any master or other person in charge of a fishing vessel to possess haddock or cod on board such vessel in those areas or to land haddock or cod taken in those areas in any port or place until the haddock or cod fishing season reopens on January 1 next, following the close of the season.

(b)(1) Any fishing vessel which had departed port to engage in haddock or cod fishing under the provisions of § 240.2 prior to the date of the closure of haddock or cod fishing in either Division 4X or 4W in Subarea 4, or Subarea 5, may continue to take and retain haddock or cod in the Division or Subarea for which the closure has been announced, for a period of time not to exceed 10 days, at which time fishing for haddock or cod in the closed Division or Subarea shall be prohibited. Within 48 hours after the expiration of the 10-day period, each such vessel must return to a port or place in the United States, and the master or person in charge must immediately, on his return, notify any officer of the National Marine Fisheries Service, U.S. Bureau of Customs or Coast Guard, of his arrival.

(2) Any master or person in charge of a fishing vessel, licensed pursuant to § 240.2, may continue to fish after the date of closure, in any subarea or division, the provisions of the next preceding paragraph notwithstanding, but should he elect to do so, the quantity of haddock or cod in his possession on each trip must not exceed 5,000 pounds or 10 percent (10 percent) by weight of all other fish on board.

(c) Any master or person in charge of a fishing vessel, which has departed port after the date of closure of haddock or cod fishing in Division 4X or 4W in subarea 4, or subarea 5, may take, possess on board, and land in any port or place, such haddock or cod as may be taken incidentally to a fishery for nonregulated species: *Provided*, That the master of the said vessel has on board the appropriate license as required under § 240.2 (a) and complies with the limitations specified in § 240.3, and the reporting requirements, where required, in § 240.4 (b): *Provided further*, That nothing contained herein shall be construed to amend, modify, or repeal those portions of the regulations relating to areas closed to all demersal fishing, which may be found in § 240.13(d).

(d) The provisions of this subpart shall apply to all fishing trips begun during the current calendar year, whether completed before January 1, or not.

Subpart C—Flatfish Fisheries

§ 240.20 Definitions.

(a) Unless otherwise defined herein, the terms used in this subpart will have the meanings ascribed to them in Subpart A, § 240.1.

(b) Regulations in this subpart will apply to American plaice, (*Hippoglossoides platessoides* (Fab.)), and yellowtail flounder, (*Limanda ferruginea* (Storer)).

§ 240.21 Catch quota.

(a) An annual catch limitation is placed upon the quantity of American plaice permitted to be taken in divisions 3L, 3N, and 3O, of subarea 3. The aggregate catch of American plaice in the above divisions during 1973, by persons or fishing vessels, under the jurisdiction of the United States, shall not exceed 100 metric tons.

(b) An annual catch limitation is placed on the quantity of yellowtail flounder permitted to be taken in divisions 3L, 3N, and 3O, in subarea 3, and in the areas east and west of 69° West longitude in subarea 5, as follows:

(1) The annual catch of yellowtail flounder in divisions 3L, 3N, and 3O, of subarea 3, shall not exceed 100 metric tons.

(2) The annual catch of yellowtail flounder in subarea 5, in the area east of 69° West longitude shall not exceed 15,000 metric tons and shall be taken in quarterly increments as follows:

Quarter	Catch quota	Expected accumulative catch
Jan. 1 to Mar. 31	2,950	2,950
Apr. 1 to June 30	3,850	6,800
July 1 to Sept. 30	4,900	11,700
Oct. 1 to Dec. 31	3,300	15,000

(3) The annual catch of yellowtail flounder in subarea 5, in the area west of 69° longitude shall not exceed 9,000 metric tons and shall be taken in quarterly increments as follows:

Quarter	Catch quota	Expected accumulative catch
Jan. 1 to Mar. 31	2,750	2,750
Apr. 1 to June 30	1,500	4,250
July 1 to Sept. 30	2,000	6,250
Oct. 1 to Dec. 31	2,750	9,000

(c) The Director may adjust the quarterly increments in either area by publication of a notice in the FEDERAL REGISTER.

§ 240.22 Open season.

(a) The open season for American plaice and yellowtail flounder fishing in areas under quota in § 240.21, shall begin at 0001 hours local time on the 1st day of January 1973, and terminate at a time and date to be announced by the Director, by publication of a notice in the FEDERAL REGISTER. In the event of a closure during any quarter, open season fishing for yellowtail flounder shall resume on the first day of the next quarter.

§ 240.23 Closed season and areas.

(a) The Director shall announce the closure of the season by publication of a notice in the FEDERAL REGISTER, specifying the time and date for the termination of specialized fishery for American plaice and yellowtail flounder in subarea 3, and yellowtail flounder in subarea 5.

(b) The National Marine Fisheries Service maintains records of the catches of American plaice and yellowtail flounder made in divisions 3L, 3N, and 3O of subarea 3, and the catches of yellowtail flounder made in areas east and west of 69° W., in subarea 5, during the open season, by vessels under the jurisdiction of the United States, participating in the fishery.

(c) When the accumulative and estimated catch of American plaice or yellowtail flounder in subarea 3, and yellowtail flounder in subarea 5, making allowance for the incidental catch for the remainder of the year, equals 100 percent of the allowable catch permitted under § 240.21, the Director shall promptly notify the Executive Secretary of the date on which vessels subject to the jurisdiction of the United States have ceased a specialized fishery.

(d) Announcement shall also be made by publication of a notice in the FEDERAL REGISTER of the closing time and date of the first, second, and third quarters when the Director has determined, on the basis of catch data and catch rates, that the

accumulative catch (landing plus discards) of yellowtail flounder in subarea 5, in either area (east or west of 69°-00' W.), will equal the quarterly quota established in § 240.21(b).

§ 240.24 Gear restrictions.

(a) In subarea 5, no person shall fish for yellowtail flounder with a net of manila or of the trade named twines, under the chemical category of polypropylene, having a mesh of less than 5⅛ inches (130 mm.), or a trawl net or nets, parts of nets, or netting of material other than manila or polypropylene twine, unless it shall have a selectivity equivalent to that of a 5⅛ inch (130 mm.) manila net.

(b) The use in fishing for regulated species within the regulatory area of any device or method which would have the effect of diminishing the size of said meshes or obstruct the meshes of the trawl net, is prohibited: *Provided*, That an approved chafer, described in § 240.1 (d), may be used.

§ 240.25 General restrictions.

(a) Except as provided in paragraphs (a) (1) or (2) and (b) of this section, after the dates announced in the manner provided in § 240.23 for the closing of the yellowtail flounder or American plaice fishing season or seasons, it shall be unlawful for any master or other person in charge of a fishing vessel to possess yellowtail flounder or American plaice in the closed regulatory areas or to land yellowtail flounder taken in those areas in any port or place until the next succeeding open season for yellowtail flounder or American plaice.

(1) In the event of a closure of any of the first three quarters, as provided under § 240.23(d), any fishing vessel which had departed port to engage in yellowtail flounder fishing in subarea 5, prior to the date of the closure, may continue to take and retain yellowtail flounder in the area subject to the closure for a period of time not to exceed 5 days, at which time fishing for yellowtail flounder in the closed area shall be prohibited.

(2) In the event of an annual closure as provided under § 240.23, any fishing vessel which had departed port to engage in yellowtail flounder fishing in subarea 5, prior to date of the closure, may continue to take and retain yellowtail flounder, in the area subject to the closure, for a period of time not to exceed 10 days, at which time fishing for yellowtail flounder in the closed area shall be prohibited. Within 24 hours after the expiration of either the 10- or 5-day period, provided under the preceding paragraph, each such vessel must return to a port or place in the United States and the master or person in charge must immediately, on the return, notify any appropriate official of the National Marine Fisheries Service, U.S. Bureau of Customs or Coast Guard, of his arrival.

(b) Any master or person in charge of a fishing vessel which has departed port after the date of closure of yellowtail flounder fishing either east or west of 69°00' W., in subarea 5, may take, possess on board, and land in any port or place, such yellowtail flounder as may be taken incidentally in such closed area to a fishery for nonregulated species: *Provided*, That the owner or operator of the said vessel has on board the appropriate license as required under § 240.2(a) and complies with the limitations specified in § 240.3 and the reporting requirements, where required, in § 240.3(b): *Provided further*, That nothing contained herein shall be construed to amend, modify, or repeal those portions of the regulations relating to areas closed to all demersal fishing which may be found in § 240.13(d).

(1) The provisions of this subpart shall apply to all fishing trips begun during the calendar year 1973, whether completed before January 1, 1974, or not.

Subpart D—Hake Fisheries

§ 240.30 Definitions.

(a) Unless otherwise defined herein, the terms used in this subpart will have the meanings ascribed to them in subpart § 240.1.

(b) Regulations in this subpart will apply to silver hake, (*Merluccius bilinearis* (Mitch.)), and red hake, (*Urophycis chuss* (Walb.)).

§ 240.31 Catch quota.

(a) An annual catch limitation is placed upon the quantity of silver hake permitted to be taken in division 5Y and subdivision 5Ze (east of 69°W. longitude) and 5Zw (west of 69° W. longitude) of subarea 5. The aggregate catch of silver hake during 1973, by persons or fishing vessels, under the jurisdiction of the United States, in each area, is as follows:

(1) The annual catch of silver hake in division 5Y of subarea 5, shall not exceed 9,500 metric tons.

(2) The annual catch of silver hake in subdivision 5Ze of subarea 5, shall not exceed 17,000 metric tons.

(3) The annual catch of silver hake in subdivision 5Zw, shall not exceed 25,000 metric tons.

(b) An annual catch limitation is placed upon the quantity of red hake permitted to be taken in subdivision 5Zw of subarea 5. The aggregate catch of red hake during 1973, by persons or fishing vessels, under the jurisdiction of the United States, in each area, is as follows:

(1) The annual catch of red hake in subdivision 5Zw of subarea 5, shall not exceed 15,000 metric tons.

§ 240.32 Open season.

(a) The open season for silver hake fishing in division 5Y and 5Z of subarea 5, and red hake fishing in division 5Z of subarea 5, shall begin at 0001 hours of the 1st day of January 1973, and terminate at a time and a date to be determined pursuant to § 240.33.

§ 240.33 Closed season and areas.

(a) The Director shall announce the closure of the season by publication of a notice in the FEDERAL REGISTER, specifying the time and date for the termination of specialized fishery for silver hake or red hake in subarea 5.

(b) The National Marine Fisheries Service maintains records of the catches of silver hake or red hake made in each division of subarea 5 during the open season by vessels, under the jurisdiction of the United States, participating in the fishery.

(c) When the accumulative and estimated prospective catch of silver hake and red hake in each division of subarea 5, making allowance for the incidental catch for the remainder of the year, equals 100 percent of the allowable catch permitted under § 240.31, the Director shall promptly notify the Executive Secretary of the date on which its vessels have ceased a specialized fishery.

(d) It shall be unlawful for any person to conduct a specialized fishery for silver hake or red hake from 0001 hours, April 1 to 2400 hours, April 30, 1973, in the area bounded by 69°00'W., 39°50'N., 71°40'W., and 40°20'N., however, groundfish vessels may be permitted to take on each trip, during this period, in the said area, red and silver hake in amounts not to exceed 10 percent each of the total catch taken in the said area, on that trip.

§ 240.34 Gear restrictions.

There are no gear restrictions regarding fishing for silver or red hake in 1973.

§ 240.35 General restrictions.

(a) Except as provided in paragraphs (b), (c), and (d), of this section, after the dates announced in the manner provided in § 240.33(a), for the closure of silver or red hake fishing seasons in division 5Y or 5Z of subarea 5, it shall be unlawful for any master or other person in charge of a fishing vessel to possess silver or red hake on board such vessel in those areas or to land silver or red hake taken in those areas in any port or place until the silver or red hake fishing season reopens on January 1 next, following the close of the season.

(b)(1) Any fishing vessel which had departed port to engage in silver or red hake fishing under the provisions of § 240.2(a), prior to the date of closure of silver or red hake fishing in either division 5Y or 5Z of subarea 5, may continue to take and retain silver or red hake in the divisions for which the closure has been announced for a period of time not to exceed 5 days, at which time fishing for silver or red hake in the closed division shall be prohibited. Within 48 hours after the expiration of the 5-day period, each such vessel must return to a port or place in the United States and the master or person in charge must immediately, on his return, notify any appropriate officer of the National Marine Fisheries Service, U.S. Bureau of Customs, or Coast Guard, of his arrival.

(2) Any master or person in charge of a fishing vessel licensed to take silver or red hake from waters of the Convention area may continue to fish after the date of closure, in any subarea or division, the provisions of the next preceding paragraph notwithstanding, but should he elect to do so, the quantity of silver or red hake in his possession must not

exceed 5,000 pounds or 10 percent (10%) by weight of all other fish on board.

(c) Any master or person in charge of a fishing vessel which has departed port after the date of closure of silver or red hake fishing in division 5Y or 5Z of subarea 5, may take and possess on board, and land in any port or place, such silver or red hake as may be taken incidentally to a fishery for nonregulated species; *Provided*, That the master of the said vessel has on board the appropriate license as required under § 240.2(a) and complies with the limitations specified in § 240.3 and the reporting requirements, where required, in § 240.4(b): *Provided further*, That nothing contained herein shall be construed to amend, modify, or repeal those portions of the regulations relating to areas closed to all demersal fishing, which may be found in § 240.13(d).

(d) The provisions of this subpart shall apply to all fishing trips begun during the current calendar year, whether completed before January 1, or not.

[FR Doc.73-6712 Filed 4-6-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Posting of Meat Price Information

Part 130 of the Council's regulations is amended in subpart M to modify § 130.124 relating to ceiling price information.

Prior to this amendment, the provisions of § 130.124 relating to price posting contained the requirement that retailers post ceiling prices for all meat items subject to the ceiling price rules of subpart M. In excess of 1,000 separate items are subject to the ceiling price rules and posting all of these items would be unduly burdensome to food retailers and confusing to consumers. Therefore, the posting requirements are being amended to require that ceiling price information be posted only for the following:

(1) All fresh meat items;

(2) Those processed meat items, such as sausage, bacon, weiners, and cold cuts, which accounted for 75 percent of the sales volume of processed meat items during the meat ceiling base period; and

(3) In the case of all other meat items, the ten items which had the highest sales volume during the 30 days prior to March 28, 1973.

In the case of processed meat items, at least 25 items must be posted. Retailers who sold less than 25 processed meat items during the 30 days prior to March 28 must post all processed meat items.

Posters are to be placed in the store location where the majority of the items in the particular category are sold.

Posters for processed meat items and other meat items must indicate the fact that ceiling price information for non-posted meat items is available and the place where such information is available. Such ceiling price information must be placed at convenient locations such as in front of checkout counters.

Retailers who wish to pass through increased costs for imported meat items must separately identify those items and indicate the fact that the price is being increased to pass through increased imported meat costs.

Because the purpose of this amendment is to provide immediate guidance for compliance with the economic stabilization program during phase III, I find that publication in accordance with normal rulemaking procedures is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit comments regarding this amendment. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

This amendent is effective 9 p.m., e.s.t., March 29, 1973.

(Economic Stabilization Act of 1970, as amended, Public Law 92-210, 85 Stat. 743; E.O. 11695, 38 FR 1473; Cost of Living Council Order No. 14, 38 FR 1489, Jan. 11, 1973)

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

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

Section 130.124 of subpart M of Part 130 is amended to read as follows:

§ 130.124 Ceiling price information.

(a) Each seller subject to the provisions of this subpart shall, no later than April 9, 1973, prepare a list of ceiling prices of all meat items which he sells. He shall maintain a copy of that list available for public inspection, during normal business hours, at each place of business where meat items are offered for sale. In addition, the calculations and supporting data upon which the list is based shall be maintained by the seller at the location where the pricing decisions reflected on the list are ordinarily made and shall be made available on request to representatives of the economic stabilization program.

(b) In addition to the requirements of paragraph (a) of this section, each retailer of meat items shall, no later than April 9, 1973, prominently display a list of ceiling prices with respect to the meat items described in paragraph (c) of this section. Ceiling prices must be prominently posted and clearly legible on posters within the department or departments in which the majority of the meat items are sold. Each such poster shall be designed so that a purchaser may, at the point of sale, conveniently determine the name of each individual meat item and its ceiling price.

(c) Ceiling prices shall be posted in the department in which the majority of each of the following categories of items is sold as follows:

(1) In the case of fresh meat cut items, the ceiling price of each such item;

(2) In the case of those processed meat items (such as sausage, bacon, weiners, and cold cuts) which accounted for 75 percent of the seller's sales volume of processed meat items during the meat ceiling base period, the ceiling prices as follows: If the seller offers 25 or more such items for sale, the ceiling price of at least 25 of those items. However, if he sold less than 25 such items during the meat ceiling base period, the ceiling price of all of those items; and

(3) In the case of all other meat items subject to this subpart, the ceiling prices of at least the 10 items which had the highest sales volume during the meat ceiling base period.

The posted signs for the items in paragraph (c) (2) and (3) of this section must indicate that ceiling price information for items which are not posted is available and shall indicate the place where such information is available. That ceiling price information must be placed at a convenient location, such as in front of checkout counters.

(d) If a retailer wishes to utilize the provisions of § 130.121(b) to pass on cost increases for imported meat items, he must separately identify the item on the ceiling price list, and the price posted if the item is one which must be posted, and indicate the fact that the price is being increased to pass-through increased imported meat costs.

[FR Doc.73-6920 Filed 4-6-73;10:53 am]

Proposed Rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1030]

MILK IN THE CHICAGO REGIONAL MARKETING AREA

Proposed Suspension or Termination of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension or termination of certain provisions of the order regulating the handling of milk in the Chicago regional marketing area is being considered with respect to marketings of milk on and after April 1, 1973.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension or termination should file the same with the hearing clerk, room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended or terminated are as follows:

1. In § 1030.60 that part of paragraph (b)(5) which reads "plus 5 cents".
2. In § 1030.71 paragraph (d).
3. In § 1030.84 that part of paragraph (b)(2) which reads "plus 5 cents".
4. Sections 1030.100 through 1030.112.

Statement of consideration.—The proposed action would suspend or terminate the operation of the producers' advertising and promotion program under the order with respect to milk marketed on and after April 1, 1973. This program provides for an assessment of 5 cents per hundredweight against all marketings of producer milk pooled under the order. Funds so deducted, except for reserves withheld to cover refunds and administrative costs incurred by the market administrator, are turned over to and expended by an agency organized by producers and producers' cooperative associations. The producers' agency is responsible for establishment of research, advertising, and other programs, designed to improve the domestic marketing and consumption of milk and its products.

The program is voluntary in that any producer not wishing to support the program may request refund of the portion of the assessment made against his marketings of milk. Refund procedure provides that such requests be made on a quarterly basis. The program became effective with respect to marketings on and after October 1, 1972. For the October–December 1972 quarter about 40 percent of the producers requested a refund. A slightly lower proportion asked for refunds the second quarter of operation (January–March 1973), but for marketings during April–June 1973 about 40 percent of the producers again ask that a refund be made.

A major potential benefit of the assessment on all marketings under the order is that the funds are obtained at a lesser administrative cost in one computation as opposed to handlers making a separate deduction with respect to the volume of milk marketed by each producer who chooses to support such a program. However, such benefit is largely dissipated in the cost of making refunds when the proportion of producers not wishing to support the program approaches the proportion that supports it.

Central Milk Producers Cooperative, which petitioned for the hearing to incorporate the program under the order, has requested that the program provisions be suspended effective on marketings of milk on and after April 1, 1973.

Signed at Washington, D.C., on April 4, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-6778 Filed 4-6-73;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1427]

UPLAND AND EXTRA LONG STAPLE COTTON

Proposed Determinations Regarding 1973 Crops

The Commodity Credit Corporation is preparing to make certain determinations with respect to the loan programs for the 1973 crops of upland and extra long staple (ELS) cotton and issue cotton loan regulations:

(a) Adopt strict low middling 1 1/16 inches as the base quality for computing upland cotton loans.

(b) Schedule of premiums and discounts for grade and staple length of upland cotton.

(c) Schedule of micronaire differentials for upland cotton.

(d) Schedule of base loan rates by warehouse location for upland cotton.

(e) Schedule of loan rates by location for eligible qualities of ELS cotton.

(f) Schedule of micronaire differentials for ELS cotton.

(g) Detailed operating provisions to carry out the loan program for upland cotton, including: (1) A requirement to enter the tare weight of the bale on the gin-bale tag, and (2) elimination of the discount on upland cotton reduced in grade because of extraneous matter.

The above determinations are to be made pursuant to the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1421 et seq.).

Section 403 of the act (7 U.S.C. 1423) provides in part that appropriate adjustments may be made in the support price for any commodity for differences in grade, type, staple, quality, location, and other factors. Such adjustments shall, so far as practicable, be made in such manner that the average support price for such commodity will, on the basis of the anticipated incidence of such factors, be equal to the level of support determined as provided in this act. Under section 103(e) of the act (7 U.S.C. 1444 (e)), however, the base loan rate determined for 1973-crop upland cotton is applicable to Middling 1-inch cotton (micronaire 3.5 through 4.9) at average location in the United States.

(a) *Adopt Strict Low Middling 1 1/16 inches as the base quality for upland cotton loans.*—As in recent years, the national average loan rate for 1973-crop upland cotton was announced for Middling 1-inch cotton, micronaire 3.5 through 4.9. That rate is 19.5 cents per pound, announced by press release (USDA 3407–72) dated October 17, 1972. It is proposed, however, to announce base loan rates for specific warehouse locations for Strict Low Middling 1 1/16 inches rather than Middling 1-inch, which is the quality used as the basis for these rates since 1956. These rates would be computed by adding the difference in loan value between SLM 1 1/16 inches and Middling 1-inch cotton to the loan rate determined for Middling 1-inch cotton at each location. Thus this change in the base quality would not affect the loan value of any quality at any location in any way.

The change appears desirable because SLM 1 1/16 inches is by far a more representative quality of upland cotton than Middling 1-inch—a quality that has constituted only 0.3 percent of production over the past 5 years, whereas SLM 1 1/16 inches has comprised over 13 percent during the same period. The Agricultural Marketing Service has proposed to make a similar change in the basis for

spot cotton price quotations in the designated spot markets, and a public notice regarding it was published in the FEDERAL REGISTER of March 21, 1973. The New York Cotton Exchange is also considering adoption of the same basis with respect to its No. 2 contract, for which the current basis quality is Middling 1 1/16 inches.

(b) *Schedule of premiums and discounts for grade and staple length of upland cotton.*—This schedule would reflect the differences in loan value between SLM 1 1/16 inches cotton (the proposed base grade and staple length) and the various other grade and staple length combinations for upland cotton.

(c) *Schedule of micronaire differentials for upland cotton.*—A schedule will reflect differences in loan value between micronaire group 3.5 through 4.9 (the statutory base group) and the various other micronaire groups.

(d) *Schedule of base loan rates by warehouse location for upland cotton.*—This schedule will establish base loan rates for upland cotton stored at various warehouse locations.

(e) *Schedule of loan rates by location for eligible qualities of ELS cotton.*—In accordance with the act, the loan rate for 1973-crop ELS cotton was announced at a national average rate. That rate is 38.20 cents per pound, announced by press release (USDA 664–73) dated February 28, 1973. The schedule of rates would reflect differences in loan value by location for each eligible quality.

(f) *Schedule of micronaire differentials for ELS cotton.*—Much consideration has been given in the past 3 years to introducing micronaire readings as a factor of quality in the ELS loan program, as was done initially for upland cotton in 1965. It is believed that the use of micronaire differentials would be desirable as it will cause loan rates to more accurately reflect the relative values of various qualities and will encourage the movement of all qualities of ELS cotton into consumption channels rather than into CCC's inventory.

(g) *Detailed operating provisions to carry out the program for upland cotton.*—Detailed regulations necessary to carry out the loan program on upland cotton are also being reviewed for 1973. Provisions of this kind in effect under the current program may be found in the cotton loan program regulations (7 CFR 1427.1–28, as amended by 37 FR 13528). It is proposed to amend paragraph (m) of § 1427.6 of the regulations to require the ginner to enter the tare weight of the bale (weight of bagging and ties used to wrap the bale) on the gin bale tag. Mills have experienced problems in handling cotton for which bale tags do not show tare weights, particularly when the tag list containing such data is delayed.

Consideration is also being given to amending paragraph (b)(3) of § 1427.9 of the regulations so as to remove the discount of one-half cent per pound provided for upland cotton for which the classification memorandum shows a reduction in grade because of the presence of extraneous matter (such as grass, bark, oil, sand, motes, etc.) or because of spindle twist. A recent study planned and conducted jointly by the Agricultural Research Service and Agricultural Marketing Service aimed at comparing the spinning and finishing performance of various grades of cotton containing no grass and/or no bark with the spinning and finishing performance of the same grades of cotton which were reduced to such grades because of grass and bark. Admittedly, preliminary results of the study are less meaningful than would have been the case if grass and bark content had been the only variable in the bales studied. Even so, there is reason to conclude that the presence of extraneous matter doesn't affect the ultimate value of such cotton beyond that reflected in the grade reduction.

Prior to making the foregoing determinations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Cotton Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions should be received not later than May 9, 1973. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in room 4091, South Building, 14th and Independence Avenue SW., Washington, D.C.

Signed at Washington, D.C., on April 4, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73–6779 Filed 4–6–73;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

INSURANCE COVERAGE FOR REA BORROWERS' CONTRACTORS, ENGINEERS, AND ARCHITECTS

REA Policy and Procedure

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.) and the Rural Development Act of 1972 (P.L. 92–419), REA proposes to issue a revision of REA Bulletin 40–2:340–5, "Insurance Coverage for Borrowers' Contractors, Engineers and Architects, and Bond Requirements for Borrowers Contractors." The purpose of the revision is to provide for modifications in REA requirements on performance bonds and insurance for contractors, engineers, and architects covering the construction of the facilities of REA borrowers. On issuance of the revised bulletin, appendix A to part 1701 will be modified accordingly.

Persons interested in the revision of REA's bond and insurance requirements for contractors, engineers, and architects may submit written data, views, or comments to the director, Office of Program Development and Analysis, Rural Electrification Administration, Room 4312, South Building, U.S. Department of Agriculture, Washington, D.C. 20250 on or before May 9, 1973. All written submissions made pursuant to this notice will be made available for public inspection by the director, Office of Program Development and Analysis.

A copy of the proposed revision of REA Bulletin 40–2:340–5 may be secured in person or by written request from the Director, Office of Program Development and Analysis.

A summary of the proposed changes in REA Bulletin 40–2:340–5 is as follows:

SUMMARY OF PROPOSED REVISIONS IN REA BULLETIN 40–2:340–5

1. *Bonds Required of Costractor.* Construction contracts for facilities in amounts in excess of $25,000 shall require contractors to secure a contractor's bond on a form approved by the Administrator, in a penal sum of not less than the contract price; provided, however, on line extension contracts under which work will be done in sections and no section will exceed a total cost of $25,000, the borrower may waive the requirement for a contractor's bond. Surety companies providing contractors' bonds must be listed in the U.S. Department of Treasury Circular 570. For construction contracts, other than buildings, amounting to $25,000 or less, the borrower shall determine whether a contractor's bond is required.

For construction contracts for buildings amounting to $25,000 or less, the borrower has the option to require the contractor to furnish: (a) A contractor's bond, as described above; or (b) a builder's risk policy.

2. *Types and Minimum Amounts of Insurance Required of Contractors, Engineers and Architects.* Public liability insurance, covering all operations under a contract, shall provide limits for bodily injury or death of not less than $300,000 per occurrence; limits for property damage of not less than $50,000 for each occurrence; and $100,000 aggregate for the policy period.

Dated April 3, 1973.

E. C. WEITZELL,
Acting Administrator.

[FR Doc.73–6782 Filed 4–6–73;8:45 am]

[7 CFR Part 1701]

NONDISCRIMINATION AMONG BENEFICIARIES OF REA PROGRAMS

REA Policy and Procedure

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.) and the Rural Development Act of 1972 (P.L. 92–419), REA proposes to issue a revision of REA Bulletin 20–19:320–19, "Nondiscrimination Among Beneficiaries of REA Programs." The purpose of the revised bulletin is to clarify and update REA policy and procedural requirements for the application of title VI of the Civil Rights Act of 1964 in the administration of REA programs. On issuance of the revised bulletin, appendix A to part 1701 will be modified accordingly.

Persons interested in this revision may submit written data, views, or comments to the Civil Rights Coordinator, Rural Electrification Administration, Room 4313, South Building, U.S. Department of Agriculture, Washington, D.C. 20250 on or before May 9, 1973. All written

submissions made pursuant to this notice will be made available for inspection by the civil rights coordinator.

A copy of the proposed revision of REA Bulletin 20–19:320–19 may be secured in person or by written request from the civil rights coordinator.

A summary of proposed substantive changes in REA Bulletin 20–19:320–19 is as follows:

SUMMARY OF PROPOSED CHANGES IN REVISED BULLETIN 20–19:320–19

1. Section III has been revised to provide in subsection III E that REA cooperative borrowers include with notices sent to members announcing annual meetings a copy of those sections of the bylaws dealing with membership, annual meetings, board representation, and board membership by district and at large.

2. Section IV has been revised to include in subsection IV B 2 a clarification of the requirement that cooperative borrowers furnish the "Statement on Nondiscrimination," included with the bulletin as appendix A, to each new patron and each new employee.

3. Section V has been amended as follows:

a. Subsection V A 2 has been added to advise borrowers there will be civil rights progress reviews by a task force composed of REA staff personnel. The reviews will cover title VI requirements and employment practices subject to Executive Order 11246.

b. Subsection V A 3 has been added to advise borrowers there will be special compliance reviews by the Office of Equal Opportunity, Department of Agriculture. These periodic reviews will be concerned with compliance with title VI requirements.

c. Subsection V A 4 has been revised to change the due date of the annual report of compliance and participation (REA Form 268) from July 31 to January 31.

4. Appendices B and C have been added to provide information with respect to determining memberships composition and sampling procedures for determining membership of residential patrons in minority groups.

Dated April 4, 1973.

DAVID A. HAMIL,
Administrator.

[FR Doc.73-6781 Filed 4-6-73;8:45 am]

[7 CFR Part 1701]

PROCUREMENT OF MATERIALS AND EQUIPMENT AND CONSTRUCTION OF GENERATION FACILITIES

Proposed Policy and Procedure

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.) and the Rural Development Act of 1972 (Public Law 92–419), REA proposes to issue a supplement to REA Bulletin 40–6, "Construction Methods and the Purchase of Materials and Equipment," to provide for an alternate bidding method, referred to as "Informal Competitive Bidding," which borrowers may use in connection with the procurement of materials and equipment for the construction of generation facilities. On issuance of the supplement to REA Bulletin 40–6, appendix A to part 1701 will be revised accordingly.

Persons interested in the provisions of the supplement to REA Bulletin 40–6, may submit written data, views, or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, on or before May 9, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

A copy of the supplement and related forms may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

The proposed supplement to REA Bulletin 40–6 is as follows:

BIDDING PROCEDURES FOR THE CONSTRUCTION OF AND THE PURCHASE OF MATERIALS AND EQUIPMENT FOR GENERATION FACILITIES

I. *Purpose.* This supplement provides for an alternate method of bidding which may be used at the option of the borrower without prior REA approval in the procurement of materials and equipment or for construction for generation facilities. This alternate method of bidding has been designated as "Informal Competitive Bidding."

II. *Policy.* With respect to generation facilities, REA Bulletin 40–6 requires the use of formal competitive bidding for the procurement of materials and equipment or for construction where the dollar amount of the contract involved is in excess of $200,000, unless specific REA approval is given for other methods. REA continues to recommend the use of formal competitive bidding to the maximum practicable extent in the procurement of materials and equipment and in the construction of generation facilities. However, where borrowers elect to utilize the informal competitive bidding procedure set forth below for any part of the project, a resolution of the board of directors shall be furnished notifying REA of its selection of this method and those contract specifications for which the informal bidding procedure will be used.

III. *Procedure.* "Informal Competitive Bidding" is a method whereby competitive sealed bids are obtained from qualified suppliers and contractors, which bids, however, are not publicly opened and read and which are subject to negotiation at the option of the borrower. The procedure to be followed during negotiation is designed to protect the integrity of each bidder's quotation and to assure that each bidder is given an equal opportunity by the borrower to negotiate. The negotiating procedure makes possible the clarification of the bids, the elimination of misunderstandings covering the work contemplated under the proposed contract, and price negotiation where this appears to be in order.

If the borrower elects to follow the informal bidding procedure in connection with the procurement of materials or equipment for the construction of generation facilities, the following procedure shall be observed:

A. Bidding shall be on the basis of plans and specifications prepared by the borrower's engineer and approved by REA. The method of evaluation of bids, if any, must be set forth in the contract documents.

B. Standard REA contract forms 198 or 200, as appropriate, shall be used, except that the Notice and Instructions to Bidders shall be modified to delete the wording requiring the public opening and reading of bids, and to add the following sentence: "The owner, subsequent to the bid opening, may elect to conduct a round of negotiations with each bidder to resolve any questions related to the substance of his proposal and to arrive at a final price."

C. A sufficient number of firms shall be invited to bid to assure adequate competition. A list of the firms invited shall be sent to REA well in advance of the bid opening date. Bidders shall be prequalified by the owner.

D. Bids received by the owner shall be considered by a committee of not less than three (preferably five) consisting of representatives from each of the following: the board of directors of the borrower, the management staff of the borrower, and the borrower's engineer. This committee shall be designated as the Negotiating Committee. It shall be responsible for the receipt and opening of all bids, the supervision of their tabulation, review and evaluation by the engineer and for conducting any negotiations with the bidders. If the committee elects to negotiate with the bidders, it shall give each bidder individually an equal opportunity to negotiate until any questions related to the bidder's proposal have been clarified and until a final price is reached. No prices or relative position of bidders shall be revealed.

E. Upon completion of negotiations, the Negotiating Committee, acting with the advice of the engineer, shall determine the low responsive bid conforming with the plans and specifications and shall report its findings and recommendations to the board of directors, giving the board a full report of its actions.

F. The board shall, by appropriate resolution, award the contract to the low responsive bidder—such award to be subject to the approval of the Administrator.

G. REA is to be furnished a copy of the board resolution awarding the contract, a tabulation (certified by the borrower's engineer) of all bids received setting forth the final prices, a copy of the recommendations of the Negotiating Committee, a copy of the recommendations of the borrower's engineer, and a certification by the Negotiating Committee that all bidders were given an equal opportunity to negotiate during which no prices or relative positions of bidders were revealed. Three copies of the executed contract are to be submitted to REA for administrative approval.

Dated April 4, 1973.

DAVID A. HAMIL,
Administrator.

[FR Doc.73-6780 Filed 4-6-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 278]

SAFETY INTERLOCK SYSTEMS ON MICROWAVE OVENS

Performance Requirements To Improve Reliability

Pursuant to the authority of the Public Health Service Act as amended by the Radiation Control for Health and

Safety Act of 1968 (Public Law 90-602, 42 U.S.C. 263b et seq.), notice is hereby given of a proposal to amend the performance standard for microwave ovens (21 CFR 278.212) by adding performance requirements to improve the reliability of safety interlock systems on microwave ovens.

The present standard requires each oven to have two safety interlocks, both of which are required to terminate independently the generation of microwaves upon opening of the oven door. This provides a high degree of user safety and a low probability of the oven operating with its door open.

It is recognized that a still higher degree of safety can be achieved by the addition of a means for monitoring the required safety interlocks which will render the oven inoperable in the event of interlock system failure. Discussions were held with representatives of microwave oven manufacturers and switch manufacturers to determine the degree of improvement that was possible and to propose added features which would provide improved protection against radiation for microwave oven users and which would be technically practicable.

Proposed amendments to the standard were developed by the Bureau of Radiological Health to achieve these goals. These amendments were reviewed by the Technical Electronic Product Radiation Safety Standards Committee, a statutory committee which by law must be consulted prior to the promulgation or amendment of electronic product standards established under the act. In addition, more than 60 representatives of manufacturers, radiation control and public health agencies, consumer groups and others were invited to submit written comments on the proposed amendments, and to discuss them in an open meeting held January 9, 1973. Based on these discussions and on research and testing carried out by the Bureau of Radiological Health, the proposed amendment, as set forth below, would add to the standard two performance requirements related to safety interlocks.

The first requirement would relate the present emission limits in the standard explicitly to each of the two required safety interlocks, which would be designated as "primary" and "secondary" interlocks. At present, the emission limits apply to the oven in general, and therefore are applicable implicitly only to the safety interlock which actuates first.

The proposed amendment would add a new paragraph (c)(2)(v) to clarify the present standard in that the designated primary safety interlock would be required to prevent microwave radiation emission in excess of the present limits stated in § 278.212(c)(1) of the standard. It would also require that the designated secondary safety interlock prevent such emission (leakage) in excess of 5 milliwatts per square centimeter at any point 5 centimeters or more from the exterior surface of the oven. Thus, in the event of failure of the primary safety interlock, the secondary safety interlock would limit oven radiation emissions to the 5 milliwatt per square centimeter post-purchase limit.

Additionally, the proposed amendment would add a new paragraph (c)(2)(vi) requiring the addition of a means for monitoring the required safety interlocks which would, upon detection of an interlock failure, cause the oven to become inoperable, and to remain so until repaired. Under the proposed amendment, either one or both required safety interlock(s) may be monitored singly, or both required safety interlocks may be monitored as a pair. The proposed amendment would also preclude use of any safety interlock, required or otherwise, in the dual function of both safety interlock and monitor unless the monitor device is such that a failure of any safety interlock will not disrupt the monitoring function.

For continuity in the text of § 278.212 (c), the proposal reverses the order of the current paragraphs (c)(2) Measurements and test conditions and (c)(3) Door and safety interlocks. Further, under Measurements and test conditions the first sentence of subdivision (i) is revised by changing the word "limit" to "limits" and the first sentence of subdivision (ii) is revised by changing the word "limit" to "limits" in the two places it appears and by deleting the words "subparagraph (1) of."

The Commissioner of Food and Drugs proposes to order that these amendments be applicable to all microwave ovens manufactured after a date that is 1 year following the date of FEDERAL REGISTER publication of the revised regulations in the form of a final order.

Therefore, pursuant to provisions of the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179; 42 U.S.C. 263f) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to revise part 278, §§ 278.212 (c)(2) and (c)(3) to read as follows:

§ 278.212 **Microwave ovens.**

* * * * *

(c) * * *

(2) *Door and safety interlocks.*—(i) Microwave ovens shall have a minimum of two operative safety interlocks one of which must be concealed. A concealed safety interlock on a fully assembled microwave oven must not be operable by (*a*) any part of the body, or (*b*) a rod 3 millimeters or greater in diameter and with a useful length of 10 centimeters. A magnetically operated interlock is considered to be concealed only if a test magnet, held in place on the oven by gravity or its own attraction, cannot operate the safety interlock. The test magnet shall have a pull at zero air gap of at least 4.5 kilograms and a pull at 1 centimeter air gap of at least 450 grams when the face of the magnet which is toward the interlock switch when the magnet is in the test position is pulling against one of the large faces of a mild steel armature having dimensions of 80 millimeters by 50 millimeters by 8 millimeters.

(ii) Failure of any single mechanical or electrical component of the microwave oven shall not cause all safety interlocks to be inoperative.

(iii) Service adjustments or service procedures on the microwave oven shall not cause the safety interlocks to become inoperative or the microwave radiation leakage to exceed the power density limits of this section as a result of such service adjustments or procedures.

(iv) Insertion of an object into the oven cavity through any opening while the door is closed shall not cause microwave radiation leakage from the oven to exceed the applicable power density limits specified in this section.

(v) One (the primary) required safety interlock shall not allow leakage in excess of the requirement of paragraph (c)(1) of this section; the other (secondary) required safety interlock shall not allow leakage in excess of 5 milliwatts per square centimeter at any point 5 centimeters or more from the external surface of the oven. The two required safety interlocks shall be designated as primary or secondary in the service instructions for the oven.

(vi) A means of monitoring one or both of the required safety interlocks shall be provided which shall cause the oven to become inoperable and remain so until repaired if the required safety interlock(s) should fail to perform required functions as specified in this section. Interlock failures shall not disrupt the monitoring function.

(3) *Measurements and test conditions.*—(i) Compliance with the power density limits in this paragraph shall be determined by measurements of microwave power density made with an instrument system which (*a*) reaches 90 percent of its steady-state reading within 3 seconds when the system is subjected to a stepped input signal and which (*b*) has a radiation detector with an effective aperture of 25 square-centimeters or less as measured in a plane wave, said aperture having no dimension exceeding 10 centimeters. This aperture shall be determined at the fundamental frequency of the oven being tested for compliance. The instrument system shall be capable of measuring the power density limits of this section with an accuracy of plus 25 percent and minus 20 percent (plus or minus 1 decibel).

(ii) Microwave ovens shall be in compliance with the power density limits if the maximum reading obtained at the location of greatest microwave leakage does not exceed the limits specified in this paragraph when the leakage is measured through at least one stirrer cycle. Pursuant to § 278.203, manufacturers may request alternative test procedures if, as a result of the stirrer characteristics of a microwave oven, such oven is not susceptible to testing by the procedures described in this subdivision.

(iii) Measurements shall be made with the microwave oven operating at its maximum output and containing a load of 275±15 milliliters of tap water initially at 20°±5° centigrade placed within the cavity at the center of the load-carrying surface provided by the manufacturer. The water container shall be a low form 600-milliliter beaker having an inside

diameter of approximately 8.5 centimeters and made of an electrically nonconductive material such as glass or plastic.

(iv) Measurements shall be made with the door fully closed as well as with the door fixed in any other position which allows the oven to operate.

* * * * *

Interested persons may, on or before May 9, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated April 2, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-6735 Filed 4-6-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-EA-18]

VOR FEDERAL AIRWAY

Proposed Extension

The Federal Aviation Administration (FAA) is considering an amendment to part 71 of the Federal Aviation Regulations that would extend V-469 Airway from Lynchburg, Va., to Elkins, W. Va.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before May 7, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would designate a segment of VOR Federal airway, V-469, from Lynchburg, Va., to Elkins, W. Va., via the intersection of the Lynchburg 347° T. (352° M.) and the Elkins 142° T. (146° M.) radials.

Instrument flight rule (IFR) traffic between Elkins and Lynchburg is presently routed via Roanoke, a total distance of 134 miles. The purpose of this proposal is to reduce the airway distance between these points. The proposed airway, which is slightly displaced east of a direct route to avoid the National Radio Astronomy Observatory, is 110 miles long.

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 section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

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

[FR Doc.73-6745 Filed 4-6-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SO-22]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to part 71 of the Federal Aviation Regulations that would alter the Selma, Ala., 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, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before May 7, 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 conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in 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 Selma transition area described in § 71.181 (38 FR 435) would be amended as follows:

All after "southeast of the OM; * * *" would be deleted and "within a 6.5-mile radius of Selfield Airport (lat. 32°26'25" N., long. 86°57'10" W.); within 3 miles each side of the 126° bearing from Gurth RBN (lat. 32°26'27" N., long. 86°57'15" W.), extending from the 6.5-mile-radius area to 8.5 miles southeast of the RBN * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing the proposed NDB RWY 30 Instrument Approach Procedure, utilizing the Gurth (private) nondirectional radio beacon, to Selfield Airport. The increase in the basic radius circle from 5 to 6.5 miles is required to accommodate executive jet type aircraft on departure.

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 28, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-6744 Filed 4-6-73; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-GL-13]

TRANSITION AREA

Proposed Amendment

The Federal Aviation Administration is considering amending part 71 of the Federal Aviation Regulations so as to amend the Pellston, Mich. transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes region, attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018. All communications received on or before May 7, 1973 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018.

A new instrument approach procedure has been developed for the Cheboygan Municipal Airport, Cheboygan, Mich. Controlled airspace is required to protect this procedure. Rather than issue a separate citation for Cheboygan, it will be included in the Pellston, Mich. transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

PELLSTON, MICH.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Emmet County Airport (lat. 45°-34'09" N., long. 84°47'45" W.) and within a 6-mile radius of the Cheboygan Municipal

Airport (lat. 45°39'15" N., long. 84°31'06" W.); within 5 miles each side of the Pellston VORTAC 238° radial, extending from the 11-mile radius area to 22 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 19-mile radius of the Pellston VORTAC north of parallel 45°45' excluding the portion overlying the Sault Ste. Marie, Mich., 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), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Des Plaines, Ill., on March 20, 1973.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.73-6704 Filed 4-6-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 574]

[Docket No. 70-12; Notice 18]

TIRE IDENTIFICATION AND RECORDKEEPING

Universal Registration Form

The purpose of this notice is to correct the notice of a proposed revision of 49 CFR part 574, "Tire Identification and Recordkeeping," published on March 9, 1973 (docket 70-12, notice 17, 38 FR 6398).

Paragraph § 574.7(a) of the notice proposed that tire manufacturers or their designees provide to distributors or dealers forms similar to figure 3 in order to record the information specified in that paragraph. However, figure 3 failed to specify the dimensions of the proposed form. That figure in the proposal is hereby amended to specify a height 3¼ inches and a width of 7½ inches.

(Secs. 103, 112, 113, 119, and 201 of the National Traffic and Motor Vehicle Safety Act, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1407, and 1421, and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on April 2, 1973.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.73-6746 Filed 4-6-73;8:45 am]

Office of the Secretary

[49 CFR Part 85]

[Docket No. 32; Notice 73-3]

CARGO SECURITY ADVISORY STANDARDS

Seal Accountability and Procedures; Correction

In the FEDERAL REGISTER of March 26, 1973 (38 FR 7814), the Department of Transportation published for public comment an advisory standard on "Seal Accountability and Procedures." Persons submitting comments were asked to reference the docket or notice number. Inadvertently the notice number was omitted; it is 73-2. The third line of the caption should read "Docket No. 32; Notice 73-2".

Issued in Washington, D.C., on April 3, 1973.

RICHARD F. LALLY,
Director of Transportation Security.

[FR Doc.73-6706 Filed 4-6-73;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 249, 371]

[Docket No. 23442, EDR-202B, S PDR-23B]

UNIFORM REPORTING OF CONSUMER COMPLAINT STATISTICS AND RETENTION OF DATA

Termination of Rulemaking Proceeding

By notice of proposed rulemaking SPDR-23 and EDR-202, dated May 27, 1971,[1] the Board gave notice that it had under consideration the enactment of a new part 371 of the Special Regulations and the amendment of part 249 of the Economic Regulations (14 CFR Parts 371 and 249), to establish uniform reporting of statistics with regard to consumer complaints received by air carriers, and to provide for the retention of data used in the preparation of the reports. The uniform reporting was proposed in order to enable the Board, the carriers, and other interested persons and groups to keep informed of trends in consumer complaints, to become aware of problem areas, and to compare the experiences of individual carriers in a meaningful way.

Comments in response to the notice were filed by the Air Transport Association of America on behalf of certain member carriers,[2] by the Flying Tiger Line, Inc., Harle Consolidators International, Louisiana Consumers League, Maryland Consumers Association, Inc., New York State Department of Transportation, Overseas National Airways, Inc., Pan American World Airways, Inc., Saturn Airways, Inc., Trans International Airlines, and the Virginia Citizens Consumer Council, Inc.

In general, the comments filed on behalf of air carriers in response to the notice of proposed rulemaking took the position that the proposed system of reporting would be unduly burdensome and would not accomplish the purposes suggested by the Board. Virtually all of the comments, including those expressing support for the objectives of the proposal, suggested particular additions to, or deletions from, the proposed reporting requirements.

Upon consideration of the comments, we have determined to withdraw the proposed rule. As indicated earlier, our primary purpose in proposing the uniform reporting system was to provide a medium for demonstrating trends in consumer complaints, and for comparing individual carrier's experiences. However, we are now of the view that the purpose can be achieved satisfactorily by utilizing statistics based upon complaints received by the Board's office of consumer affairs. Although we are aware that the number of complaints received by carriers is considerably greater than those received by the Board, the latter do bear a close correlation to the former in most categories and therefore provide a fair sampling for customary statistical analyses.

At the same time, it would be very difficult to devise a uniform complaint reporting system which would not be subject to either inherent unreliability, on the one hand, or undue rigidity, on the other, since the number of complaints reported by a particular carrier would largely depend upon the thoroughness, accuracy, and efficiency of the carrier's procedures for receiving and recording complaints. This difficulty might eliminated by promulgating detailed uniform regulations with regard to the solicitation and handling of complaints, but we are not prepared at this time to attempt to formulate such regulations.

In summary, we are of the view that the proposed system of uniform reporting of consumer complaint statistics would not be likely to result in more information to the Board or to consumers than is presently available. Indeed, it might even have the negative effect of inducing carriers to discourage the receipt of consumer complaints, lest the quantity of complaints reflect on their service rather than on their diligence. These considerations, together with the burden which the reporting system would place upon the carriers and the Board, lead us to conclude that it is inadvisable to proceed further with the proposed rule at this time.

Accordingly, the Board hereby terminates the rulemaking proceeding in docket 23442.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

Dated April 2, 1973.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-6758 Filed 4-6-73;8:45 am]

[1] 36 FR 10803.

[2] Air West, Alaska Airlines, Inc., Allegheny Airlines, Inc., Aloha Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and Wien Consolidated Airlines, Inc. Additionally, separate comments were filed by Delta, Ozark, and TWA.

SELECTIVE SERVICE SYSTEM

[32 CFR Part 1604]

SELECTIVE SERVICE OFFICERS

Authorization To Sign Official Papers

Pursuant to the Military Selective Service Act, as amended (50 U.S.C. App., secs. 451 et seq.), and § 1604.1 of Selective Service regulations (32 CFR 1604.1), the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service regulations constituting a portion of

chapter XVI of the Code of Federal Regulations. These regulations implement the Military Selective Service Act, as amended (50 U.S.C. App., secs. 451 et seq.).

The proposed regulation designates persons authorized to sign official papers issued by local boards.

All persons who desire to submit views to the Director on the proposals should prepare them in writing and mail them to the General Counsel, National Headquarters, Selective Service System, 1724 F Street NW., Washington, D.C., 20435, on or before May 9, 1973.

The proposed amendment follows:

Section 1604.59 Signing official papers, is amended to read as follows:

§ 1604.59 Signing official papers.

Official papers issued by a local board may be signed by any member of compensated employee of the local board, or any compensated employee of the Selective Service System whose official duties require him to perform administrative duties at the local board except when otherwise prescribed by the Director of Selective Service.

BYRON V. PEPITONE,
Director.

APRIL 4, 1973.

[FR Doc.73-6785 Filed 4-6-73;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 602, 603, 608, 609, 610, 612, 614, 615, 687, 723, 724, 725]

[Administrative Order No. 625]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearings

1. Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and 29 CFR part 511, I hereby appoint the following industry committees for the indicated industries:

Committee No.	*Industry*
111-A	Men's and boys' clothing and related products industry in Puerto Rico.
111-B	Hosiery industry in Puerto Rico.
112-A	Leather, leather goods, and related products industry in Puerto Rico.
112-B	Gloves and mittens industry in Puerto Rico.
113-A	Corsets, brassieres, and allied garments industry in Puerto Rico.
113-B	Children's dress and related products industry in Puerto Rico.
113-C	Women's outerwear, needlework, and miscellaneous fabricated textile products industry in Puerto Rico.
113-D	Women's and children's underwear and women's blouse industry in Puerto Rico.
113-E	Handkerchief, scarf, and art linen industry in Puerto Rico.
114-A	Education industry in Puerto Rico.
114-B	Hospital and related institutions industry in Puerto Rico.
115	Laundry and cleaning industry in Puerto Rico.

2. These industries are defined as follows:

(a) The men's and boys' clothing and related products industry in Puerto Rico is defined as follows: The manufacture from any material of men's and boys' clothing, furnishings, accessories, and related products: *Provided, however,* That the industry shall not include the manufacture of handmade strawhats, gloves, hosiery, footwear, belts (except fabric), sweaters, handkerchiefs, scarves, mufflers, or any product or activity included in the children's dress and related products industry in Puerto Rico, part 610 of this chapter or in the women's and children's underwear and women's blouse industry in Puerto Rico, part 609 of this chapter.

(b) The hosiery industry in Puerto Rico to which this part shall apply, is defined as the manufacture and processing of full-fashioned and seamless hosiery, including, among other processes, the knitting, seaming looping, dyeing, clocking, and all phases of finishing hosiery, but not including the manufacture or processing of yarn or thread.

(c) The leather, leather goods, and related products industry in Puerto Rico is defined as follows: The curing, tanning, or other processing of hides, skins, leather or furs, and the manufacture of products therefrom; the manufacture from artificial leather, fabric, plastics, paper or paperboard, or similar materials of trunks, suitcases, briefcases, wallets, billfolds, coin purses, cardcases, key cases, cigarette cases, watch straps, pouches, tie cases, toilet kits, checkbook covers, sport and athletic gloves and mittens, belts (except fabric belts), and like articles; and the manufacture of baseballs, softballs, footballs, and basketballs covered with leather, artificial leather, fabric, plastics, or similar materials: *Provided, however,* That the industry shall not include any product or activity included in the jewelry, decorations, brushes, and novelties industry (part 613 of this chapter), the women's outerwear, needlework, and miscellaneous fabricated textile products industry (part 612 of this chapter), the shoe and related products industry (part 601 of this chapter), the gloves and mittens industry (part 603 of this chapter), or the rubber products industry (part 720 of this chapter), as defined in the wage orders for those industries in Puerto Rico.

(d) The gloves and mittens industry in Puerto Rico is defined as: The manufacture from any material of gloves and mittens made by knitting, crocheting, cutting, sewing, embroidering, or other processes: *Provided, however,* That the industry shall not include the manufacture of sport and athletic gloves and mitts, or the manufacture of rubber or molded plastic gloves and mittens.

(e) The corsets, brassieres, and allied garments industry in Puerto Rico is defined as follows: The manufacture of corsets, brassieres, brassiere pads, girdles, foundation garments, sanitary belts, surgical or abdominal supports, and all similar body-supporting garments.

(f) The children's dress and related products industry in Puerto Rico is defined as follows: The manufacture from woven or knit fabric or from waterproof materials of the following garments: Dresses, blouses, shirts, and similar garments for girls; shirts and blouses for boys, size 6X and under; dresses, creepers, rompers, waterproof pants, diaper covers, bibs, sportswear, and play apparel for infants 3 years of age or under; and clothing and accessories for dolls: *Provided, however,* That the industry shall not include products manufactured by heat sealing, cementing, vulcanizing, or any operation similar thereto; or the outlining or embroidery of lace by machine, or the embroidery of any article or trimming by a crochet beading process with bullion thread.

(g) The women's outerwear, needlework, and miscellaneous fabricated textile products industry in Puerto Rico is defined as follows: The manufacture from any material of women's and girls' outerwear (except scarves, blouses, and girls' dresses) and all other apparel and apparel furnishings and accessories made by knitting, crocheting, cutting, sewing, embroidering, or other processes; and the manufacture of all textile products and the manufacture of like articles in which a synthetic material in sheet form is the basic component: *Provided, however,* That the industry shall not include any product or activity included in the corsets, brassieres, and allied garments industry in Puerto Rico (part 614 of this chapter), the gloves and mittens industry in Puerto Rico (part 603 of this chapter), the hosiery industry in Puerto Rico (part 687 of this chapter), the men's and boys' clothing and related products industry in Puerto Rico (part 615 of this chapter), the shoe and related products industry in Puerto Rico (part 601 of this chapter), the jewelry, decorations, brushes, and novelties industry in Puerto Rico (part 613 ofthis chapter), the textile and textile products industry in Puerto Rico (part 699 of this chapter), the handkerchief, scarf, and art linen industry in Puerto Rico (part 608 of this chapter), the women's and children's underwear and women's blouse industry in Puerto Rico (part 609 of this chapter), the sweater and knit swimwear industry in Puerto Rico (part 611 of this chapter), and the children's dress and related products industry in Puerto Rico (part 610 of this chapter), as defined in the wage orders for these industries.

(h) The women's and children's underwear and women's blouse industry in Puerto Rico is defined as follows: The knitting or manufacture from woven or knit fabric, of women's, misses', girls', boys' size 6X or under, and infants' underwear and nightwear, including but

not by way of limitation, slips, petticoats, nightgowns, negligees, panties, undershirts, briefs, shorts, pajamas, sleepers, and similar articles; and the manufacture of women's and misses' blouses, shirts, waists, and neckwear (including collar and cuff sets but excluding scarves): *Provided, however,* That the industry shall not include any product or activity included in the corsets, brassieres, and allied garments industry in Puerto Rico (part 614 of this chapter); or the outlining or embroidery of lace by machine, or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

(i) The handkerchief, scarf, and art linen industry in Puerto Rico is defined as follows: The manufacture of plain, scalloped, or ornamental handkerchiefs and scarves; the manufacture of art linen, including, but not by way of limitation, tablecloths, luncheon cloths, altar cloths, napkins, bridge sets, table covers, sheets, pillowcases, and towels; and the manufacture of needlepoint on canvas or other materials: *Provided, however,* That the industry shall not include the outlining or embroidery of lace by machine or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

(j) The education industry in Puerto Rico, to which this part shall apply, is defined as follows: The operation of preschools, elementary, or secondary schools, or institutions of higher education, or schools for mentally or physically handicapped or gifted persons, regardless of whether public or private or operated for profit or not for profit: *Provided, however,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

(k) The hospital and related institutions industry in Puerto Rico, to which this part shall apply, is defined as follows: The performance of activities in connection with the operation of hospitals, nursing homes, sanitariums, rest homes, convalescent homes, and related institutions primarily engaged in the care of persons who are sick, aged, or the mentally ill or defective who reside on the premises of such institutions, regardless of whether or not such a hospital or institution is public or private or operated for profit or not for profit: *Provided, however,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

(l) The laundry and cleaning industry in Puerto Rico, to which this part shall apply, is defined as follows: Laundering, dry cleaning, and incidental work such as repair of clothing and fabrics on which such work is done and the work done in family and commercial power laundries, linen supply and industrial launderers, diaper services, self-service laundries, hand laundries, cleaning and dyeing plants, and rug cleaning and repairing plants: *Provided, however,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

3. Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and 29 CFR part 511, I hereby:

(a) Convene the above-appointed industry committees;

(b) Refer to the industry committees the question of the minimum rates of wages to be fixed for those classifications in the above-mentioned industries in Puerto Rico for which the minimum rate of $1.60 an hour has not been heretofore reached.

(c) Give notice of the hearings to be held by the several committees at the times and place indicated below. The committees shall investigate conditions in the industries, and the committees, or any authorized subcommittee thereof, shall hear witnesses and receives such evidence as may be necessary or appropriate to enable the committees to perform their duties and functions under the aforementioned act.

Industry Committee No. 111–A will meet in executive session to commence its investigation at 9:30 a.m. and begin its public hearing at 10:30 a.m. on Monday, May 14, 1973. Following this hearing, Industry Committee No. 111–B will immediately convene to conduct its investigation and to hold its hearing.

Industry Committee No. 112–A will meet in executive session to commence its investigation at 9:30 a.m. and begin its public hearing at 10:30 a.m. on Monday, May 21, 1973. Following this hearing, Industry Committee No. 112–B will immediately convene to conduct its investigation and to hold its hearing.

Industry Committee No. 113–A will meet in executive session to commence its investigation at 9:30 a.m. and begin its public hearing at 10:30 a.m. on Monday, July 9, 1973. Following this hearing, Industry Committee No. 113–B will immediately convene to conduct its investigation and to hold its hearing, followed in seriatim by Industry Committees Nos. 111–C, 113–D and No. 113–E in meeting to conduct their investigations and hold their hearings.

Industry Committee No. 114–A will meet in executive session to commence its investigation at 9:30 a.m. and begin its public hearing at 10:30 a.m. on Monday, August 13, 1973. Following this hearing, Industry Committee No. 114–B will immediately convene to conduct its investigation and to hold its hearing.

Industry Committee No. 115 will meet in executive session to commence its investigation at 9:30 a.m., and begin its public hearing at 10:30 a.m. on Monday, August 27, 1973.

4. The hearings will take place in the offices of the Wage and Hour Division on the seventh floor of the Condominio San Alberto Building, 1206 Ponce De Leon Avenue, Santurce, P.R.

5. Each industry committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum wage rates for the industry which it determines having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, or American Samoa. However, no industry committee shall recommend minimum wage rates in excess of $1.60 an hour.

6. Whenever an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each industry shall consider among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employees and employers by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

7. The Administrator shall prepare an economic report for each industry committee containing such data as he is able to assemble pertinent to the matters referred to them. Copies of such reports may be obtained at the national and Puerto Rican offices of the Wage and Hour Division of the U.S. Department of Labor as soon as they are completed and prior to the hearings. The industry committees shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearing.

8. The procedure of industry committees shall be governed by 29 CFR part

511. Interested persons wishing to participate in any of the hearings shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the first hearing date set for each committee as set forth in this notice of hearing, i.e., May 4, 1973, for matters to be considered by Industry Committees Nos. 111–A or 111–B; May 11, 1973, for matters to be considered by Industry Committees Nos. 112–A or 112–B; June 29, 1973, for matters to be considered by Industry Committees Nos. 113–A, 113–B, 113–C, 113–D or 113–E; August 3, 1973, for matters to be considered by Industry Committees Nos. 114–A or 114–B; and August 17, 1973, for matters to be considered by Industry Committee No. 115.

Signed at Washington, D.C., this third day of April 1973.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.73-6790 Filed 4-6-73;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. 73-92]

FOREIGN CURRENCIES

Certification of Rates

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 currencies of the countries listed in § 16.4 (d), Customs regulations (19 CFR 16.4 (d)), for the period from March 19 through March 23, 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 U.S. dollar which took effect on February 13, 1973.

[SEAL] R. N. MARRA,
Director, Appraisement and Collections Division.

Country	Currency	March 19	March 20	March 21	March 22	March 23
Australia	Dollar	$1.4100	$1.4100	$1.4100	$1.4100	$1.4150
Austria	Schilling	.0485	.0484	.0484	.0485	.0484
Belgium	Franc	.025175	.025220	.025201	.025250	.025225
Canada	Dollar	Q	Q	Q	Q	Q
Ceylon	Rupee	.1565	.1570	.1570	.1565	.1565
Denmark	Krone	.1616	.1623	.1617	.1622	.1618
Finland	Markka	.2580	.2580	.2580	.2580	.2580
France	Franc	.2197	.2208	.2207	.2204	.2207
Germany	Deutsche Mark	.3537	.3540	.3536	.3537	.3539
India	Rupee	.1315	.1320	.1320	.1320	.1320
Ireland	Pound	Q	2.4665	2.4737	2.4740	2.4737
Italy	Lira	Q	Q	Q	Q	Q
Japan	Yen	.003800	.003800	.003800	.003795	.003759
Malaysia	Dollar	.3985	.3985	.3980	.3985	.3950
Mexico	Peso	Q	Q	Q	Q	Q
Netherlands	Guilder	.3450	.3459	.3450	.3444	.3440
New Zealand	Dollar	1.3200	1.3200	1.3200	1.3200	1.3200
Norway	Krone	.1681	.1685	.1685	.1691	.1694
Portugal	Escudo	.0427	.0425	.0396	.0396	.0397
Republic of South Africa	Rand	1.4150	1.4150	1.4150	1.4000	1.4190
Spain	Peseta	.017241	.017137	.017137	.017137	.017144
Sweden	Krona	.2235	.2233	.2230	.2232	.2229
Switzerland	Franc	.3075	.3084	.3080	.3079	.3086
United Kingdom	Pound	Q	2.4665	2.4737	2.4740	2.4737

Q Use quarterly rate published in T.D. 73-16; daily rate did not vary by 5 percent or more.

[FR Doc.73-6784 Filed 4-6-73;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

INDUSTRIAL COLLEGE OF THE ARMED FORCES

Notice of Advisory Committee Meeting

The annual meeting of the Board of Advisers of the Industrial College of the Armed Forces will be held in the conference room of the college, at Fort McNair, on Friday, April 13, 1973, from 9 a.m. to about 4 p.m. The agenda will include a report on educational program activities and curricula changes, a discussion of educational policies and methods, student presentations on academic assignments, and observation of student discussion of a case study. This meeting is open to the public and the limited space available for observers will be allocated on a first-come-first-served basis. Interested persons should call the college (693-8134) to reserve space.

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

[FR Doc.73-6728 Filed 4-6-73;8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[No. 73-2]

HEXAGON LABORATORIES, INC.

Denial of Application for Registration

On November 24, 1972, the Acting Director of the Bureau of Narcotics and Dangerous Drugs issued an order to show cause to Hexagon Laboratories, Inc., Bronx, N.Y., as to why its application for registration, executed on October 25, 1972, should not be denied for the reason that such registration would be inconsistent with the public interest, as evidenced by, but not limited to, the following:

(1) The respondent failed to establish and maintain effective controls against the diversion of controlled substances into other than legitimate scientific, medical, or industrial channels; and

(2) The respondent failed to furnish the Bureau of Narcotics and Dangerous Drugs complete and accurate information so that a true determination could be made of what the aggregate and individual production quotas should be for amphetamine and methamphetamine.

Thereafter; Hexagon Laboratories, Inc., requested a hearing in the matter, and, on January 18, 1973, and continuing on February 5, 1973, that hearing was held before Charles K. Chaplin, administrative law judge. During the initial hearing, the respondent indicated an inability to continue on January 19, 1973, and after clarification of issues respecting control of respondent's inventory, it was agreed that the hearing would resume at a time convenient to the respondent.

When the hearing was resumed on February 5, 1973, the parties entered into a stipulation, the terms of which are as follows:

1. Respondent would withdraw its opposition to the above order to show cause.

2. The Director of the Bureau of Narcotics and Dangerous Drugs would issue his final order based on the existing record.

3. Respondent would immediately surrender its expired certificate of registration and BNDD order forms.

4. Respondent's exemption from the security requirements applicable to controlled substances was terminated January 18, 1973, and respondent did not object to this action.

5. Respondent certified by quantity and location its possession of the controlled substances here in issue and BNDD agreed respondent had the right, within 60 days, from January 18, 1973, to dispose of these items under the provisions of § 307.21, as amended, title 21, Code of Federal Regulations. At the expiration of this 60-day period, any unsold quantities of such controlled substances would be forfeited to the U.S. Government.

6. Respondent would withdraw, effective February 5, 1973, its petition for removal of levo-desoxyephedrine from control under the Controlled Substances Act, previously filed with the Bureau.

7. The Bureau will expedite both the preregistration investigation and administrative processing of any future application for registration by respondent as a manufacturer or distributor of controlled substances in schedules III, IV, or V.

8. The Bureau would cooperate with respondent, prior to acting on any application, in its attempts to resolve its security for controlled substances.

9. Nothing in this proceeding would preclude the Respondent from applying for registration for controlled substances not presently manufactured or distributed by it.

10. Respondent disposed of, in accordance with Bureau rules and agreements entered into on January 18, 1973, all levo-desoxyephedrine it held for Richardson and Merrill.

On February 14, 1973, Mr. Chaplin filed the following order with the Bureau of Narcotics and Dangerous Drugs:

The foregoing stipulation, agreed to by counsel for both parties, is considered in the nature of a Motion to Withdraw by the Respondent. Since such Motion is not inconsistent with the public interest, Now Therefore it is ordered that:

The Motion to Withdraw opposition to the Order to Show Cause is granted.

After reviewing the transcript of testimony of the hearing, the exhibits introduced therein, and the stipulation entered into by both parties herein, the Director adopts the recommended order of the Administrative Law Judge.

In accordance with the provisions of § 316.66, Title 21, Code of Federal Regulations, it is the Director's opinion that to permit Hexagon Laboratories, Inc. to continue doing business with controlled substances listed in schedule II would not be consistent with the public interest.

Therefore, under the authority vested in the Attorney General by section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824) and redelegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100, Title 28, Code of Federal Regulations, the Director hereby orders that the Application for Registration of Hexagon Laboratories, Inc. (executed on October 25, 1972), as a manufacturer of controlled substances listed in schedule II, be denied, effective on April 9, 1973.

Dated April 4, 1973.

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

[FR Doc.73-6789 Filed 4-6-73;8:45 am]

NATIONAL WHOLESALE DRUG CO., DETROIT, MICHIGAN

Notice of Continuance

National Wholesale Drug Co. (hereinafter called the "Applicant") has applied to the Bureau of Narcotics and Dangerous Drugs (hereinafter called the "Bureau") for registration under the Controlled Substances Act of 1970 (21 U.S.C. 801, et seq.), as a distributor of controlled substances listed in schedules II-V (which Application for Registration was executed on December 7, 1972, and subsequently submitted to the Bureau). On January 23, 1973, the Bureau issued to the Applicant an order to show cause, outlining therein certain alleged violations of the Controlled Substances Act. The Applicant appeared at a prehearing conference on March 9, 1973, in Washington, D.C., by Robert A. Rosenberg, its attorney.

Now, therefore, before any admissions of fact or conclusions of law by the parties hereto, the Bureau and the Applicant agree as follows:

A. All words or phrases used herein are hereby defined to have the same meaning as such words or phrases defined in the Controlled Substances Act and the Administrative Regulations adopted pursuant thereto, unless the context hereof otherwise requires.

B. Upon the execution of this agreement by the Applicant and the Bureau, and the fulfillment of the terms thereof by the parties hereto, the Bureau will promptly process the above application for registration, under the Controlled Substances Act, and issue the requested certificate of registration forthwith.

C. In consideration of the issuance of said certificate of registration, the Applicant agrees to the following:

1. A continuance in the Administrative Proceedings, commenced by the issuance of the aforementioned order to show cause of January 23, 1973 (as provided by § 316.42(g), Title 21, Code of Federal Regulations), for six (6) months, until September 10, 1973.

2. To consent to an immediate physical security inspection by the Detroit Regional Office of the Bureau of Narcotics and Dangerous Drugs, and to immediately implement any suggested improvements and immediately correct any discovered violations of the Controlled Substances Act or the implementing Administrative Regulations resulting therefrom.

3. The Bureau would be furnished complete access to the controlled premises, during regular business hours, without prior notice, during the aforementioned six (6) month period.

4. Retaining an independent audit firm of the Bureau's choosing, being paid by the Applicant, to conduct not more than eight (8) audits of all transactions involving controlled substances, at the controlled premises, during the aforemenioned six (6) month period.

a. These audits will be conducted at irregular intervals;

b. Without any prior notice;

c. The results thereof will be communicated directly to the Bureau by the independent audit firm; and

d. Upon the receipt thereof, the Bureau will send a copy of such audit to the Applicant within seven (7) days of such receipt.

5. To sign this agreement within four (4) days of the completion of the aforementioned physical security inspection, as provided by paragraph C(2).

6. To distribute, accept delivery of, maintain, or otherwise handle controlled substances in accordance with, but not limited to, the following sections of the Controlled Substances Act and the implementing Administrative Regulations:

a. To distribute controlled substances in accordance with the labeling and packaging requirements of section 305 of the Controlled Substances Act (21 U.S.C. 825), and part 302, as amended, title 21, Code of Federal Regulations.

b. To prepare and maintain a complete and accurate record of all stocks of controlled substances distributed and maintained on hand as provided by section 307(a) of the Controlled Substances Act (21 U.S.C. 827(a)), and part 304, as amended, title 21, Code of Federal Regulations.

c. To maintain, on a current basis, a complete and accurate record of each controlled substance distributed, received, sold, delivered, or otherwise disposed of, pursuant to section 827(a)(3) of the Controlled Substances Act, and part 304, as amended, title 21, Code of Federal Regulations.

d. To maintain each inventory, record, or other such information required by section 827, Title 21, United States Code, in the manner set forth in section 827(b), title 21, United States Code, and part 304, as amended, title 21, Code of Federal Regulations.

e. To purchase and distribute controlled substances listed in schedule II only pursuant to a written order form (BND form 222c), in accordance with the provisions of section 308 of the Controlled Substances Act (21 U.S.C. 828(a)) and part 305, as amended, title 21, Code of Federal Regulations.

f. To establish and maintain (i) effective physical and nonphysical security controls, and (ii) procedures to guard against the theft and diversion of controlled substances into other than legitimate channels, as required by the provisions of section 303(b) of the Controlled Substances Act (21 U.S.C. 823(b)) and §§ 301.73–301.74, as amended, inclusive, title 21, Code of Federal Regulations.

7. To establish continuing and effective procedures so that any individuals employed by the applicant, after the effective date hereof, in positions or areas where controlled substances are distributed, received, maintained, or otherwise handled, shall not have:

a. Had an application for registration denied, or a certificate of registration suspended, revoked or surrendered, under the Controlled Substances Act;

b. A drug related criminal record, to wit, such person may not have been convicted of any violation of title II or title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970, or any other law of the United States, or of any State relating to controlled substances; and

c. Engaged in any conduct or committed any violation of law which would result in the applicant's inability to insure against the diversion of controlled substances into other than legitimate industrial, medical, or scientific channels.

D. Within 30 days after the execution of this Agreement, the applicant shall request the Bureau to do the following:

1. Amend the subject application for registration (thereby reflecting the death of the previous registrant, Morris Karbal) to change the name of the applicant so that it reads as follows:

National Wholesale Drug Company
445 East Lafayette Street
Detroit, Mich.

2. Inform the Bureau of the corporate structure and officers of the applicant in effect on March 1, 1973.

3. Name those persons who, effective April 1, 1973, will be in positions of responsibility relative to the handling of controlled substances, including, but not limited to:

a. Physical security.
b. Record keeping.
c. Personnel.
d. Shipping.
e. Monitoring excessive or suspicious sales and purchases.

4. Describe the type and degree of officer control and responsibility over such people and areas.

E. The Bureau hereby agrees to the following:

1. A continuance in these proceedings for 6 months, until September 10, 1973.

2. To continue the applicant in business on a day to day basis, in accordance with the provisions of § 301.47, title 21, Code of Federal Regulations.

3. On or about the end of this 6-month period, the Bureau will conduct an in-depth accountability investigation of the applicant's transactions involving controlled substances during the aforementioned period.

4. The Bureau will conduct a continuing review of the above-mentioned independent audits.

5. At the end of (or during) this 6-month period, if the Bureau finds (a) any discrepancies in the accountability (which refers to any inventory prepared by the independent audit firm, or any monthly inventory, prepared by the applicant, after February 28, 1973, at the election of the Bureau) of any controlled substances greater than 2 percent, which are not adquately explained to the Bureau within 3 days of such discrepancy being reported to the applicant; (b) any violation of this agreement; or (c) if the applicant fails to sign this agreement, within 7 days after its presentation, the Bureau will be entitled to:

a. Immediately place all controlled substances on the controlled premises under seal.

b. Terminate the applicant's herein granted authorization to do business with controlled substances.

c. Immediately petition the administrative law judge, appointed herein pursuant to § 930.213, title 5, Code of Federal Regulations, to reconvene the present administrative proceedings.

F. This agreement shall become effective on the date of its execution as herein below indicated, and shall remain in full force and effect for the duration of the aforementioned 6 month period of time.

This agreement was signed at Detroit, Mich., on the 15th day of March 1973.

Dated April 4, 1973.

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

[FR Doc.73-6787 Filed 4-6-73;8:45 am]

SCHEDULE OF CONTROLLED SUBSTANCES

Withdrawal of Petition To Remove Levodesoxyephedrine From Control

On April 11, 1972, the Bureau of Narcotics and Dangerous Drugs received a petition for the initiation of proceedings to remove the levorotatory isomer of methamphetamine from schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513). The petitioner was Hexagon Laboratories, Inc., a basic manufacturer of that substance.

By letter dated June 27, 1972, the Bureau notified the petitioner that the petition had been accepted for filing in accordance with 21 CFR 308.44(c) and subsequently published acceptance of their petition in the FEDERAL REGISTER dated July 7, 1973.

Pursuant to a stipulation entered into by Hexagon Laboratories, Inc., and the Bureau of Narcotics and Dangerous Drugs on February 5, 1973, relative to Hexagon Laboratories' application for registration as a schedule II manufacturer, the petitioner agreed to voluntarily withdraw its petition to remove Levodesoxyephedrine from control.

Dated April 4, 1973.

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

[FR Doc.73-6788 Filed 4-6-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

BETHLEHEM MINES CORP., ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for renewal permits for noncompliance with the interim mandatory dust standard (2 mg/m³) have been received as follows:

(1) ICP Docket No. 20238, Bethlehem Mines Corp., Mine No. 41, USBM ID No. 46 01427 0, Barrackville, W. Va.
Section ID No. 004 (main north, left side).
Section ID No. 006 (right side, No. 2½ south).
Section ID No. 012 (No. 10 north).

(2) ICP Docket No. 20240, Beth-Elkhorn Corp., Mine No. 25, USBM ID No. 15 02091 0, Jenkins, Ky.
Section ID No. 001 (east mains).
Section ID No. 002 (1 left east mains).

(3) ICP Docket No. 20449, The Buckeye Coal Co., Nemacolin Mine, USBM ID No. 36 00904 0, Nemacolin, Pa.
Section ID No. 018 (Cumberland mains).
Section ID No. 017 (2 Road).
Section ID No. 019 (Cumberland mains—3 rt.).
Section ID No. 012 (10 right).
Section ID No. 014 (12 right).

(4) ICP Docket No. 20615, Consolidation Coal Co., Matthews No. 1 Mine, USBM ID No. 40 00520 0, Middlesboro, Ky.
Section ID No. 001 (right off 1 west off 1 north).
Section ID No. 002 (left off 1 west off 1 north).
Section ID No. 005 (left off 1 east off 1 north).
Section ID No. 004 (left off 1 east off 2 north).
Section ID No. 003 (right off 1 east off 2 north).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before April 24, 1973. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, room 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

APRIL 4, 1973.

[FR Doc.73-6713 Filed 4-6-73;8:45 am]

INTERIOR DEPARTMENT

National Park Service

NATIONAL SCIENCE STUDIES ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Natural Science Studies Advisory Committee will be held at 1 p.m., April 13, 1973, in room 3410, Interior Building, 18th and C Streets NW., Washington, D.C.

The Committee was established to render advice to the Director of the National Park Service regarding the management of natural resources within the National Park System, and the scientific information required to accomplish that task. Members of the Committee are as follows:

Dr. Stanley A. Cain, University of California, Santa Cruz, Calif.
Dr. A. Starker Leopold, University of California, Berkeley, Calif.
Dr. Charles Olmsted, University of Chicago, Chicago, Ill.
Dr. Sigurd F. Olson, Ely, Minn.
Dr. Alvin L. Bertrand, Louisiana State University, Baton Rouge, La.
Dr. Durward L. Allen, Purdue University, Lafayette, Ind.

The meeting will be a working meeting devoted to the nature of the ecological and environmental management system within the National Park Service and organizational arrangements which may be required to utilize the system and to relate it to the activities of the National Park Service.

The meeting will be open to the public. However, facilities and space are limited and it is expected that not more than 10 members of the public may be able to attend. Members of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wanting further information concerning the meeting or who wish to file written statements may contact Dr. Robert M. Linn, Chief Scientist, National Park Service, at 202-343-2138. Minutes of the meeting will be available for public inspection 3 weeks after the meeting at

the offices of the National Park Service, Washington, D.C.

Dated April 4, 1973.

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

[FR Doc.73-6852 Filed 4-6-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 6258; Docket No. FDC-D-621; NDA No. 5-812]

G. D. SEARLE & CO.

Suppositories Containing Aminophylline and Pentobarbital; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice (DESI 6258) published in the FEDERAL REGISTER of July 27, 1972 (37 FR 15037), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below stating that the drug was regarded as possibly effective and lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no data were submitted pursuant to the notice.

Aminophylline with Pentobarbital and Benzocaine Supposicones; G. D. Searle & Co., P.O. Box 5110, Chicago, Ill. 60680 (NDA 5-812).

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of pertinent parts of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

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

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

On or before May 9, 1973; the applicant(s) and any other interested person is required to file with the hearing clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within said 30 days will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of pertinent parts of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before May 9, 1973, a written appearance requesting the hearing, giving the reasons why approval of pertinent parts of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

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

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

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after May 9, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated April 2, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.73-6729 Filed 4-6-73;8:45 am]

PANEL ON REVIEW OF TOPICAL ANALGESICS

Notice of Cancellation of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972, (Public Law 92-463, 86 Stat. 770-776), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of March 21, 1973 (38 FR 7409), Public Advisory Committee meetings for the month of April and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the Act.

Notice is hereby given that the meeting of the Panel on Review of Topical Analgesics scheduled for April 10 and 11 is canceled.

Dated April 5, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.73-6854 Filed 4-6-73;8:45 am]

[DESI 8245; Docket No. FDC-D-426 NDA 8-245]

PARKE, DAVIS & CO.

Combination Drug Containing Diphenhydramine Hydrochloride and Scopolamine Hydrobromide; Notice of Withdrawal of Approval of New Drug Application

A notice was published in the FEDERAL REGISTER of February 12, 1972 (37 FR 3200), extending to Parke, Davis & Co., Joseph Campau at the River, Detroit, Mich. 48232, and to any interested person, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug,

and Cosmetic Act withdrawing approval of NDA 8-245 for Benacine Tablets (diphenhydramine hydrochloride and scopolamine hydrobromide). The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

Neither the holder of the application nor any other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of an opportunity for hearing.

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

Therefore, pursuant to the foregoing finding, approval of new drug application No. 8-245 and all amendments and supplements thereto is withdrawn effective on April 9, 1973.

Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated April 2, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-6730 Filed 4-6-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-324, 50-325]

CAROLINA POWER & LIGHT CO.

Notice and Order for Prehearing Conference

In the matter of Carolina Power & Light Co. (Brunswick Steam Electric Plant, Units 1 and 2), dockets Nos. 50-324, 50-325.

On November 3, 1972, the Atomic Energy Commission published in the FEDERAL REGISTER (37 FR 23468) a "Notice of Consideration of Issuance of Facility Operating Licenses and Opportunity for Hearing; Notice of Hearing," to consider the application filed under the Atomic Energy Act by the Carolina Power & Light Co. for facility operating licenses which would authorize the operation of two boiling water nuclear reactors identified as the Brunswick Steam Electric Plant, Units 1 and 2, at steady state power levels not to exceed 2,346 megawatts thermal each, at the applicant's site on the Cape Fear River, near Southport, in Brunswick County, N.C. The notice of hearing further provided that the facilities are subject to the provisions of section B of appendix D to 10 CFR part 50, which set forth procedures applicable to reviews of environmental considerations for production and utilization facilities for which construction permits or operating licenses were issued in the period January 1, 1970, to September 9, 1971. Construction of the subject facilities was authorized by Construction Permits CPPR-67 and CPPR-68 issued by the Atomic Energy Commission on February 7, 1970. The provisions of section B to appendix D to 10 CFR part 50 require a hearing to be held to consider whether the construction permits should be continued, modified, terminated, or appropriately conditioned to protect environmental values. In addition, the notice of hearing provided that the hearing would be held by an Atomic Safety and Licensing Board designated by the Atomic Energy Commission, and that the Board's membership would be published in the FEDERAL REGISTER. Finally, the notice of hearing provided that the date and place of a prehearing conference and of the hearing would be set by the Board.

On March 13, 1973, the Atomic Energy Commission's Atomic Safety and Licensing Board designated to review petitions to intervene determined that a hearing was warranted with respect to issuance of the facility operating licenses, and that this hearing should be consolidated with the hearing specified in the notice of hearing of November 3, 1972. This same Atomic Safety and Licensing Board published in the FEDERAL REGISTER (37 FR 6843) the establishment of the "Atomic Safety and Licensing Board" to conduct the hearing and its membership.

Pursuant to the Atomic Energy Commission's establishment of the "Atomic Safety and Licensing Board" and the authorization therein for the Board to set the date and place of a prehearing conference, notice is hereby given that a prehearing conference will be held at 10 a.m. on Wednesday, May 2, 1973, in the U.S. District Court, Second Floor, U.S. Courthouse, Federal Building, Water and Princess Streets, Wilmington, N.C. 28401.

All members of the public are entitled to attend this prehearing conference, any subsequent prehearing conferences, and the full evidentiary hearing to be held in this proceeding. The evidentiary hearing in this proceeding will be scheduled at a later date and public notice thereof will be given.

The prehearing conference on May 2, 1973, will be conducted in accordance with § 2.751a of the Commission's rules of practice, 10 CFR § 2.751a, which provides for special prehearing conference in operating license proceedings.

This special prehearing conference will consider identification of key issues in the proceeding, steps necessary for further identification of issues and establishment of a schedule for further actions in the proceeding.

The prehearing conference on May 2, 1973, will not receive any evidence, nor will there be an opportunity for presentation of statements by members of the public who desire to make a limited appearance in this proceeding for that purpose. All statements that members of the public desire to make in this proceeding by way of limited appearance pursuant to § 2.715 of the Commission's rules of practice, 10 CFR § 2.715, will be received on the initial day of commencement of the evidentiary hearing.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Atomic Energy Commission, that a prehearing conference in this proceeding shall convene at 10 a.m. on Wednesday, May 2, 1973, in the U.S. District Court, Second Floor, U.S. Courthouse, Federal Building, Water and Princess Streets, Wilmington, N.C. 28401.

Issued April 2, 1973, Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD,
MICHAEL L. GLASER,
Chairman.

[FR Doc.73-6750 Filed 4-6-73;8:45 am]

[Dockets Nos. 50-315 ED, 50-316 ED]

INDIANA AND MICHIGAN ELECTRIC CO. ET AL.

Notice and Order for Prehearing Conference

In the matter of Indiana and Michigan Electric Co. and Indiana and Michigan Power Co. (Donald C. Cook Nuclear Plant, Units 1 and 2), dockets Nos. 50-315 ED,[1] 50-316 ED.

Take notice, that in accord with the Commission's "Notice of Opportunity for Hearing on Application for an Extension of Construction Permit Completion Dates," and in accord with said Commission's rules of practice, a prehearing conference will be held in this particular proceeding on April 25, 1973, at 10 a.m., local time in Courtroom No. 204, Hall of Justice, 333 Monroe NW., Grand Rapids, Mich. 49502.

The objectives of this prehearing conference are:

1. To rule on all outstanding petitions to intervene;

2. To determine the relevant issues involved in this proceeding;

3. To set a firm hearing date in light of the Commission's mandate for an expeditious decision on the part of this Atomic Safety and Licensing Board; and

[1] All parties are directed to include the initials "ED" after docket numbers in order to differentiate this proceeding from the facility operating license and continued construction proceeding.

4. To establish the ground rules for the presentation of evidence at the hearing.

It is so ordered.

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

ATOMIC SAFETY AND LICENSING BOARD,
JEROME GARFINKEL,
Chairman.

[FR Doc.73-6751 Filed 4-6-73;8:45 am]

[Docket No. 50-382]

LOUISIANA POWER & LIGHT CO.

Assignment of Members of Atomic Safety and Licensing Appeal Board

In the matter of Louisiana Power & Light Co. (Waterford Steam Electric Station, Unit 3).

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this proceeding.

Michael C. Farrar, chairman.
William C. Parler, member.
Dr. Lawrence R. Quarles, member.

Dated April 2, 1973.

MARGARET E. DUFLO,
Secretary to the Appeal Board.

[FR Doc.73-6722 Filed 4-6-73;8:45 am]

[Dockets Nos. 50-277, 50-278]

PHILADELPHIA ELECTRIC CO.

Notice and Order for Prehearing Conference

Notice is hereby given that pursuant to the Atomic Energy Commission's (the Commission) "notice of hearing on a facility operating license" dated March 30, 1973, a prehearing conference will be held in this proceeding on April 16, 1972, at 11 a.m. local time, in the meeting hall of the Historical Society of York County, 250 East Market Street, York, Pa. 17403.

This prehearing conference shall constitute both the special prehearing conference required pursuant to § 2.751(a) and the prehearing conference required pursuant to § 2.752 of the Commission's rules of practice, 10 CFR part 2.

This prehearing conference will be held before the Atomic Safety and Licensing Board (the Board) which is composed of Dr. Dale F. Babcock, Dr. Ernest O. Salo, and Mr. Daniel M. Head, Chairman, with Dr. Kenneth A. McCollom the technically qualified alternate and Mr. Frederic T. Suss the alternate chairman. This Board was appointed by the Commission in the aforementioned "notice of hearing on a facility operating license."

This prehearing conference will deal with the following matters:

1. Admissibility of contentions in the petition to intervene which were not ruled upon in the Commission's memorandum and order dated March 30, 1973;
2. Identification, simplification, and clarification of the issues;
3. The necessity or desirability of amending the pleadings;
4. The need for discovery, if any, and the time required therefor;
5. Stipulations and admissions of fact and of the contents and authenticity of documents to avoid unnecessary proof;
6. Identification of witnesses and the limitation of number of expert witnesses, and the other steps to expedite the presentation of evidence;
7. Procedures to be followed in the presentation of evidence at the evidentiary hearing;
8. Establishment of a schedule for further action, including the setting of a hearing schedule; and
9. Such other matters as may aid in the orderly disposition of the incident proceeding.

In addition, the Board will expect to be advised of the impact of the Federal Water Pollution Control Act Amendments of 1972 (FWPCA), Public Law 92-500, on the conduct and disposition of this proceeding. As part of this discussion, the Board will require discussion on the applicable State and Federal water quality standards and effluent limitations, and on the status of the State certification required by section 401(a) of the FWPCA. The parties should also be prepared to discuss the effect of this proceeding of the Commission's "Interim Policy Statement on Implementation" of section 511 of the FWPCA.

Members of the public are invited to attend this prehearing conference as well as the evidentiary hearing to be held at a later date to be fixed by the Board. Members of the public wishing to make limited appearances may identify themselves at this prehearing conference, but oral or written statements to be presented by limited appearances will not be received at this conference. The Board will receive such statements at the aforementioned evidentiary hearing.

The attorneys for the parties are directed to confer in advance of the prehearing conference, in such manner as they deem appropriate, and report to the Board at said conference on any stipulations regarding issues in controversy, and on any other mutually agreeable procedures to expedite this proceeding.

Dated this fourth day of April 1973 at Washington, D.C.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.73-6793 Filed 4-6-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25376; Order 73-3-139]

BRANIFF AIRWAYS, INC.

Order To Show Cause Regarding Common Fares Within Hawaii to GIT Passengers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of March 1973.

The Board in the *Transpacific Route Investigation (Domestic Phase—On Reconsideration)*, docket 16242 established a new route structure for U.S. carriers operating between the mainland and Hawaii.[1] It found inter alia, that public convenience and necessity required that as a condition to the mainland-Hawaii carriers being authorized to serve Hilo, those carriers must file tariffs providing for common fares for persons and their accompanied baggage to and from all points in the State of Hawaii receiving service from a certificated air carrier for all classes of service offered, together with stopovers within Hawaii, without charge or at a nominal charge.[2] To effectuate this finding, the Board attached conditions to the certificates of public convenience and necessity issued to the mainland-Hawaii carriers involved.[3]

[1] Order 69-7-105 decided July 21, 1969.

[2] This finding was substantially the same as the Board's findings in order 69-1-11, adopted Nov. 18, 1968 and served Jan. 4, 1969, the Board's original opinion and order in the domestic phase of this proceeding. The Board initially imposed the common fare requirement in the *Hilo-Mainland Temporary Service* case, order E-25252, June 6, 1967 (discretionary review denied order E-25253) in which the Board first authorized service to Hilo as well as to Honolulu by the mainland-Hawaii carriers. The Board's action in the *Transpacific Route Investigation* continued the requirement on a permanent basis.

[3] E.g., condition 14 attached to Braniff Airways, Inc. certificate of public convenience and necessity for route 9, provides as follows:

(14) The holder's authority to serve Hilo, Hawaii, shall be contingent upon its filing and keeping on file with the Board tariffs providing for common fares for persons and their accompanied baggage to and from all points in the State of Hawaii receiving service from a certificated air carrier, for all classes of service which the holder offers, and further providing for stopovers without charge or at nominal charge at the points of entry into and departure from the State of Hawaii and at intermediate points between such points of entry and departure and the ultimate point of origin or destination in the State of Hawaii, subject to such terms, conditions, and limitations as may be agreed upon by and between the holder and the certificated air carriers serving points in the State of Hawaii other than Honolulu and Hilo and are approved by the Board: *Provided, however,* That in the event of a disagreement between the holder and such carriers as to the terms, conditions, and limitations applicable to such common fares (including the divisions thereof), this condition shall be deemed to be satisfied if the holder offers to enter into an agreement concerning such common fares which the Board determines to be reasonable.

Recent filings with the Board have raised questions of compliance by the mainland-Hawaii carriers with the common fare requirements established by the Board. In dockets 24707 and 24708, Aloha Airlines, Inc. (Aloha), complained against Pan American's tariff proposal to provide that its rerouting rule (rule 385) will not apply in connection with its west coast-Hawaii and Toronto-Hawaii GIT group fares. Aloha urged that such action would preclude GIT passengers from the benefits of common faring unless they had been so ticketed at point of origin on the mainland. The Board, in considering these complaints, adhered to its previously expressed view that availability of common fare travel must extend to all types of fares without inhibiting restrictions. The Board, however, dismissed the complaint on the basis that rerouting relates to a ticket covering transportation to the same destination via a different routing, that to reticket a GIT passenger after he had reached Hawaii to take advantage of the common faring involved reticketing to a different outward destination as distinguished from rerouting, and that, accordingly, Pan American's tariff revision would not preclude a reticketing of GIT passengers once they arrive in Hawaii so as to take advantage of common fare provisions.[4]

It appears, however, in the subsequent complaint of *Aloha Airlines, Inc.* v. *Braniff Airways, Inc.* in docket 24987 (filed as an enforcement complaint) that Braniff had effectuated revisions to its tariffs in the manner described above for Pan American and is refusing common fares to GIT passengers unless so ticketed in advance of departure. In answer to this complaint, Braniff advises that it does not agree with the Board's interpretation of a tariff revision to make rerouting rule 385 not applicable to GIT fares as outlined in order 72-9-82. Braniff states it has advised its agents that common fares are not applicable to group fares if requested after starting travel and, accordingly, GIT passengers cannot be so reticketed. Braniff challenges the Board's interpretation of the tariff on the basis that the conclusion that a reissuance of a ticket does not involve rerouting is contrary to law. Braniff alleges the issuance of a new ticket covering transportation involving common fares in Hawaii involves round trip travel only, and that the destination in such circumstances is the same as the point of origin. In other words, Braniff urges that to reticket a passenger after departure to provide for common faring constitutes rerouting, and accordingly contends that its refusal to reroute GIT passengers after they have reached the State of Hawaii is not in violation of its tariff but is in conformance therewith. Accordingly, Braniff requests that the enforcement complaint in docket 24987 be dismissed.

We need not at this juncture reach the question of whether, in light of the Board's order 72-9-82 (involving Pan American), Braniff is in violation of its tariffs in denying GIT passengers the right to revise their tickets after they reach Hawaii to obtain common faring. Braniff in its answer in docket 24987 clearly states that it has advised its agents that rule 385 is not applicable to group fares and that such passengers cannot be voluntarily rerouted after starting travel.[5] By this filing, Braniff has affirmed that under its application of its tariffs, the tickets of GIT passengers cannot be rewritten to take advantage of the common fares condition after they have started travel.

It appears to the Board that to effectively condition the opportunity for GIT passengers to obtain common faring privileges only if such passengers are so ticketed at the point of origin, and to preclude such common fares to persons who request such service after they have reached the State of Hawaii, places a substantial limitation and restriction upon the availability of common fares to GIT passengers. In this situation, a significant question is presented as to whether Braniff is in compliance with the terms, conditions, and limitations attached to the service authorized in its certificate of public convenience and necessity for route 9, especially in consideration of the underlying circumstances relating to the Board's requirements for common fares.[6]

Upon consideration of all relevant matters, the Board tentatively finds that by its tariff filings and practices thereunder, Braniff has not conformed to the conditions of its certificate of public convenience and necessity for the reasons heretofore noted.

The Board further finds, upon a tentative basis, that no evidentiary hearing is required, by statute or otherwise, to resolve the issues herein on the basis of the record before it and such matters as may be presented by all interested persons in response to this order. It appears that the Board will then be in a position to issue a final order herein, including an order directing Braniff to conform its tariffs and practices so as to make it possible for GIT passengers to obtain common faring privileges within Hawaii whether requested at the point of origin or after they have reached the State of Hawaii.

The Board therefore will direct Braniff to show cause why it should not revise its tariffs and practices to provide common fares to GIT passengers—including those who request such service after they have reached the State of Hawaii. In view of the bearing of this question and the application of the answer thereto, upon other mainland-Hawaii carriers and intra-Hawaiian carriers, a copy of this order will be served upon each of them so as to provide them and all interested parties an opportunity to be heard by the filing of comments herein.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958 and particularly sections 204(a), 401, and 403;

It is ordered, That:

Braniff Airways, Inc., and all interested parties are hereby directed to show cause why the Board should not make final its tentative findings and conclusions herein and, upon the basis of such findings and conclusions, order Braniff Airways, Inc., to conform its tariffs and practices thereunder to the applicable

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[4] Order 72-9-82 of Sept. 22, 1972. We distinguish order 73-1-61, Jan. 18, 1973, dismissing Aloha's and Hawaiian's petition for reconsideration of the Board's dismissal (order 72-12-45) of their complaint against United's requirement that passengers traveling at its group fares for groups ranging from 40 to 154 persons travel together in groups of at least 30 persons for the portion of their travel within Hawaii. In denying the petition for reconsideration, the Board stated, "We would emphasize to Aloha and Hawaiian and the mainland-Hawaii carriers that our decision herein should not be construed to signal acceptance of a more restrictive application of the common fare concept. We simply conclude that the existing 'travel-together' rule is not unreasonable."

[5] By an earlier filing marked to become effective Feb. 5, 1972, Braniff proposed revisions to its tariff rules which would have precluded any common fare travel except when tickets are purchased prior to departure from point of origin. This proposal was suspended by order 72-2-8 and the tariff revision subsequently canceled.

[6] In its Hilo-Mainland Temporary Service Investigation decision, the Board discussed the common fares at length. In the course thereof, it found that "a common fare which permits stopovers at the point of entry and at any intermediate point or points between the point of entry and the ultimate destination, even with a nominal stopover charge, would promote the use of the Hilo gateway and encourage travelers to enter there and start their visit to the State in Hawaii County which might not otherwise occur from direct Hilo-mainland service. It would also avoid any adverse impact on the tourist industry of Maui and Kauai. It would diminish the adverse impact on Aloha and Hawaiian from direct service to Hilo. Both carriers say they can live with direct service to Hilo under such conditions." In that decision, the Board also found that without some protection such as by the common fares "the economic impact on Hawaiian and Aloha in diversion of traffic and revenues by reason of Hilo-mainland service with stopover privileges afforded passengers would be so serious as to jeopardize the financial positions of those carriers and their ability to provide the quantity and quality of service essential to the State's economic development," and almost certain necessity for a resumption of subsidy payments which were terminated Dec. 31, 1966. The Board in effect reaffirmed the foregoing findings in its decision in the Transpacific Route Investigation wherein it continued the common-fares requirement by conditioning the certificates (see footnote 3 herein) of the mainland-Hawaii carriers. In that proceeding, the Board stated "not only has the Board found—that the public interest requires that a common-fare condition be attached to the exercise of the privilege of serving Hilo being granted to the mainland-Hawaii carriers, but the Board cannot find that the public convenience and necessity require that they serve Hilo at all in the absence of a common-fare agreement, in view of the very serious injury which service to Hilo awards to mainland carriers would otherwise inflict on the interisland carriers."

conditions of its certificates of public convenience and necessity (and particularly condition 14 of Braniff's certificate for route 9), and to hold out and participate in the granting of common faring privileges to GIT passengers traveling from the mainland to Hawaii and return, whether such passengers were so ticketed at point of origin, or did not request such rerouting until after their arrival in the State of Hawaii. All responses and comments submitted pursuant to this order shall be filed within twenty (20) days after the service of this order.

This order will be served upon Braniff Airways, Inc., American Airlines, Inc., Continental Air Lines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., Aloha Airlines, Inc., and Hawaiian Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-6786 Filed 4-6-73;8:45 am]

[Docket No. 24353; Order 73-4-22]

EASTERN AIR LINES, INC.

Order of Suspension Regarding U.S. Mainland-Puerto Rico/Virgin Islands Fares Investigation

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

By tariff revisions [1] marked to become effective April 5 and May 1, 1973, Eastern Air Lines, Inc. (Eastern) proposes to: (1) Cancel its thrift (third-class) fares in the U.S. mainland-Puerto Rico market; (2) add deluxe night coach and night coach fares in those markets at the level of present day tourist (second-class) and day thrift fares, respectively; (3) establish five 21-day limit midweek round trip excursion fares applicable during the spring and fall offpeak seasons; (4) increase the level of several types of discount fares to reflect the increase in the daytime normal fare structure; and (5) further restrict the hours of application of night fares.

In support of its proposal, Eastern alleges that the existing thrift fare levels are uneconomic; and that earnings in the mainland-San Juan market have been, are, and otherwise will be clearly deficient—due primarily to the fare structure in the northeastern thrift markets. Eastern alleges that in those competitive markets where it provides thrift but not second-class service, its thrift service has been upgraded to the point that it essentially equals second class with respect both to accommodations and amenities; and that this prejudices passengers in other markets where thrift service is not available who must pay second-class fares.

[1] Revisions to Eastern Air Lines, Inc., Tariff CAB No. 326, filed as part of the original document.

The carrier alleges that its proposed 5-21-day limit excursion fares are designed to retain discretionary traffic which might otherwise be lost as a result of cancellation of thrift fares, but to channel this traffic into offpeak periods so as to avoid uneconomic revenue dilution and traffic peaking. Eastern estimates a $5 million increase in 1973 revenues from its proposal, and that it would achieve a 5-percent return on investment without a capacity agreement in the New York-San Juan market and a 9.8-percent return if such an agreement is effectuated.

No complaints have been filed.

Upon consideration of the tariff proposal and all relevant matters, the Board finds that the proposed revisions may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be suspended [2] pending investigation.[3]

We believe it would be wholly inappropriate at this time to permit tariff changes which would result in substantial increases in the charges for transportation service in the mainland-Puerto Rico market. The formal investigation into both the overall structure and fare level in the entire San Juan market is well along towards completion. The many issues involved in that case include the question of appropriate load factor for ratemaking purposes and seating configuration standards as well. Eastern does not address these issues in its justification. In our opinion, permitting the broad realinement of fares here sought by Eastern would be tantamount to a prejudgment of the initial decision of the Administrative Law Judge and the Board's final decision.

We note that within the past year the carriers in the San Juan market have increased their fares by approximately 9 percent overall. The mainland-San Juan market is an extremely price-conscious one, with a large traffic pool with strong ties to Puerto Rico which relies very heavily on low air fares. The third-class fares and service which Eastern would cancel have been available in the major northeast markets for many years, over 10 years in some cases, and have become a fixture to which the traveling public is accustomed. If fares at comparable levels are to be eliminated, we believe it should be done only after notice and public hearing; in other words, by the Board's decision in the pending proceeding.

Eastern's justification in support of its tariff proposal does not otherwise lead us to a different conclusion. The determination of the appropriate overall fare structure and level in the San Juan market is dependent upon various complex issues, such as load-factor and seating-configuration standards for ratemaking purposes which, as indicated, were not addressed by Eastern in its justification. Should such standards be adopted the fares proposed herein may well prove excessive. In short, Eastern has not demonstrated that the substantial increases it proposes are warranted.

We are not persuaded by Eastern's claim that present third-class service and amenities are in fact essentially second class in character. This is, of course, a matter wholly within the carrier's ability to rectify.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. Pending hearing and decision by the Board, the fares and provisions described in appendix A hereto are suspended and their use deferred to and including July 3, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board; and

2. Copies of this order be filed in the aforesaid tariff and be served upon Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-6761 Filed 4-6-73;8:45 am]

[2] The proposal is automatically under investigation in the U.S. Mainland-Puerto Rico/Virgin Islands Fares Investigation (docket 24353).

[3] While we have no particular difficulty with Eastern's proposal to tighten up the applicability of its night fares, that change is interwoven with other changes and we are making no attempt to deal with this package proposal on a piecemeal basis.

[Order 73-4-8]

[Agreements CAB 22586 et al.]

EMERY AIR FREIGHT CORP. AND AIR MIDWEST, INC., ET AL.

Order of Tentative Approval Regarding Priority Air Freight Services

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

There have been filed with the Board pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act) and part 261 of the Board's Economic Regulations (Regulations) 38 separate agreements of uniform provision between Emery Air Freight Corp. (Emery) and individual commuter air carriers,[1] operating pursuant to part 298 of the Board's regulations, listed below.[2]

[1] While a few of the participating part 298 carriers only provide scheduled cargo services, most operate as scheduled passenger carriers.

[2] Air Wisconsin, Inc.; Air South, Inc.; Mississippi Valley Airways, Inc.; Skyway Aviation, Inc.; Sedalia-Marshall-Boonville Stage Lines, Inc.; Florence Airlines, Inc.; Virginia Air Cargo, Inc.; Midstate Air Commuter, Inc.; Rocky Mountain Airways, Inc.; Trans Nebraska Airlines, Inc.; Island Air Transfer; Golden Pacific Airlines, Inc.; Viking International Airfreight, Inc.; Combs Airways, Inc.; Key Airlines, Inc.; Davis Airlines, Inc.; Oak Harbor Airlines, Inc.; Brennan Air Freight; Trans Magic Airlines; Air New England; Shawnee Airlines, Inc.; Allen Aviation, Inc.; Air Midwest, Inc.; Hub Airlines, Inc.;

Footnote 2 continued on p. 9042.

The agreements essentially provide for the carriage, on a priority basis, of Emery Air Freight shipments, the utilization of Emery airbills by the carriers and the solicitation by both parties of joint traffic. In addition, certain of the participating carriers have entered into supplementary agreements with Emery in regard to the processing, investigation and payment of loss and damage claims.

The standard agreement at issue provides that Emery will expand the scope of its airfreight services by tendering freight to the signatory carrier; that through its nationwide computer system Emery will perform the tracing, rating, routing, and billing for traffic moving over the combined services of Emery and the carrier; and that Emery will actively solicit, in part through its national advertising programs, traffic for movement through the carrier's services. The carrier, in turn, agrees that it will establish and maintain freight rates which provide for consolidated shipment weight charges over the segments which it serves; that, after mail loads, it will board Emery traffic in advance of any other cargo; that it will actively solicit traffic at its service points for movement in the forwarding services of Emery; and that it will maintain the level of insurance required by the Board's Regulations governing air taxi operators, make Emery a named insured, and also maintain a certain amount of general comprehensive and motor vehicle liability insurance.

The agreement further provides that traffic, moving wholly in Emery's tariff service from initial origin to final destination, will be covered by a single Emery airbill, and that the carrier will be Emery's appointed agent to execute and process Emery's documentation on all originating and terminating traffic, except at those points where Emery has authorized another agent to perform such function. The agreement may be terminated by either party on 30 days' written notice, except that termination for cause may be immediate. The supplemental letter agreement which 21 of the participating carriers have also individually contracted with Emery provides that, for a monthly fee of 1 percent of the revenues otherwise due to the carrier, Emery will process and settle claims of loss or damage arising in regard to jointly-handled shipments.

Emery contends that approval of the agreements is in the public interest in that freight now moving by surface transportation from the smaller cities served by the commuter carriers to larger "hub" cities for transportation by air would begin to move entirely by air; and that such a shift to air transportation would provide the carriers with badly-needed financial support for their unsubsidized services and would help industries located in these smaller cities to achieve a position in regard to distribution techniques closer to parity with competitors located in larger cities which are served directly by certificated carriers.

Emery further alleges that no substantial diversion from the freight services of certificated air carriers will result from approval of the agreements because air taxi operators, operating with aircraft of limited capacity, can now feasibly offer service only to points without certificated service or to points where they provide markedly better service than the competing certificated carrier; and that the competition to the services to be provided under these agreements is surface motor transportation and not air transportation. Emery notes that the priority feature of the agreements, while of the greatest importance as a marketing tool, will not create any general difficulties for others of the few present users of commuter air carriers airfreight services in that these carriers are not presented with a problem of under capacity but rather one of generating enough new air traffic to allow their services to continue. Finally, Emery submits that, although air forwarders have generally concentrated on serving only the few largest airfreight markets, the agreements will not foreclose other forwarders from serving the small communities at issue in that the parties to the agreements are free to terminate their participation for any reason upon 30 days' notice.

Comments in support of the agreements have been received from the National Air Transportation Conferences, Inc. (NATC) and comments in opposition have been filed by the Novo Airfreight Corp. (Novo).

NATC submits that the effects of the agreements will be to generate an increased amount of airfreight and thus improve the financial posture of both commuter air carriers and certificated carriers while assisting in the development of smaller communities. Novo contends that the agreements contemplate an unfair and anticompetitive working arrangement which, in effect, preempts the services of 29 carriers for the Nation's largest forwarder and which will permit Emery to even further increase its dominant position in smaller city markets. In reply to Novo's comments, Emery argues that the agreements are not anticompetitive because it does not appear that any Emery competitor, including Novo, carries any significant amount of traffic over the commuter air carrier routes at issue.

Emery has provided rate sheets listing the charges to be paid by Emery to 17 individual air taxi participants for priority shipments moving over their services. Such rate sheets show a declining rate per shipment dependent upon the number of shipments carried per day over the air taxi route segment at issue. For example, eligibility for a 60 percent overall discount from the basic rate for a single shipment is conditioned on the tender of 10 or more shipments on behalf of Emery.

Upon consideration of the record before us, we tentatively find that, subject to conditions, the agreements will not be adverse to the public interest or in violation of the Act. We therefore tentatively conclude that the agreements at issue should be approved subject to such conditions. While as presently constituted the agreements raise a number of problems, we feel that these can satisfactorily be resolved by imposing certain conditions to protect other direct and indirect air carriers and shippers. Properly modified, the agreements should, as their proponents allege, result in the increased carriage of cargo by the subscribing third-level carriers, provide additional service to shippers in smaller communities and, quite possibly, promote increased utilization of long-haul airfreight services from connecting hub cities. However, because of the novelty of these arrangements we are making our approval tentative and will afford all interested parties a period of time within which to comment upon the agreements, the experience thus far encountered, and the effect of the modifications we propose to make. We are particularly interested in determining whether our proposed conditions will have the desired effect, which is free access for other indirect air carriers to the type of service that Emery has obtained; and further, whether it is conceivable in practice that a commuter air carrier could simultaneously perform these services for two or more carriers.

In essence, the agreements contemplate the direct air carrier parties and Emery, an indirect air carrier, entering into an agency relationship, a type of arrangement which has never before been approved by the Board.[3] The commuter air carriers have agreed to act as Emery's agent by soliciting airfreight shipments for Emery's services, processing Emery's airbills and tendering such shipments to Emery at connecting points. While such an arrangement is not prohibited by the Act or by the Board's Regulations, it raises important questions of policy which merit serious consideration. Among the dangers implicit in such a relationship are that the carrier-agent will favor its forwarder principal in the handling of cargo and the assignment of space; that the direct air carrier will be placed in a conflicting position in regard to the question of whether to route cargo through the forwarding service at issue or via interline arrangements with other carriers; that the constraints of the agency relation-

Pilgrim Airlines; Downeast Airlines, Inc.; Cochise Airlines, Inc.; Gross Aviation, Inc.; Luthi Aviation, Inc.; Nicholson Air Services, Inc.; Phillip Air Lines, Inc.; Provincetown-Boston Airlines, Inc.; Vero Aero, Inc.; Wagner Aviation, Ltd.; Air Illinois, Inc.; Barharbor Airways, Inc.; Cross Sound Commuter Airline; and Griffing Flying Service, Inc.

[3] In the International Air Freight Forwarder Investigation, 27 CAB 658 (1958), the examiner expressed reservations about then existing agreements between an international forwarder and three certificated domestic carriers whereby the carrier would act as the forwarder's agent at particular inland terminals. Because the carriers involved were not parties to the investigation and the record therein had not been sufficiently developed as to the agency issue, the Board, following the examiner's recommendation, ordered an investigation on the subject. Subsequently, the agreements were terminated before such investigation was instituted.

ship will redound to the detriment of the direct air carrier parties; and that such a relationship, generally, may be deleterious to the interests of competing direct and indirect air carriers.

Despite these dangers, we feel that because of the nature of the markets and operations involved it is permissible to allow the commuter air carrier participants to assume the agency functions contemplated in the agreements. The direct air carrier parties appear to view any limitations placed upon them by the relationships established by the agreements as more than counterbalanced by the possibility that the arrangements at issue will increase the direct air carrier's profits, and are willing, as we are, to test this thesis by actual experience. In respect to the impact of the agreements on the shipping public and the development of air transportation, the crux of the matter is that it appears that it is not economically feasible for Emery (or any other airfreight forwarder) to itself conduct operations at many of the small stations involved. The role of the air taxi parties would be akin to that of local trucking companies which forwarders presently enlist to solicit airfreight business and conduct pickup and delivery services in remote areas. Coordinated activities on the part of Emery and the participating carriers provide a feasible method to generate additional airfreight in what might otherwise prove to be marginal markets if the parties were to act alone.

In order to curb some of the inherent dangers the agency relationship presents we propose certain conditions. We will require the other airfreight forwarders who so desire may enter into similar arrangements on basically the same terms with the participating carriers. We will also require that those provisions of the agreements relating to priority service be dropped. Finally, we shall impose a condition relating to the availability to other indirect air carriers of the rates to be charged Emery by the direct air carriers.

Emery contends that the agreements are not anticompetitive because other indirect air carriers have not made much use of commuter air carrier services. Be that as it may, unless the agreements are conditioned to enable other indirect air carriers to contract on similar terms with the carrier parties involved, the ability of other forwarders to increase their present activities in small city markets or to enter those markets for the first time could be seriously impaired.

Emery presently handles about one-fifth of the domestic shipments and one-fourth of the international traffic moving by indirect air carrier. More significantly, Emery presently enjoys a particularly predominant position in smaller city markets. In 1968 Emery carried 60 percent of the shipments which originated in the 68 cities ranked immediately below the top 20.[4] If it were permitted to enlist commuter air carriers as its local agents on what is, in effect, an exclusive basis, Emery would maintain, if not enhance, its predominant positions in smaller city markets.[5] By expressly requiring that other forwarders be permitted to contract similar agreements with the participating carriers, we feel that the instant arrangements should foster the development of new airfreight markets without stifling competitive efforts by other forwarders.

These same considerations also apply to the priority aspect of the agreement. Emery claims that no other shippers will be adversely affected by the priority arrangement because of existing over capacity in the freight operations of commuter air carriers. The very ability to advertise an added service of this nature even if tariffs are competitive would, however, give Emery an undue advantage over other forwarders. Furthermore, because of the limited capacity of the aircraft operated by commuter carriers, it could be expected that some shipments tendered by a competing forwarder, a connecting certificated carrier or an individual shipper for shipment on a particular scheduled flight might be displaced by a late arriving Emery shipment.

Serious problems also present themselves in regard to the rates to be charged by the commuter air carriers for cargo moving under the agreement. Air taxi operators registered under part 298 of the Board's Regulations are exempted, except in regard to joint rate arrangements undertaken with certificated air carriers, from sections 403 and 404 of the Act. Thus, such carriers do not file tariffs with the Board,[6] have wide latitude in formulating and adjusting rate schedules, and are not subject to the various tariff observance and antidiscrimination provisions of those sections.

The underlying arrangements between Emery and the signatory third-level carriers did not deal with the question of charges except to require that the carriers establish rates that provide for "consolidated shipment weight charges." At our request, Emery has submitted 17 different rate sheets to be used by individual commuter air carriers as a basis for their charges to Emery. Emery contends that such rate sheets are not part of the subject priority agreements themselves in that such agreements are not dependent on the maintenance of rates of any particular structure or level.

As we view the matter, two related problems present themselves in regard to the rate question—(1) the potential for price discrimination by the commuter carriers against competing forwarders and (2) the inherent unfairness of a quantity discount system absent a compelling argument that such discount is reasonably related to material cost savings.[7]

We think that an adequate solution to the first problem is to require that the air carriers involved draw up a list of charges for their cargo services and to require that such charges and any changes therein be reported to the Board. The charges thus established shall be standard charges and uniformly applicable to Emery and any other indirect air carrier which may have entered into a similar agreement with the direct air taxi.

Further, the Board has continually adhered to the concept that a discount for any particular shipment cannot be conditioned upon the tender of additional shipments (or containers) absent a showing that the discount is reasonably related to cost savings that might occur from the multiple tender. The purpose of this concept, of course, is to provide smaller shippers with the same opportunity for discount rates as is afforded a larger shipper who may be able to generate multiple shipments.[8] Emery is a predominant forwarder, especially in the smaller city markets. Novo has complained that the proposal is unfair to a forwarder such as it, which does one-fifteenth of the business of Emery in such markets. Therefore, it appears that real benefits to Emery, which stem from the large discount from the single rate, will not be available to smaller forwarders despite the above stipulation that such rates be nominally made available to all forwarders.

With these considerations in mind, we will further condition the agreement to require that no rate schedule shall offer any discount for the tender of more than one shipment. A precise definition of what constitutes a shipment is essential to effectively enforce such condition. The definition provided in the rate sheets is vague. In order to establish more specific conditions as to what transactions shall constitute a shipment, we will require that the Board's definition of a shipment and related provisions for assembly and

[4] Airborne with 26 percent of such total was the second most active forwarder in these markets. Novo Corp. and the Estate of Edward L. Richter, Order 71-4-41, App. p. 14.

[5] Through the instant agreements Emery will enlist commuter air carriers as its agent at cities where it already enjoys a predominant market share of airfreight movements; South Bend (95 percent) and Fort Wayne (100 percent)—Hub Airlines; New London (100 percent)—Pilgrim Airlines; Wichita (80.8 percent)—Air Midwest; Orlando (99 percent)—Shawnee Airlines; Portland, Maine (99 percent)—Air New England. Worthy of note is the fact that Pilgrim operates the only scheduled service between New London and New York City.

[6] In this connection, see Order 71-10-1, Oct. 1 1971, wherein the Board denied the applications of Air Wisconsin and Viking International, third-level carriers, for waiver of the tariff-filing exemption granted to air taxi operations in part 298.

[7] See the second supplemental opinion and order in the Air Freight Forwarder Investigation, 24 CAB 755 (1957) wherein the Board concluded that "sec. 412 does not authorize us to approve agreements between forwarders and direct carriers embodying rates which would otherwise violate ratemaking provisions of the Act."

[8] See Aggregate Weight Rule Proposed by Shulman, Inc., Order 68-11-32, dated Nov. 6, 1968, and Container Rates for B-747 Aircraft Proposed by Continental Air Lines, Inc., Orders 71-7-155 and 156, July 27, 1971, finding such rate structures unjustly discriminatory.

distribution as expressed in the Investigation of Accumulation, Assembly Distribution Rules Case be made applicable to the instant arrangements.[3]

Accordingly, it is ordered, That:

1. Agreements CAB 22586 through 22589, 22591 through 22593, 22595 through 22598, 22600 through 22606, 22608 through 22614, 22666, 22113 through 23122, 23362, and 23403 be and they hereby are tentatively approved subject to the following conditions:

(a) It shall be a condition of approval that any other indirect or direct air carriers may enter into similar agreements, on basically the same terms, with the participating air carriers;

(b) No provision in these agreements shall be construed as authorizing preferential treatment for shipments of Emery other than that to which such shipments may be entitled as a result of prior tender;

(c) The direct air carrier participants will individually draw up lists of charges for cargo services, which are to be filed with the Board's Director, Bureau of Operating Rights, and updated as they are revised; the first such filing to be accomplished within 28 days of this order. Such charges shall not offer any discount for the tender of more than one shipment. The charges thus established shall be standard charges uniformly applicable to Emery Air Freight Corp., and any other indirect air carrier which may have concluded a similar agreement with the direct air carrier; and

(d) For purposes of condition (c) of this order a shipment shall be defined as a single consignment of one or more pieces from one consignor at one time, at one address, receipted for in one lot, and moving on one airbill to one consignee, at one destination address. Provided, however, that assembly service or distribution service may be provided in a manner consistent with the Board's decision in the Assembly and Distribution Case;

2. All interested parties are invited to submit comments within 28 days of this order regarding the agreements, the experience encountered thus far in their operation and the effect of the modifications we have imposed; and

3. An additional 14-day period will be allowed for replies to any comments submitted pursuant to paragraph 2 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-6762 Filed 4-6-73;8:45 am]

[3] Investigation of Accumulation, Assembly and Distribution Rules, 12 CAB 337 (1950), as amended by the Airfreight Rate Case, 29 CAB 873 (1959). As so amended, the definition is: A shipment consists of a single consignment of one or more pieces, from one consignor at one time at one address, receipted for in one lot, and moving on one airbill to one consignee at one destination address.

[Docket No. 24488; Order 73-3-112]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fare Matters

Issued under delegated authority March 28, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated CAB number.

The agreement would amend several existing IATA resolutions which would have the effect of common-rating Santa Marta with Baranquilla and Cartagena, Columbia, with respect to travel to and from Miami.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the following resolutions, which are incorporated in agreement CAB 23588, R-1 through R-3, are adverse to the public interest or in violation of the Act:

100(Mail 922)051
100(Mail 922)061
100(Mail 922)070

Accordingly, it is ordered, That:

Agreement CAB 23588, R-1 through R-3, be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-6763 Filed 4-6-73;8:45 am]

[Docket No. 24977]

ALASKA AIRLINES, INC.

Notice of Cancellation of Hearing Regarding Proposed States-Alaska and Intra-Alaska Fare Increases

Notice is hereby given that the hearing in the above-entitled matter scheduled to be held on April 24, 1973 (38 FR 7017, Mar. 15, 1973), is hereby canceled.

Dated at Washington, D.C., April 3, 1973.

[SEAL] JAMES S. KEITH,
Administrative Law Judge.

[FR Doc.73-6764 Filed 4-6-73;8:45 am]

[Docket No. 25274; Order 73-3-129]

TRANS WORLD AIRLINES, INC.

Order Dismissing Complaint Regarding Proposed "Demand Scheduling" Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of March 1973.

By tariff revisions[1] marked to become effective March 31, 1973, Trans World Airlines, Inc. (TWA) proposes to add new reduced transcontinental fares applicable to a new service it designates "Demand Scheduling."

The proposal requires that a passenger make his reservation at least 3 months in advance accompanied by a $20 nonrefundable deposit for each one-way reservation. Upon payment of the deposit, the passenger is given a firm reservation for the date of travel, but not for a particular hour of departure on that day. Two months prior to the departure date, TWA will notify the passenger of the flight number, departure and arrival times and routing of the flight, at which time the balance of the fare is to be paid.

The experiment is initially to be limited to operations between five east coast points (Boston, New York, Philadelphia, Baltimore, and Washington) and two west coast points (Los Angeles and San Francisco). Reservations booked for a particular day will determine the schedule pattern and depending on the point-to-point demand, a combination of east or west coast points may be served on the same flight. Where demand is sufficient, nonstop flights will be utilized.

There will be only one set of fares between the two coasts, which will vary by day of week and season as set forth below:

	One-way fares (tax included)	
	Winter	Summer
Tuesday, Wednesday, Thursday	$80.50	$94.50
Monday, Friday	101.50	114.50
Saturday, Sunday	114.50	119.50

The discounts from regular coach fares range from 25 to 49 percent.

In support of its proposal TWA alleges that a significant part of the cost of providing regular scheduled service consists of the capacity cost associated with load factor; that as long as a schedule is operated at a definite departure time each day, load factors will be considerably below 100 percent, since the seats provided each day are virtually constant, while demand fluctuates significantly; and that a lower cost and lower fare service could be provided if there were some way of avoiding the constraint of fixed departure times, thereby creating an opportunity to operate at a high-load factor.

TWA contends that because the number and routing of "demand schedule"

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs CAB Nos. 65, 136, and 142.

trips operated on a given day will be determined after the demand is known it will be possible to operate this service at a high load factor; that given the flexibility inherent in this type of service, it believes it can achieve an average load factor of 75 percent. To further improve the economics of the service, TWA intends to utilize aircraft in high seating density (34-inch pitch) without lounges or first-class accommodations, and to curtail inflight amenities from those available on regular scheduled service.

The primary economic basis for the price differential between the proposed new service and regularly scheduled service is the higher load factors which it anticipates as a result of tailoring service to preestablished demand. The variation in the fares by day of week and by season should also contribute to relatively high load factors by smoothing out what would otherwise be the peaks and valleys of demand variation. However, to the extent some variation in demand continues, the ability to vary the capacity operated on a given date will nevertheless assure the ability to achieve a higher load factor.

TWA states that it has priced the demand scheduling service as a self-contained operation on a fully allocated basis, including both the full capacity and noncapacity cost of operation. The operation is therefore allegedly assured of being sufficiently economic to cover whatever costs the service itself generates; and that there is only one element of the operation in which costs will exceed those of regular scheduled service and this is in the area of reservations, where the several required transactions will create additional cost per passenger. TWA estimates that the added reservations cost will approximate $5.45. TWA estimates that it will carry 178,000 passengers during the 1-year experimental period, and earn a profit of $2,415,000 from the demand scheduling service.

United Air Lines, Inc. (United) has filed a complaint, requesting that the Board suspend and investigate TWA's proposal.[2] The essential thrust of United's complaint is that TWA's proposal will destroy the viability of the Board's TGC experiment; that it will be detrimental to carriers and organizers who are committed to substantial TGC programs; and that demand scheduling service appears to constitute scheduled service in name only. United also alleges that diversion from TWA's regular scheduled services is likely, that its assumed 75 percent average load factor is overly optimistic and its costs understated.

More specifically, United alleges that, like the TGC's, TWA's demand scheduling service is "specifically designed to appeal to that portion of the air travel market that desires low-cost service"; that both services can be expected to compete for the same type of passenger; and that although TWA's proposed demand scheduling fare exceeds somewhat the corresponding charge a TGC passenger would pay in the same market, it is inevitable that substantial numbers of would-be TGC passengers would nevertheless opt in favor of the demand scheduling service because of the greater flexibility it affords.

United contends that, if TWA's proposal is permitted by the Board to become effective, introduction of competitive demand scheduling services can be expected and that the impact on the Board's TGC experiment would be chaotic; that it would no longer be possible to assess with any degree of accuracy the true impact of the TGC's, and in short, the TGC "experiment" would become a meaningless exercise. The Board would allegedly never be in a position to address the "largely unpredictable questions as to the traffic which these new rules will generate or cause to be diverted from scheduled carriers which can best be resolved in light of experience gained through actual experimentation."

United further alleges that the validity of TWA's forecast rests on the erroneous assumption that all of the passengers utilizing the proposed service will be newly generated. However, demand scheduling service will undoubtedly prove attractive to a number of TWA's would-be regular-fare passengers on vacation or pleasure trips who may not otherwise be inclined towards a charter, and that the demand scheduling passenger would enjoy certain advantages over a TGC passenger such as the ability to choose his own date of departure, certainty as to price, and no restriction as to the length of stay at destination.

United believes that at least 15 percent of the passengers utilizing demand scheduling service would represent diversion from TWA's regular services, and that this figure could run as high as 50 percent. Based on TWA's own demand scheduling passenger forecast, this would constitute 8.8 percent of the 1,009,740 O & D passengers annually carried by TWA in the markets in which it proposes to offer the new service. After deducting expenses incurred in handling the diverted passengers, the net revenue decrease in each instance produces an unfavorable financial result and, in all cases, the loss attributable to the proposed demand scheduling services is substantial.

In answer, TWA alleges that it is not offering demand scheduling in lieu of TGC's, as evidenced by the fact that it has contracted for the operation of a number of TGC's; that to preclude other reasonable experiments with respect to scheduled service and fares because they might have some impact on the TGC experiment is ludicrous; that demand scheduling is aimed at bringing lower fares to those passengers unable to schedule travel at times TGC's are available; and that the acutely price conscious passenger will elect to utilize the lower TGC fares wherever possible. Thus, there is allegedly no validity to United's concern that the viability of TGC's will be jeopardized by TWA's proposal.

TWA contends that its proposal is in full accord with phase 5 of the DPFI in that it has been costed on a fully allocated basis, thereby meeting the "long-term impact test in that decision." TWA states that, since adoption of part 372a of the Board's regulations, a number of TGC's have been filed, including many by United; that none has included a justification setting forth estimates of diversion from regularly scheduled service; that TWA has vigorously objected to the Board's failure to take into account diversion from regularly scheduled service by TGC's and continues to do so; and that in no event should the Board apply a more stringent test concerning estimates of self-diversion with respect to TWA's limited proposal here than it has applied in the vastly more far-reaching and long duration TGC "experiment." Conversely, TWA contends that if its demand scheduling tariffs were suspended for failure to quantify self-diversion, a fortiori, the Board would have to suspend all TGC tariffs for a similar failure.

TWA alleges that its tariff, in any event, is by its terms a temporary experiment and, as such, it could have based its entire justification in terms of a short-run profit-impact test. On that basis, the cost would have been on the order of $6 million less than the fully allocated cost which it actually presents in its justification, TWA contends that the difference between the short-run incremental cost of the service and the fully allocated cost upon which it relies provides a cushion of economic safety during the period of the experiment while TWA is gaining actual experience in practice with this concept.

Upon consideration of the proposal, the complaint and answer thereto, and all other relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant investigation, and the request therefor, and accordingly the request for suspension, will be denied and the complaint dismissed.

TWA has put forth a proposal which is indeed unique, having a number of features heretofare untried in scheduled service. Because this proposal contains several new concepts it is difficult to judge in advance the response of the traveling public and, in the final analysis, whether it will be profitable. Notwithstanding the risks inherent, we believe the proposal is sufficiently innovative and potentially beneficial, both to the traveling public and the carriers, to warrant a trial.

United advances a number of arguments against the proposal, primarily that its approval would have a disruptive effect on the Travel Group Charter (TGC) program and be most detrimental to those carriers and organizers who are putting forth substantial effort to test the TGC concept. However, it is not at all clear that the two programs cannot mutually coexist. Each has features which may appeal to separate segments of the traveling public, depending on what a

[2] Member carriers of the National Air Carrier Assoc. have filed an answer in support of United's complaint.

particular traveler considers most important to him. Clearly if price is the overriding factor, TWA's service would not be the answer since TGC's afford significantly lower fares. If, on the other hand, "demand scheduling" does prove successful it can be argued that the public has been afforded an opportunity to make its choice. In short, carriers should be free in our opinion to experiment with other reasonable fare and service innovations notwithstanding the pendency of the TGC experiment.

Turning to other issues, United challenges TWA's failure to allow for any diversion of existing scheduled service traffic and its assumption of a 75-percent load factor. We believe there will be some division from existing services—how much is conjectural at this time. On the other hand, the proposal has a number of features which should be quite appealing to the public, and we are inclined to believe that it will be very generative. Again, we are dealing here with new concepts which do not lend themselves to our traditional judgments regarding generation and diversion.

Nor are we persuaded that a 75-percent annual load factor cannot be attained. Certainly, by previous scheduled service standards a 75-percent load factor appears high, but the manner in which TWA plans to operate the demand scheduling service gives every indication that very high load factors are possible.

We have reviewed the data submitted by the proponent and complainants with some care and conclude that TWA's forecast traffic and costs are not unreasonable. Clearly, however, the ultimate dispositive factor is the acceptability of the new service in the marketplace and an experiment should be permitted to provide that answer. Diversion from regular scheduled service in the markets involved will determine whether the experiment has a net beneficial effect on TWA's system operations, thus continuous monitoring is required. TWA and any matching carriers should closely monitor the results of this plan as it develops and be quick to seek cancellation of the fares should they prove unprofitable. We have made clear in past orders that the carriers cannot expect regular fare increases to sustain the burden of unsuccessful discount fares.

The Board expects TWA and any carriers meeting TWA's fares to report traffic and financial data sufficient to determine the net system impact of the proposed service. Content and format of such reports will be decided in consultation with the staff. Until such time as reporting details are finalized, the carriers are requested to maintain data with respect to both regular scheduled service and demand schedule service passenger bookings as follows:

A summary of "demand schedule" bookings by month, by day of week, by market and whether one-way or round-trip. In addition, the number of single bookings versus multiple bookings should be maintained.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. The complaint in docket 25274 is hereby dismissed; and

2. Copies of this order be served upon Trans World Airlines, Inc., United Air Lines, Inc., Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-6765 Filed 4-6-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON, WOOL, MAN-MADE FIBER TEXTILES AND TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN HONG KONG

Entry or Withdrawal From Warehouse for Consumption

APRIL 5, 1973.

On January 9, 1973, there was published in the FEDERAL REGISTER (38 FR 1145) a letter dated January 3, 1973, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs establishing an administrative mechanism to preclude circumvention of the licensing system for exports to the United States of cotton, wool, and man-made fiber textiles and textile products produced or manufactured in Hong Kong.

The purpose of this notice is to announce that on March 28, 1973 the Government of Hong Kong requested that use of this administrative mechanism be suspended until further notice.

Accordingly, there is published below a letter of April 5, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs notifying that the administrative mechanism be suspended, effective April 9, 1973.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

APRIL 5, 1973.

DEAR MR. COMMISSIONER: This directive cancels the directive issued to you on January 3, 1973 by the Chairman, Committee for the Implementation of Textile Agreements, which established a visa requirement for cotton, wool, and man-made fiber textiles and textile products produced or manufactured in Hong Kong.

Under the provisions of the bilateral Cotton Textile Agreement of December 17, 1970, as amended, and the bilateral Wool and Man-Made Fiber Textile Agreement of January 6, 1972, between the Governments of the United States and Hong Kong, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed effective April 9, 1973, to permit entry without visas of shipments of cotton textiles and cotton textile products in categories 1-64; wool textile products in categories 101-126, 128, and 131-132; and man-made fiber textile products in categories 200-243 produced or manufactured in Hong Kong.

The actions taken with respect to the Government of Hong Kong and with respect to imports of cotton, wool, and man-made fiber textiles and textile products from Hong Kong, have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-6794 Filed 4-6-73;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST

Additions to Procurement List 1973

Notice of proposed additions to the "Initial Procurement List," August 26, 1971 (36 FR 16982) were published in the FEDERAL REGISTER on March 28, 1972 (37 FR 6348), July 26, 1972 (37 FR 14902), and December 14, 1972 (37 FR 26628).

Pursuant to the above notices the following commodities and services are added to procurement list 1973, March 12, 1973 (38 FR 6742).

COMMODITIES

CLASS 5510

	Bundle
Stakes, location (RF):	
5510-171-7701	$2.15
5510-171-7700	2.24
5510-171-7734	2.36

NOTE: RF will furnish requirements for GSA region 10 only.

	Bundle
Stakes, Hub (RF):	
5510-171-7733	$1.84
5510-171-7732	2.22

NOTE: RF will furnish requirements for GSA region 10 only.

CLASS 7920

	Each
Scraper and squeegee (IB): 7920-045-2556	$0.41

SERVICES

Film developing (photographic processing for the GSA self-service store No. 1, Denver Federal Center, Denver, Colo. (IB)). Price list available from Procurement Division, GSA, region 8.

	Carton
Final assembly of food packet, survival abandon ship (IB):	
8970-299-1395:	
TPK-1 (regular packing)	$0.92
TPK-2 (weather resistant packing)	.93

CORRECTION TO PROCUREMENT LIST 1973

Notice is hereby given of the following correction to procurement list 1973, March 12, 1973 (38 FR 6742). The correction is in italic.

COMMODITY

CLASS 7210	Each East	Each West
Mattress, innerspring (IB): 7210-205-3904 — 7210-205-3915	$19.72	*$20.75*

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.73-6720 Filed 4-6-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that a meeting of the Food Industry Advisory Committee, created by section 7(b) of Executive Order 11695, will be held on April 16, 1973, at 9:30 a.m. The Director of the Cost of Living Council has determined that the meeting will consist of an exchange of opinions, that the discussion, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

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

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

[FR Doc.73-6841 Filed 4-6-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18718; FCC 73-341]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Terminating Proceeding

In the matter of revision of American Telephone & Telegraph Co. Tariff FCC No. 133, Teletypewriter Exchange Service (TWX).

1. This proceeding was commenced on October 29, 1969 (20 FCC 2d 1111) to investigate the lawfulness of rate increases filed by A.T. & T. in its TWX tariffs and to determine whether the Commission should prescribe for the future rates different from those proposed by A.T. & T. On April 1, 1971, A.T. & T. canceled its TWX tariffs following the acquisition of TWX service from A.T. & T. by the Western Union Telegraph Co. (Western Union). Since March 31, 1971, A.T. & T. has provided no TWX service and has published no TWX rates.

2. On February 21, 1973, in docket No. 19696, we instituted an investigation into the lawfulness of the presently effective charges of Western Union for TWX service. Thus, the issues concerning the lawfulness of A.T. & T.'s TWX rates have been rendered moot except for the question of the past lawfulness of the A.T. & T.'s rates from February 1, 1970, to March 31, 1971, when the increased rates went into effect following the 3-month suspension period. However, we have been informed by the parties to this proceeding that they do not desire to pursue the question of the lawfulness of A.T. & T.'s TWX tariffs for such past period. In view of the foregoing, we conclude that we should, on our own motion, terminate the proceedings in this docket.

3. Accordingly, in view of the foregoing, *it is ordered*, That this proceeding is hereby terminated.

Adopted March 29, 1973.

Released April 3, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-6756 Filed 4-6-73;8:45 am]

ANSWERING DEVICES ADVISORY SUBCOMMITTEE

Notice of Meeting

APRIL 2, 1973.

In accordance with Public Law 92-463, announcement is made of a public meeting of the Answering Devices Advisory Subcommittee to be held April 24-26, 1973, 1919 M Street NW., room 847, Washington, D.C., at 10 a.m.

1. *Purposes.*—The purpose of this subcommittee is to prepare recommended standards to permit the interconnection of customer provided and maintained answering equipment to the public switched network.

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 answering devices to the public telephone network.

3. *Agenda.*—The agenda for the April 24-26 meeting will be as follows:

a. Discussion on the role and future of the subcommittee;

b. Discussion of document A-0081, the revised equipment test standard;

c. Discussion on procedures and enforcement for the one-on-one configuration.

4. *Public participation.*—The public is invited to attend this meeting. Any member of the public wishing to file a written statement with the committee, may do so before or after the meeting.

It is suggested that those desiring more specific information, contact the Domestic Rates Division on 202-632-6457.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-6757 Filed 4-6-73;8:45 am]

[1] Commissioner Johnson concurring in the result; Commissioner Reid absent.

FEDERAL RESERVE SYSTEM

AMERICAN SECURITY & TRUST CO. AND AMERICAN SECURITY CORP.

Notice of Hearing

In the matter of American Security & Trust Co. and American Security Corp.: Investigation under the Bank Holding Company Act of 1956 and Board Regulation Y (12 CFR part 225).

On May 23, 1972, there appeared in the FEDERAL REGISTER (37 FR 10479) a notice that the Board of Governors has ordered a hearing to ascertain whether American Security & Trust Co. or American Security Corp. violated the Bank Holding Company Act of 1956, and that the undersigned has been designated Hearing Examiner (now known as Administrative Law Judge) to conduct the proceedings. The Board's order provided further that the hearing examiner would fix the date or dates of the hearing, notice of which would be published.

A series of conferences among the parties preparatory to the hearing have been held since June 23, 1972. The formal hearing, which will be public, will be held on Friday, April 13, 1973, beginning at 9:30 a.m., in room 1202 of the Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington, D.C. It is expected that the hearing will consist almost entirely of submission for the formal record of evidence already compiled. No witnesses will appear, and no testimony will be taken. Immediately following the hearing, copies of the evidence submitted at the hearing will be available for inspection in the Board's Public Information Office (room 1020).

Dated this second day of April 1973, Washington, D.C.

SEYMOUR WENNER,
Administrative Law Judge.

[FR Doc.73-6707 Filed 4-6-73;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

LITERATURE ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Literature Advisory Panel to the National Endowment for the Arts will be held on April 11, 1973, at 9:30 a.m. and April 12, 1973, at 9:30 a.m. in New York City.

This meeting is for the purpose of Council review, discussion, and evaluation of grant applications. It has been determined by the chairman in accordance with section 10(d) of the act, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, advisory committee management officer, National Endowment for the Arts, 806 15th Street NW.,

Washington, D.C. 20506, or call area code 202–382–2854.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73–6772 Filed 4–6–73;8:45 am]

MUSEUM ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a closed meeting of the Museum Advisory Panel to the National Endowment for the Arts will be held on April 12, 1973, at 10 a.m. and on April 13, 1973, at 10 a.m. in Gainesville, Fla.

This meeting is for the purpose of Council review, discussion, and evaluation of grant applications. It has been determined by the Chairman in accordance with section 10(d) of the act, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, advisory committee management officer, National Endowment for the Arts, 806 15th Street NW., Washington, D.C. 20506, or call area code 202–382–2854.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73–6773 Filed 4–6–73;8:45 am]

THEATRE ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a closed meeting of the Theatre Advisory Panel to the National Endowment for the Arts will be held at 9:30 a.m. on April 11, 1973, 9:30 a.m. on April 12, 1973, and 9:30 a.m. on April 13, 1973 in New York City.

This meeting is for the purpose of Council review, discussion, and evaluation of grant applications. It has been determined by the chairman in accordance with section 10(d) of the act, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, advisory committee management officer, National Endowment for the Arts, 806 15th Street NW., Washington, D.C. 20506, or call area code 202–382–2854.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73–6774 Filed 4–6–73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

BENEFICIAL LABORATORIES, INC.

Order Suspending Trading

APRIL 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, units and all other securities of Beneficial Laboratories, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 4, 1973 through April 13, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–6738 Filed 4–6–73;8:45 am]

[File No. 500–1]

PROOF LOCK INTERNATIONAL CORP.

Order Suspending Trading

APRIL 3, 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 Proof Lock International Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 4, 1973 through April 13, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–6739 Filed 4–6–73;8:45 am]

[File No. 500–1]

TOPPER CORP.

Order Suspending Trading

APRIL 3, 1973.

The common stock, $1 par value of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 4 through April 13, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–6740 Filed 4–6–73;8:45 am]

[File No. 500–1]

TRIEX INTERNATIONAL CORP.

Order Suspending Trading

APRIL 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 4 through April 13, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–6741 Filed 4–6–73;8:45 am]

[File No. 500–1]

U.S. FINANCIAL INC.

Order Suspending Trading

APRIL 3, 1973.

The common stock, $2.50 par value, of U.S. Financial Inc. being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial 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 exchange 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 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 4 through April 13, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–6742 Filed 4–6–73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE: SUBCOMMITTEE ON MACHINERY GUARDING

Notice of Meeting

Notice is hereby given that the Subcommittee on Machinery Guarding of the Standards Advisory Committee on Agriculture, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Friday, April 13, 1973, starting at 9:30 a.m. in the Terracotta Room, lower level, Federal Building, 1114 Market Street, St. Louis, Mo.

The agenda provides for discussions on safety for agricultural and farmstead equipment with a view toward presenting specific recommendations to the full Agriculture Committee.

The meeting shall be open to the public. Written data, views, or arguments concerning the subjects to be considered may be filed with the Subcommittee at this meeting.

At the meeting the Chairman will announce whether oral presentations will be allowed, and if so under what conditions.

Signed at Washington, D.C., this fifth day of April 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-6860 Filed 4-6-73;8:45 am]

STANDARDS ADVISORY COMMITTEE ON HEAT STRESS

Notice of Meeting

Notice is hereby given that the Standards Advisory Committee on Heat Stress, established under section 7(b) of the Williams-Steiger Occupational Safety Act of 1970 (29 U.S.C. 656), will meet on Monday, April 16, 1973, at 9:30 a.m., and Tuesday, April 17, 1973, at 9 a.m., in conference room B, departmental auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C.

The agenda provides for a discussion by the full Committee of the document entitled "Occupational Exposure to Hot Environments," prepared by the National Institute of Occupational Safety and Health. The committee will then break into working groups to consider recommendations relating to the following aspects of heat stress:

(1) Criteria of temperatures;
(2) Measurements of environment and work load;
(3) Medical requirements; and
(4) Training of workers and supervisors, and engineering and administrative aspects of control of exposures.

The full Committee will reconvene to receive and consider reports of these working groups on the afternoon of Tuesday, April 17.

The meeting shall be open to the public. Written data, views or arguments concerning the subject to be considered [illegible]. Written data, views, or arguments [illegible]ative secretary, together with 20 copies, by April 16, 1973. Any such submissions, timely received, will be provided to the members of the committee.

Communications to the executive secretary should be addressed as follows:

Mr. Wendell Blair, Executive Secretary, Standards Advisory Committees, Room 509, Railway Labor Building, Washington, D.C. 20210.

Signed at Washington, D.C., this fourth day of April 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-6859 Filed 4-6-73;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

ALABAMA

Amendment to Notice of Major Disaster

"Notice of Major Disaster for the State of Alabama," dated March 27, 1973, and published April 2, 1973 (38 FR 8488), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 27, 1973:

The counties of:

Chilton	Lamar
Choctaw	Marshall
Cullman	St. Clair
De Kalb	Sumter
Etowah	Tuscaloosa
Greene	Walker

Dated April 5, 1973.

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

[FR Doc.73-6927 Filed 4-6-73;11:22 am]

MISSISSIPPI

Amendment to Notice of Major Disaster

"Notice of Major Disaster for the State of Mississippi," dated March 27, 1973, and published April 2, 1973 (38 FR 8489), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 27, 1973:

The counties of:

Calhoun	Prentiss
Chickasaw	Sharkey
Issaquena	Tishomingo
Lawrence	Yalobusha
Lincoln	

Dated April 5, 1973.

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

[FR Doc.73-6928 Filed 4-6-73;11:22 am]

NEW YORK

Amendment to Notice of Major Disaster

"Notice of Major Disaster for the State of New York," dated March 23, 1973, and published March 28, 1973 (38 FR 8102), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 21, 1973:

The counties of:

Cayuga.	Genesee.

Dated April 5, 1973.

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

[FR Doc.73-6929 Filed 4-6-73;11:23 am]

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

PHILATELIC ADVISORY PANEL

Notice of Meeting

Notice is hereby given, pursuant to Public Law 92-463, approved October 6, 1972, that the following American Revolution Bicentennial Commission Philatelic Advisory Panel meeting will be held on April 9, 1973.

PHILATELIC ADVISORY PANEL

The Philatelic Advisory Panel will hold an open meeting (with the exception of the agenda item asterisked below) on Monday, April 9, 1973, in the conference room, 736 Jackson Place NW., Washington, D.C., from 10 a.m. to 4:30 p.m. The panel membership is composed of leaders in the philatelic field, representatives of organizations such as the American Philatelic Society, the Society of Philatelic Americans, the American Stamp Dealers Association, and the Philatelic Press. The agenda items to be discussed are: Future bicentennial commemorative stamps,* ARBC guideline brochures for stamp clubs, administration of ARBC awards program, and future bicentennial awareness posters.

Dated April 6, 1973.

HUGH A. HALL,
Acting Director, American Revolution Bicentennial Commission.

[FR Doc.73-6931 Filed 4-6-73;11:27 am]

FEDERAL POWER COMMISSION

[Dockets Nos. E-8080, et al.]

CAROLINA POWER & LIGHT CO., ETC.

Notice of Applications

MARCH 28, 1973.

Take notice that each of the applicants listed herein has filed an application pursuant to section 205 of the Federal Power Act and part 35 of the regulations issued thereunder.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to 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 applications are on file with the Commission and available for public inspection.

Dockets Nos.	Date filed	Name of applicant	Action
E-8080	Mar. 16, 1973	Carolina Power & Light Co.	Company files a notice of cancellation of the Belleville point of delivery, exhibit A, sheet No. 3, as amended, in the company's contract dated Jan. 5, 1956. The Belleville point of delivery incorporates original sheets Nos. 20, 20a, and 20b. The filed rate schedule has been assigned FPC No. 32. The cancellation filed herewith is proposed to be effective 30 days after filing. The Belleville point of delivery was abandoned on Jan. 3, 1973.
E-8082	Mar. 19, 1973	Duke Power Co	Company files a supplement to the interconnection agreement between Yadkin, Inc., and Duke Power Co. dated June 14, 1961, which agreement is on file with the Commission and has been designated "Duke Power Company Rate Schedule FPC No. 11." Submitted with this filing is 1 document designated "Document No. 1, Service Schedule F, Supplementary Power and Energy." The date on which the company proposes to make the supplement effective is May 1, 1973. The estimated revenues for the 12 months succeeding the effective date is $1,026,780.
E-8084	do	Minnesota Power & Light Co.	Company files an amendment to the integrated transmission agreement dated Dec. 11, 1972, between cooperative Power Association and the company. This amendment supplements FPC rate schedule No. 89. The Commission is requested to accept for filing this amendment to become effective as soon as possible under the Commission's regulations.
E-8085	do	Ohio Edison Co	Company files an interim supplement, dated as of Jan. 1, 197, to an interchange agreement of July 29, 1964, as previously supplemented Mar. 21, 1967, between Ohio Edison Co. and The Cleveland Electric Illuminating Co. The supplement provides on an interim basis for the company to supply and Cleveland Electric Illuminating to receive capacity and energy from the Company's ownership share (85.6%) of Short Lead Time Capacity Units which the company and Pennsylvania Power Co., its subsidairy, own as tenants in common. The interim period begins as of Jan. 1, 1973, and ends Sept. 30, 1973. The total estimated revenues are $176,490 for the 9-month period. The company requests that this schedule be permitted to go into effect retroactively as of Jan. 1, 1973.
E-8086	do	do	Company files an interim supplement, dated as of Jan. 1, 1973, to an interchange agreement of Jan. 1, 1970, among Ohio Edison Co., Pennsylvania Power Co., and Duquesne Light Co. The supplement covers supply of capacity and energy from the same units referred to in the basic agreement on file as Ohio Edison Co. FPC No. 71 supplements 1, 2, and 3 but is for the period beginning Jan. 1, 1973, (when the previous interim supplement agreement will have expired) and ending September 30, 1973. The supplement provides for the company and Pennsylvania Power Co. to supply and Duquesne Light Co., to receive capacity and energy from approximately 125 MW of Short Lead Time Capacity installed on the company's system. The company estimates revenues of $57,475 for itself and revenues of $76,667 for Pennsylvania Power Co., over the 9-month period. The company requests that this schedule be permitted to go into effect retroactively as of Jan. 1, 1973.
E-8087	do	do	Company filed an interim supplement dated as of Jan. 1, 1973, to an interchange agreement of Aug. 1, 1968, between Ohio Edison Co. and the Toledo Edison Co. The supplement provides on an interim basis for the company to supply and Toledo Edison to receive capacity and energy from Ohio Edison's ownership share (85.6 percent) of Short Lead Time Capacity Units which the company and Pennsylvania Power Co. its subsidairy, own as tenants in common. The interim period begins as of Jan. 1, 1973, and ends Sept. 30, 1973. The company estimates revenues from the sale to Toledo to amount to $254,584 over the 9-month period. The company requests that the schedule be permitted to go into effect retroactively as of Jan. 1, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6659 Filed 4-6-73;8:45 am]

[Docket No. CI73-629]

MOBIL OIL CORP.

Notice of Application

APRIL 3, 1973.

Take notice that on March 23, 1973, Mobil Oil Corp. (applicant), 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046, filed in docket No. CI73-629 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 United Gas Pipe Line Co. and Southern Natural Gas Co. from the Eugene Island Block 330 Field, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 1,050,000 M ft³ of gas per month for a term expiring at 7 a.m., May 15, 1975, or until applicant terminates the contract of sale upon 30 days prior notice after August 15, 1973, at 35 cents per million Btu within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6719 Filed 4-6-73;8:45 am]

[Rate Schedule No. 277, et al.]

PENNZOIL PRODUCING CO., ET AL.

Notice of Rate Change Filing Pursuant to Commission's Opinion No. 639

MARCH 28, 1973.

Take notice that the producers listed in the appendix below 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 17, 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. 19, 1973...	Pennzoil Producing Co....	277	United Gas Pipe Line Co...	Panola Co., Texas RR. No. 6, Other Southwest Area.
Mar. 20, 1973...	Murphy Oil Corp....	1	Texas Eastern Transmission Corp.	Richland Parish, North Louisiana, Other Southwest Area.
Mar. 19, 1973...	Equipment, Inc., and Annco Petroleum Co., Inc.	1	United Gas Pipe Line Co...	South Louisiana.
Mar. 19, 1973...	Champlin Petroleum Co....	16	Tennessee Gas Pipeline Co.	Texas Gulf Coast.

[FR Doc.73-6673 Filed 4-6-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 214]

ASSIGNMENT OF HEARINGS

APRIL 4, 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 133315 sub 2, Asbury System, extension fuel oil, now being assigned May 22, 1973 (2 days), at Phoenix, Ariz., in a hearing room to be later designated.

MC-129588 sub 6, R. J. Andrews, doing business as R. J. (Red) Andrews Truck Line, now being assigned hearing June 4, 1973 (2 days), at the tax courtroom, U.S. Post Office and Courthouse Building, Bryan and Ervay Street, Dallas, Tex.

MC-121303 sub 3, O. K. Warehouse Co., Inc., extension used household goods in containers, is continued to June 5, 1973 (3 days), in room 577, Federal Office Building, 300 East Eighth Street, Austin, Tex.

I & S No. 8808, sand, Yuma, Mich., to Cleveland, Ohio, now being assigned continued hearing May 29, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 136006 sub 1, Wallkill Air Freight Corp., now being assigned hearing May 16, 1973 (3 days), at Albany, N.Y., in a hearing room to be later designated.

AB-5 sub 124, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment Poland secondary track between Herkimer and Poland, Herkimer County, N.Y., now being assigned hearing May 14, 1973 (2 days), at Herkimer, N.Y., in a hearing room to be later designated.

MC 117465 sub 18, Beaver Express Service, Inc., now assigned June 18, 1973, at Amarillo, Tex., is canceled and transferred to modified procedure.

MC 136693, Robert A. Doty, doing business as D. & D. Delivery Service, now assigned June 4, 1973, at Dallas, Tex., is postponed to June 18, 1973, will be held in room 5A15-17, New Federal Building, 1100 Commerce Street, Dallas, Tex.

MC-C-7966, Citrusales, Inc., and Southern Gold Citrus Products, Inc., investigation of operations, now being assigned hearing June 4, 1973 (2 days), at Miami, Fla., in a hearing room to be later designated.

AB 5 sub 130, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment portion Quarryville industrial track between Lancaster and Quarryville, Lancaster County, Pa., now being assigned May 30, 1973 (2 days), at Lancaster, Pa., in a hearing room to be later designated.

AB 5 sub 116, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment Ida branch between Lenawee Junction and Ida, Lenawee and Monroe Counties, Mich., now being assigned May 21, 1973 (2 days), at Monroe, Mich., in a hearing room to be later designated.

MC 119632 sub 56, Reed Lines, Inc., now being assigned May 23, 1973 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 126625 sub 11, Murphy Surf-Air Trucking Co., Inc., now being assigned May 24, 1973 (2 days), at Columbus, Ohio, in a hearing room to be later designated.

AB-5 sub 129, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment portion Southbridge secondary track between Webster, Windham County, Conn., and Southbridge, Worcester County, Mass., now being assigned hearing June 11, 1973 (2 days), at Southbridge, Mass., in a hearing room to be later designated.

MC-F-11682, U.S. Truck Co., Inc., purchase (portion), Transportation Service, Inc., FD 27290, U.S. Truck Co., Inc., notes, MC-F-11683, Wilson Freight Co., purchase (portion), Transportation Service, Inc., and FD 27280, Wilson Freight Co., notes, now being assigned continued hearing May 14, 1973 (1 week), at the Sheraton Cadillac Hotel, Washington Boulevard and Michigan Avenue, Detroit, Mich.

MC-78276 (sub-No. 6), Mazzeo & Sons Express, now being assigned hearing June 6, 1973 (3 days), at Miami, Fla., in a hearing room to be later designated.

AB-68, Lake Superior & Ishpeming Railroad Co. abandonment between Munising and Marquette, and Lawson and Little Lake in Alger and Marquette Counties, Mich., and FD-27267, Michigan Corporation Trans Northern, Inc., acquisition and operation, between Munising and Eben Junction, Alger County, Mich., now being assigned hearing May 21, 1973 (1 week) at Marquette, Mich., in a hearing room to be later designated.

AB-5 sub 107, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment portion Culver secondary track between Logansport and Culver, Marshall, Fulton, and Cass Counties, Ind., now assigned April 30, 1973, at Logansport, Ind., will be held in the Council Chambers, City Hall, Broadway and Sixth Streets.

MC-C-7964, River Trails Transit Lines, Inc.—investigation and revocation of certificate, now assigned May 10, 1973, at Chicago, Ill., will be held in room 1614, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 127042 sub 103, Hagen, Inc., now assigned May 9, 1973, at Chicago, Ill., will be held in room 1614, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 74321 sub 68, B. F. Walker, Inc., now being assigned June 11, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 51146 sub 246, Schneider Transport & Storage, Inc., now assigned May 7, 1973, at Chicago, Ill., will be held in room 1614, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 114211 sub 170, Warren Transport, Inc., and MC 117557 sub 16, Matson, Inc., now assigned continued hearing May 3, 1973, at Chicago, Ill., will be held in room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-6767 Filed 4-6-73;8:45 am]

[Notice 248]

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 30, 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-74141. By order of March 15, 1973, the Motor Carrier Board approved the transfer to J & R Express, Inc., Monsey, N.Y., of those portions of the operating rights in certificates Nos. MC-16872 (sub-No. 8), MC-16872 (sub-No. 12), and MC-16872 (sub-No. 13) issued October 21, 1965, May 19, 1967, and December 1, 1967, respectively, to William Mirrer, doing business as Mirrer's Trucking Co., Paterson, N.J., authorizing the transportation of: (1) Glass containers, from Salem, N.J., to Boston, Mass., Pittsburgh and Philadelphia, Pa., New York, N.Y., Wilmington,

Del., Baltimore, Md., and Washington, D.C., and from Bridgeton and Millville, N.J., to the destination points previously indicated (except Philadelphia); (2) glass containers and plastic containers, in packages, between Paterson, N.J., on the one hand, and, on the other, Providence, R.I., Bridgeport, New Haven, and Hartford, Conn.; and (3) glass bottles and plastic containers, from Washington, Pa., to Paterson, N.J., and New York, N.Y., restricted to the transportation of traffic originating at Washington, Pa., and destined to Paterson, N.J., and New York, N.Y. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, registered practitioner for applicants.

No. MC–FC–74176. By order of March 21, 1973, the Motor Carrier Board approved the transfer to Lester Hansen Elevator, Inc., Kranzburg, S. Dak., of the operating rights in certificate No. MC–125697 issued March 10, 1965, to Lester Hansen, Kranzburg, S. Dak., authorizing the transportation of feed and fertilizer, fencing supplies, twine, and agricultural chemicals, from Gluek and Minneapolis, Minn., to Castlewood, Kranzburg, and Watertown, S. Dak.; and feed ingredients, in bulk, from Minneapolis, Minn., to Clear Lake, S. Dak. Irving A. Hinderaker, P.O. Box 766, Watertown, S. Dak. 57201, attorney for applicants.

No. MC–FC–74191. By order of March 22, 1973, the Motor Carrier Board approved the transfer to Englund Equipment Co., a corporation, Salinas, Calif., of the operating rights in permits Nos. MC–129510 (sub-No. 1) and MC–129510 (sub-No. 3, issued January 9, 1969, and July 12, 1972, respectively, to Chester W. Englund, doing business as C. W. Englund Co., Salinas, Calif., authorizing the transportation of used automobile bumpers, between the plantsites of Electro-Chemical Industries at San Diego, Ontario, and North Hollywood, Calif., Las Vegas, Nev., St. Louis, Mo., Chicago, Ill., Cleveland, Ohio, Minneapolis, Minn., Newark and Palmyra, N.J., Allentown, Pa., and Baltimore, Md.; stone and stone products, steel products, wood products, and epoxy resin products, from Nashua, N.H., Hicksville, N.Y., Schuler, Va., Elkins, W. Va., Monroe, N.C., and McDermott and Dayton, Ohio, to points in New Mexico, Arizona, Colorado, Wyoming, Utah, Idaho, Montana, Nevada, California, Washington, Oregon, and Texas, for the accounts of Permalab-Metalab Equipment Corp., and Electro-Chemical Industries; and candy, from Buffalo, N.Y., to points in New Mexico, Arizona, Idaho, Nevada, California, Washington, Oregon, Texas, and Utah, for the account of William Neilson Ltd. Alan R. Johnson, 140 Montgomery Street, San Francisco, Calif. 94104, attorney for applicants.

No. MC–FC–74240. By order entered March 22, 1973, the Motor Carrier Board on reconsideration, approved the transfer to Movers Mart, Inc., Wakefield, Mass., of that portion of the operating rights set forth in certificate No. MC–15123, issued December 13, 1940, to Walter E. Atwood, doing business as W. E. Atwood Truck Service, Jamaica Plain, Mass., authorizing the transportation of household goods, over irregular routes, between Boston, Mass., on the one hand, and, on the other, points and places in Connecticut, Maine, Massachusetts, New Hampshire, and Vermont, traversing Rhode Island for operating convenience only. Frank J. Weiner, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

No. MC–FC–74271. By order of March 21, 1973, the Motor Carrier Board approved the transfer to Avery Transportation, Inc., Beach Lake, Pa., of the operating rights in certificates Nos. MC–95622 (sub-No. 1) and MC–95622 (sub-No. 2) issued March 4, 1968, and April 8, 1969, respectively, to E. Willis Avery, Rose Avery, Millard Avery, Raymond Avery, and Frank Avery, a partnership, doing business as Avery Transportation, Beach Lake, Pa., authorizing the transportation of passengers and their baggage, in round-trip charter operations, beginning and ending at points in Pike and Wayne Counties, Pa., and extending to points in New York, and beginning and ending at points in Wayne County, Pa., and extending to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Donald G. Douglass, Scranton Life Building, Scranton, Pa. 18503, attorney for applicants.

No. MC–FC–74307. By order of March 21, 1973, the Motor Carrier Board approved the transfer to Waterloo Freight Service, Inc., Waterloo, Nebr., of certificate of registration No. MC–120086 (sub-No. 1), issued January 29, 1965, to Max Wrigg, doing business as Waterloo Freight Service, Waterloo, Nebr., evidencing a right to engage in transportation in interstate commerce corresponding in scope to certificate of public convenience and necessity No. M–11390, dated November 12, 1962, issued by the Nebraska State Railway Commission. Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106, applicants' attorney.

No. MC–FC–74318. By order of March 21, 1973, the Motor Carrier Board approved the transfer to Charles C. Espinola, doing business as Industrial Trucking, Peabody, Mass., of certificate of registration No. MC–73834 (sub-No. 2), issued April 8, 1964, to Industrial Trucking Co., Inc., Peabody, Mass., evidencing a right to engage in transportation in interstate commerce as described in irregular route common carrier certificate No. 3493 and regular routes common carrier certificate No. 605 issued by the Massachusetts Department of Public Utilities. Kenneth B. Williams, 111 State Street, Boston, Mass., 02109, attorney for applicants.

No. MC–FC–74319. By order of March 19, 1973, the Motor Carrier Board approved the transfer to Thunderbird Transportation, Inc., Revere, Mass., of certificate of registration No. MC–97161 (sub-No. 1) issued December 31, 1963, to Isadore Linsky, doing business as Boston Motor Express, Brighton, Mass., evidencing a right to engage in interstate or foreign commerce in the transportation of general commodities, between points in Massachusetts. Frank J. Weiner, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–6768 Filed 4–6–73;8:45 am]

[Notice 40]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 30, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of ex parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of 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 30844 (sub-No. 457 TA), filed March 21, 1973. Applicant: Kroblin Refrigerated Xpress, Inc., 2125 Commercial Street, P.O. Box 5000 (Box Zip 50704), Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs and nonedible foods, when moving in vehicles equipped with mechanical refrigeration, from Bettendorf, Iowa, to points in South Dakota, North Dakota, Minnesota, Wisconsin, Kentucky, and Michigan, restricted to shipments originating at the facilities of Terminal Ice & Cold Storage Co., at or near Bettendorf, Iowa, for 180 days. Supporting shippers: Lamb-Weston, Inc., Division of Amfac, Inc., P.O. Box 23507, Portland, Oreg. 97223, and Terminal Ice & Cold Storage Co., 1618 Southwest First

[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.

Avenue, Portland, Oreg. 97201. Send protests to: Herbert W. Allen, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 42487 (sub-No. 806 TA), filed March 16, 1973. Applicant: Consolidated Freightways Corporation of Delaware, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, P.O. Box 5138, Chicago, Ill. 60680. 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, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of Anaconda Aluminum Co., at or near Sebree, Ky. as an off-route point, for 180 days.

NOTE.—Applicant intends to tack the proposed authority with its existing authority at Evansville, Ind. contained in docket No. MC 42487 sub 578, section (B).

Supporting shipper: Anaconda Aluminum Co., 1251 South Fourth Street, Louisville, Ky. 40203. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 99780 (sub-No. 22 TA), filed March 19, 1973. Applicant: Chipper Cartage Company, Inc., a corporation, 1327 Northeast Bond Street, P.O. Box 1345 (Box ZIP 61601), Peoria, Ill. 61603. Applicant's representative: John R. Zang (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat byproducts, as described in section A of appendix 1 to the report in "Description in Motor Carrier Certificates," 61 MCC 209 and 766, from Waterloo, Iowa, and Peoria, Ill., to points in Vigo and Clay Counties, Ind., for 180 days. Supporting shipper: The Rath Packing Co., P.O. Box 330, Waterloo, Iowa 50704. Send protests to: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 107496 (sub-No. 885 TA) filed March 21, 1973. Applicant: Ruan Transport Corporation, P.O. Box 855 (Box ZIP 50304), Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lignin sulfinate, in bulk, in tank vehicles, from Rock Springs, Wyo., to Kemmerer, Wyo., for 150 days. Supporting shipper: FMC Corp., 633 Third Avenue, New York, N.Y. 10017. Send protests to: Herbert W. Allen, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 107515 (sub-No. 842 TA), filed March 21, 1973. Applicant: Refrigerated Transport Co., Inc., P.O. Box 308, 3901 Jonesboro Road, Southeast Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen bakery products, from North Little Rock, Ark., to points in Tennessee (except Memphis), Alabama, Florida, Georgia, North Carolina, South Carolina, Kentucky, Virginia, Maryland, Delaware, District of Columbia, Pennsylvania, New Jersey, New York, Massachusetts, Connecticut, and Rhode Island, for 180 days. Supporting shipper: Koehler Bakery Co., 5902 Warden Road, North Little Rock, Ark. 72116. 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 112822 (sub-No. 267 TA), filed March 22, 1973. Applicant: Bray Lines Incorporated, P.O. Box 1191, 1401 North Little, Cushing, Okla. 74023. Applicant's representative: Joe W. Ballard (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs and nonedible foods, when moving in vehicles equipped with mechanical refrigeration, from Bettendorf, Iowa to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, for 180 days. Supporting shippers: Robert D. Affolter, vice president and treasurer, Terminal Ice and Cold Storage Co., 1618 Southwest First Avenue, Portland, Oreg. 97201, and D. J. Osbjornson, director, Physical Distribution, Lamb's, 6600 Southwest Hampton Street, P.O. Box 23507, Portland, Oreg. 97223. 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, Okla. 73102.

No. MC 113267 (sub-No. 299 TA), filed March 21, 1973. Applicant: Central & Southern Truck Lines, Inc., a corporation, 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer, 3385 Airways Boulevard, Suite 115, Memphis, Tenn. 38116. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs, frozen meats, nonedible foods, when moving in vehicles requiring mechanical units, from the facilities of Terminal Ice & Cold Storage Co., at or near Bettendorf, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, West Virginia, Wisconsin and Virginia, for 180 days. Supporting shippers: Lamb-Weston, Inc., 6600 Southwest Hampton Street, P.O. Box 23507, Portland, Oreg. 97223, and Terminal Ice & Cold Storage Co., 1618 Southwest First Avenue, Portland, Oreg. 97201. Send protests to: Floyd A. Johnson, district supervisor, Interstate Commerce Commission, Bureau of Operations, 933 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 126736 (sub-No. 64 TA), filed February 23, 1973. Applicant: Petroleum Carrier Corporation of Florida, a corporation, 737 May Street, P.O. Box 1559, Jacksonville, Fla. 32201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Caustic soda solutions, in bulk, in tank vehicles, between Jacksonville, Fla. and points in Georgia, for 180 days. Supporting shippers: Apperson Chemicals, Inc., P.O. Box 2555, Jacksonville, Fla. 32203 and St. Regis Paper Co., P.O. Box 18020, Jacksonville, Fla. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 127274 (sub-No. 39 TA), filed March 20, 1973. Applicant: Sherwood Trucking, Inc., a corporation, 1517 Hoyt Avenue, P.O. Box 2189, Muncie, Ind. 47302. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Glass containers and materials and supplies used in the manufacture of glass containers, from the plantsite of Midland Glass Co. at Terre Haute, Ind., to the plantsite and warehouse facilities of Pabst Brewing Co. at Pabst, Ga., for 180 days. Supporting shipper: Midland Glass Co., Inc., P.O. Box 557, Cliffwood, N.J. 07721. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, room 204, Fort Wayne, Ind. 46802.

No. MC 128133 (sub-No. 8 TA), filed March 22, 1973. Applicant: H. H. Omps, Inc., Route 5, Box 368, Winchester, Va. 22601. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fertilizer materials, between Keymar, Md., and Winchester, Va., for 180 days. Supporting shipper: Kerr-McGee Corp., Kerr-McGee Building, Oklahoma City, Okla. 73102. 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 128273 (sub-No. 138 TA), filed March 20, 1973. Applicant: Midwestern Express, Inc., P.O. Box 189, 121 Humboldt Street, Fort Scott, Kans. 66701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned goods (except frozen), from San Jose, Hollister, Oakland, Madera, Tomspur, Stockton, McHenry Station, Modesto, Gilroy, Sunnydale, Thornton, Merced, and Oroville, Calif., to points in Minnesota, Wisconsin,

Michigan, Iowa, Missouri, Illinois, Indiana, Kentucky, Ohio, and Pennsylvania, for 180 days. Supporting shippers: N.C.C. Food Corp., 570 Grace Street, San Jose, Calif., 95136; Tri Valley Growers, 100 California Street, San Francisco, Calif.; and California Canners and Growers, 3100 Ferry Building, San Francisco, Calif. 94106. Send protests to: M. E. Taylor, district supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 133000 (sub-No. 10 TA), filed March 20, 1973. Applicant: Diamond Sand & Stone Co., 744 Riverside Avenue, P.O. Box 4667, Jacksonville, Fla. 32201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Super phosphate, in bulk, from Bartow and Tampa, Fla., to Bainbridge, Ga., for 180 days. Supporting shipper: Kaiser Agricultural Chemicals, P.O. Box 246, Savannah, Ga. 31402. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 133492 (sub-No. 6 TA), filed March 21, 1973. Applicant: Cecil Claxton, East Elm Street, Wrightsville, Ga. 31096. Applicant's representative: William Addams, 1776 Peachtree Street, NW., Atlanta, Ga. 30309. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, in containers, from Miami, Fla., to Athens, Ga., with the return of empty containers and pallets, for 180 days. Supporting shipper: Northeast Sales Distributing, Inc., P.O. Box 1463, Dairypak Road, Athens, Ga. 30601. 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 134699 (sub-No. 3 TA), filed March 20, 1973. Applicant: Campus Division of P'Eylim (American Yeshiva Student Union), 3 West 16th Street, New York, N.Y. 10011. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Campers' baggage and personal effects, between New York, N.Y.; points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y.; and points in Bergen, Essex, Hudson, Union, Passaic, and Middlesex Counties, N.J., on the one hand, and, on the other, White Lake, N.Y., for 180 days. Supporting shipper: Hebrew Institute of Long Island, 1742 Seagirt Boulevard, Far Rockaway, N.Y. 11691. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, room 1807, New York, N.Y. 10007.

No. MC 135183 (sub-no. 4 TA), filed March 21, 1973. Applicant: Kerr Contract Carriage, Inc., Route 3, Salem, Mo. 65560. Applicant's representative: Brainerd W. LaTourette, Jr., 611 Olive Street, St. Louis, Mo. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Charcoal, charcoal briquettes, and associated barbeque items, from the plantsite of Floyd Charcoal Co., near Salem, Mo., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Michigan, Mississippi, Ohio, Oklahoma, Wisconsin, Pennsylvania, Texas, Virginia, and Tennessee, for 180 days. Supporting shipper: Floyd Charcoal Co., Salem, Mo. Send protests to: District Supervisor J. P. Werthmann, Bureau of Operations, Interstate Commerce Commission, room 1465, 210 North 12th Street, St. Louis, Mo. 63101.

No. MC 135359 (sub-No. 7 TA), filed March 21, 1973. Applicant: Bernard Bailey, Bushwood, Md. 20618. 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: Fertilizer and agricultural chemicals, from Lancaster, Pa. and Bridgeville, Del. and their commercial zones, to points in Anne Arundel County, Md., for 180 days. Supporting shipper: Royster Co., P.O. Drawer 1940, Norfolk, Va. 23501. Send protests to: Robert D. Caldwell, district supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 135889 (sub-No. 4 TA), filed March 22, 1973. Applicant: Boyd Tank Lines, Inc., 6600 Sandy Springs Road, Laurel, Md. 20810. Applicant's representative: Walter T Evans, 615Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Brick, moving on flatbed equipment, from the facilities of Redford Brick Co., Inc., at Richmond, Va., to points in Maryland and the District of Columbia, for 180 days. Restricted to transportation service to be performed under a continuing contract or contracts with E. C. Keys & Son, Inc., and to shipments originating at the facilities of Redford Brick Co. Inc., at Richmond, Va. Supporting shipper: E. C. Keys & Son, Inc., 9015 Brookville Road, Silver Spring, Md. 20910. Send protests to: Robert D. Caldwell, district supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 135982 (sub-No. 4 TA), filed March 21, 1973. Applicant: S. L. Harris, doing business as, P. B. I., P.O. Box 7130, Longview, Tex. 75601. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trailers, semitrailers, trailer chassis (other than those designed to be drawn by passenger automobiles), dollies, containers, parts and equipment and accessories therefor, in or attached to the transported trailer, in initial movements, in truckaway or driveaway service, from the plantsite of Lufkin Industries, approximately 7 miles south of Lufkin, Tex., (Angelina County) to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee, for 180 days.

NOTE.—Carrier does not intend to tack authority.

Supporting shipper: Lufkin Industries, Inc., P.O. Box 849, Lufkin, Tex. 75901. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, room 13C12, Dallas, Tex. 75202.

No. MC 136008 (sub-No. 7 TA), filed March 19, 1973. Applicant: Joe Brown Co., Inc., 20 Third Street NE., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Dale Brown (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Crushed and sized gypsum rock, in bulk, from the quarry of Texas Gypsum Co., Inc., Fletcher, Okla., to the plantsite of the Texas Gypsum Co., Inc., Irving, Tex., for 180 days. Supporting shipper: Ted E. Armstrong, Jr., executive vice president, Texas Gypsum, P.O. 768, Irving, Tex. 75060. 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, Okla. 73102.

No. MC 136035 (sub-No. 1 TA), filed March 21, 1973. Applicant: Walter S. Dunning and Walter H. Dunning, doing business as W. S. Dunning & Son, 902 South Chester Road, West Chester, Pa. 19380. Applicant's representative: Walter H. Dunning (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Food and food products, in containers, from West Chester, Pa. and/or Kennett Square, Pa., to Morrow, Ga., for 180 days. Supporting shipper: Grocery Store Products Co., West Chester, Pa. 19380. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, room 1600, Philadelphia, Pa. 19102.

No. MC 136848 (sub-No. 3 TA), filed March 21, 1973. Applicant: James Bruce Lee and Stanley Lee, doing business as Lee Contract Carriers, Old Route 66, P.O. Box 48, Pontiac, Ill. 61764. Applicant's representative: James Bruce Lee (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Iron or steel plate or sheet, from Gary, Ind., to the plantsite and warehouse facilities of Pittsburgh-International Corp. at or near Fairbury, Ill., for 180 days. Supporting shipper: Mr. William J. Allison, general manager, Pittsburgh-International Corp., P.O. Box 9,

Fairbury, Ill. 61739. Send protests to: Mr. William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, room 1086, Chicago, Ill. 60604.

No. MC 138000 (sub-No. 7 TA), filed March 22, 1973. Applicant: Arthur H. Fulton, R.F.D., Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, 816 Easley Street, Suite 523, Silver Spring, Md. 20910. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, from Newark, N.Y. to Lynchburg, Va., for 180 days. Supporting shipper: Callaham Grocery & Produce Inc., 924 Commerce Street, Lynchburg, Va. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 138042 (sub-No. 1 TA), filed March 20, 1973. Applicant: Mark Interstate Carriers Co., Inc., 58–19 Maspeth Avenue, Maspeth, N.Y. 11378. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Shoes, boxed in cartons: (1) From Jersey City and Secaucus, N.J. to Brentwood, N.Y.; (2) from John F. Kennedy International Airport, New York, N.Y. to Brentwood, N.Y., restricted to shipments having a prior movement by air; (3) from points in the New York, N.Y. commercial zone as defined by the Commission in which exempt operations may be conducted; (4) from Port Newark and Port Elizabeth, N.J. to Brentwood, N.Y., restricted to shipments having a prior movement by water and (5) from Brentwood, N.Y., to Alexandria, Va.; Greenbelt, Md.; Newark, Woodbridge, Wayne, Cherry Hill, and East Brunswick, N.J.; and Philadelphia, Springfield, Levittown, and Glen Olden, Pa., for 180 days. Supporting shipper: F. & M. Shoe Corp., 47 West 34th Street, New York, N.Y. 10001. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, room 1807, New York, N.Y. 10007.

No. MC 138497 (sub-No. 1 TA), filed March 21, 1973. Applicant: Grady Whitfield, Jr. and Bill Whitfield, doing business as Whitfield Trucking Co., 213 Mitcham, North Little Rock, Ark. 72117. Applicant's representative: Louis Tarlowski, Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Dry fertilizer and dry fertilizer ingredients, in bulk, from facilities of Arkla Chemical Corp., in Phillips County, Ark., to points in Mississippi, points in Tennessee west of State Highway 13, points in Alabama west of U.S. Highways 31 and 11, from Alabama-Tennessee State line to Birmingham and from Birmingham to Alabama-Mississippi State line, points in Kentucky west of U.S. Highway 41, points in Illinois south of U.S. Highway 41, points in Missouri south of I 44, points in Oklahoma east of U.S. Highway 69, points in Texas east of U.S. Highway 69, from Texas-Oklahoma State line to Rusk and from Rusk, points north of U.S. Highway 84 to Texas-Louisiana State line, and points in Louisiana north of U.S. Highway 84, for 180 days. Supporting shipper: Arkla Chemical Corp., 400 East Capitol Avenue, Little Rock, Ark. 72203. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 138506 (sub-No. 1 TA), filed March 15, 1973. Applicant: Ohio Bakery Express Co., 2131 South County Road, Clyde, Ohio 43416. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (A) Bakery goods excepting those which require mechanical refrigeration), from McComb, Ohio, to points in Pennsylvania, New York, Maine, New Hampshire, Vermont, New Jersey, Maryland, Massachusetts, Rhode Island, Delaware, District of Columbia, Connecticut, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, and Ohio and (B) Equipment, materials and supplies used in the manufacture of baked goods (except commodities in bulk), from Brooklyn, N.Y.; Boston, Mass.; Duncan, S.C.; and points in New Jersey and Pennsylvania to McComb, Ohio, for 180 days. Supporting shipper: Consolidated Biscuit Co., McComb, Ohio. Send protests to: District Supervisor Keith D. Warner, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, Toledo, Ohio 43604.

No. MC 138507 (sub-No. 1 TA), filed March 21, 1973. Applicant: Robert E. Wood, doing business as Bob Wood Trucking Co., Lakeshore Drive, Heber Springs, Ark. 72543. Applicant's representative: Louis Tarlowski, Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wooden lawn and porch swings and wooden picnic tables, from Heber Springs, Ark., to points in Texas, Oklahoma, New Mexico, Arizona, Colorado, Kansas, Nebraska, Missouri, Iowa, Illinois, Indiana, Ohio, Kentucky, West Virginia, Virginia, North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, and Louisiana, for 180 days. Supporting shipper: Ozark Wood Products, Inc., P.O. Box 589, Heber Springs, Ark. 72543. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark., 72201.

No. MC 138510 TA, filed March 19, 1973. Applicant: Ricci Transportation Co., Inc., Odessa Avenue, Pomona, N.J. 08240. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, in containers, from Brooklyn, N.Y.; Baltimore, Md.; Fogelsville, Pa.; and Milwaukee, Wis., to Atlantic City and Wildwood, N.J., for the account of South Jersey Distributor's Co., for 150 days. Supporting shipper: South Jersey Distributor's Co., Inc., 313–317 North Tennessee Avenue, Atlantic City, N.J. 08401. Send protests to: Richard M. Regan, district supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, room 204, Trenton, N.J. 08608.

MOTOR CARRIERS OF PASSENGERS

No. MC 136804 (sub-No. 1 TA), filed March 20, 1973. Applicant: Robert B. Hamilton, doing business as Hamilton Bus Co., 3408 River Road, Yakima, Wash. 98902. Applicant's representative: Charles C. Flower, suite 2, Yakima Legal Center, 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers by special or charter bus operations together with baggage in the same vehicles, between Yakima County, Wash., and points in California, Oregon, and Idaho, for 180 days. Supporting shipper: First Presbyterian Church, Yakima and Eighth Avenues, Yakima, Wash. 98902. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine, Portland, Oreg. 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-6769 Filed 4-6-73;8:45 am]

[Notice 41]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 2, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex parte No. MC-67 (49 CFR part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of 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

[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.

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 2202 (sub-No. 441 TA), filed March 21, 1973. Applicant: Roadway Express, Inc., P.O. Box 471, 1077 Gorge Boulevard, Akron, Ohio 44309. Applicant's representative: William Slabaugh (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsites and warehouse facilities of Anaconda Aluminum Co., at or near Sebree (Webster County), Ky., as an off-route point, for 180 days.

NOTE.—Applicant will tack with lead certificate MC 2202 and all subs thereto, and will affect interchange at all points served.

Supporting shipper: Anaconda Aluminum Co., 1251 South Fourth Street, Louisville, Ky. 40203. Send protests to: Franklin D. Ball, district supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 19105 (sub-No. 38 TA), filed March 22, 1973. Applicant: Forbes Transfer Co., Inc., P.O. Box 3544, Wilson, N.C. 27893. Applicant's representative: B. J. Forbes (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plywood, hardboard, particleboard, molding, and accessories used in installation thereof, from Chesapeake, Va., to points in North Carolina and South Carolina, for 180 days. Supporting shipper: Evans Products Co., 201 Dexter Street West, Chesapeake, Va. 23324. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 26396 (sub-No. 64 TA) (Correction), filed November 30, 1972, published in the FEDERAL REGISTER issues of December 15, 1972, and March 5, 1973, and republished as corrected this issue. Applicant: Popelka Trucking Co., doing business as The Waggoners, 201 West Park; mailing: P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Wayne Waggoner (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wood* fence materials and wood poles, from points in Idaho, Boundry, Bonner, Kootenai, Shoshone Benewah, Latah, Clearwater, Lewis, Nez Perce Counties, Idaho, and St. Regis, Superior and Troy, Mont., to points in Ohio, Indiana, and Michigan, for 180 days. Supporting shipper: North Pacific Lumber Co., P.O. Box 3915, Portland, Oreg. 97208. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 215 U.S. Post Office Building, Billings, Mont. 59101.

NOTE.—This republication corrects: (1) the original publication by indicating that "Ohio" is a destination State in lieu of "Idaho"; and (2) the republished correction by indicating that the named origin counties are in "Idaho" in lieu of "Ohio", the same correction as in (1) above, and the correct dates of filing and initial publication, all which were inadvertantly published in error.

No. MC 26396 (sub-No. 73 TA), filed March 20, 1973. Applicant: Popelka Trucking Co., doing business as The Waggoners, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Wayne Waggoner (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cedar fencing, from that part of Idaho in and north of Idaho County, Idaho to points in Colorado, for 180 days. Supporting shipper: Idaho Cedar Sales Co., P.O. Box 311, Troy, Idaho 83871. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 29537 (sub-No. 6 TA), filed March 16, 1973. Applicant: R. H. Crawford, Inc., 425 Poplar Street, Hanover, Pa. 17331. Applicant's representative: John M. Musselman, 410 North Third St., Harrisburg, Pa. 17108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such merchandise as dealt in by wholesale, retail, chain grocery and food business houses (except in bulk), from the facilities of D. Westervelt, Inc., Hanover, Pa., to points in Connecticut, Virginia, Maryland, Delaware, Ohio, Rhode Island, Massachusetts, New York, New Jersey, and the District of Columbia, for 180 days. Supporting shipper: D. Westervelt, Inc., 350 West Poplar Street, Hanover, Pa. 17331. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 56270 (sub-No. 15 TA), filed March 21, 1973. Applicant: Leicht Transfer & Storage Co., 1401–55 State Street, Green Bay, Wis. 54306. Applicant's representative: John L. Bruemmer, 121 W. Doty Street, Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pig iron, in dump vehicles, from Green Bay, Wis., to points in Marquette, Menominee, and Dickinson Counties, Mich., for 180 days. Supporting Shippers: Picklands Mather & Co., 1100 Superior Avenue, Cleveland, Ohio 44114. H. J. Caranerie, Assistant Traffic Manager, and Interlake, Inc., 135th Street & Perry Avenue, Chicago, Ill. 60627. E. W. Huth, Assistant Director of Traffic. Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, room 807, Milwaukee, Wis. 53203.

No. MC 59856 (sub-No. 52 TA), filed March 21, 1973. Applicant: Salt Creek Freightways, a Corporation, P.O. Box 39, 3333 W. Yellowstone Highway, Casper, Wyo. 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 which require special equipment and articles of unusual value), between Billings and Missoula, Mont., for 180 days.

NOTE.—Applicant requests waiver of restrictions (1) and (2) against tacking and interline as both tacking and interlining services are required to meet shipper's needs.

Supporting Shipper: There are approximately 15 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washingon, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 1006 Federal Building & Post Office, 100 East "B" Street, Casper, Wyo. 82601.

No. MC 59856 (sub-No. 53 TA), filed March 21, 1973. Applicant: Salt Creek Freightways, a corporation, P.O. Box 39, 3333 West Yellowstone Highway, Casper, Wyo. 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 which require special equipment and articles of unusual value), between Billings, Mont., and Great Falls, Mont., for 180 days.

NOTE.—Applicant requests waiver of restrictions (1) and (2) against tacking and interline as both tacking and interlining service are required to meet shipper's needs.

Supporting shippers: There are approximately 14 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: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 1006, Federal Building and Post Office, 100 East B Street, Casper, Wyo. 82601.

No. MC 78228 (sub-No. 38 TA), filed March 22, 1973. Applicant: J. Miller Express, Inc., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: John A. Pillar, 2310 Grant Build-

ing, Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Coke and pig iron, in dump vehicles, from Neville Island, Allegheny County, Pa., to points in Connecticut, Indiana, Maine, Maryland (except Baltimore), Massachusetts, Michigan, New Jersey, New York, Ohio, Rhode Island, Virginia, and West Virginia, for 180 days. Supporting shipper: Shenango, Inc., 200 Neville Road, Neville Island, Pittsburgh, Pa. 15225. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 78228 (sub-No. 39 TA), filed March 26, 1973. Applicant: J. Miller Express, Inc., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Coke and pig iron, in dump vehicles, from Neville Island, Allegheny County, Pa., to Baltimore, Md., for 180 days. Supporting shipper: Shenango, Inc., Neville Island, Allegheny County, Pittsburgh, Pa. 15225. Send protests to: John J. England, district supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 103051 (sub-No. 272 TA), filed March 23, 1973. Applicant: Fleet Transport Co., Inc., 934–44th Avenue North, P.O. Box 9048, Nashville, Tenn. 37209. Applicant's representative: William G. North (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Chemicals and fertilizer solutions, in bulk, in tank vehicles, from Eufaula, Ala., to points in Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: Texas Sulphur Products Co., Inc., 2801 West Osborn Road, Phoenix, Ariz. 85017. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 106674 (sub-No. 107 TA), filed March 26, 1973. Applicant: Schilli Motor Lines, Inc., P.O. Box 122, Delphi, Ind. 46923. Applicant's representative: Fleetwood Northrop (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Steel grinding balls, from Greenville, Ill., to points in Ohio and Pennsylvania, for 180 days. Supporting shipper: Coates Steel Products Co., Greenville, Ill. 62246. Send protests to: District Supervisor, J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, room 204, Fort Wayne, Ind. 46802.

No. MC 109689 (sub-No. 246 TA), filed March 22, 1973. Applicant: W. S. Hatch Co., mail: P.O. Box 1825, Salt Lake City, Utah 84110; office: 643 Southwest Street, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum asphalt, road oil, and cutback asphalt, in bulk, from Coconino County, Ariz., to points in Arizona, Nevada, and Utah, for 180 days. Supporting shipper: Arizona Refining Co., P.O. Box 1453, Phoenix, Ariz., D. L. Nielsen, president. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, 5239 Federal Building, Bureau of Operations, 125 South State Street, Salt Lake City, Utah 84111.

No. MC 112696 (sub-No. 46 TA), filed March 23, 1973. Applicant: Hartmans, Inc., P.O. Box 898, 833 Chicago Avenue, Harrisonburg, Va. 22801. Applicant's representative: Edward G. Villalon, suite 1032, Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Prepared flour mixes and frosting mixes, from Chelsea, Mich., to points in New York, New Jersey, and Pennsylvania, for 180 days. Supporting shipper: Chelsea Milling Co., Chelsea, Mich. 48118. Send protests to: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 113158 (sub-No. 22 TA), filed March 23, 1973. Applicant: Todd Transport Co., Inc., Secretary, Md. 21664. Applicant's representative: James P. Sherry, 507 Bickmore Drive, Wallingford, Pa. 19063. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Malt beverages, from the plant and facilities of Joseph Schlitz Brewing Co., in Forsyth County, N.C., to East New Market, Md., and (2) Used empty malt beverage containers, from East New Market, Md., to the plant and facilities of Joseph Schlitz Brewing Co., in Forsyth County, N.C., for 180 days. Supporting shipper: Choptank Distributing Co., Inc., East New Market, Md. 21631. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 123061 (sub-No. 67 TA), filed March 20, 1973. Applicant: Leatham Brothers, Inc., 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Leatham Brothers, Inc. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Mineral wool, from Pueblo, Colo., to Pocatello and Meridian, Idaho, for 180 days. Supporting shipper: Biose Cascade Corp., Transportation and Distribution Department, P.O. Box 7747, Boise, Idaho 83707, C. G. Wise, manager, transportation commerce. Send protests to: Lyle D. Helfer, district supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84111.

No. MC 123169 (sub-No. 8 TA), filed March 23, 1973. Applicant: McKevitt Trucking Ltd., P.O. Box 567, Station P, Thunder Bay, Ontario, Canada. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Plywood, from points on the international boundary line between the United States and Canada located in Minnesota and Michigan to points in Minnesota, Wisconsin, and Illinois, for 180 days. Supporting shipper: Multiply Plywoods Ltd., P.O. Box 910, Nipigon, Ontario, Canada. Send protests to: Raymond T. Jones, district supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 125985 (sub-No. 13 TA) (correction), filed January 26, 1973, published in the FEDERAL REGISTER issue of February 14, 1973, and republished as corrected this issue. Applicant: Auto Driveaway Co., 343 South Dearborn Street, Chicago, Ill. 60604. Applicant's representative: David Steinhagen (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Motor homes, between points in Yakima County, Wash., on the one hand, and, on the other, points in Washington, Oregon, Idaho, Montana, Wyoming, Utah, North Dakota, South Dakota, Nebraska, and Colorado, for 180 days. Supporting shipper: William Riddle, sales manager of Tioga Industries of Washington, Inc., Sunnyside, Wash. Send protests to: William J. Gray, Jr., area supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, room 1086, Chicago, Ill. 60604.

NOTE.—The purpose of this republication is to correct the territory description to: Yakima County, Wash., in lieu of Washington County, Wash., which was published in error.

No. MC 126736 (sub-No. 66 TA), filed March 19, 1973. Applicant: Petroleum Carrier Corporation of Florida, 773 May Street, P.O. Box 1559, Jacksonville, Fla. 32201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Crude sulphate turpentine, in bulk, in tank vehicles, from Foley, Fla., to Brunswick, Ga., for 180 days. Supporting shipper: Hercules, Inc., suite 900, Life of Georgia Tower, 900 West Peachtree Street, Atlanta, Ga. 30308. Send protests to: G. H. Fauss, Jr., district supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 128133 (sub-No. 9 TA), filed _____ 26, 1973. Applicant: H. H. Omps, Inc., Route 5, Box 368, Winchester, Va.

22601. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fertilizer, in bulk or in bags, or in combined loads, from the plant of Alliance Fertilizer Co., at Milford, Va., to Gaithersburg, Md., for 180 days. Supporting shipper: Alliance Fertilizer Corp., P.O. Box 27, Milford, Va. Send protests to: Robert Caldwell, district supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 134614 (sub-No. 5 TA), filed March 23, 1973. Applicant: Selland Auto Transport, Inc., 6560 Fifth Avenue South, Seattle, Wash. 98108. Applicant's representative: Clyde H. MacIver, 1001 Fourth Avenue, suite 3712, Seattle, Wash. 98154. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Automobiles and light-duty trucks, between Seattle, Wash., and Portland, Oreg., and from Seattle, Wash., and Portland, Oreg., to points in Washington, Oregon, Idaho, and Montana, for 180 days. Supporting shippers: There are approximately 13 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: L. D. Boone, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 135760 (sub-No. 9 TA), filed March 26, 1973. Applicant: Coast Refrigerated Trucking Co., Inc., P.O. Box 188, Holly Ridge, N.C. 28445. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, in vehicles equipped with mechanical refrigeration, from Kansas City, Kans., to points in Illinois, Indiana, Michigan, Ohio, Wisconsin, Alabama, Florida, Georgia, Mississippi, Louisiana, North Carolina, South Carolina, Tennessee, Texas, and Virginia, for 180 days. Supporting shipper: Rich Plan Corp., 258 Genessee Street, Utica, N.Y. 13502. Send protests to: Archie W. Andrews, district supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 136129 (sub-No. 1 TA), filed March 22, 1973. Applicant: Continental Express, Inc., P.O. Box 74, Rich Hill, Mo. 64779. Applicant's representative: Edward L. Fitzgerald, 112 East 10th Street, Kansas City, Mo. 64106. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Green salted cattle hides, furs and pelts, (A) from Butler, Mo. to Fond du Lac, Wis.; Milwaukee and Kenosha, Wis.; Chicago, Ill.; New Orleans, La.; Houston, Tex.; Peabody, Mass.; Laredo, Tex.; Newark, N.J.; New York, N.Y.; Baltimore, Md.; Detroit, Mich.; Elmira, N.Y.; and Norfolk, Va.; and (B) from Fairbury, Nebr., Minot, N. Dak.; Jamestown, N. Dak.; Fargo, N. Dak.; Wichita and Solomon, Kans.; San Antonio, Fort Worth, and Hamilton, Tex.; San Angelo and Amarillo, Tex.; Oklahoma City, Okla.; Fort Smith, Ark.; Seneca, Kans.; Palestine, Tex.; Des Moines, Iowa; Millstadt, Ill.; Shelbyville, Ind.; Osage, Cedar Rapids, and Clinton, Iowa; Gibbon, Nebr.; Belleville, Ill.; Muskego, Wis.; Alton and Boyden, Iowa, to Butler, Mo., for 180 days. Supporting shipper: Cox Bros. & Co., P.O. Box 212, Butler, Mo. 64730. Send protests to: John V. Barry, district supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 136166 (sub-No. 5 TA), filed March 21, 1973. Applicant: CF Tank Lines, Inc., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Oreg. 97208. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Liquid synthetic resins, in bulk, in tank vehicles, from Oxnard, Calif., to points in Illinois, Indiana, Kansas, Michigan, New Jersey, Ohio, Pennsylvania, and Virginia, for 180 days. Supporting shipper: Diamond Shamrock Chemical Co., 617 Veterans Boulevard, Redwood City, Calif. 94063. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 136498 (sub-No. 5 TA), filed March 26, 1973. Applicant: Richard L. Clapp, doing business as CMC Furniture Transport Co., P.O. Box 10103, 611 Gaston Street, Raleigh, N.C. 27605. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Food commodities, unfrozen, from Chico, Calif., to points in Pennsylvania, Maryland, New York, Massachusetts, New Jersey, Illinois, Florida, and Texas, for 180 days. Supporting shipper: Lassen Foods, Inc., 8375 Skway, Paradise, Calif. 95969. Send protests to: Archie W. Andrews, district supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 138079 (sub-No. 2 TA), filed March 13, 1973. Applicant: Barum Air Freight, Inc., 1885 Lowell Avenue, Lima, Ohio 45805. Applicant's representative: Paul F. Beery, Suite 1660, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between 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 line and Ohio Highway 613, thence east along Ohio Highway 613 to the intersection of Interstate Highway 75; thence south on Interstate Highway 75 to Findlay, Ohio, south on U.S. Highway 68 to the intersection of U.S. Highway 68 and Ohio Highway 47, thence west on Ohio Highway 47 to the intersection of the Ohio-Indiana State line, thence north on the Ohio-Indiana State line to the place of beginning, for 180 days. Restriction: The operations authorized herein are restricted to traffic having an immediately prior or immediately subsequent movement by aircraft, for 180 days. Supporting shippers: Trans World Airlines, Inc., James M. Cox, Municipal Airport, Vandalia, Ohio 45377, Burlington Northern Air Freight, Box 367, Vandalia, Ohio 45377, and Forwardair, Inc., Webster Street, Dayton, Ohio 45414. Send protests to: District Supervisor Keith D. Warner, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 138115 (sub-No. 1 TA) (correction), filed March 5, 1973, published in the FEDERAL REGISTER issue of March 22, 1973, and republished as corrected this issue. Applicant: Frank D. Corbin, 1308 Ambrose Drive, Bloomery Star Route, Winchester, Va. 22601. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, Md. 20910.

NOTE.—The purpose of this partial republication is to add the return movement of: Carbon paper, from Franklin, Pa. to Hagerstown, Md. and its commercial zone, which was omitted in error. The rest of the application remains the same.

No. MC 138451 TA (correction), filed March 2, 1973, published in the FEDERAL REGISTER issue of March 9, 1973, and republished as corrected this issue. Applicant: La Grange Transporters, Inc., 9124 West Ogden Avenue, Brookfield, Ill. 60153. Applicant's representative: B. M. Fischer (same address as applicant).

NOTE.—The purpose of this partial republication is to add "in bulk, in tank vehicles," behind the commodity description, in the application which was omitted in error. The rest of the application remains the same.

No. MC 138496 (sub-No. 1 TA), filed March 16, 1973. Applicant: Bates County Rock, Inc., P.O. Box 70, Butler, Mo. 64730. Applicant's representative: Frank W. Taylor, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Limestone, limestone products, in bulk, in dump trucks or dump trailers, between points in Bates County, Mo., on the one hand, and, on the other, points in Linn and Miami County, Kans., for 180 days. Supporting shipper: The Pittsburgh & Midway Coal Mining Co. Ten Main Center, Kansas City, Mo. 64105 and Kansas City Power & Light Co., 1330 Baltimore Avenue, Kansas City, Mo. 64141. Send protests to: John V. Barry, district supervisor, Interstate Commerce Commission, Bureau of Operations, 600

Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 138512 TA, filed March 21, 1973. Applicant: Roland's Transportation Service Incorporated, doing business as Wisconsin Provisions Express, 3383 East Layton Avenue, Cudahy, Wis. 53110. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Dairy products (except in bulk, in tank vehicles) and equipment, materials and supplies used in the manufacture of dairy products, between points in Arkansas, California, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, Oregon, South Dakota, Tennessee, Utah, Washington, and Wisconsin, for the account of L. D. Schreiber Cheese Co., Inc., for 180 days. Supporting shipper: L. D. Schreiber Cheese Co., Inc., 1607 Main Street, P.O. Box 610, Green Bay, Wis. 54305 (Robert B. Buchberger, traffic manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 138513 TA, filed March 22, 1973. Applicant: Harry B. Foreman, Rural Delivery No. 2, Stevens, Pa. 17578. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Feed ingredients, in bulk, from Philadelphia, Pa., to points in Virginia and North Carolina, for 180 days. Restricted to transportation performed under a continuing contract with Amburgo Eastern Manufacturing Co., Inc., of Philadelphia, Pa. Supporting shipper: The Amburgo Co., Inc., 1315 Walnut Street, Philadelphia, Pa. 19107. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-6770 Filed 4-6-73;8:45 am]

[Notice 42]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 3, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of 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 (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5470 (sub-No. 72 TA), filed March 26, 1973. Applicant: Tajon, Inc., a corporation, Rural Delivery No. 5, Mercer, Pa. 16137. Applicant's representative: Donald E. Cross, 700 World Center Building, 918 16th Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Coke and pig iron, from Pittsburgh, Pa., to points in Connecticut, Indiana, Maine, Maryland (except Baltimore), Massachusetts, Michigan, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York, Ohio, Rhode Island, Virginia, and West Virginia, for 180 days. Supporting shipper: Shenango, Inc., 200 Neville Road, Neville Island, Pittsburgh, Pa. 15225. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 51004 (Sub-No. 6 TA), filed March 23, 1973. Applicant: Paul H. Liskey, R.F.D. No. 1, Kearneysville, W. Va. 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, in bulk, and in bags, between Charles Town, W. Va. and Frederick, Md., for 180 days. Supporting shipper: Miller Chemical & Fertilizer Corp., Box 333, Hanover, Pa. 17331. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 60186 (sub-No. 49 TA), filed March 26, 1973. Applicant: Nelson Freightways, Inc., P.O. Box 356, 47 East Street, Rockville, Conn. 06066. 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, commodities requiring special equipment, and those injurious or contaminating to other lading), between points on Long Island, on and east of New York Highway 112 on the one hand, and, on the other, points in Connecticut, for 180 days. Supporting shippers: FMC Corp., Niagara Chemical Division, Box 129, Ayer, Mass. 01432; Center Moriches Paper Co., Inc., 6 Frowein Road, Center Moriches, N.Y. 11934; Riverhead Auto Parts, Inc., 310 Riverleigh Avenue, Riverhead, N.Y. 11901; and R & M Electric Supply Co., 454 Riverleigh Avenue, Riverhead, N.Y. 11901. Send protests to: District Supervisor David J. Kiernan, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 69275 (sub-No. 43 TA), filed March 23, 1973. Applicant: M & M Transportation Co., 186 Alewife Brook Parkway, Cambridge, Mass. 02138. Applicant's representative: H. W. Clements (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: (1) Boots, shoes, slippers, and materials and supplies, used in the distribution of boots, shoes, and slippers, restricted to shipments originating at or destined to the facilities of F & M Shoe Corp. at Brentwood, N.Y. as an off-route point in connection with applicant's regular route authority, for 180 days.

NOTE.—Applicant intends to tack with MC 69275.

Supporting shipper: F & M Shoe Corp., 47 West 34th St., New York, N.Y. 10001. Send protests to: Darrell W. Hammons, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway St., fifth floor, Boston, Mass. 02114.

No. MC 95920 (sub-No. 29 TA), filed March 26, 1973. Applicant: Santry Trucking Co., a corporation, 11552 Southwest Pacific Highway, Portland, Oreg. 97223. Applicant's representative: J. H. Mackie (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Malt beverages; malt beverage containers, cartons, bottle and can openers, advertising matter; brewery products, materials, supplies, machinery; moving incidentally to the movement of malt beverage, from Olympia, Wash., to points in Nebraska, Iowa, and Minnesota and (2) Empty containers, rejected or spoiled malt beverages, hop in bales, rice, grain, infusorial earth, brewer's malt, advertising matter and other materials, ingredients, supplies, machinery, and equipment used in the manufacture of malt beverages, from points in Nebraska, Iowa, and Minnesota, to Olympia, Wash., under a continuing contract with Olympia Brewing Co., Olympia, Wash., for 180 days. Supporting shipper: Olympia Brewing Co., P.O. Box 947, Olympia, Wash. 98507. Send protests to: A. E. Odoms, District Supervisor,

[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.

Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, Oreg. 97204.

No. MC 103051 (sub-No. 271 TA), (Correction), filed March 12, 1973, published in the FEDERAL REGISTER issue of March 29, 1973, and republished as corrected this issue. Applicant: Fleet Transport Co., Inc., 934 44th Avenue, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: W. G. North (same address as applicant).

NOTE.—The purpose of this partial republication is to show the correct sub number as No. MC 103051 (sub-No. 271 TA) in lieu of No. 103051 (sub-No. 27 TA), which was published in error. The rest of the application remains the same.

No. MC 108121 (Sub-No. 12 TA), filed March 23, 1973. Applicant: Transport Storage & Distribution Co., P.O. Box 570, Renton, Wash. 98055. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New automobiles and light-duty trucks, in secondary movements, via truckaway service, from Seattle, Wash., to points in Oregon, Idaho, and Montana, for 180 days. Supporting shippers: Bay-Area Mazda, P.O. Box 599, Coos Bay, Oreg. 97420; DJ's Mazda, 2720 10th Avenue South, Great Falls, Mont. 59405; Jim Fisher Motors, 1529 Southwest Alder, Portland, Oreg. 97205; Mazda Motors of America (Northwest), Inc., 120 Andover Park East, Seattle, Wash. 98188; Missoula Mazda, 714 Strand, Missoula, Mont.; Rogue Valley Auto Sales/Service, P.O. Box 1, Grants Pass, Oreg. 97526; Sherrill's Mazda Motors, 707 South 5th, Klamath Falls, Oreg. 97601; and Nissan Motor Corporation in U.S.A., 18501 South Figueroa, Carson, Calif. 90248. Send protests to: L. D. Boone, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 112750 (sub-No. 292 TA), filed March 22, 1973. Applicant: Purolator Courier Corp., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Commercial papers, documents, written instruments and business records (except currency and negotiable securities) as are used in the business of banks and banking institutions, (a) between Worcester, Mass., on the one hand, and, on the other, points in Hartford County, Conn., (b) from Pittsfield, Mass., to Windsor Locks, Conn., and (c) from Holyoke, Mass., to Windsor Locks, Conn., for 90 days. Supporting shippers: (1) Worcester County National Bank, Worcester, Mass. 01608; (2) Pittsfield National Bank, 5 North Street and 290 Wahconah St., Pittsfield, Mass. 01201; and (3) Holyoke National Bank, Holyoke, Mass. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113362 (sub-No. 256 TA), filed March 23, 1973. Applicant: Ellsworth Freight Lines, Inc., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in by wholesale, retail, and chain food business houses, from Springfield, Mo., to points in Texas, for 180 days. Supporting shipper: The R. T. French Co., 1 Mustard Street, Rochester, N.Y. 14609. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 114273 (sub-No. 135 TA), filed March 23, 1973. Applicant: Cedar Rapids Steel Transportation, Inc., 3960 16th Avenue SW., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs, frozen meats, and inedible foods, when moving in vehicles equipped with mechanical refrigeration, from Bettendorf, Iowa, to points in Illinois, Iowa, Missouri, Kansas, Michigan, Nebraska, Minnesota, North Dakota, South Dakota, Wisconsin, Indiana, Ohio, and Kentucky, restricted to shipments originating at the facilities of Terminal Ice & Cold Storage Co. at or near Bettendorf, Iowa, for 180 days. Supporting shippers: Lambe-Weston, Inc., division of Amfac, Inc., P.O. Box 23507, Portland, Oreg. 97223, and Terminal Ice & Cold Storage Co., 1618 Southwest First Avenue, Portland, Oreg. 97201. Send protests to: Herbert W. Allen, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 115841 (sub-No. 454 TA), filed March 22, 1973. Applicant: Colonial Refrigerated Transportation, Inc., a corporation, Office: 1215 Bankhead Highway, West Birmingham, Ala. 35204. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat and meat products, (1) from St. Joseph, Mo., and Sioux City, Iowa, to points in Georgia, North Carolina, South Carolina, and Tennessee, and (2) from Omaha, Nebr., to points in Georgia, and Chattanooga, Knoxville, Nashville, Memphis, and Union City, Tenn., for 180 days. Supporting shipper: Armour Food Co., Greyhound Tower, Phoenix, Ariz. 85077. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 814, 2121 Building, Birmingam, Ala. 35203.

No. MC 119880 (sub-No. 57 TA), filed March 19, 1973. Applicant: Drum Transport, Inc., P.O. Box 2056, Office: 617 Chicago Street, East Peoria, Ill. 61611. Applicant's representative: B. M. Drum (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Alcoholic liquors, in bulk, in tank vehicles, from East Peoria, Ill., to Schenley, Pa., for 180 days. Supporting shipper: Schenley Distillers, Inc., 36 East Fourth Street, Cincinnati, Ohio 45202. Send protests to: Richard Shullaw, transportation specialist, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, room 1086, Chicago, Ill. 60604.

No. MC 126278 (sub-No. 11 TA), filed March 23, 1973. Applicant: Frigidway Cartage Co., a corporation, 4500 44th Place, Chicago, Ill. 60632. Applicant's representative: William J. Boyd, 29 S. La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs and nonedible foods, when moving in vehicles equipped with mechanical refrigeration, from Bettendorf, Iowa, to points in Missouri, Illinois, Wisconsin, Indiana, Kentucky, Ohio, and Michigan, for 180 days. Supporting shippers: Terminal Ice & Cold Storage Co., 1618 Southwest First Avenue, Portland, Oreg. 97201, and Lamb-Weston, Inc., 6600 Southwest Hampton Street, P.O. Box 23507, Portland, Oreg. 97223. Send protests to: District Supervisor Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, room 1086, Chicago, Ill. 60604.

No. MC 127100 (sub-No. 13 TA), filed March 19, 1973. Applicant: B & B Motor Lines, Inc., 911 Summit Street, Toledo, Ohio 43604. Applicant's representative: Earl F. Boxell, Ninth Floor, Toledo Trust Building, Toledo, Ohio 43604. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Malt beverages (beer and ale) in containers, from Newport, Ky., to Toledo, Sandusky, Lima, and Defiance, Ohio, and return movement of empty containers on return trip from Toledo, Sandusky, Lima, and Defiance, Ohio, to Newport, Ky., for 90 days. Restriction: Restriction shall be construed to mean transportation of malt beverages in containers, from Newport, Ky., to warehouse and shipping facilities of the supporting shippers, i.e., Metropolitan Distributing Co. in Toledo, Ohio; the Thornburgh Sales Co., Sandusky, Ohio; Shawnee Distributors, Inc., Lima, Ohio; and the Defiance Beverage Co., Defiance, Ohio, 43512, respectively, only, and not embracing or including any other shipper or consignee in any of the aforementioned places, and moving the shipments of empty containers on the return trips, from Toledo, Sandusky, Lima, and Defiance to Newport, Ky., and not to include any other commodities; and excluding therefrom any authorization for such

transportation by tank- and hopper-type containers with net capacity of or in excess of 100 gallons per container. Supporting shippers: Metropolitan Distributing Co., Toledo, Ohio; the Thornburgh Sales Co., Sandusky, Ohio; Shawnee Distributors, Inc., Lima, Ohio; and the Defiance Beverage Co., Defiance, Ohio. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, Toledo, Ohio 43604.

No. MC 128297 (sub-No. 2 TA), filed March 16, 1973. Applicant: S & T Motors, Inc., 6831 South Kostner Avenue, Chicago, Ill. 60629. Applicant's representative: Philip Lee, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except classes A and B explosives and commodities in bulk), between East Gary, Burns Harbor, and Portage, Ind., on the one hand, and, on the other, points in Cook, Du Page, Kane, Kankakee, Lake, and Will Counties, Ill., on traffic having a prior or subsequent move by water, for 180 days. Suporting shipper: J. E. Bernard & Co., 1111 Niclolas Boulevard, Elk Grove Village, Ill. 60007. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, room 1086, Chicago, Ill. 60604.

No. MC 128544 (sub-No. 2 TA), filed March 23, 1973. Applicant: Iowa Steel Express, Inc., Office: 1600 C Avenue Northwest, Cedar Rapids, Iowa 52405. Applicant's representative: Robert E. Konchar, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel, fencing material, hardware, and agricultural implements, from Chicago, Ill., to the Landmark Truck Stop located on Interstate 80 at Williamsburg Exchange located in Iowa County, Iowa, for 180 days.

NOTE.—The purpose of this application is the relocation of an interchange point. Applicant presently holds authority to transport the same commodities, from Chicago, Ill., to LaPorte City, Iowa, and points within 40 miles thereof. The Landmark Station is 43 miles from LaPorte City, Iowa.

Supporting shipper: Iowa Steel Express, Inc., P.O. Box 1304, Cedar Rapids, Iowa 52406. Send protests to: Herbert W. Allen, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 133655 (sub-No. 60 TA), filed March 23, 1973. Applicant: Trans-National Truck, Inc., a corporation, P.O. Box 4168, Amarillo, Tex. 79105. Applicant's representative: D. J. Schneider, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Floor coverings, from Norwood, Mass., to Alexandria, Monroe, and New Orleans, La.; St. Louis, Mo.; Kansas City, Kans.; and Oklahoma City, Okla., for 180 days. Supporting shipper: William J. Allen, traffic manager, New London Mills, Inc., Norwood, Mass. 02062. Send protests to: Haskell E. Ballard, district supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 136646 (sub-No. 3 TA), filed March 26, 1973. Applicant: Dykstra Transport, Inc., 317 Fourth Avenue, Southeast, Sioux Center, Iowa 51250. Applicant's representative: Robert G. Plannansky, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Anhydrous ammonia, in bulk, in tank vehicles, (1) from Algona, Early, Fort Dodge, Garner, and Spencer, Iowa, to points in Minnesota and (2) from the plantsite of Apple River Chemical Corp. at or near East Dubuque, Ill., to points in Iowa, Minnesota, and Wisconsin, for 180 days. Supporting shipper: Swift Agricultural Chemicals Corp., 111 West Jackson Boulevard, Chicago, Ill. Send protests to: Carroll Russell, district supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 138367 (sub-No. 1 TA) (Correction), filed February 8, 1973, published in the FEDERAL REGISTER issue of February 22, 1973, and republished as corrected this issue. Applicant: TMI Transport Corp., 050 Third Avenue West, Dickinson, N. Dak. 58601. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) New institutional furniture, from Dickinson, N. Dak., to points in the United States (except Alaska and Hawaii) and materials and supplies used in the manufacturing of new institutional furniture on return; and (2) Such merchandise as is dealt in by farm supply stores, from Dayton, Cincinnati, Coshocton, Youngstown, Canton, and Byesville, Ohio; St. Paul, Minneapolis, St. Cloud, Foreston, Edina, Moorhead, and Osseo, Minn.; Chicago, East Chicago, Cicero, St. Charles, Broadview, Elmhurst, Schiller Park, Des Plaines, and Rockford, Ill.; Missoula and Lewiston, Mont.; Denver, Colo.; Phillips, Milwaukee, Kenosha, Sheboygan, Oshkosh, and Neenah, Wis.; Grand Rapids, St. Joseph, Detroit, Kalamazoo, and Fruitport, Mich.; St. Louis and Kansas City, Mo.; Wallingford and New Britain, Conn.; Kansas City, Kans.; Lebanon, Pa.; Fremont, Nebr.; Fort Madison, Iowa; South Bend and Jasper, Ind.; Wytheville, Va.; and points in New York, to Dickinson, N. Dak., under contract with TMI Distributing, a division of TMI Systems Design Corp., and TMI Systems Design Corp., for 180 days. Supporting shippers: TMI Systems Design Corp., 050 Third Avenue West, Dickinson, N. Dak. 58601, and TMI Distributing, a division of TMI Systems Design Corp., 050 Third Avenue West, Dickinson, N. Dak. 58601. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

NOTE.—The purpose of this republication is to correct the origin in part (2) as Kansas City, Kans., in lieu of Kansas City, Lebanon, Pa.; which was published in error.

No. MC 138478 (sub-No. 1 TA), filed March 26, 1973. Applicant: Grace Schnitker and Michael E. Schnitker, doing business as Schnitker Truck Lines, P.O. Box 155, Arenzville, Ill. 62611. Applicant's representative: George B. Gillespie, 217 South Seventh Street, Springfield, Ill. 62701. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Lumber, plywood, wood shingles, and timbers, both surfaced or rough, untreated or pressure treated with chemicals to prevent attack by fungi and insects, or to render the material fire-retardant; (2) wooden posts, poles, and piling, untreated or pressure treated with chemicals to prevent fungi and insect attack, or to render the material fire-retardant; (3) rough native hardwood, rough surfaced, kiln dried; (4) green lumber; and (5) wood chips, from Beardstown, Ill., to points in Indiana, Iowa, Kentucky, and Missouri, for the accounts of Casswood Treated Products Co., Beardstown, Ill., and Beardstown Hardwood Manufacturing, Inc., Beardstown, Ill., for 180 days. Supporting shippers: Guy Kocar, general manager and assistant secretary, Casswood Treated Products Co., Arenzville Road, Beardstown, Ill. 62618 and John H. Flood, president, Beardstown Hardwood Manufacturing, Inc., Arenzville Road, Beardstown, Ill. 62618. Send protests to: Harold C. Jolliff, district supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Leland Office Building, 527 East Capitol Avenue, Springfield, Ill. 62701.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-6771 Filed 4-6-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-0162]

GULF INVESTMENT CORP.

Notice of Issuance of License To Operate as a Small Business Investment Company

On January 31, 1973, a notice was published in the FEDERAL REGISTER (38 FR 3018) stating that Gulf Investment Corp., 115 East Van Buren Street, Harlingen, Tex. 78550, had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1972)) for a license to operate as a small business investment company (SBIC).

Interested parties were given to the close of business February 15, 1973, 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. 06/06-0162 to Gulf Investment Corp., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated March 30, 1973.

DAVID A. WOLLARD,
Associate Administrator for Finance and Investment.

[FR Doc.73-6717 Filed 4-6-73;8:45 am]

[License No. 01/01-0018]

MASSACHUSETTS CAPITAL CORP.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of SBA's rules and regulations (13 CFR 107.701 (1972) for approval of transfer of control of Massachusetts Capital Corp. (SBIC), 1 Boston Place, Boston, Mass. 02108, a Federal licensee under the Small Business Investment Act of 1958, as amended, the act), license No. 01/01-0018.

Massachusetts Capital Corp. was licensed on June 12, 1961, with paid-in capital and surplus of $175,500 which had been subsequently increased to $650,437. The SBIC has 68,400 shares of common stock issued and outstanding which are 100 percent owned by Kane Financial Corp. Kane Financial Corp. is owned by CNA Financial Corp.

Burley, Harkins & Funk, Inc. (BHF), a Massachusetts corporation engaged in management consulting, proposes to acquire 10 percent of the SBIC's stock. CBC Investment, Inc. (CBC), a proposed Massachusetts corporation to be formed and owned by Connecticut Bancshares Corp., a one-bank holding company, proposes to acquire 10 percent of the SBIC's stock. Ralph and Frances Hoagland III, individuals, proposes to acquire the remaining 80 percent of the SBIC's stock.

BHF and CBC proposes to form a Massachusetts business partnership, CBC Advisory Partners (Advisory), and transfer their respective SBIC stocks to Advisory. Advisory will serve as investment advisor to the licensee.

The proposed officers and directors of the licensee are as follows:

Name	*Title*
Maurice Wiener	Chairman of board and director.
David G. Funk	President and director.
David V. Harkins	Vice president and director.
Lee Gray	Vice president.
William D. Clements	Vice president.
Ralph P. Hoagland III	Vice president.
John A. Benning	Vice president and clerk.
Samuel Robinson II	Treasurer.
Peter R. Townsend	Director.
Frances Molly Hoagland.	Director.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owners, and the probability of successful operation of the company under their control and management in accordance with the act and regulations.

Notice is further given that any interested person may submit their comments on the proposed transfer of control to the Associate Administrator, 1441 L Street NW., Washington, D.C. 20416, within 10 days after the date of publication of this notice.

A similar notice shall be published in a newspaper of general circulation in Boston, Mass.

Dated March 29, 1973.

DAVID A. WOLLARD,
Associate Administrator for Finance and Investment.

[FR Doc.73-6718 Filed 4-6-73;8:45 am]

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