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HIGHLIGHTS OF THIS ISSUE

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

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER, and copies of the laws may be obtained from the U.S. Government Printing Office.

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PROCLAMATION 4205

Pan American Day and Pan American Week

By the President of the United States of America

A Proclamation

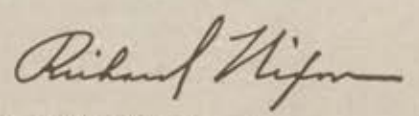
Eighty-three years ago the International Union of American Republics was established, the forerunner of the Organization of American States. There have been differences among the member nations in those eighty-three years, and some of these differences continue today. But far more significant is the fact that, despite dramatic changes and our great cultural and political diversity, the members of the hemispheric community have maintained and strengthened our common forum in a general climate of friendship and understanding.

It is an intangible force which forms the basis of solidarity among the Americas—a combination of idealism and realism and a capacity to grow and adjust with the times. The Organization of American States is the focal point of this force, a place where cooperation rather than confrontation strengthens the common ties shared by the nations of the hemisphere.

This unity of the Americas is based on respect for the historic personality of each of the countries of the Americas and demands a mutual understanding and respect for each country.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim Saturday, April 14, 1973, as Pan American Day, and the week beginning April 8 and ending April 14 as Pan American Week, and I call upon the Governors of the fifty States, the Governor of the Commonwealth of Puerto Rico, and appropriate officials of all other areas under the flag of the United States to issue similar proclamations.

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



[FR Doc.73-7120 Filed 4-10-73;10:20 am]

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Title 7—Agriculture

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52) AND CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55) TOBACCO

Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

TERMINATION OF QUOTAS, 1973–74 MARKETING YEAR

Basis and purpose.—Section 724.36 is issued pursuant to, and in accordance with, the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "act", to proclaim (1) that the operation of farm marketing quotas in effect on cigar-binder (types 51 and 52) tobacco for the 1973–74 marketing year will cause the amount of such kind of tobacco which is free of marketing restrictions to be less than the normal supply of such kind of tobacco, and (2) the termination of existing marketing quotas for such kind of tobacco for the 1973–74 marketing year

The material previously appearing in this section under centerhead Terminations of Quotas—1972–73 Marketing Year remain in full force and effect as to the crop to which it was applicable.

A notice that an investigation was to be made to determine the existence of the fact stated in (1) above, and if such fact was found to exist, the actions to be taken with respect to an increase in or termination of marketing quotas on cigar-binder (types 51 and 52) tobacco for the 1973–74 marketing year was published in the FEDERAL REGISTER on March 5, 1973 (38 FR 5905). In such notice interested persons were given the opportunity to submit data, views, and recommendations pertaining to the investigation and action to be taken on the basis thereof. No submission was received pursuant to such notice.

The notice referred to above contained the latest available statistics of the Federal Government pertaining to the normal supply, total supply, and prospective supply of cigar-binder (types 51 and 52) tobacco for the 1973–74 marketing year. On the basis of the investigation which has been made, it has been determined that the operation of farm marketing quotas on cigar-binder (types 51 and 52) tobacco for the 1973–74 marketing year will cause the amount of such tobacco which is free of marketing restrictions to be less than the normal supply of such kind of tobacco, and that farm marketing quotas on such kind of tobacco for the 1973–74 marketing year should be terminated.

This document constitutes a substantive rule which relieves marketing quota restrictions, and producers of cigar-binder tobacco, who are preparing to plant their 1973 crops, need to know immediately the provisions hereof. Accordingly, this document shall become effective on April 11, 1973.

§ 724.36 Cigar-binder (types 51 & 52) tobacco.

It has been determined that the operation of farm marketing quotas in effect on cigar-binder (types 51 & 52) tobacco for the 1973–74 marketing year will cause the amount of such kind of tobacco which is free of marketing restrictions to be less than the normal supply of such kind of tobacco, and farm marketing quotas for the 1973–74 marketing year for such kind of tobacco are hereby terminated.

(Secs. 371, 375, 52 Stat. 64, as amended, 66, as amended; 7 U.S.C. 1371, 1375.)

Effective date.—April 11, 1973.

Signed at Washington, D.C., on April 5, 1973.

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

[FR Doc.73-6942 Filed 4-10-73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 73-479]

PART 563—OPERATIONS

Nationwide Lending and Participation Loans

MARCH 29, 1973.

The Federal Home Loan Bank Board, in Document No. 72-1266, dated October 31, 1972, proposed to amend part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) for the purpose of revising the regulatory provisions regarding nationwide lending (12 CFR 563.9) and participation loans (12 CFR 563.9-1). Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on November 15, 1972, with an invitation for interested persons to submit written comments by December 15, 1972.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends said part 563 by revising §§ 563.9, 563.9-1, 563.9-2 and 563.10 thereof to read as set forth below.

It should be noted that the amendments set forth below are complete revisions of §§ 563.9, 563.9-1, 563.9-2 and 563.10 (12 CFR 563.9, 563.9-1, 563.9-2 and 563.10). Revised § 563.9, "Nationwide lending", contains all provisions relating to investments by an insured institution in loans—both whole loans and participation interests therein—secured by real estate located outside such institution's normal lending territory for which there is no requirement of a local ownership interest in the loan. Revised § 563.9-1 continues to be captioned "Participation loans"; paragraph (a) thereof relates to participation loans secured by real estate located within an insured institution's normal lending territory; and paragraph (b) thereof contains all provisions relating to investments by an insured institution in loans secured by real estate located outside such institution's normal lending territory for which there is a requirement of a local ownership interest of at least 10 percent of the outstanding balance of the loan. Revised § 563.9-2 contains provisions relating to the sale of investments in loans secured by real estate located outside the normal lending territory of the selling institution. Revised § 563.10 contains provisions relating to appraisal requirements for loans invested in pursuant to §§ 563.9 and 563.9-1. The phrase "invest its funds in" is changed to "purchase" throughout revised §§ 563.9, 563.9-1, 563.9-2 and 563.10. This change is clarifying in nature and does not change the effect of the previous provisions.

Paragraph (a) of revised § 563.9 provides that any insured institution may make loans on the security of real estate located outside its normal lending territory only as provided in revised §§ 563.9 and 563.9-1 and subject to the appraisal requirements of revised § 563.10.

Paragraphs (b) and (c) of revised § 563.9 are changed from subparagraphs (1) and (2) of previous § 563.9(a) to make clear that they relate only to whole loans and not participation interests.

Paragraph (d) of revised § 563.9, "Insured loans", is revised to consolidate subdivisions (i) and (ii) of previous § 563.9(a)(3). As so revised, paragraph (d) now authorizes, among other things, insured institutions, to the extent that they have legal power to do so, to make as well as purchase whole insured loans secured by first liens on real estate located outside the State in which such insured institution's principal office is located.

Paragraph (e) of revised § 563.9 contains provisions relating to other types of

nationwide lending—that is, both whole loans secured by improved real estate located outside the investing insured institution's normal lending territory and participation interests so secured for which there is no requirement of a local ownership interest in the loan. Under subparagraph (1), the aggregate amount of investment under paragraph (e) in nationwide loans may not exceed 15 percent—rather than 10 percent under the previous § 563.9(a)(4) and under the proposal—of the insured institution's assets. The 15 percent is to be computed exclusive of insured loans and guaranteed loans and exclusive of participation loan investments under paragraph (b) of revised § 563.9–1. An insured institution investing in nationwide loans must have, at the close of its most recent semiannual period, a ratio of scheduled items (other than assets acquired in a merger instituted for supervisory reasons) to specified assets not in excess of 2.5 percent which is the same limitation as under the previous § 563.9(a)(4).

Subparagraph (2) of paragraph (e) of revised § 563.9 sets forth requirements for making or purchasing whole nationwide loans and for participation transactions in nationwide loans. The basic requirement is that the nationwide loan must be serviced "by or through" a "local eligible servicer." The terms "eligible servicer" and "local eligible servicer" are defined in subparagraph (2) of paragraph (g) of revised § 563.9. The list of eligible servicers is broader than that contained in the proposal. The phrase "by or through" means that while the "local eligible servicer" must be responsible for the servicing, it need not actually perform all of the servicing functions itself.

Two exceptions to the requirement for local servicing for a nationwide loan are set forth in subparagraph (2) of paragraph (e) of revised § 563.9. Local servicing is not required for an insured loan or a guaranteed loan, or for a loan originally made in an amount in excess of $500,000.

Subdivision (ii) of subparagraph (2) of paragraph (e) of revised § 563.9 requires an insured institution to obtain documentation, or a copy thereof, showing that a servicer whose eligibility is based upon its being an approved Federal Housing Administration mortgagee is so approved at the time the investment in the nationwide loan is made.

It should be noted that an investment in a loan which meets the requirements of revised § 563.9–1(b) may, at the option of the insured institution, be counted within the 15 percent of assets allowed under revised § 563.9(e) if the requirements and limitations therein are also met. That is, an investment in a loan secured by real estate located outside the investing insured institution's normal lending territory could be counted by the institution under revised § 563.9(e) even though there is a local ownership interest in the loan in excess of 10 percent of the outstanding balance of the loan if the requirements and limitations of revised § 563.9(e) are met at the time it is desired to count the loan under that section. Similarly, a loan invested in pursuant to revised § 563.9(e) could, at the option of the insured institution, be counted within the 40 percent of assets allowed under revised § 563.9–1(b) if a local approved lender acquires at least a 10-percent interest in the loan and the other requirements of revised § 563.9–1(b) are met.

Subparagraph (3) of paragraph (e) of revised § 563.9 contains a scheduled items limitation which is carried over from the previous § 563.9–1(b)(2) because of placing participation interests in nationwide loans in revised § 563.9 rather than in revised § 563.9–1(b) as the proposal did. Subparagraph (3) prohibits an insured institution from purchasing a whole nationwide loan from, or participating in such a loan with, any insured institution which, at the close of its most recent semiannual period, had a ratio of scheduled items (other than assets acquired in a merger instituted for supervisory reasons) to specified assets in excess of 4 percent.

Subparagraph (4) of paragraph (e) of revised § 563.9 provides that an insured institution may maintain an investment under revised § 563.9(e) only so long as the local eligible servicer requirement, if any, continues to be met. If such requirement ceases to be met, the insured institution is required to dispose of its investment within 90 days after the requirement ceases to be met.

Paragraph (f) of revised § 563.9. Exceptions to limitations or requirements, allows insured institutions to apply for a waiver of any limitation or requirement of revised § 563.9. The application must be supported by appropriate information. In the case of an application for a waiver of the 4 percent scheduled items limitation of paragraph (e), the application shall be filed by the insured institution having such ratio.

Paragraph (g) of revised § 563.9 contains definitions of terms used in that section. The definition of "approved lender" has been transferred from previous § 563.9–1. The service corporation portion of that definition has been changed to read "Any service corporation in which the majority of capital stock is owned by one or more insured institutions." Under the definition of the term "nationwide loan," it should be noted that the real estate security must be "improved" real estate.

Under revised § 563.9–1 Participation loans, paragraph (a) is changed to refer to revised § 563.10 so as to make the appraisal requirements contained therein applicable to investments under paragraph (a).

Paragraph (b) of revised § 563.9–1 contains the provisions relating to participation interests in loans on the security of improved real estate located outside the insured institution's normal lending territory for which there is a requirement of a local ownership interest of at least 10 percent of the outstanding balance of the loan.

Subparagraph (1) of paragraph (b) of revised § 563.9–1 is changed in six respects from the previous provision. First, a reference to revised § 563.10 makes the appraisal requirements contained therein applicable to investments under paragraph (b). Second, subparagraph (1) of paragraph (b) is revised to make clear that participation transactions may be entered into only with approved lenders. Third, the security property must be "improved" real estate. Fourth, subdivision (ii) now refers to "local approved lender" which is defined in subparagraph (5) of paragraph (b). The primary purpose of this fourth change is to allow ownership and servicing to be performed by an insured institution whenever the security property is located within 100 miles or within normal lending territory, whichever is greater, of the insured institution. Previously, the security property was required to be within 100 miles of such insured institution even though its normal lending territory might be larger than 100 miles. Fifth, servicing may be done "by or through" the local approved lender. As in revised § 563.9(e)(2), the phrase "by or through" means that while the local approved lender must be responsible for the servicing, it need not actually perform all of the servicing functions itself. Sixth, the retainage requirement for nonresidential real estate loans in subdivision (ii) of revised § 563.9–1(b)(1) is reduced from 50 percent to 10 percent of the outstanding balance of such loans. As a result, the 10-percent-retainage requirement now applies to all types of participation loans.

Subparagraph (2) of paragraph (b) of revised § 563.9–1 Scheduled items limitation, is changed to require in subdivision (ii) that applications for waiver of the scheduled items limitation be filed with the supervisory agent with a copy to the Board's Office of Examinations and Supervision rather than the reverse.

Subparagraph (3) of paragraph (b) of revised § 563.9–1 Maintenance of requirements as to local approved lender, is changed to indicate that if the local retainage or servicing requirements of paragraph (b)(1) cease to be met, the participation interest is to be disposed of unless it meets the requirements and limitations of revised § 563.9(e) and is counted within the 15-percent-of-assets limitation thereunder.

Subparagraph (4) of paragraph (b) of revised § 563.9–1 Percentage-of-assets limitation, is changed to make clear that the 40 percent of assets limitation contained therein is exclusive of the 15 percent of assets which may be invested in nationwide loans under paragraph (e) of revised § 563.9.

In connection with amending §§ 563.9 and 563.9–1, the Board also finds it desirable to amend §§ 563.9–2 and 563.10. Section 563.9–2 Sale of interests in loans on real estate located outside normal lending territory, is amended in two respects. First, the limitation upon the persons to whom an insured institution may sell its loans on the security of real estate located outside its normal lending territory or participation interests therein is deleted. Second, a new sentence is added containing a prohibition which is a corollary to the scheduled items limitations contained in revised §§ 563.9(e)

(3) and 563.9–1(b)(2). No insured institution having a scheduled items ratio in excess of 4 percent may jointly originate any loan with, or sell any loan or participation interest therein to any other insured institution, if the loan is secured by real estate located outside the normal lending territory of such other insured institution. An insured institution having such ratio may apply to the FSLIC for approval to enter into such a transaction under revised §§ 563.9(f) or 563.9–1(b)(2)(ii).

Section 563.10 *Appraisal requirements*, is amended in order to consolidate the appraisal requirements that previously were contained therein and in § 563.9. It should be noted that paragraph (a) of revised § 563.10 provides that the record-keeping requirements of § 563.17–1(c)(1) are applicable to originations of whole loans pursuant to revised § 563.9. Under paragraphs (b) and (c) of revised § 563.-10 an appraisal, or copy thereof, is not required if the insured institution is purchasing a whole loan or participation interest from another insured institution. Under paragraph (e), appraisal reports or certifications of valuation required to be obtained by revised § 563.10 must be approved in writing by the board of directors or loan committee of the insured institution prior to making an investment under revised §§ 563.9 and 563.9–1.

Accordingly, the Federal Home Loan Bank Board hereby amends the Rules and Regulations for Insurance of Accounts (12 CFR Ch. V, subchapter D) by revising §§ 563.9, 563.9–1, 563.9–2, and 563.10 thereof to read as follows, effective May 11, 1973:

1. Section 563.9 is amended by revising paragraphs (a), (b), and (c) thereof and by adding new paragraphs (d), (e), (f), and (g) thereto, to read as follows:

§ 563.9 Nationwide lending.

(a) *Scope of section.*—An insured institution may make or purchase loans on the security of real estate located outside its normal lending territory, without the prior approval of the Corporation, only as provided in this section and in paragraph (b) of § 563.9–1, and subject to the provisions of § 563.10.

(b) *Loans beyond normal lending territory but within 100 miles.*—Any insured institution may, to the extent that it has legal power to do so, make or purchase whole loans in an aggregate amount not exceeding 20 percent of its assets on the security of real estate located outside its normal lending territory but within: (1) 100 miles from its principal office or (2) 100 miles from each place of business which has been approved in writing for the institution by its appropriate supervisory authority as a branch office, agency office, or similar place of business to the extent that such territory is also within the State in which such institution's principal office is located.

(c) *Guaranteed loans.*—Any insured institution may, to the extent that it has legal power to do so, make or purchase any whole guaranteed loan at least 20 percent of which is guaranteed.

(d) *Insured loans.*—Any insured institution may, to the extent that it has legal power to do so, make or purchase any whole insured loan secured by a first lien on improved real estate.

(e) *Other nationwide lending*—(1) *General.*—Any insured institution which, at the close of its most recent semiannual period, had a ratio of scheduled items (other than assets acquired in a merger instituted for supervisory reasons) to specified assets not in excess of 2.5 percent, and subject to the scheduled items limitation of subparagraph (3) of this paragraph, may, to the extent that it has legal power to do so, make investments in nationwide loans as provided in paragraph (e)(2) of this section. Exclusive of insured loans and guaranteed loans, and exclusive of investments under paragraph (b) of § 563.9–1, the aggregate amount of investments in nationwide loans under this paragraph shall not exceed 15 percent of the insured institution's assets.

(2) *Investments in nationwide loans.*—(i) Any insured institution, to the extent permitted by this paragraph, may make, or may purchase from any approved lender, any whole nationwide loan, and may participate with only an approved lender or lenders in making any nationwide loan, and may purchase a participation interest in any nationwide loan owned by only an approved lender or lenders. Except in the case of: (*a*) A loan originally made in an amount in excess of $500,000, or (*b*) an insured loan or a guaranteed loan, any nationwide loan so invested in shall be serviced by or through a local eligible servicer.

(ii) If the servicer's eligibility is based upon its being an approved Federal Housing Administration mortgagee, the insured institution shall obtain documentation, or a copy thereof, that the servicer is so approved at the time the insured institution invests in a nationwide loan which is to be serviced by or through such servicer.

(3) *Scheduled items limitation.*—(i) No insured institution may, pursuant to this paragraph (e), purchase a whole nationwide loan from, participate in making a nationwide loan with, or purchase a participation interest in a nationwide loan from, any insured institution which, at the close of its most recent semiannual period, had a ratio of scheduled items (other than assets acquired in a merger instituted for supervisory reasons) to specified assets in excess of 4 percent.

(4) *Maintenance of requirements as to local eligible servicer.*—An insured institution may maintain an investment in a nationwide loan made or purchased pursuant to this paragraph (e) only if the local eligible servicer requirement applicable to such investment, if any, continues to be met. If such requirement ceases to be met with respect to a nationwide loan in which the insured institution has an investment, such institution shall dispose of such investment within 90 days from the date that such requirement ceases to be met.

(f) *Exceptions to limitations or requirements.*—An insured institution may apply to the Corporation for a waiver of any limitation or requirement of this section. The application shall, to the extent appropriate, (1) be supported by a map showing the area in which such institution desires to invest its funds, (2) state the type and character of the loan to be made, purchased, or sold, including the percentage of the loan to appraisal, (3) show the need in such area for such loan by such institution, (4) show that the institution is able to service the loan adequately or that the loan will be serviced adequately by or through a local eligible servicer, and (5) show that waiver of the limitation or requirement would be consistent with sound and economical home financing. In the case of an application for waiver of the scheduled items limitation of paragraph (e)(3) of this section, such application shall be filed by the insured institution having a scheduled items ratio in excess of that limitation. A loan made, purchased, or sold pursuant to an approval by the Corporation of such application shall comply with the terms and conditions of such approval. Such application shall be filed with the supervisory agent of the district in which the principal office of the applicant is located, with a copy to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552.

(g) *Definitions.* As used in this section—

(1) The terms "approved lender" and "approved lender or lenders" include:

(i) Any institution whose accounts or deposits are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation;

(ii) Any agency or instrumentality of the United States or of any State engaged in the making, purchasing, or selling of loans on the security of real estate or in the purchasing or selling of participation interests in such loans;

(iii) Any approved Federal Housing Administration mortgagee; and

(iv) Any service corporation in which the majority of the capital stock is owned by one or more insured institutions.

(2) The term "eligible servicer" includes (i) an approved lender, (ii) a corporation the stock of which is wholly owned by one or more institutions the deposits of which are insured by the Federal Deposit Insurance Corporation, (iii) a bank holding company, or a subsidiary (as defined in 12 U.S.C. 1841(d)) thereof, of which an institution insured by the Federal Deposit Insurance Corporation is a subsidiary, or (iv) a savings and loan holding company (as defined in § 583.11 of this chapter) or a subsidiary (as defined in § 583.14 of this chapter) thereof; and the term "local eligible servicer" means that any office of the eligible servicer is located within 100 miles of the real estate securing the loan being serviced, or that such real estate is located

either within the normal lending territory, or within 100 miles of any office, of the insured institution servicing such loan.

(3) The term "nationwide loan" includes any loan secured by a first lien upon improved real estate located outside the insured institution's normal lending territory but within any State of the United States.

(4) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

(5) The term "Supervisory Agent" means the president of the Federal home loan bank of the district in which the principal office of the insured institution is located or any other officer or employee of such Bank designated by the Board as agent of the Corporation as provided in § 501.11 of this chapter.

2. Section 563.9–1 is amended by revising it to read as follows:

§ 563.9–1 Participation loans.

(a) *Loans on real estate located within normal lending territory.* Any insured institution may, to the extent that it has legal power to do so, and subject to the provisions of § 563.10, participate with others in making any loan on the security of real estate located within its normal lending territory and purchase from or sell to others participation interests in such loans.

(b) *Loans with participation by local approved lenders on real estate located outside normal lending territory—(1) Joint originations; purchase of a participation interest.* Subject to the provisions of this section, any insured institution may, to the extent that it has legal power to do so, and subject to the provisions of § 563.10, participate with only an approved lender or lenders (as defined in § 563.9) in the making of any loan secured by a first lien on improved real estate located outside such institution's normal lending territory but within any State (as defined in § 563.9) of the United States, and may purchase a participation interest in any such loan owned by only an approved lender or lenders if:

(i) The loan is an insured loan or a guaranteed loan; or

(ii) (*a*) The loan is serviced by or through a local approved lender and (*b*) at the close of the participation transaction, such local approved lender has an interest in such loan of at least 10 percent of the outstanding balance of such loan.

(2) *Scheduled items limitation.* (i) No insured institution may, pursuant to paragraph (b) (1) (ii) of this section enter into a participation with, or purchase a participation interest from, any insured institution which had at the close of its most recent semiannual period a ratio of scheduled items (other than assets acquired in a merger instituted for supervisory reasons) to specified assets in excess of 4 percent, unless the prior approval of the Corporation has been obtained as provided in subdivision (ii) of this subparagraph.

(ii) An insured institution having scheduled items (other than assets acquired in a merger instituted for supervisory reasons) in excess of 4 percent of its specified assets may request Corporation approval for other insured institutions to participate with it in the making of loans or to purchase from it participation interests in loans pursuant to paragraph (b) (1) (ii) of this section. Such request by the insured institution for Corporation approval shall be filed with the Supervisory Agent (as defined in § 563.9) for the district in which the principal office of the institution is located with a copy to the Director, Office of Examinations and Supervision, 101 Indiana Avenue NW., Washington, D.C. 20552.

(3) *Maintenance of requirements as to local approved lender.* An insured institution may maintain a participation interest in a loan jointly originated or purchased pursuant to paragraph (b) (1) (ii) of this section, only if the requirements of that subdivision regarding ownership and servicing by or through a local approved lender continue to be met. If any of such requirements ceases to be met, the insured institution and such loan shall comply with the limitations and requirements of § 563.9 or, if they do not so comply, such loan shall be disposed of within 90 days from the date that any of the requirements under said paragraph (b) (1) (ii) of this section ceased to be met, unless the insured institution has obtained, prior to the expiration of such 90-day period, the written approval of the Corporation to maintain such investment for such longer period as the Corporation may provide.

(4) *Percentage of assets limitation.*— No insured institution shall engage in a participation transaction pursuant to this paragraph (b), except a transaction involving an insured loan or guaranteed loan, if, as a result of such transaction, the aggregate amount of its investment in participation interests in loans secured by first liens on real estate located outside its normal lending territory would exceed 40 percent of its assets exclusive of insured loans or guaranteed loans and exclusive of investments made under paragraph (e) of § 563.9.

(5) *Definitions.* As used in this section, the term "local approved lender" means that any office of the approved lender (as defined in § 563.9) is located within 100 miles of the real estate securing the loan being serviced, or that such real estate is located either within the normal lending territory, or within 100 miles of any office, of the insured institution servicing such loan.

3. Section 563.9–2 is amended by revising it to read as follows:

§ 563.9–2 Sale of interests in loans on real estate located outside normal lending territory.

Except as provided in the next sentence, any insured institution may, to the extent that is has legal power to do so, sell loans or participation interests in loans upon the security of real estate located outside its normal lending territory. No insured institution, having at the close of its most recent semiannual period a ratio of scheduled items (other than assets acquired in a merger instituted for supervisory reasons) to specified assets in excess of 4 percent, shall participate in the making of any loan with, or sell any loan or participation interest therein to any other insured institution if such loan is secured by real estate located outside such other insured institution's normal lending territory unless, and to the extent that, such insured institution having such ratio has received Corporation approval pursuant to § 563.9(f) or § 563.9–1(b) (2) and otherwise has legal power to do so.

4. Section 563.10 is amended by revising it to read as follows:

§ 563.10 Appraisal requirements.

Except as provided in paragraph (f) of this section, no insured institution shall make any investment in loans pursuant to § 563.9 or § 563.9–1 unless the following requirements are met:

(a) An insured institution which makes a whole loan pursuant to § 563.9 shall obtain a signed report of appraisal of the real estate security for the loan by an appraiser who meets the requirements of paragraph (d) of this section. Such institution shall also comply with the provisions of § 563.17–1(c) (1).

(b) An insured institution which purchases a whole loan as provided in § 563.9 from an approved lender (as defined in that section) other than an insured institution shall obtain a signed report of appraisal, or a copy thereof, of the real estate security for the loan by an appraiser who meets the requirements of paragraph (d) of this section. Such an appraisal made at the time the loan was made may be used to satisfy the requirements of this paragraph.

(c) An insured institution which participates in the making of a loan with an approved lender or lenders (as defined in § 563.9), or which purchases a participation interest in a loan from an approved lender or lenders other than an insured institution, pursuant to § 563.9 or § 563.9–1 shall obtain a signed report of appraisal, or a copy thereof, of the real estate security for the loan by an appraiser who meets the requirements of paragraph (d) of this section. In the case of a purchase of a participation interest, such an appraisal made at the time the loan was made may be used to satisfy the requirements of this paragraph.

(d) An appraiser making a signed report of appraisal as provided in this section shall have no interest, direct or indirect, in the real estate security for the loan or in any loan on the security of such real estate, and shall not receive compensation which is affected in any way by the approval or declining of the loan.

(e) The signed report of appraisal or certification of the valuation required to be obtained pursuant to this section shall be approved in writing by the board of

directors or the loan committee of the insured institution prior to making the investment in the loan, and such report or certification shall be kept in the records of the insured institution.

(f) The requirements of this section shall not apply to any loan upon the security of improved real estate, which is insured, or at least 20 percent guaranteed, or as to which the mortgagee is insured, or as to which a commitment for any such insurance or guaranty has been made under the provisions of the Servicemen's Readjustment Act of 1944, or chapter 37 of title 38, United States Code, as now or hereafter amended, or the provisions of the National Housing Act, as now or hereafter amended. However, in the case of such insured or guaranteed loans, the insured institution shall obtain a certification, or a copy thereof, of the valuation assigned to the real estate security by the appraiser accepted by the insuring or guaranteeing agency and furnished to the institution by such agency. In the case of a purchase of a participation interest, a certification of the valuation so accepted and so furnished at the time the loan was made may be used to satisfy the requirements of this paragraph.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.73-6983 Filed 4-10-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-NE-1]

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

Alteration of Transition Area

On page 4775 of the FEDERAL REGISTER dated February 22, 1973, the Federal Aviation Administration published a "Notice of Proposed Rulemaking" which would alter the Springfield, Vt., 700-foot transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., June 21, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655 (c))

Issued in Burlington, Mass., on March 29, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

1. Amend § 71.181 of part 71 of the Federal Aviation Regulations so as to delete the description of the Springfield, Vt., 700-foot transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center (latitude 43°20'29" N., longitude 72°31'18" W.) of Springfield State-Hartness Airport, Springfield, Vt., within 5 miles each side of the 033° and 213° bearings from the Springfield NDB (latitude 43°16'12" N., longitude 72°35'12" W.) extending from the 6-mile radius area to 11.5 miles southwest of the NDB.

[FR Doc.73-6623 Filed 4-10-73;8:45 am]

[Airspace docket No. 73-WA-18]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Continental Control Area

The purpose of these amendments to parts 71 and 73 of the Federal Aviation Regulations is to delete restricted area R-3801G, Camp Claiborne, La., from the description of the continental control area and to alter the time of designation of restricted areas R-3801 B, C, and D, Camp Claiborne, La.

Restricted area, R-3801G was established during the period March 30, 1972, to June 1, 1972, and was included in the continental control area. Through an oversight, R-3801G, which was disestablished as a restricted area on June 1, 1972, was not removed from the description of the continental control area. Action is taken herein to delete R-3801G from the description of the continental control area.

Restricted areas R-3801B, R-3801C, and R-3801D are not activated unless the Houston ARTC Center radar (Alexandria System) is operational. It has been determined that the England AFB RAPCON can assume responsibility for radar vectoring or otherwise separating aircraft operating along VOR Federal Airway No. 212 when the Houston ARTC Center radar (Alexandria System) is inoperative. This delegation of authority, through a revised letter of agreement between the Houston ARTC Center and the England AFB RAPCON, will permit the military service to continue, in part, their training activities without any additional burden being placed on other airspace users.

Since these actions are editorial or minor in nature and the public would not have particular reason to comment, notice and public procedure thereon are unnecessary and good reason exists for making these changes effective on less than 30 days notice.

In consideration of the foregoing, parts 71 and 73 of the Federal Aviation Regulations are amended, effective on April 11, 1973, as hereinafter set forth.

1. In § 71.151 (38 FR 341) restricted area R-3801G, Camp Claiborne, La., is deleted.

2. In § 73.38 (38 FR 651) restricted areas R-3801B, R-3801C, R-3801D the phrase in the time of designation after the word "continuous" is deleted.

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

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

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-6932 Filed 4-10-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8803o]

PART 13—PROHIBITED TRADE PRACTICES

National Dynamics Corp. and Elliott Meyer

Subpart—Advertising falsely or misleadingly: § 13.60 Earnings and profits; § 13.110 Endorsements, approval and testimonials; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests. Subpart—Misrepresenting oneself and goods—Goods: § 13.1615 Earnings and profits; § 13.1665 Endorsements; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1935 Earnings and profits; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, National Dynamics Corporation, et al., New York, N.Y., docket No. 8803, Feb. 16, 1973]

In the Matter of National Dynamics Corporation, a Corporation, and Elliott Meyer, Individually and as an Officer of Said Corporation.

Order requiring a New York City seller of battery additive, VX-6, and other articles of merchandise, among other things to cease misrepresenting earnings and profits from resale of its products; failing to maintain adequate records which substantiate its earnings claims; representing that any product has been approved by any laboratory or other organization or person; and misrepresenting the results of scientific tests.

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

It is ordered, That respondents National Dynamics Corporation, a corporation, and its officers, and Elliott Meyer, individually and as an officer of such corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of the battery additive, VX-6, or of any other

products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that persons purchasing respondents' products can or will derive any stated amount of sales, profits or earnings; or representing, directly or by implication, the past or present sales, profits or earnings of purchasers of respondents' products unless in fact the past sales, or the profits and earnings represented, are those of a substantial number of purchasers and accurately reflect the average sales, profits or earnings of such purchasers under circumstances similar to those of the purchaser or prospective purchaser to whom the representation is made; or misrepresenting, in any manner, the past, present or future sales, profits or earnings from the resale of respondents' products.

2. Failing to maintain accurate records which substantiate that the past or present sales, profits or earnings represented are accurate and are those of a substantial number of purchasers and accurately reflect the average sales, profits or earnings of such purchasers under circumstances similar to those of the purchaser or prospective purchaser to whom the representation is being made.

3. Representing, directly or by implication, contrary to fact, that any product has been approved by any laboratory or by any other organization or person.

4. Representing, directly or by implication, in any advertisement that an independent laboratory has tested any product or that any laboratory test substantiates or supports performance claims in said advertisement, unless each performance claim in said advertisement has been substantiated by a competent scientific test conducted by said laboratory or laboratories and unless such laboratory or laboratories have supplied respondents with a written report which describes, in detail, the entire test performed, including, but not limited, the product tested, instruments used, test procedures, data, and results of such test.

5. Using, publishing, or referring to any testimonial or endorsement unless (1) such use, publication, or reference is expressly authorized in writing and unless (2) respondents have good reason to believe that at the time of such use, publication, or reference, the person or organization named subscribes to the facts and opinions therein contained.

6. Failing to deliver a copy of this order to cease and desist to all present salesmen or other persons engaged in the sale of respondents' products, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of such order.

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

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

It is further ordered, That respondent herein shall within 60 days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

It is further ordered, That other allegations of the complaint as to practices not covered by this order be, and they hereby are, dismissed.

By direction of the Commission.[1]

Issued February 16, 1973.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-6903 Filed 4-10-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5377, 34-10041, AS-142]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANG ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Reporting Cash Flow and Other Related Data

Introduction.—The Commission has recently received preliminary registration statements which include cash flow per share data in the narrative section of the prospectus. Use of such data has also been noted in annual reports to shareholders, particularly in the "Financial Highlights" or "President's Letter" section. These and other means of presenting financial data appear designed to decrease the credibility of conventional financial statements as a measure of business activity.

The variation in form and purposes of such data creates confusion. The term "cash flow" and similar formulations such as earnings before noncash charges, adjusted net income, net operating income and operating funds generated do not have precise definitions and may mean different things to different people. In addition to this definitional problem, there are different purposes for presenting these data. One is to present an apparent alternative to net income as a measure of performance. A second is to present information about liquid or near-liquid assets provided by operations which may be available for reinvestment or distribution to shareholders.

While differing definitions and purposes are basic sources of the confusion investors and registrants are experiencing with cash flow data, the presentation of such data on a per share basis compounds this confusion.

Numerous questions have been received in regard to the Commission's policy in these matters. This release is being issued to outline the Commission's views.

Cash flow as a proxy for income measurement.—One of the principal reasons given for presenting cash flow is that the income measurement model currently prescribed by generally accepted accounting principles does not accurately reflect the economic performance of certain types of companies, typically those with substantial assets which arguably do not depreciate or require replacement. While the Commission recognizes that there are problems of income measurement for some industries, the unilateral development and presentation on an unaudited basis of various measures of performance by different companies which constitute departures from the generally understood accounting model has led to conflicting results and confusion for investors. Additionally, it is not clear that the simple omission of depreciation and other noncash charges deducted in the computation of net income provides an appropriate alternative measure of performance for any industry either in theory or in practice. This problem was recognized by the accounting principles board in opinion No. 19 where it was noted that "the amount of working capital or cash provided from operations is not a substitute for or an improvement upon properly determined net income as a measure of results of operations * * *."

If accounting net income computed in conformity with generally accepted accounting principles is not an accurate reflection of economic performance for a company or an industry, it is not an appropriate solution to have each company independently decide what the best measure of its performance should be and present that figure to its shareholders as truth. This would result in many different concepts and numbers which could not be used meaningfully by investors to compare different candidates for their investment dollars.

Where the measurement of economic performance is an industrywide problem, representatives of the industry and the accounting profession should present the problem and suggested solutions to the financial accounting standards board which is the body charged with responsibility for researching and defining principles of financial measurement. Until new and uniform measurement principles are developed and approved for an industry, the presentation of measures of performance other than net income

[1] Commissioner MacIntyre concurred in the result but not in the opinion. Commissioner Jones dissented for reasons set forth in a dissenting statement, filed as part of the original document.

should be approached with extreme caution. Such measures should not be presented in a manner which gives them greater authority or prominence than conventionally computed earnings.

Where management believes that the existing conventional income model does not present the results of operations realistically or fully, an explanation of the reasons and a description of possible alternatives which might be used to measure results may be presented to shareholders and potential investors to supplement conventional financial data. The presentation of additional data in tabular form is also acceptable. Such tables should be accompanied by a careful explanation of the data presented. The adding together of figures derived by different measurement techniques (such as net income and cash flow) should be avoided as should per share data relating to measures other than net income (see discussion below). In addition, when various measurement models are used for different lines of business, there should be a consistent application of such models to all similar segments of the firm's operations. Also, results for all segments included in consolidated statements of net income should be included in any tabular or summary presentation.

Annual reports to shareholders as well as filings with the Commission should include explanations and data as discussed above whenever measurement models other than conventionally computed income are used. Such additional information and data would typically be presented in the "Financial Highlights," the "President's Letter," or the text of the report and should not be presented without also presenting net income. Terms such as net operating income which leave the impression that a figure other than net income is really income should not be used.

In cases where a measurement problem exists for an individual company rather than in an entire industry, a solution already exists in the procedures of the accounting profession. Under the newly adopted code of ethnics of the American Institute of CPA's, an auditor is permitted to render an opinion approving statements prepared even though they deviate from the principles adopted by the accounting principles board (or its successor body) if he believes and can support the assertion that due to unusual circumstances the financial statements would otherwise be misleading. Under such circumstances, full disclosure must be made by both company and auditor, and the basic statements must be prepared in accordance with the principles determined to present operating results most meaningfully. In such cases, the staff of the Commission will naturally consider the circumstances which gave rise to the situation, but it will normally give great weight to the judgment of the registrants and their independent accountants.

The above discussion is designed to assist companies which believe the conventional income measurement model is unsatisfactory in providing disclosure which is useful and not misleading. This discussion is not intended to support or reject any particular new measurement model and the Commission strongly urges the accounting profession and other interested parties to consider the development of new techniques for the measurement of results in industries where the current model seems deficient.

Cash flow as a measurement of funds generated from operations.—A second basic reason for highlighting cash or funds generated from operations data in financial summaries is to show the liquid or near-liquid resources generated from operations which may be available for the discretionary use of management. Analysts have suggested that this is a useful measure of the ability of the entity to accept new investment opportunities, to maintain its current productive capacity by replacement of fixed assets and to make distributions to share holders without drawing on new external sources of capital.

While presentation of "funds generated from operations" is useful, these data should be considered in the framework of a source and application of funds statement which reflects management's decisions as to the use of these funds and the external sources of capital used. The implication of a presentation which shows only the funds generated from operations portion of a funds statement is that the use of such funds is entirely at the discretion of management. In fact certain obligations (e.g., mortgage payments) may exist even if replacement of nondepreciating assets is considered unnecessary. Therefore presentation of one part of a funds statement should be avoided.

The Commission has also noted situations where investors were misled by cash distributions which were in excess of net income and were not accompanied by disclosure indicating clearly that part of the distribution represented a return of capital. To highlight this fact in cases where funds distributed exceed net income, the Commission developed the "Funds Generated and Funds Disbursed" statement in Form 7–Q (17 CFR 249.307a) which begins with the caption "Income (Loss) Before Realized Gain or Loss on Investments." From that amount the first deduction is "Cash Distributed to Shareholders." The statement then provides for adding noncash charges and deducting debt repayments to arrive at the "Excess (Deficiency) of Funds Generated Over Distributions." This indicates whether operations generated the cash to make distributions or whether distributions are made from borrowing or other sources.

Cash flow presentations designed to reflect the liquid assets or working capital generated by the firm should be consistent with the principles outlined in this section.

Per share information.—Many of the problems outlined above are accentuated when "cash flow" data is presented on a per share basis. Most importantly, such a presentation emphasizes the implication that cash flow is more meaningful than net income as a measure of performance, particularly when a per share figure is included in the "Financial Highlights" section of a report.

The first major problem in the presentation of cash flow per share data is that of investor understanding. Investors over many years have grown accustomed to seeing operating per share data computed only in the case of net income. Accounting authorities have considered and largely settled the measurement problems associated with the presentation of net income on a per share basis. If other data are presented in this way, there is a danger that the investor will think that what he is seeing is the conventional accounting measure of earning power when in fact this is not the case. In a number of reports, cash flow per share data have been presented in such a manner as to lead to this inference despite the strong recommendation of the Accounting Principles Board in Opinion No. 19 that "isolated statistics of working capital or cash provided from operations, especially per share amounts, not be presented in annual reports to shareholders." Such presentations run a high risk of materially misleading investors and companies are urged to avoid this type of disclosure.

Beyond the problem of understandability is the question of relevance. The investment community generally recognizes the relevance of "earnings per share" as a measure of the historically achieved earning power of an economic entity in terms of a unit which is being bought, sold, and quoted in the marketplace, the share of common stock. The earning power represented by that share has generally been considered a significant element in the determination of its worth. Net income, as a measure of ultimate result, may reasonably be interpreted on a per share basis since no significant claims stand between it and the common stock owner. Where there are senior equity claims, these are deducted before computing the per share figure. Dividends are similarly logically presented in terms of the individual share, as are net assets.

Significant questions as to relevance arise, however, when other data are presented on a per share basis. Sales, current assets, funds flow, total assets, cash and other similar figures cannot logically be related to the common shareholder without adjustment. These are aggregate data which are of great importance to analysts and management alike in understanding the operations of the total economic entity, but they are not items which accrue directly to the benefit of the owner of a part of the common equity. Charges and claims must be considered before the owner is benefited. To reflect such items on a per share basis may mislead the unsophisticated, since there is and implication that the shareholder is directly affected. In fact, such data are

only meaningful from an operating viewpoint and not from that of an external investment unit.

Accordingly, per share data other than that relating to net income, net assets and dividends should be avoided in reporting financial results.

Conclusion.—In this release, the Commission has reiterated and explained its view as expressed to individual registrants for many years that certain approaches to "cash flow" reporting may be misleading to investors. All registrants are urged to examine their reporting practices in light of the problems and guidance set forth in this release and to amend them where appropriate.

The Commission recognizes that reporting financial results cannot be a static phenomenon, and it continues to examine its views and policies to determine in what respects change is desirable. In this connection, it welcomes comments and suggestions regarding its policies from registrants and other knowledgeable parties. If any parties have comments on the views and policies set forth in this release, they should be addressed to the Chief Accountant of the Commission.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

MARCH 15, 1973.

[FR Doc.73-6956 Filed 4-10-73;8:45 am]

[Release No. 34-10055]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Exemption of Certain Broker-Dealers From Sending Financial Information to Customers and Flexibility in Quarterly Reporting

The Securities and Exchange Commission announced today an amendment to Rule 17a-5(k) (17 CFR 240-17a-5(k)) under the Securities Exchange Act of 1934 which is intended to clarify the applicability of the exemptive provisions of that rule. The rule, adopted June 30, 1972 in Securities Exchange Act Release No. 9658 (37 FR 13615), requires broker-dealers to send customers each quarter a balance sheet and certain other financial information.

Since the rule became effective on September 30, 1972 the Commission has received numerous requests from brokers and dealers as to whether a broker-dealer whose business primarily consists of the sale of mutual funds but who also engages in the sale of equity funding products, or other securities including various tax shelter programs on a subscription basis are required to comply with the provisions of the rule. Additionally, a number of brokers and dealers who introduce transactions of customers to another broker-dealer on a fully disclosed basis also engage in the sale of equity funding programs, or sell tax shelter or other securities on a subscription basis and these broker-dealers have also inquired as to whether they are required to comply with the rule.

Securities Exchange Act Release No. 9658 which adopted Rule 17a-5(k)-(o) indicated that the rule generally exempts those broker-dealers who do not normally hold customer funds and securities. In this connection the rule exempted three classes of broker-dealers: (1) Those who introduce transactions to others on a fully disclosed basis; (2) those who limit their business to the sale and redemption of redeemable shares of registered investment companies and the solicitation of share accounts of savings and loan associations; or (3) those who are engaged in the sale of variable annuity contracts. During the period of public comment on the proposed rule no party commented upon the applicability of the proposed rule to programs sold on a subscription basis.

Generally speaking, securities sold on a subscription basis including various tax shelter programs are handled in the following manner. A broker-dealer upon selling such programs to a customer sends an application to the customer, the customer fills in the application and draws a check payable to the issuer, underwriter or distributor and mails the check and application either directly to the issuer, underwriter or distributor or delivers the check to the broker-dealer who promptly forwards such applications and checks to the issuer, underwriter or distributor without passing such checks through its account. The issuer, underwriter or distributor will generally send the security directly to the customer. At no time does the broker-dealer hold customer's funds or securities or carry the customer's account and the broker-dealer receives his commission directly from the issuer, underwriter or distributor.

In the case of equity funding programs (i.e., the sale of mutual funds together with insurance) generally a purchaser of the program makes the check payable to the broker-dealer who in turn deposits the check and promptly transmits the proceeds to the equity funding company. In addition, the customer also signs an agreement and limited power of attorney pledging the mutual fund shares purchased as collateral for a loan to pay insurance premiums. The mutual fund shares may then be transmitted by the mutual fund or equity funding company to a custodian bank which holds the fund shares as collateral for a loan used to purchase insurance for the customer.[1] The mutual fund shares are registered in the name of the custodian bank. Broker-dealers who handle only mutual fund shares are presently exempted from rule 17a-5, and equity funding programs in no way increases the broker-dealers' handling of customer funds or securities.

[1] The Commission has viewed the sale of a program of mutual funds plus insurance as an investment contract separate and apart from the sale of registered investment company shares. Securities Act of 1933 release No. 4491 and rule 15c2-5 under the Securities Exchange Act of 1934, see Securities Exchange Act release No. 6851.

The Commission is of the opinion that because of the manner in which the transactions outlined above are handled (i.e., funds are payable directly to the issuer or in the case of mutual funds or equity funding the funds are required to be transmitted by noon the next business day) the customer of the broker-dealer has minimal risk of loss resulting from the failure or insolvency of the broker-dealer selling the securities and it would therefore not be in the public interest to require broker-dealers to incur the substantial expense of sending these types of customers a balance sheet each quarter.

Accordingly, the Commission is restating the exemptions set forth in paragraph (k)(2) of rule 17a-5 to clarify that a broker or dealer who engages in any combination of the following business activities in the manner prescribed herein is exempt from the provisions of rule 17a-5(k)-(o). These activities include: (1) The introduction of accounts on a fully disclosed basis; (2) the forwarding of subscriptions for securities to issuers, underwriters or distributors where checks are payable solely to the issuer, underwriter or distributor as more fully discussed above; (3) the sale of redeemable shares of registered investment companies or share accounts of savings and loan associations in the manner contemplated by the $2,500 minimum net capital requirement of rule 15c3-1 under the Exchange Act and also the arrangement of loans for the purpose of purchasing insurance in connection with the sale of registered investment company shares; and, (4) activities which would exempt the broker-dealer from the requirements of rule 17a-13 under the Exchange Act by paragraph (a) thereof.

The Commission has also received numerous indications that broker-dealers particularly those who are publicly held or have large branch office networks are having difficulty in meeting the 40-day time limitation for sending quarterly reports to their customers. The timing problems result from difficulties in assembling information from branch offices and finalizing accurate figures as well as delays in having such reports printed in time to mail with the firm's next monthly statement of account to its customers. The Commission has therefore amended paragraphs (n) and (o) to provide broker-dealers additional flexibility in mailing these statements to customers. The amendments would permit the mailing of such statements at any time subsequent to the date of the quarter for which the balance sheet is sent provided it is sent to customers no later than the end of the next calendar or fiscal quarter. The amendments to paragraphs (n) and (o) are effective immediately. The amendment to paragraph (o) is technical in nature.

Commission action. The Commission acting pursuant to the provisions of the Securities Exchange Act of 1934 and particularly sections 17(a), 10(b), 15(c) (1), (2), and (3), and 23(a) thereof, and deeming such action necessary in the

public interest, for the protection of investors, and for the execution of its functions, hereby amends paragraphs (k)(2), (n), and (o) of § 240.17a–5 of chapter II of title 17 of the Code of Federal Regulations as set forth below. The Commission finds that these amendments relieve a restriction within the meaning of section 4 of the Administrative Procedures Act, 5 U.S.C. 553(d) so that notice and procedures specified thereunder are unnecessary. Therefore these amendments are declared effective immediately.

§ 240.17a–5 Reports to be made by certain exchange members, brokers and dealers.

(k)(1) * * *

(2) The requirements of paragraph (k)(1) of this section shall not apply to any broker or dealer;

(i) Who is exempt from § 240.15c3–1 under the provisions of paragraph (b)(3) of this section; or

(ii) Whose activities are limited to any combination of the following and which are conducted in the manner prescribed herein:

(*a*) As introducing member, broker or dealer, the forwarding of all the transactions of his customers to a clearing member, broker or dealer on a fully disclosed basis: *Provided*, That such clearing member, broker or dealer reflects such transactions on its books and records in accounts it carries in the names of such customers and that the introducing member, broker or dealer does not hold funds or securities for, or owe funds or securities to, customers other than funds and securities promptly forwarded to the clearing member, broker or dealer or to customers;

(*b*) The prompt forwarding of subscriptions for securities to the issuer, underwriter or other distributor of such securities and of receiving checks, drafts, notes, or other evidences of indebtedness payable solely to the issuer, underwriter or other distributor who delivers the security directly to the subscriber or to a custodian bank, if the broker-dealer does not otherwise hold funds or securities for, or owe money or securities to, customers;

(c) The sale and redemption of redeemable shares of registered investment companies or the solicitation of shares accounts of savings and loan associations in the manner contemplated by the $2,500 minimum net capital requirement of § 240.15c3–1 or the offering to extend any credit to or participate in arranging a loan for a customer to purchase insurance in connection with the sale of redeemable shares of registered investment companies; and

(*d*) Conduct which would exempt the broker-dealer from the provisions of § 240.17a–13 by reason of the provisions of paragraph (a) of this section.

* * * * *

(n) Every member, broker, or dealer who is subject to paragraphs (k), (l), and (m) of this section shall furnish to his customers (as defined in paragraph (o) of this section) and shall file with Commission and with the national securities exchange and the national securities association of which he is a member or if he is not a member only with the Commission at a time subsequent to the date of each calendar quarter, fiscal quarter or quarter for which the member, broker or dealer is required to file substantially equivalent information with the national securities exchange or national securities association of which he or it is a member but prior to the end of the next such quarter, the information specified in paragraphs (m)(1) and (m)(2) of this section, except that such quarterly information shall not be required to be certified. If the annual report sent to customers pursuant to paragraph (m) of this section is as of a date not more than two months preceeding the quarterly report required by this paragraph, no quarterly report need be sent for such quarter.

(o) For purposes of paragraphs (m) and (n) of this section, the term customer includes any person (other than another member, broker or dealer but including a person who is a customer of an introducing member, broker or dealer who is exempted by subdivision (ii)(*a*) of paragraph (k)(2) of this section), for or with whom a broker-dealer has effected a securities transaction in a particular month, which month shall be either the month of the balance sheet date or a month following the balance sheet date in which the statement is sent and in addition, any person for whom the member, broker or dealer holds securities for safekeeping or as collateral or for whom the member, broker or dealer carries a free credit balance in the month in which customers are determined for purposes of this rule.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

MARCH 23, 1973.

[FR Doc.73-6945 Filed 4-10-73;8:45 am]

Title 21—Food and Drugs

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

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

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

Child Protection Packaging Standards; Certain Exemptions

In the FEDERAL REGISTER of July 18, 1972 (37 FR 14238), the Commissioner of Food and Drugs proposed to revise the regulations prescribing child protection packaging standards for preparations containing aspirin, § 295.2(a)(1) (21 CFR part 295) and preparations containing any substance subject to control under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (§ 295.2(a)(4)) to exempt preparations for animals and preparations in other than oral dosage forms.

The Commissioner's proposal was in response to requests for exemptions received from four pharmaceutical manufacturers: Haver-Lockhart Laboratories, Kansas City, Mo.; G. & W. Laboratories, Inc., Port Reading, N.J.; The William A. Webster Co., Memphis, Tenn.; and Wyeth Laboratories, Inc., Philadelphia, Pa.

After publication of the proposal, a request for exemption was received from Abbott Laboratories, North Chicago, Ill., for suppositories containing any substance subject to the Comprehensive Drug Abuse Prevention and Control Act of 1970. This exemption request, however, was already covered by the proposal to limit § 295.2(a)(4) to oral dosage forms.

In response to the proposal, five comments were received from consumers, two from trade associations, and one from a professional association. The consumers oppose the proposal and the rest generally support it. The principal points raised by the comments and the Commissioner's conclusions are as follows:

A. *Opposition.* The consumers object to the proposed exemptions on the basis that children do not differentiate between veterinary preparations and human preparations nor between human preparations for oral and nonoral administration. Children would therefore be just as likely to ingest one as the other; for example:

1. Veterinary preparations may resemble human drugs.

2. Medicated lotions may be consumed in the same manner as liquid cough preparations.

3. Suppositories may resemble candy.

4. A tube of ointment may resemble a tube of toothpaste.

As stated in the proposal's preamble, veterinary preparations are not being exempted from the Poison Prevention Packaging Act of 1970, but rather excluded from application of these standards due to the various dissimilarities in size, distribution, and usage patterns between human and veterinary preparations. Standards for veterinary preparations will be proposed later.

Although the consumers oppose exempting nonoral dosage forms, supportive data was not provided. Also, as pointed out in the proposal, available data from such sources as the National Clearinghouse for Poison Control centers fails to support a finding that special packaging is necessary for such nonoral dosage forms. If future data indicate a need for the special packaging of any human drug in nonoral dosage form, child protection packaging standards therefor will be proposed.

B. *Support with suggestions.* The Pharmaceutical Manufacturers Association and the Animal Health Institute (AHI) both support the proposal. The AHI also states that a proposal to amend the standards for methyl salicylate (§ 295.2(a)(3)) and for sodium and/or potassium hydroxide (§ 295.2(a)(5)) should be published to exempt veterinary preparations, contending that (1) Veterinary preparations should be considered separately from human pharmaceutical preparations and (2) no evidence

supports a finding that special packaging is needed to protect children under 5 years of age from veterinary preparations containing methyl salicylate or sodium and/or potassium hydroxide.

The Commissioner notes that neither the AHI nor any other interested person requested separate consideration for veterinary preparations when public comment was invited on the packaging standards for these substances. The Commissioner concludes that the suggestion to amend the standards for methyl salicylate and sodium and/or potassium hydroxide will be given further consideration when standards are proposed for veterinary preparations.

C. *Voluntary compliance.* The Connecticut Veterinary Medical Association comments that the responsibility for preventing drug poisonings of children rests with the members of the healing arts professions and states that it will ask its members to voluntarily use special packaging as it becomes available.

Therefore, having evaulated the comments and other relevant material, the Commissioner concludes that the proposal should be adopted without change. Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670–1672; 15 U.S.C. 1471(4), 1472, 1474) and under authority delegated to the Commissioner (21 CFR 2.120), § 295.2(a) is amended by revising the introductory text of subparagraph (1) and by revising subparagraph (4) to read as follows:

§ 295.2 **Substances requiring special packaging.**

(a) * * *

(1) *Aspirin.* Any aspirin-containing preparation for human use in a dosage form intended for oral administration shall be packaged in accordance with the provisions of § 295.3 (a), (b), and (c), except the following:

* * * * *

(4) *Controlled drugs.* Any preparation for human use that consists in whole or in part of any substance subject to control under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.) and that is in a dosage form intended for oral administration shall be packaged in accordance with the provisions of § 295.3 (a), (b), and (c).

* * * * *

Effective date.—This order shall be effective on April 11, 1973.

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

Dated April 5, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-6961 Filed 4-10-73;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-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
*	*	*	*	*	*	*
Connecticut	New London	Norwich, City of				Apr. 12, 1973, Emergency.
North Carliona	Mecklenburg	Charlotte, City of				Do.
Pennsylvania	Berks	Amity, Township 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 April 5, 1973.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.73-6837 Filed 4-10-73;8:45 am]

[Docket No. FI-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
California	San Mateo	Forest City, City of				Apr. 13, 1973, Emergency.
Nebraska	Sarpy	Bellevue, City of				Do.
New York	Steuben	Bath, Village of				Do.
North Carolina	Carteret	Morehead City, Town of				Do.
Pennsylvania	Allegheny	Pittsburgh, City of				Do.
Virginia		South Boston, City of				Do.
Wisconsin	Pepin	Durand, 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; and designation of Acting Federal Insurance Administrator effective Aug. 13, 1971, 36 FR 16701, Aug. 25, 1971.)

Issued April 6, 1973.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.73-6993 Filed 4-10-73;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER J—FISCAL AND FINANCIAL AFFAIRS

PART 112—DISTRIBUTION OF JUDGMENT FUNDS AWARDED TO THE OSAGE TRIBE OF INDIANS IN OKLAHOMA

The general authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. section 301, and sections 463 and 465 of the Revised Statutes (25 U.S.C. sections 2 and 9).

Beginning on page 4402 of the FEDERAL REGISTER of February 14, 1973 (38 FR 4402), there was published a notice of proposed rulemaking to add a new part 112 to title 25 of the Code of Federal Regulations relating to the distribution of judgment funds of the Osage Tribe of Indians in Oklahoma. The regulations were proposed pursuant to the act of October 27, 1972 (86 Stat. 1295).

Interested persons were given 30 days in which to submit written comments, views, or arguments regarding the proposed regulations. During this period, comments, suggestions, and objections were submitted by interested persons. Careful consideration was given to all the views and arguments received, and certain revisions were made as a result of them. Among the revisions are the following:

1. The modification of § 112.7 to provide for notice to all persons named in the order of distribution whether found to be eligible or ineligible to share in the distribution.

2. The addition of a paragraph (c) to § 112.10 to notify claimants that criminal penalties are provided by statute (18 U.S.C. 1001) for knowingly filing fraudulent information.

The revisions made in the proposed regulations, and reflected in these final regulations, are in consonance with the comments received and within the limits of the underlying law, and no benefits would be gained by deferring their effective date. Therefore, good cause exists and is so found that the 30-day deferred effective date or any other deferred effective date otherwise required by 5 U.S.C. section 553(d) should be dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. section 553 (1970). Accordingly, the new part 112 will become effective on April 11, 1973.

Sec.
112.1 Definitions.
112.2 Purpose.
112.3 Notice of time limit and place for filing claims.
112.4 Issuance of Orders of Distribution.
112.5 Segregation of per capita shares.
112.6 Distribution of share of decreased allottee.
112.7 Notice of orders to claimants and distributees.
112.8 Appeal from an Order of Distribution.
112.9 Disbursement of distributed shares.
112.10 Miscellaneous provisions.

AUTHORITY: 5 U.S.C. 301; 86 Stat. 1295.

§ 112.1 Definitions.

(a) "Act" means the act of October 27, 1972 (86 Stat. 1295).

(b) "Allottee" means a person whose name appears on the roll of the Osage Tribe of Indians approved by the Secretary of the Interior on April 11, 1908, pursuant to the act of June 28, 1906 (34 Stat. 539).

(c) "Associate Solicitor" means the Associate Solicitor-Indian Affairs, U.S. Department of the Interior, Washington, D.C. 20240.

(d) "Distributee" means one to whom a distribution is ordered pursuant to the regulations in this part.

(e) "Secretary" means the Secretary of the Interior or his authorized representative.

(f) "Superintendent" means the Superintendent, Osage Agency, Bureau of Indian Affairs, Pawhuska, Oklahoma 74056.

§ 112.2 Purpose.

The regulations in this part govern the distribution, pursuant to the act, of judgment funds awarded to the Osage Tribe of Indians of Oklahoma. All funds appropriated by the act of January 8, 1971 (84 Stat. 1981), in satisfaction of a judgment in the Indian Claims Commission against the United States in dockets numbered 105, 106, 107, and 108, together with interest thereon, are to be distributed, except the sum of $1 million and any funds that revert to the Osage Tribe and except the amount allowed for attorney fees and expenses and the cost of distribution.

§ 112.3 Notice of time limit and place for filing claims.

The act provides for distribution of funds to allottees and heirs of Osage Indian blood of deceased allottees.

(a) All claims for per capita shares by heirs of Osage Indian blood shall be filed with the Superintendent, Osage Agency, Bureau of Indian Affairs, Pawhuska, Okla. 74056, not later than April 27, 1974. An individual who claims as an heir of Osage Indian blood should make a timely filing of a claim which identifies, by name and allotment number, each allottee in whose share the individual claims an interest, in order that the Superintendent may notify the individual when the order of distribution for each such allottee is made. Failure to file a claim in this manner may prevent an individual from receiving notice of distribution in an instance in which he is an interested party. Failure of an heir of Osage Indian blood to file a claim will not necessarily prevent the distribution to such heir of the portion of the allottee's share due that heir if sufficient evidence to support such distribution is available to the Superintendent. However, no heir

who fails to file a claim within the prescribed period (on or before April 27, 1974) shall after that period have any right to any distribution other than that ordered by the Superintendent based on evidence available to the Superintendent during that period. Unclaimed shares of distributees are required by statute to revert to the Osage Tribe 6 months after determination of their right to share.

(b) Distribution of a living allottee's own share will be made without the filing of a claim.

§ 112.4 Issuance of Orders of Distribution.

The Superintendent, Osage Agency, Bureau of Indian Affairs, Pawhuska, Okla. 74056, is authorized to issue the Orders of Distribution in accordance with the act and the regulations in this part. The Superintendent's decisions thereon shall be final unless a timely appeal therefrom is filed in accordance with § 112.8.

§ 112.5 Segregation of per capita shares.

The Superintendent shall segregate one per capita share for each allottee for distribution as follows:

(a) One share for distribution to each such allottee who is living on the date the Order for Distribution for that share is issued; and

(b) One share for distribution to the heir or heirs of Osage Indian blood of each allottee who is deceased on the date the Order of Distribution for that share is issued, to be divided among such heirs in such proportions as shall be computed in accordance with § 112.6.

§ 112.6 Distribution of share of deceased allottee.

The Superintendent shall issue an Order of Distribution which, except as otherwise provided in this § 112.6, divides the share of a deceased allottee leaving heirs of Osage Indian blood in such proportions as the allottee's heirs of Osage Indian blood would have shared in the estate of the allottee if the allottee had died intestate leaving one or more individuals of Osage Indian blood as the allottee's only heirs at law under the Oklahoma law of intestate succession. In preparing such an order, the Superintendent shall accept as accurate any unambiguous determination of heirship, of an allottee or of the heir of an allottee, either made by the Secretary prior to April 18, 1912, or contained in a final order of an Oklahoma court after that date. When no such unambiguous determination is available, such order shall be based upon all other pertinent heirship evidence available to the Superintendent. When one or more of the immediate heirs of Osage Indian blood of an allottee is deceased, the heirs of Osage Indian blood of such deceased heirs shall be ascertained, successively among all remote heirs of Osage Indian blood of the allottee, in the sequence in which the deaths of the heirs occurred until the identities of all living remote heirs of Osage Indian blood, and the respective proportions of the share to which they are entitled, have been ascertained. To qualify for distribution as an heir, it must be established that the distributee and each heir of the allottee through whom the claim is traced had Osage Indian blood acquired either from an allottee or from a common ancestor of an allottee and the distributee.

§ 112.7 Notice of orders to claimants and distributees.

Notice of an Order of Distribution shall be mailed, on the date of issuance of such order, to the allottee whose share is being distributed if living, but if not living, to (a) each distributee named therein, (b) each claimant whose claim asserts entitlement to a portion of the allottee's share, and (c) each person who had not filed a claim on the date of issuance of such order but is in that order determined by the Superintendent to be ineligible to receive a portion of the allottee's share. Such notice shall be accompanied by a copy of the Order of Distribution and shall contain instructions for filing an appeal in accordance with paragraphs (a) or (b) and (c) of § 112.8.

§ 112.8 Appeal from an Order of Distribution.

(a) An Order of Distribution of the share of an allottee living on the date the order is issued shall become final 3 days from the date thereof unless an appeal is filed by an interested party with the Superintendent before the expiration of those 3 days.

(b) An Order of Distribution of the share of an allottee who is deceased on the date the order is issued shall become final 30 days from the date thereof unless an appeal is filed by an interested party with the Superintendent before the expiration of those 30 days.

(c) Each appeal must contain a statement of the reasons that the appellant considers the Order of Distribution to be subject to error, and each appellant must, at the time of filing his appeal, mail a copy thereof to each person named as a distributee in the Order of Distribution. The Superintendent shall furnish a copy of the appeal to each other interested party to whom a copy of the Order of Distribution was mailed.

(d) The Associate Solicitor-Indian Affairs, U.S. Department of the Interior, Washington, D.C. 20240, is authorized to determine appeals from Orders of Distribution in accordance with the act and the regulations in this part. The Associate Solicitor's decision thereon shall be final on the date of the issuance of his decision and shall constitute the final action of the Department of the Interior in connection with such appeal.

(e) The Superintendent may, in his discretion for good cause shown, order partial distribution of any undisputed segment of any share for which an appeal is pending when such distribution will not be affected by the appeal decision on the disputed portion of the share.

§ 112.9 Disbursement of distributed shares.

When an Order of Distribution, either as issued or as amended by decision on appeal, has become final, the Superintendent shall either disburse to distributees the amounts distributed to them or deposit such amounts to appropriate accounts, in accordance with the following guidelines:

(a) When the amount distributed to any heir is less than $20, the amount shall be segregated in a special account for that heir until all Orders of Distribution have become final, at which time the sum of all amounts thus segregated to such account shall be disbursed or redeposited as provided in paragraphs (b), (c), (d) and (e) of this § 112.9, if such sum equals or exceeds $20. When such sum is less than $20, such sum in each of such accounts, and all unclaimed shares, and all amounts awarded to distributees which remain unclaimed for 6 months after the Order of Distribution has become final, shall, subsequent to April 27, 1974, be deposited to the account of the Osage Tribe as sums which have reverted to it.

(b) Living allottees having certificates of competency shall have their distributions disbursed directly to them.

(c) Living allottees not having certificates of competency shall have their distributions deposited to their accounts, subject to withdrawal by them at their request.

(d) Heirs of Osage Indian blood who are at least 18 years of age and are not under guardianship shall have their distributions disbursed directly to them.

(e) Heirs of Osage Indian blood who are under guardianship shall have their distributions deposited to their accounts, subject to disbursement to the distributees or their guardians or other persons on their behalf on such terms and conditions as the Superintendent shall consider to be in their best interests during their legal disability, after which the remaining portion shall be disbursed to such distributees.

(f) Heirs of Osage Indian blood who are under 18 years of age shall have their distributions deposited to their accounts, with the funds represented by such deposits invested at favorable rates of return for prudent investments, to be disbursed with earnings thereon only when the respective distributees for whom they are held shall attain the age of 18 years.

§ 112.10 Miscellaneous provisions.

(a) Powers of attorney, assignments, and orders given to another person by any one entitled to share in the payment will not be recognized.

(b) None of the funds distributed are subject to Federal or State income taxes.

(c) Claimants are hereby notified that criminal penalties are provided by statute (18 U.S.C. 1001) for knowingly filing fraudulent information.

MARVIN L. FRANKLIN,
Assistant to the Secretary of the Interior.

APRIL 9, 1973.

[FR Doc.73-7018 Filed 4-10-73;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER H—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

PART 873—AIR FORCE ROTC FLIGHT INSTRUCTION PROGRAM (FIP)

Part 873, subchapter H of chapter VII of title 32 of the Code of Federal Regulations is revised as set forth below.

This revision updates the minimum requirements for aircraft authorized to be used in the FIP and incorporates the latest FAA/DOD Memorandum of Agreement concerning FAA support of FIP.

Sec.
873.0 Purpose.
873.1 Objectives of the FIP.
873.2 Program curriculum.
873.3 Award of contracts.
873.4 Operational supervision of the program.
873.5 Participation required.
873.6 Waiver and elimination authority.
873.7 When and where to report injuries and deaths.
873.8 Disability and death benefits under Federal Employees' Compensation Act.

AUTHORITY: 10 U.S.C. 8012, except as otherwise noted.

§ 873.0 Purpose.

(a) This part describes the Air Force flight instruction program (FIP), states its objectives, and assigns responsibilities to carry out the program.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 873.1 Objectives of the FIP.

The program objectives are to:

(a) Provide a screening device to identify pilot training applicants who meet the basic aptitude/attitude requirements for Air Force pilot training.

(b) Motivate qualified Air Force ROTC members toward a career in the Air Force.

(c) Encourage qualified general military course (GMC) Air Force ROTC cadets and qualified 2 year program applicants to enroll in the professional officer course (POC) as pilot training applicants.

§ 873.2 Program curriculum.

Participating schools offer FIP as an integral part of their Air Force ROTC program. The commandant, Air Force ROTC, establishes the curriculum to:

(a) Encompass a course of flight instruction in light, land aircraft with a minimum of 100 horsepower and a separate and independent three control system (rudder, elevator or stabilator, and aileron controls), operable wing flaps, tricycle landing gear, approved by the Federal Aviation Administration (FAA) for flight instruction.

(b) Meet minimum FAA requirements for an FAA private pilot certificate. (Acquisition of a private pilot certificate, although desirable, is not considered as a prerequisite for successful completion of the FIP.)

§ 873.3 Award of contracts.

The commander, air university (AU), is authorized, with power of redelegation, to enter into and execute contracts for supplies, materials, and services. Contracts to provide flight instruction for Air Force ROTC cadets may include:

(a) Cost of flight instruction.

(b) Cost of flight checks.

(c) Cost of transportation of cadets from the Air Force administration buildings to airports through:

(1) Contractor furnished vehicles or,

(2) Cadet furnished (privately owned) vehicles where one cadet per vehicle/trip will be reimbursed by the contractor.

(d) Federal and State aviation licenses or similar permits if required.

§ 873.4 Operational supervision of the program.

The Air Force and the FAA have agreed that the FAA will carry out the operational administration of the program providing:

(a) Guidance and technical advice to the FIP contractors and their flight instructors;

(b) Flight evaluations for each FIP student in training following his first solo cross-country flight;

(c) Flight evaluation for a student who has soloed prior to his first solo cross-country flight on request by a professor of aerospace studies (PAS) or the FIP contractor. (Such request will be made only with respect to a student experiencing difficulties in training.)

(d) Record flight evaluation with respect to each ROTC student in the FIP under current field instructions having prior acceptance by the military FIP concerned and the FAA.

NOTE.—FAA inspectors will not be required to reevaluate a student in the FIP who has received an interim flight evaluation by an FAA inspector.

§ 873.5 Participation required.

(a) Selected Air Force ROTC cadets, who are members of the POC and in category I–P (specific categorization of cadets who qualify for pilot training), must participate unless:

(1) The school does not provide an FIP.

(2) They have completed a similar course of instruction and possess a private pilot certificate or higher FAA rating. In such cases, participation in FIP is not permitted.

(3) A waiver is granted under the provisions of § 873.6.

(b) Cadets successfully completing the program continue in category I–P.

(c) Cadets in categories I–N, II, and III will not participate in the FIP.

§ 873.6 Waiver and elimination authority.

The Commandant, Air Force ROTC, grants waivers of participation and makes final determination concerning elimination of cadets. He may redelegate this authority to the PAS.

(a) *Waiver of participation.*—Normally, the Air Force does not grant waivers of FIP participation requirements for cadets listed in § 873.5(a). However, waivers may be granted when participation would place an extreme or unusual hardship on cadets.

(b) *Elimination of cadets.*—This part explains how to recategorize a cadet eliminated from the FIP, but retained in the Air Force ROTC program. However, a cadet eliminated under subparagraph (2) of this paragraph normally is disenrolled from the Air Force ROTC program. A cadet may be eliminated for any of the following reasons:

(1) General pilot inaptitude, or failure to:

(i) Pass periodic progress, special, or final flight checks.

(ii) Make satisfactory progress in academic subjects associated with the FIP.

(2) Willful violation of flying regulations or other acts which evidence indifference to or improper attitude toward training.

(3) At his own request.

(4) Medical disqualification for category I–P after enrolling in FIP.

(c) *Reclassification of cadets.*—Cadets eliminated from the FIP for reasons expressed in paragraphs (b)(1)(ii), (b)(2), and (b)(3) of this section will not be continued in category I–P and will not be reclassified category I–N (specific categorization of cadets who qualify for navigator training).

§ 873.7 When and where to report injuries and deaths.

The PAS determines the line-of-duty status of an injured or deceased participant using AFR 35–67 as a guide for policy statements and explanations. The finding of the PAS constitutes the determination of the Secretary of the Air Force. The PAS then completes required reports of the injury or death including a CA form 2, "Official Superior's Report of Injury," with the following certificate on line-of-duty status: "Injury of the member of the Air Force ROTC named herein (was/was not) the proximate result of performance of military training." He submits the reports to the U.S. Department of Labor, Bureau of Employees' Compensation, Washington, D.C. 20210.

§ 873.8 Disability and death benefits under Federal Employees' Compensation Act.

Regulations governing administration of the Federal Employees' Compensation Act, September 7, 1916, as amended, for civil officers of the United States and others, provide disability and death benefits to program participants, computed at the monthly wage of $150 (5 U.S.C. 8140). If a member of the Air Force ROTC is injured or dies from an injury incurred in line-of-duty while engaged in flight instruction, he or his survivors are entitled to the same benefits provided for a civil employee of the United States, including certain burial benefits.

For the Secretary of the Air Force.

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

[FR Doc.73-6899 Filed 4-10-73;8:45 am]

Title 36—Parks, Forests, and Memorials

CHAPTER III—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 327—RULES AND REGULATIONS GOVERNING PUBLIC USE OF WATER RESOURCE DEVELOPMENT PROJECTS ADMINISTERED BY THE CHIEF OF ENGINEERS

Lost and Found Articles; Correction

In FR docket No. 73-5608 appearing at page 7552 in the FEDERAL REGISTER of March 23, 1973, in § 327.16 appearing on page 7553 the reference to the section at the end thereof should be corrected to read "§ 327.15."

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.73-6900 Filed 4-10-73;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER H—TRAINING

[General Order 97, Rev.]

PART 310—MERCHANT MARINE TRAINING

Subpart C—Admission and Training of Midshipmen at the United States Merchant Marine Academy

Effective April 16, 1973, subpart C of this part is hereby revised to incorporate all changes approved since the last revision of subpart C in 1968 and to include additional changes necessary to update the terminology used and more accurately describe admission requirements and procedures. Among other things, the word "cadet" is changed to read "midshipman", the list of admission quotas is revised in accordance with recent changes in Congressional Apportionment, "Commissioners of the District of Columbia" is deleted to read "Mayor of the District of Columbia" and the title "Assistant Secretary of Commerce for Maritime Affairs" is used in lieu of "Maritime Administrator."

Subpart C—Admission and Training of Midshipmen at the U.S. Merchant Marine Academy

Sec.

AUTHORITY: Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114; sec. 216 (52 Stat. 965; 53 Stat. 1182; 70 Stat. 25; 72 Stat. 16; 46 U.S.C. 1126); 75 Stat. 212, 468, 514.

§ 310.50 Purpose.

The regulations in this subpart govern the nomination, admission, and appointment of midshipmen to the U.S. Merchant Marine Academy.

§ 310.51 General.

(a) Midshipmen are appointed to the U.S. Merchant Marine Academy for training to prepare them to become officers in the U.S. Merchant Marine. The Academy, located at Kings Point, N.Y., is maintained by the Government as a part of the Maritime Administration, Department of Commerce. After successful completion of the 4-year course of study, graduates of the Academy receive a Bachelor of Science degree, a Merchant Marine license as a third officer or third assistant engineer issued by the U.S. Coast Guard and, if qualified, may be commissioned as an ensign in the U.S. Naval Reserve.

§ 310.52 Nominations and vacancies.

(a) *Sources of nominations.* Each Senator and Representative of the U.S. Congress; the Governors of the Canal Zone, Guam, American Samoa, and the Virgin Islands; Resident Commissioner of Puerto Rico; and the Mayor of the District of Columbia; may nominate 10 candidates for admission to the U.S. Merchant Marine Academy. The Secretary of the Interior may designate qualified candidates to fill authorized vacancies from the Trust Territory of the Pacific Islands. Each American Republic (other than the United States) may nominate 10 candidates as specified in § 310.64(a). Nominating officials may select their nominees by any methods they wish, including a screening examination.

(b) *Vacancies.* The vacancies for appointments to the Academy are allocated by the Assistant Secretary of Commerce for Maritime Affairs. The number of vacancies allocated to each State is proportioned to the representation in Congress from that State, but by law two vacancies are allocated each year to be filled by qualified candidates from among sons of residents of the Canal Zone and the sons of personnel of the U.S. Government and the Panama Canal Company residing in the Republic of Panama; one vacancy each is allocated each year to Puerto Rico, Guam, American Samoa, and the Virgin Islands; four vacancies each year to the District of Columbia. There are also authorized to be admitted to the Academy for training not to exceed four persons at any one time from the Trust Territory of the Pacific Islands and 12 persons from the American Republics (other than the United States) but not more than two from any one of such republics shall receive training at the same time.

(c) *Request for nomination.* A young man interested in admission to the U.S. Merchant Marine Academy who feels that he meets the requirements outlined in the regulations in this subpart for appointment as a midshipman to the U.S. Merchant Marine Academy should request his Senator or Representative, or other appropriate official listed in paragraph (a) of this section, to nominate him.

(d) *Date for nominations.*—The nominating official will send names of his nominees to the Office of Maritime Manpower, Maritime Administration, between August 1 and December 31 of the school year preceding that in which admission to the Academy is desired.

(e) *Appointments.*—The Assistant Secretary of Commerce for Maritime Affairs will make appointments to fill the vacancies prescribed by paragraph (b) of this section from among qualified nominees in order of merit from each geographical subdivision listed in paragraph (b) of this section. The order of merit will be established by procedure as specified in § 310.56(b). In addition, the Assistant Secretary of Commerce for Maritime Affairs may make appointments from among qualified nominees to fill vacancies which result from unmet State quotas. These appointments will be made from the national alternate list of qualified nominees established in order of merit. Further, a limited number of additional appointments, not to exceed 40, may be made annually from among qualified nominees selected from the national alternate list who possess qualities deemed to be of special value to the Academy in pursuit of its mission.

(f) *Quotas for the entering class.*

Alabama	5	New Jersey	10
Alaska	2	New Mexico	2
Arizona	3	New York	22
Arkansas	3	North Carolina	7
California	24	North Dakota	2
Colorado	4	Ohio	15
Connecticut	5	Oklahoma	5
Delaware	2	Oregon	3
Florida	10	Pennsylvania	15
Georgia	7	Rhode Island	2
Hawaii	2	South Carolina	5
Idaho	2	South Dakota	2
Illinois	15	Tennessee	6
Indiana	7	Texas	15
Iowa	5	Utah	2
Kansas	4	Vermont	2
Kentucky	5	Virginia	7
Louisiana	6	Washington	5
Maine	2	West Virginia	3
Maryland	6	Wisconsin	6
Massachusetts	8	Wyoming	2
Michigan	12	Puerto Rico	1
Minnesota	6	District of Columbia	4
Mississippi	4	Canal Zone	2
Missouri	7	Guam	1
Montana	2	American Samoa	1
Nebraska	3	Virgin Islands	1
Nevada	2		
New Hampshire	2		

§ 310.53 General requirements for eligibility.

(a) *Citizenship.*—All candidates nominated are required to be male citizens of the United States except: (1) Certain nominees from American republics other than the United States and from the Trust Territories of the Pacific, specifically provided for in § 310.64; and (2) such nominees of the Governor of American Samoa who may be American nationals but not citizens. This provision is not to be construed to permit any such person who is a national but not a citizen of the United States to be entitled to any office or position in the U.S. Merchant Marine by reason of his graduation from the Academy until such person shall have become a citizen.

(b) *Age.*—A candidate must be not less than 17 years of age and must not have passed his 22d birthday on July 1 of the calendar year in which he seeks to be appointed as a Midshipman. However, a waiver may be granted for veterans of the armed services on the basis of 1 month for every month in the service up to age 24.

(c) *Marriage.*—A candidate must be unmarried and have never been married. Any Midshipman who shall marry, or who shall be found to be married, or to have been married before his final graduation shall be required to resign. Refusal to resign will result in dismissal.

(d) *Character.*—A candidate must be of good moral character. The Assistant Secretary of Commerce for Maritime Affairs may reject the nomination of any candidate whose character is incompatible with U.S. Merchant Marine Academy standards. No person who has been dismissed or compelled to resign from the U.S. Military Academy, the U.S. Naval Academy, the U.S. Air Force Academy, the U.S. Coast Guard Academy, the U.S. Merchant Marine Academy, or a State Maritime Academy for improper conduct is eligible for appointment as a Midshipman at the U.S. Merchant Marine Academy. No person whose last discharge from any branch of the military service was under conditions other than honorable is eligible for appointment as a Midshipman.

(e) *Investigation.*—To be eligible for appointment, all candidates must be completely loyal to the United States and must meet the requirements established by the Department of the Navy for designation as Midshipman, U.S. Naval Reserve. Candidates for appointment will be required to execute documents for the purpose of a suitability and security investigation. Appointment as a Midshipman, USNR, is a condition of admission.

(f) *No waivers.*—No waivers of academic or physical requirements will be granted.

§ 310.54 Scholastic requirements.

(a) *Academic requirements.*—(1) *Required credits.*—Applicants must have satisfactorily completed their high school education at an accredited secondary school or equivalent, and must present at least 15 units of credit for subjects acceptable to the U.S. Merchant Marine Academy.

(i) Included in the 15 units, seven units are required as follows:

3 units or mathematics (from algebra, geometry and/or trigonometry);
3 units of English;
1 unit of physics or chemistry.

(ii) Eight elective units, preferably chosen from the following fields, are recommended:

Additional mathematics and science;
Foreign language;
Economics;
Social Science.

(2) *Evidence of academic work.*—Evidence must be submitted showing completion of such education, or showing that such education is scheduled to be completed by a specified date in June of the year in which admission is sought before an application for admission will be approved.

(b) *Scholastic examinations.*—(1) *Required entrance examination.*—Applicants are required to qualify in the college entrance examination board examinations administered nationally on scheduled dates at convenient testing centers. The entrance examination consists of the scholastic aptitude test (verbal and mathematics sections). Qualifying scores in the college entrance examination board tests will be determined by the Academy for each entering class. An unacceptable score on any one test is cause for rejection. The cost of the college board entrance examination must be borne by the applicant. Nominees must have taken all the required examinations by the January testing date in the year for which they seek appointment, unless special authorization to take later tests is received from the Academy admissions office.

(2) *Forwarding test results.*—Candidates who take the tests required by the U.S. Merchant Marine Academy and who desire that the results be considered for scholastic qualification should request the College Entrance Examination Board to submit their scores to the U.S. Merchant Marine Academy, Kings Point, N.Y.

(3) *Test information.*—General information on the tests including dates of administration, location of testing centers, registration, etc., is published by the College Entrance Examination Board in a booklet entitled "Bulletin of Information," a copy of which can be obtained from the high school's guidance office. In addition, a booklet entitled "A Description of the College Board Scholastic Aptitude Test" may be obtained, without charge, from the candidate's high school or the College Entrance Examination Board, P.O. Box 592, Princeton, N.J. 08540, or the College Entrance Examination Board, P.O. Box 1025, Berkeley, Calif. 94701.

§ 310.55 Physical requirements.

(a) *Physical standards.*—A candidate is required to meet the physical requirements prescribed by the Department of the Navy for appointment as midshipman, USNR and the requirements prescribed by the U.S. Coast Guard for original licensing as a third mate and third assistant engineer. All candidates must have normal color perception, and refractive error must be within the limits prescribed by the Department of the Navy.

(b) *Qualifying physical examinations.*—All candidates for the Academy are required to have a physical and dental examination conducted by a service academy examining facility designated by the Service Academies Central Medical Review Board. The required physical examination must be conducted within 1 year preceding the date of admission to the U.S. Merchant Marine Academy. Although there is no charge for such examination, any necessary travel and other expenses such as meals and hotel accommodations incurred in obtaining such examination must be borne by the applicant. Candidates may be reexamined upon reporting to the Academy.

(c) *Physical reexamination.*—A candidate rejected for failure to meet the physical requirements may request a reevaluation of his examination results or a reexamination.

§ 310.56 Application and selection of midshipmen.

(a) *Application.*—All candidates must submit an application for admission to the U.S. Merchant Marine Academy Admissions Office. Prospective candidates may also submit an application but are not considered official candidates until their nominations are received. Applications must be accompanied by an official transcript and personality record from the candidate's high school and college. Application forms are available upon request by writing to the Admissions Office, U.S. Merchant Marine Academy, Kings Point, N.Y. 11024.

(b) *Selection of Midshipmen.*—Selection of midshipmen for appointment to fill vacancies allotted to the various States and other locations as specified in § 310.52(b), is made in order of merit. The order of merit will be determined not only by the scores on the required entrance examinations, but also by each candidate's previous academic record, character, citizenship, and leadership qualities, as evidenced by such things as participation in extracurricular activities, part-time or full-time employment, church or club activities, and community service.

(c) *Notification of selection.*—Results of the selection process will be made known about May 1, when each candidate and his nominating official will be notified of his status as (1) a principal candidate, or (2) an alternate candidate, or (3) an unqualified candidate. Alternates will replace principal candidates who decline appointment or fail to meet physical requirements.

(d) *Reporting to the Academy.*—Candidates selected for appointment who have met all requirements will be issued instructions to report to the U.S. Merchant Marine Academy on a specified date in mid-July for orientation and induction.

(e) *Oath.*—Each midshipman who is a citizen of the United States will be given an oath of office at the U.S. Merchant Marine Academy as follows:

I, _____, having been appointed a midshipman to the U.S. Merchant Marine Academy accept appointment and do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will comply with all the regulations of the U.S. Merchant Marine Academy; that I take this obligation freely, without any mental reservations or purpose of evasion; and that I will well and faithfully discharge the duties

of the office on which I am about to enter; so help me God.

(f) *Birth certificate.*—Each candidate will be required to present an acceptable certificate of birth.

§ 310.57 Courses of instruction.

(a) *At Academy.*—Three major curriculums are offered—Nautical science for the preparation of deck officers, marine engineering for the preparation of engineering officers, and a combined program, the dual license program, which leads to licenses in both specialties. All midshipmen are required to take naval science courses prescribed by the Department of the Navy, and, in addition, all curriculums include general education courses and electives.

(b) *Sea year.*—Midshipmen spend half of their sophomore year and half of their junior year training at sea aboard one or more merchant vessels. In addition to practical shipboard assignments, midshipmen are required to complete written study assignments incorporating material from the major segments of the Academy curriculum.

§ 310.58 Training on subsidized vessels.

All subsidized merchant vessels, in accordance with contractural arrangements, are required to provide for the training of at least two midshipmen, as assigned by the Superintendent of the U.S. Merchant Marine Academy, which shall be in accordance with the following provisions:

(a) *Work assignments.*—All practical work assignments for Midshipmen shall be in accordance with such courses as are prescribed by the Superintendent of the U.S. Merchant Marine Academy.

(b) *Working hours.*—Steamship company employers, in order to permit midshipmen to carry on with their training courses, shall not normally require midshipmen to work more than 8 hours in any 1 day. Midshipmen shall devote at least 3 hours of their own time each day to study.

(c) *Pay.*—Midshipmen shall receive pay, while attached to merchant vessels, at the rate of $283.05 per month from their steamship company employers. Midshipmen, while assigned to ships, will be furnished quarters and subsistence by the steamship company employer. While aboard ship, they shall be berthed in rooms with other midshipmen in that part of the vessel designated for licensed officers or first-class passenger quarters and shall mess with the licensed officers. In addition, the steamship company employers shall pay the midshipmen such subsistence and room allowance in port, transportation allowances, and other bonuses or allowances as are paid to the licensed officers of the vessel to which midshipmen are attached.

§ 310.59 Training on other vessels and by other facilities or agencies.

Arrangements may be made by the Assistant Secretary of Commerce for Maritime Affairs for training of Midshipmen on Government-owned vessels, in cooperation with other governmental and private agencies, on other vessels, and for instructional purposes only in shipyards, plants, and industrial and educational organizations.

§ 310.60 Allowances and expenses.

(a) *Items furnished.*—Each Midshipman is provided with free tuition, quarters, subsistence, medical and dental care, and certain travel expenses in accordance with chapter 5, part A, of the Joint Travel Regulations while traveling under official Academy orders.

(b) *Allowances.*—Midshipmen receive an allowance of $575 per year toward the cost of uniforms and textbooks for each of the 3 years at the Academy. No allowance is received during the sea year as Midshipmen will earn from their steamship company employers $283.05 per month.

(c) *Deposit required.*—A Midshipman, prior to admission to the U.S. Merchant Marine Academy, is required to make a specified deposit, as established by Academy regulations, to help defray the initial cost of clothing and equipment. Additional deposits, as stipulated in Academy regulations, are required to be made in subsequent years. Failure to make the required deposits will result in suspension or detachment. These deposits, plus other necessary expenses, except spending money, are offset over the 4-year course of training by the allowances and salary specified in paragraph (b) of this section.

§ 310.61 Uniforms.

Midshipman uniforms and equipment are supplied at the Academy in accordance with Academy uniform regulations, as directed by the Superintendent.

§ 310.62 Privileges.

(a) Midshipmen may be granted leave of absence of approximately 4 weeks after completion of the first, second and third year of training.

(b) Studies and exercises are suspended on New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas and on such other days as may be designated by the President as national holidays. On such days Midshipmen may be granted liberty.

(c) Midshipmen may be granted approximately 2 weeks leave during the period which includes Christmas and New Year's Day.

(d) Liberty and other privileges are granted to Midshipmen meriting it under applicable regulations.

(e) Relatives and friends of Midshipmen may visit them at the Academy at such hours as the Superintendent may prescribe for visitors.

§ 310.63 Graduation.

(a) A Midshipman will be graduated from the Academy upon the successful attainment of the following objectives:

(1) Completion of the required course of study;

(2) Passing the required U.S. Coast Guard examinations for licensing;

(3) Filing for a Commission in the U.S. Naval Reserve.

(b) Graduates receive the degree of Bachelor of Science; the U.S. Coast Guard license either as third officer or third assistant engineer or both; and may be granted a commission as Ensign in the U.S. Naval Reserve by the Department of the Navy.

(c) In return for the education received at Government expense, each applicant signs an agreement to serve in one of the following categories immediately after graduation:

(1) Sail on his license at sea for not less than six (6) months each year, for three (3) consecutive years immediately following acceptance of commission; or

(2) Sail on his license at sea for not less than four (4) months each year, for four (4) consecutive years immediately following acceptance of commission; or

(3) Apply for and serve on active duty for training on board a Navy ship for a minimum period of thirty (30) consecutive days each year, for a period of three (3) consecutive years and be either employed ashore for the balance of each year in some phase of the maritime industry or engaged in full-time graduate studies related to the maritime field immediately following acceptance of commission; or

(4) Apply for and serve on full-time active duty in the naval service for three (3) consecutive years.

§ 310.64 Foreign students.

(a) *Appointments from the American Republics.*—The Act of Congress approved August 9, 1946 (46 U.S.C. 1126b) and Executive Order 10661 of February 27, 1956 (21 FR 1315) provide for the admission of citizens of American Republics (other than the United States) to receive instruction at the U.S. Merchant Marine Academy at Kings Point, N.Y. The total number of persons from American Republics other than the United States to be enrolled at any one time shall not exceed 12 and not more than two persons from any of such republics shall receive instruction at the U.S. Merchant Marine Academy at the same time. Applications for appointment under the provisions of this law must be addressed through the appropriate diplomatic channels of the applicant's country. Nominations must reach the State Department in Washington, D.C. by January 1 of the year in which admission is sought.

(b) *Appointments from the Trust Territories of the Pacific Islands.*—The Act of Congress approved September 14, 1961 (75 Stat. 514) provides for the admission of not to exceed four persons at a time from the Trust Territories of the Pacific Islands to receive instruction at the U.S. Merchant Marine Academy at Kings Point, N.Y.

(c) *Regulations.*—Persons receiving instruction under the authority of the above acts shall receive the same pay, allowances, and emoluments as do citizens of the United States, to be paid from the Maritime Administration training appropriation. Subject to any exceptions as may be determined by the Assistant Secretary of Commerce for Maritime Affairs (in the case of Midshipmen from the Trust Territories as a result of a joint

agreement by the Assistant Secretary of Commerce for Maritime Affairs and the Secretary of Interior), they shall be subject to the same rules and regulations governing admissions, attendance, discipline, resignation, discharge, dismissal, and graduation as Midshipmen at the Merchant Marine Academy appointed from the United States; but such persons shall not be entitled to appointment to any office or position in the U.S. Merchant Marine by reason of their graduation from the Merchant Marine Academy. Each candidate must:

(1) Be a bona fide male citizen of the country transmitting the request and meet the other requirements as to age, marital status, and character as set forth in § 310.53, for U.S. citizens.

(2) Possess physical qualifications as specified in § 310.55. All candidates must undergo a physical examination as arranged by the Academy Admissions Office.

(3) Be proficient in reading, writing, and speaking idiomatic English and must meet the following scholastic entrance requirements:

(i) Must qualify in the College Entrance Examination Board Scholastic Aptitude Test. See § 310.54(b). Detailed certificates covering schoolwork will not be required of candidates from the other American Republics and the Trust Territories of the Pacific. When available, special foreign language College Board examinations may be substituted for the scholastic aptitude examinations.

(ii) Each candidate shall submit a certificate from his Government that he is conversant with the literature of his native country and that he has completed a course in the literature of his native language equivalent in general to 2 years of secondary schoolwork in literature in the United States. In lieu of this certification, a candidate may produce evidence of having acquired the units for literature from accredited schools of the United States.

(4) Candidates will be furnished information as to the time, place, etc., of the College Entrance Examination Board tests. A maritime representative or a diplomatic representative of the United States in the candidate's country shall in the case of all these candidates furnish a report as to the candidate's proficiency in the use of idiomatic English.

(5) In lieu of the oath of allegiance to the United States, a substitute oath will be required in substance as follows:

I, ----------, a citizen of ----------, aged ---------- years ---------- months, having been appointed as a Midshipman to the U.S. Merchant Marine Academy, do solemnly swear (or affirm) to comply with all regulations of the Academy, and to give my utmost efforts to accomplish satisfactorily the required curriculum; do swear (or affirm) not to divulge any information of military value which I may obtain, directly or indirectly, in consequence of my presence at the U.S. Merchant Marine Academy, to any alien government; and do agree that I shall be withdrawn from the U.S. Merchant Marine Academy if deficient in conduct, health, or studies.

Dated April 4, 1973.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-6890 Filed 4-10-73;8:45 am]

Title 47—Practice and Procedure

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18651]

PART 1—PRACTICE AND PROCEDURE

AM Station Assignment Standards and Relationship Between AM and FM Broadcast Services; Correction

In the matter of amendment of part 73 of the Commission's rules regarding AM station assignment standards and the relationship between the AM and FM broadcast services, Docket No. 18651.

1. In appendix A to the Report and Order in the above-entitled matter (FCC 73-220), adopted February 21, 1973, and published March 5, 1973, at 38 FR 5860 the Note under § 1.571 is corrected to read as follows:

NOTE: No application for broadcast facilities in the conterminous United States tendered for filing after July 13, 1964, will be accepted for filing unless it complies fully with the provisions of §§ 73.24(b) and 73.37 (a) through (d) of this chapter, and no application for broadcast facilities in the conterminous United States tendered for filing after July 18, 1968, will be accepted for filing unless it complies fully with the provisions of § 73.24(b) of this chapter and the provisions of § 73.37(a) through (e) of this chapter. No application for new or changed broadcast facilities in the States of Alaska, and Hawaii, the Commonwealth of Puerto Rico, and the territories of the Virgin Islands, Guam and American Samoa, tendered for filing after July 18, 1968, will be accepted for filing unless it complies fully with the provisions of §§ 73.24(b) and 73.37(a) through (d), and paragraph (f) of this chapter.

Released April 4, 1973.

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

[FR Doc.73-6962 Filed 4-10-73;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Carlton Pond Waterfowl Production Area, Maine

The following special regulation is issued and is effective during the period May 1 through December 31, 1973.

§ 28.28 Special regulations; recreation; for individual wildlife refuge areas.

MAINE

CARLTON POND WATERFOWL PRODUCTION AREA

Entry is permitted for the purpose of sightseeing, nature observation, photography, and hiking during daylight hours. Trapping, hunting, and fishing are authorized in accordance with State laws and regulations and §§ 31.16, 32.1, and 33.1.

The area, comprising approximately 1,068 acres, is delineated on maps available from the Refuge Manager, Moosehorn National Wildlife Refuge, Box X, Calais, Maine 04619 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack, Post Office and Courthouse, Boston, Mass. 02109.

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

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 2, 1973.

[FR Doc.73-6905 Filed 4-10-73;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective during the period May 1, 1973 through December 31, 1973.

§ 28.28 Special regulations; recreation; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Travel by motor vehicle or on foot is permitted on designated travel routes for the purpose of nature study, photography, and sightseeing during daylight hours. Pets are allowed if on a leash not over 10 feet in length. Picnicking is permitted in designated areas where facilities are provided. Fishing and hunting under special regulations may be permitted on parts of the refuge.

The refuge area, comprising 6,344 acres, is delineated on maps available from the Refuge Manager, Montezuma National Wildlife Refuge, Rural Delivery No. 1, Box 232, Seneca Falls, N.Y. 13148 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Mass. 02109.

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

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries & Wildlife.

APRIL 2, 1973.

[FR Doc.73-6906 Filed 4-10-73;8:45 am]

Proposed Rules

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 319]

FRANKFURTERS AND CERTAIN OTHER COOKED SAUSAGE PRODUCTS

Substitute Proposal for Standards; Correction

In FR Doc. 73-5011 appearing at page 6898 of the issue for Wednesday, March 14, 1973, the following change in wording is made in the statement of considerations, second paragraph, third sentence: "Compliance with the principal provisions of the order was originally required by March 19, 1973, but the effective date of the Court Order was later extended by the District Court to and including September 6, 1973."

Done at Washington, D.C., on April 5, 1973.

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

[FR Doc.73-6992 Filed 4-10-73;8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Part 308]

SCHEDULES OF CONTROLLED SUBSTANCES

Proposed Placement of Methaqualone and Its Salts in Schedule II

Based upon the investigations of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to section 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that methaqualone and its salts:

(1) Have a high potential for abuse;

(2) Have a currently accepted medical use in treatment in the United States; and

(3) May, when abused, lead to severe physical and psychological dependence.

Therefore, under the authority vested in the Attorney General by section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of title 28 of the Code of Federal Regulations, the Director proposes that § 308.12 of title 21 of the Code of Federal Regulations be amended by the addition of a new paragraph (e) to read:

§ 308.12 Schedule II.

* * * * *

(e) *Depressants.*—Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Methaqualone and its salts..... 2565

All interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the hearing clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, room 611, 1405 I Street NW., Washington, D.C. 20537, and must be received no later than May 14, 1973.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not be be finalized and requests a hearing in accordance with 21 CFR 308.45, the party will be notified by registered mail that a hearing on these objections will be held at 10 a.m. on May 21, 1973, in room 1210, 1405 I Street NW., Washington, D.C. 20537. If objections submitted do not present such reasonable grounds, the party will so be advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Director may cancel the hearing and, after giving consideration to written comments, issue his final order pursuant to 21 CFR 308.48 without a hearing.

A petition dated March 8, 1973, was submitted to the Director by Robert M. Brandon and Steven T. Wax, co-Directors of the Task Force on Drug Abuse, and four other persons under the provisions of section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)) requesting that the Director initiate proceedings to place methaqualone and four other substances in schedule II. On April 4, 1972, the Bureau received a letter from the American Public Health Association requesting to join in the foregoing petition (37 FR 9500). In light of the investigation of the Bureau and the recommendation of the Department of Health, Education, and Welfare referred to earlier, it is not necessary to determine whether the grounds upon which the petitioners relied in the petition are sufficient in themselves to justify the initiation of the requested proceedings. The question of whether any one of the petitioners has standing as an "interested party" is also academic and a decision in this regard is hereby reserved.

Dated April 6, 1973.

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

[FR Doc.73-6988 Filed 4-10-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 18, 21, 73, 74, 89, 91, 93]

[Docket No. 18262]

LAND MOBILE SERVICE IN CERTAIN FREQUENCIES

Order Regarding Oral Argument

In the matter of an inquiry relative to the future use of the frequency band 806-960 MHz; and amendment of parts 2, 18, 21, 73, 74, 89, 91, and 93 of the rules relative to operations in the land mobile service between 800 and 960 MHz, Docket No. 18262.

1. On March 13, 1973, the Commission adopted an "Order for Oral Presentation" in the above-entitled proceeding published at page 7340 in the issue of Tuesday, March 20, 1973. In that order, the Commission established dates (May 7 and 8, 1973) for interested parties to present oral arguments to the Commission.

2. Since the adoption of that order, it has become necessary, for administrative reasons, to reschedule the oral argument dates to May 14 and 15, 1973. This rescheduling should be welcomed by the interested parties since they will have a longer period of time to prepare their arguments.

3. *Accordingly, it is ordered*, Pursuant to the authority in § 0.251(b) of the Commission's rules and regulations, that oral argument in the above-entitled proceeding is rescheduled to May 14 and 15, 1973, and will begin at 9:30 a.m. on May 14, 1973.

Adopted April 3, 1973.

Released April 4, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN W. PETTIT,
General Counsel.

[FR Doc.73-6963 Filed 4-10-73;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 STATE

[Public Notice CM-21]

U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE

Notice of Study Group Meeting

The Department of State announces that Study Group 6 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on April 20, 1973, at 9 a.m. in room 3012, Radio Building, of the Boulder Laboratories, Department of Commerce, Boulder, Colo. Study Group 6 deals with matters relating to the propagation of radio waves through the ionosphere. The agenda for the meeting will include the following matters:

a. Review of the conclusions of the international meeting of Study Group 6 in 1974;
b. Discussion of issues related to the international meeting of Study Group Group 6 in 1974;
c. Establishment of work program.

Members of the general public who desire to attend the meeting on April 20 will be admitted up to the limits of the capacity of the meeting room.

Dated: April 4, 1973.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc.73-6896 Filed 4-10-73;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 73-93]

CARTON CUTTERS

Tariff Classification

On the basis of a petition by an American manufacturer under section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), it has been determined that the classification of a cutter used to cut open corrugated cardboard cartons, in item 651.47, "Tariff Schedules of the United States," as an iron or steel hand tool, not specially provided for, is not correct.

The cutter in question consists of a protective sleeve which holds a single-edge razor blade parallel to the long axis of the sleeve. The blade can slide out of the sleeve. It is used in the manner of a knife to open a cardboard carton. The blade can also be removed from within the sleeve, and be attached to the rear of the sleeve at an angle perpendicular to the long axis of the sleeve. In this position, the razor blade might be used as a scraper. However, the sleeve does not completely support the blade, and the so-called scraper does not appear to perform satisfactorily as a scraper.

The chief use of the device in the United States has been determined to be as a carton cutter and it has been determined that the scraper feature has only incidental use.

The petitioner has been notified that the carton cutter in question is a knife which has other than a fixed blade. If valued over 50 cents, but not over $1.25, per dozen, it is within item 649.75, "Tariff Schedules of the United States," and would be properly classifiable as a knife under that item number.

In accordance with section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), all merchandise of this kind entered, or withdrawn from warehouse, for consumption more than 30 days after publication of this notice in the weekly "Customs Bulletin" shall be classified in accordance with this determination.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved March 29, 1973.

EDWARD L. MORGAN,
Assistant Secretary
of the Treasury.

[FR Doc.73-6937 Filed 4-10-73;8:45 am]

[T.D. 73-94]

INSTRUMENTS OF INTERNATIONAL TRAFFIC

Designation of Certain Aluminum Cores

It has been established to the satisfaction of the Bureau of Customs that aluminum cores, 12 9/16 inches (320 millimeters) in length, with two inside diameter sizes, 3 inches (76 millimeters) and 5 7/8 inches (150 millimeters), used for the transportation of polyester film, are substantial, suitable for and capable of repeated use, and will be used in significant numbers in international traffic.

Under the authority of § 10.41a(a)(1), Customs regulations (19 CFR 10.41a(a)(1)), I hereby designate the above-described aluminum cores and similar cores of approximately the same size as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. These cores may be released under the procedures provided for in § 10.41a, Customs regulations.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.73-6938 Filed 4-10-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MEDFORD DISTRICT ADVISORY BOARD

Agenda and Notice of Meeting

Notice is hereby given that the Bureau of Land Management Medford District Advisory Board will meet at 9 a.m., Pacific daylight time on May 18, 1973, at the Jackson County Extension Service Auditorium, 1301 Maple Grove Drive, Medford, Oreg.

The agenda for the meeting will include the 1974 Timber Sale Plan, environmental analysis of program actions, Hyatt Lake expansion, road closures, and abandonment of public roads.

The meeting will be open to the public insofar as seating is available. Time will be available for brief statements from members of the public but those wishing to make an oral statement must inform the chairman in writing prior to the meeting. Interested persons may file a written statement with the Board for its consideration. They should be sent to chairman, District Advisory Board, care of district manager, Bureau of Land Management, 310 West Sixth Street, Medford, Oreg. 97501.

DONALD J. SCHOFIELD,
District Manager.

APRIL 3, 1973.

[FR Doc.73-6944 Filed 4-10-73;8:45 am]

[Wyoming 27597; Power Site Classification 345; Cancellation 274]

WYOMING

Order Providing for Opening of Public Lands

APRIL 3, 1973.

By published notice (37 FR 239, Dec. 12, 1972) the U.S. Geological Survey canceled Power Site Classification No. 345 of July 31, 1944, as to the lands described therein.

The purpose of this order is to restore to the operation of applicable public land laws certain unreserved national resource lands involved in that notice.

Under the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, it is ordered as follows:

1. The following described lands are hereby restored to disposition under applicable public land laws, subject to valid existing rights:

SIXTH PRINCIPAL MERIDIAN, WYO.

T. 53 N., R. 94 W.,
Sec. 13, NW¼SE¼ and S½SE¼.

The area described contains 120 acres in Big Horn County.

DANIEL P. BAKER,
State Director.

[FR Doc.73-6953 Filed 4-10-73;8:45 am]

SIMULTANEOUS OIL AND GAS LEASE FILINGS

Revised Drawing Entry Card Required

In FR Doc. 73-4154 published at 38 FR 5668 provided that, because of printing and distribution problems, participants in the March filings would be permitted to use either the revised entry card (form 3112-1) or the old blue card (form 3120-21) to file entries in the March simultaneous oil and gas lease filings. A new supply of the revised entry cards (form 3112-1) will not be available in time for use during the April 16 filing period. Participants may file either the revised entry card or the old blue card (form 3120-21) in the April filings. The blue card may not be used after the April filing period.

BURT SILCOCK,
Director.

[FR Doc.73-7093 Filed 4-10-73;9:23 am]

Office of the Secretary

HOWARD A. BECK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No Change.
(2) No Change.
(3) No Change.
(4) No Change.

This statement is made as of March 29, 1973.

Dated March 29, 1973.

HOWARD A. BECK.

[FR Doc.73-6916 Filed 4-10-73;8:45 am]

JAMES S. BROADDUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 29, 1973.

Dated March 29, 1973.

JAMES S. BROADDUS.

[FR Doc.73-6907 Filed 4-10-73;8:45 am]

JOHN F. ENGLISH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 5, 1973.

Dated March 5, 1973.

JOHN F. ENGLISH.

[FR Doc.73-6908 Filed 4-10-73;8:45 am]

ROBERT V. HUGO

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 5, 1973.

Dated March 5, 1973.

ROBERT V. HUGO.

[FR Doc. 73-6909 Filed 4-10-73;8:45 am]

MODESTO IRIARTE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 28, 1973.

Dated March 28, 1973.

MODESTO IRIARTE.

[FR Doc.73-6910 Filed 4-10-73;8:45 am]

JOHN H. KLINE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 5, 1973.

Dated February 5, 1973.

JOHN H. KLINE.

[FR Doc.73-6911 Filed 4-10-73;8:45 am]

OWEN A. LENTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Ohio Power Co.
(3) No change.
(4) No change.

This statement is made as of March 2, 1973.

Dated March 2, 1973.

OWEN A. LENTZ.

[FR Doc.73-6912 Filed 4-10-73;8:45 am]

JAMES W. McWHINNEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 1, 1973.

Dated March 5, 1973.

JAMES W. McWHINNEY.

[FR Doc.73-6913 Filed 4-10-73;8:45 am]

CLIFTON F. ROGERS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None; elected Director of Upper Peninsula Power Co., September 13, 1972.
(2) None.
(3) None.
(4) None.

This statement is made as of March 7, 1973.

Dated March 7, 1973.

CLIFTON F. ROGERS.

[FR Doc.73-6914 Filed 4-10-73;8:45 am]

STANLEY M. SWANSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 13, 1973.

Dated March 13, 1973.

S. M. SWANSON.

[FR Doc.73-6915 Filed 4-10-73;8:45 am]

E. F. TIMME

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 30, 1973.

Dated March 30, 1973.

E. F. TIMME.

[FR Doc.73-6917 Filed 4-10-73;8:45 am]

National Park Service

AMISTAD RECREATION AREA

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the act of October 9, 1965 (79 Stat. 969, 16 U.S.C. 20), public notice is hereby given that on or before May 11, 1973, the Department of the Interior, through the Superintendent, Amistad Recreation Area, proposes to issue a concession permit to Rough Canyon Marina, Inc., authorizing them to provide concession facilities and services for the public at Amistad Recreation Area for a period of 2 years from April 1, 1973, through March 31, 1975.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before May 11, 1973.

Interested parties should contact the Superintendent, Amistad Recreation Area, P.O. Box 1463, Del Rio, Tex. 78840, for information as to the requirements of the proposed permit.

Dated February 21, 1973.

COLEMAN C. NEWMAN,
Superintendent,
Amistad Recreation Area.

[FR Doc.73-6904 Filed 4-10-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

RIO GRANDE NATIONAL FOREST MULTIPLE-USE ADVISORY COMMITTEE

Notice of Meeting

The Rio Grande National Forest Multiple-Use Advisory Committee will meet at the Forest Supervisor's office, Monte Vista, Colo. 81144, at 1 p.m. on April 28, 1973.

The purpose of the meeting is to discuss the forest's program accomplishments and program planning, and to enlist advice and criticism of the program from the Committee. In addition, organizational structures will be discussed to seek overall Committee effectiveness. Officers will be elected.

The meeting is open to the public. Public participation will be limited to written statements submitted before or after the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members who wish to attend, should contact Forest Supervisor James R. Mathers, telephone 303-852-5941.

RONALD R. SCHULZ,
Acting Forest Supervisor.

MARCH 30, 1973.

[FR Doc.73-6898 Filed 4-10-73;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON FOOT-AND-MOUTH DISEASE

Notice of Meeting

A meeting of the Advisory Committee on Foot-and-Mouth Disease will be held at 9 a.m. on April 16 and 17, 1973, in room 3115, South Building, U.S. Department of Agriculture, Washington, D.C.

The purpose of the committee is to advise and counsel the Secretary of Agriculture regarding program operations or measures to prevent, suppress, control, or eradicate an outbreak of foot-and-mouth disease in this country.

Matters to be discussed include a review of current emergency animal disease programs and procedures for handling an outbreak of a highly damaging foreign animal disease such as foot-and-mouth disease should it be introduced into the United States.

The meeting is open to the public, but space and facilities are limited. Comments of interested persons may be filed with the committee before or after the meeting.

Dated April 6, 1973.

E. E. SAUFMAN,
Acting Chairman.

[FR Doc.73-6991 Filed 4-10-73;8:45 am]

JOINT U.S. DEPARTMENT OF AGRICULTURE—NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE COMMITTEE

Notice of Reestablishment

In accordance with the provisions of Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that the Joint U.S. Department of Agriculture—National Association of State Departments of Agriculture Committee has been reestablished. The Committee Management Secretariat of the Office of Management and Budget has reviewed the determination to reestablish this Committee and has concurred.

JOSEPH R. WRIGHT, JR.,
Assistant Secretary
for Administration.

APRIL 6, 1973.

[FR Doc.73-6990 Filed 4-10-73;8:45 am]

Soil Conservation Service

PALUXY RIVER WATERSHED PROJECT, TEXAS

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Paluxy River Watershed Project, Erath, Hood, and Somervell Counties, Tex., USDA-SCS-ES-WS-(ADM)-73-34(D).

The environmental statement concerns a plan for watershed protection, flood prevention, and agricultural and nonagricultural water management. The plan includes conservation land treatment measures on about 55,279 acres of grassland and cropland, supplemented by 23 floodwater retarding structures and 3 multiple-purpose reservoirs.

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

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250

Soil Conservation Service, USDA, First National Bank Building, P.O. Box 648, Temple, Tex. 76501

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please use name and number of statement when ordering. The estimated cost is $3.75.

Copies of the draft environmental statement have been sent for comment to

various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Edward E. Thomas, State Conservationist, Soil Conservation Service, P.O. Box 648, Temple, Tex. 76501.

Comments must be received on or before June 4, 1973, in order to be considered in the final environmental statement.

Dated April 5, 1973.

EUGENE C. BUIE,
Acting Deputy Administrator for Watersheds Soil Conservation Service.

[FR Doc.73-6943 Filed 4-10-73;8:45 am]

DEPARTMENT OF COMMERCE

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

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

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

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Inquiries and requests for licensing information should be directed to the "Assignee" as indicated on the copy of the patent.

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

U.S. DEPARTMENT OF THE INTERIOR

Patent application 316,216: Electrolytic Preparation of Zirconium and Hafnium Diborides Using a Molten, Cryolite-Base Electrolyte; filed Dec. 18, 1972; PC $3, MF $0.95.

Patent application 316,217: Electrolytic Preparation of Titanium and Zirconium Diborides Using a Molten, Sodium Salt Electrolyte; filed Jan. 18, 1972; PC $3/MF $0.95.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Patent application 197,183: Airfoil Shape for Flight at Supersonic Speeds; filed Nov. 9, 1971; PC $3.50/MF $0.95.

Patent application 318,152: Metabolic Analyzer; filed Dec. 26, 1972; PC $3.75/MF $0.95.

Patent application 306,652: Capacitance Multiplier and Filter Synthesizing Network; filed Nov. 15, 1972; PC $3.25/MF $0.95.

Patent application 322,998: Measuring Probe Position Recorder; filed Jan. 12, 1973; PC $3/MF $0.95.

Patent application 266,771: A Manual Actuator; filed June 27, 1972; PC $3/MF $0.95.

[FR Doc.73-6857 Filed 4-10-73;8:45 am]

Office of Import Programs

UNIVERSITY OF VIRGINIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89V651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00229-01-07500. Applicant: University of Virginia, Department of Biochemistry, 1300 Jefferson Park Avenue, Jordan Medical Education Building, Charlottesville, Va. 22901. Article: Microcalorimeter, LKB 10700-2. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for research on the thermodynamics of biopolymer interactions. These interactions include the binding of small molecules to proteins (e.g. human hemoglobins) and the formation of complexes between protein subunits. Molar enthalpy changes associated with these interactions will be determined by mixing and/or dilution type experiments using either the batch microcalorimeter or the flow adapter. Changes in degree of molecular dissociation will be determined independently by optical measurements.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a sensitivity of one microcalorie. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 6, 1973, that the best sensitivity is pertinent to the purposes for which the article is intended to be used. HEW further advised that it knows of on domestically manufactured instrument which is scientifically equivalent to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director, Office of Import Programs.

[FR Doc.73-6940 Filed 4-10-73;8:45 am]

VETERANS ADMINISTRATION HOSPITAL ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before May 1, 1973.

Amended regulations issued under cited act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-00420-33-46040. Applicant: Veterans' Administration Hospital, 1055 Clermont Street, Denver, Colo. 80220. Article: Electron microscope, model EM 300. Manufacturer: Philips Electronic Instrument, NVD, The Netherlands. Intended use of article: The article is intended to be used to examine tissues removed at surgery or at time of autopsy from patients, including, but not restricted to cancerous tissue and biopsies from patients with kidney disease to gain a new knowledge about these diseases, and for routine diagnostic purposes. New techniques for examination of human tissues by electron microscopy will be developed; particularly the peroxidase-labeled antibody technique for the specific identification of proteins at the electron microscope level will be applied to human kidney biopsies. The article will also be used in studies of antibody synthesis to understand cell kinetics, cellular functions, and interactions between cells in the production of antibody. Educational uses will include instruction of physicians in residency (speciality) training in pathology in the principles and techniques of electron microscopy, and training of disabled veterans to be electron microscopy techniques. Application received by Commissioner of Customs: March 12, 1973.

Docket No. 73-00421-33-46500. Applicant: University of Iowa College of Medicine, Newton Road, Iowa City, Iowa

52242. Article: Ultramicrotome, model OM U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used for studies of materials involved in electron microscopic studies of blood platelets and platelet aggregates. Other samples to be studied will include formed tissues of several types (spleen, lung, alimentary system, skin), with thrombi and sometimes with areas of necrosis and/or inflammation. The article will be used in the preparation of superior serial sections of these materials. Application received by Commissioner of Customs: March 9, 1973.

Docket No. 73-00422-33-46500. Applicant: State University College, Plattsburgh, N.Y. 12901. Article: Ultramicrotome, model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in investigations in biology involving studies of structure and functions at the subcellular or molecular level to review the functions and molecular aspects of living organisms. Application received by Commissioner of Customs: March 14, 1973.

Docket No. 73-00423-33-46500. Applicant: Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Ultramicrotome, model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare thin sections of monolayer tissue culture systems to be used in studies of humain brain tumors of various types growing in the culture. Comparative studies will also be made of freshly biopsied human brain tumors in order to understand the process of growth and differentiation of cancer cells in tissue culture. Application received by Commissioner of Customs: March 14, 1973.

Docket No. 73-00425-55-54100. Applicant: University of Washington, Oceanography Department, CU Project 14, Seattle, Wash. 98195. Article, Batfish model 3000, guideline CTD system, model 8103. Manufacturer: Guideline Instrument, Ltd., Canada. Intended use of article: The article is intended to be used for the study of the spatial and temporal variations of ecological parameters, such as nutrients, in the coastal upwelling systems in the ocean adjacent to various countries in the world. Application received by Commissioner of Customs: March 13, 1973.

Docket No. 73-00426-33-46500. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, N.Y. 10461. Article: Ultramicrotome, model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to cut a variety of tissue with different consistencies for the ultrastructural investigation of a variety of pathological conditions of the nervous system, especially those involving the developing brain and nerves. Application received by Commissioner of Customs: March 13, 1973.

Docket No. 73-00430-01-01100. Applicant: University of Alaska, Fairbanks, Alaska 99701. Article: Nitrogen 15 analyzer, model NIA and accessories. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use of article: The article is intended to be used to further ongoing studies of the marine and lacustrine nitrogen cycle with particular emphasis placed on cycling of nitrogen in northern production waters such as Prince William Sound, Gulf of Alaska, Bering Sea, Arctic Ocean, and Arctic and alpine lakes. 15/N studies in the area of nitrogen pollution and sewage treatment in cold climate will also be initiated. A study of the productivity and nutrient cycling of seagrass has recently been started. Extensive studies of the fresh water nitrogen cycle in Alaskan environments using 15/N are also to be continued. The article will also be used for educational purposes in a course entitled "Stable Isotope Tracer Techniques." Application received by Commissioner of Customs: March 5, 1973.

Docket No. 73-00431-01-01100. Applicant: University of Missouri-Columbia, Columbia, Mo. 65201. Article: Nitrogen 15 analyzer, NOI-5. Manufacturer: Isocommerz, the Netherlands. Intended use of article: The article is intended to be used in the study of nitrogen metabolism, especially in ruminants. Several compounds containing 15/N will be used, including NH_4Cl, urea, glycine and other amino acids as they are available. Experiments planned include:

(1) The incorporation of ^{15}N into histidine of human subject depleted of histidine.

(2) The incorporation of ^{15}N into serum amino acids of sheep deprived of exogenous amino acids.

(3) The kinetics of disappearance of intravenously administered labelled amino acids.

The article will also be used in the courses animal husbandry 490 and 450 and nutrition 490 and 450 to provide research experience to graduate students. The students will be taught the operation of the instrument and use it for their individual research projects under the supervision of the major professor. Application received by Commissioner of Customs: March 16, 1973.

Docket No. 73-00432-33-46040. Applicant: The University of Michigan, Pathology Department, 1335 East Catherine, Ann Arbor Mich. 48104. Article: Electron Microscope, model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to study normal, diseased, and neoplastic human tissue to ascertain the ultrastructural morphology of these tissues. Extensive studies of human tumors is also planned. In addition, the article will serve as an educational tool for use in a course for advanced medical students, graduate students, residents and faculty in the Department of Pathology and other departments. Application received by Commissioner of Customs: March 14, 1973.

Docket No. 73-00433-90-46070. Applicant: Herbert H. Lehman College, Bedford Park Boulevard, West Bronx, N.Y. 10468. Article: Scanning electron microscope, model JSM-U3. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in a wide variety of research projects which include the following:

A. Studies evaluating the effects of various plant hormones on the structure of cells of higher plants during abscission.

B. Studies to determine wherein blue-green algae cells phosphate is localized.

C. Studies of the formation of spores in blue-green algae using light microscopy and transmission electron microscopy.

D. Studies to determine the effects of zinc and other metals on chromosome morphology.

E. Observation of pollen grains and other plant parts in connection with taxonomic studies.

The article will also be used in the training of graduate students in the techniques and special applications of scanning electron microscopy and used as a teaching instrument in the course cytology (biology 634). Application received by Commissioner of Customs: March 14, 1973.

Docket No. 73-00434-65-46070. Applicant: Northwestern University, Department of Materials Science, The Technological Institute, 2145 Sheridan Road, Evanston, Ill. 60201. Article: Scanning electron microscope, model S-4. Manufacturer: Cambridge Scientific Instrument Co., Ltd., United Kingdom. Intended use of article: The article is intended to be used to support research in a large number of research programs. Typical specimens to be examined are metal and alloys (both single and polycrystals), ceramics, semiconductors, various powders, polymers and compound materials. The photographs, ECP patterns, chemical analyses and other information acquired from the use of the article will be used in several courses including material science 750-C65, a course in electron microscopy and electron diffraction. Application received by Commissioner of Customs: March 14, 1973.

Docket No. 73-00506-33-46500. Applicant: Veterans' Administration Hospital, 500 Foothill Boulevard, Salt Lake City, Utah 84113. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare ultrathin sections of tissues from human and animal organs. These materials will be used in experiments on ultrastructural changes at the lines in hypercholesterol diets. In addition the article will be used for training in electron microscopy. Application received by Commissioner of Customs: March 7, 1973.

Docket No. 73-00337-33-77040. Applicant: The Salk Institute, P.O. Box 1809, San Diego, Calif. 92112. Article: Mass spectrometer system, Model CH-5. Manufacturer: Varian, West Germany. Intended use of article: The article is intended to be used for research in population control. Intended application of the article will mainly be structural studies of peptides, particularly those derived from the hypothalamus. These studies can be grouped into four major areas.

I. Direct sequence determination of peptides.
II. Precision mass determination.
III. GC–MS analysis of the PTH derivatives of amino acids.
IV. Direct evaporation analysis of the PTH derivatives.

Application received by Commissioner of Customs: January 15, 1973.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-6941 Filed 4-10-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 3B2893]

ALCOLAC, INC.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B2893) has been filed by Alcolac, Inc., 3440 Fairfield Rd., Baltimore, Md. 21226, proposing that § 121.2520 adhesives (21 CFR 121.2520) be amended to provide for the safe use of polyethylene glycol mono(hydrogen sulfate) dodecyl ether, ammonium salt, as a component of adhesives intended for use in food-contact articles.

Dated April 3, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc. 73-6918 Filed 4-10-73;8:45 am]

[CAP 8C0054]

CENCO MEDICAL INDUSTRIES, INC.

Notice of Filing of Petition Regarding D&C Blue No. 6

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 8C0054) has been filed by Cenco Medical Industries, Inc., 4401 West 26th St., Chicago, Ill. 60623, proposing the issuance of a color additive regulation (21 CFR Part 8) to provide for the safe use and certification of D&C Blue No. 6 ([$\Delta^{2,2'}$-biindoline]-3,3'-dione) for the purpose of coloring polypropylene sutures for use in general surgery.

Dated April 3, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-6919 Filed 4-10-73;8:45 am]

[CAP 6C0046]

DAVIS & GECK DIVISION AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding D&C Blue No. 6

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 6C0046) has been filed by Davis and Geck Division, American Cyanamid Co., Danbury, Conn. 06813, proposing the issuance of a color additive regulation (21 CFR Part 8) to provide for the safe use and certification of D&C Blue No. 6 ([$\Delta^{2,2'}$-biinodline]-3,3'-dione) for the purpose of coloring polyethylene terephthalate sutures for use in general surgery.

Dated April 3, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-6921 Filed 4-10-73;8:45 am]

[FAP 1B2692]

EMSER WERKE AG

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 Withdrawal of Petitions Without Prejudice of the procedural food additive regulations (21 CFR 121.52), Emser Werke AG, Seinaustrasse 16, Zurich, Switzerland (formerly 7013 Domat, Ems, Switzerland), has withdrawn its petition (FAP 1B2692), notice of which was published in the FEDERAL REGISTER of August 11, 1971 (36 FR 14773), proposing that § 121.2502 *Nylon resins* (21 CFR 121.2502) be amended to provide for the safe use of nylon 12 resins, manufactured by the polymerization of *omega*-laurolactam, in food-contact articles.

Dated April 3, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-6922 Filed 4-10-73;8:45 am]

[CAP 7C0048]

ETHICON, INC.

Notice of Filing of Petition Regarding D & C Blue No. 6

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 7C0048) has been filed by Ethicon, Inc., Somerville, N.J. 08876, proposing the issuance of a color additive regulation (21 CFR part 8) to provide for the safe use and certification of D & C Blue No. 6 ([$\Delta^{2,2'}$-biindoline]-3,3'-dione) for the purpose of coloring plain or chromic absorbable surgical sutures, USP, for use in general and ophthalmic surgery.

Dated April 3, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-6923 Filed 4-10-73;8:45 am]

[FAP 2B2792]

ROHM & HAAS CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 Withdrawal of Petitions Without Prejudice of the procedural food additive regulations (21 CFR 121.52), Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, has withdrawn its petition (FAP 2B2792), notice of which was published in the FEDERAL REGISTER of June 13, 1972 (37 F.R. 11740), proposing that § 121.2566 Antioxidants and/or Stabilizers for Polymers (21 CFR 121.2566) and § 121.2597 Polymers Modifiers in Semirigid and Rigid Vinyl Chloride Plastics (21 CFR 121.2597) be amended to provide for the safe use of 4,4'-thiobis (6-*tert*-butyl-*m*-cresol) as an antioxidant in the manufacture of polymer modifiers for polyvinyl chloride plastics intended for use in contact with food.

Dated April 3, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-6924 Filed 4-10-73;8:45 am]

ATOMIC ENERGY COMMISSION

PORTLAND GENERAL ELECTRIC CO. ET AL.

Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

Portland General Electric Co., The city of Eugene, Oreg., Pacific Power and Light Co. (Trojan Nuclear Plant) [Docket No. 50-344].

This action is in reference to the Notice of Receipt of Application for Facility Operating License, Notice of Consideration of Issuance of Facility License and Notice of Opportunity for Hearing published by the Commission in the above matter (38 FR 5004—Feb. 23, 1973).

The members of the Board are:

Jerome Garfinkel, Esq., Chairman; Dr. A. Dixon Callihan, member; Dr. John R. Lyman, member.

Dated at Washington, D.C., this sixth day of April 1973.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.73-6982 Filed 4-10-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25110; Order 73-4-33]

HUGHES AIRWEST

Order Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of April 1973.

By application filed on January 12, 1973, Hughes Airwest (Airwest) has requested amendment of its certificate of public convenience and necessity so as to delete Apple Valley, Calif. therefrom. On the same date Airwest filed a motion for expedited hearing of its application.

In support of its motion Airwest alleges, inter alia, that, since Airwest resumed service at Apple Valley on September 1, 1970,[1] the point has enplaned only 3.13 passengers per actual departure; that, since the initiation of service by Bonanza Airlines in 1957, only in 1965 were more than 5,000 enplanements generated in 1 year; that continuation of service by Airwest involves an estimated total subsidy need of $196,414 per year or $35.84 per passenger; that the subsidy need is unreasonably high relative to subsidy costs per passenger for other cities whose air service has recently been deleted;[2] that Apple Valley is not isolated in that it is about 1 hour's driving time from far superior service offered at Ontario International Airport; and that the community has not responded to Airwest's promotional efforts and custom-designed service.

Answers in opposition to the application and motion were filed by the county of San Bernardino and the Apple Valley Airport manager, jointly. These civic parties primarily allege that there is a present and future need for certificated service at Apple Valley and that the data presented by Airwest do not justify the need for expedited hearing.

Upon consideration of the foregoing and all the relevant facts, we have decided to set for hearing Airwest's application to delete Apple Valley. A hearing will permit full consideration of the conflicting contentions of the parties on the basis of an evidentiary record.

Accordingly, it is ordered, That:

1. The application of Hughes Airwest be and it hereby is set for hearing before an administrative law judge of the Board at a time and place to be hereafter designated;

2. A copy of this order shall be served upon Hughes Airwest; mayor, city of Apple Valley; manager, Apple Valley Airport; Governor, State of California; California Public Utilities Commission; State Aviation Commission of California; board of supervisors, county of San Bernardino; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-6985 Filed 4-10-73;8:45 am]

[1] Service was suspended by Bonanza Airlines, Airwest's predecessor, in April 1966, because of inadequate airport facilities.

[2] See e.g., order 70-6-22, June 2, 1970; order 73-2-16, Feb. 5, 1973; and order 72-11-26, Nov. 9, 1972.

[Docket No. 20826]

REOPENED ALASKA SERVICE INVESTIGATION

Notice of Prehearing Conference

In regard: Reopened Alaska Service Investigation (Bush Routes Phase).

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 10, 1973, at 9 a.m. (local time), Royal Inn, 720 West Fifth Avenue, Anchorage, Alaska 99501, before Chief Administrative Law Judge Ralph L. Wiser.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the judge of: (1) Proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before April 19, 1973, and the other parties on or before May 3, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., April 6, 1973.

[SEAL] RALPH L. WISER,
Chief, Administrative Law Judge.

[FR Doc.73-6986 Filed 4-10-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Comments by the Environmental Protection Agency

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period from February 16, 1973, to February 28, 1973.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this reviewing period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in appendix II, and the EPA source for copies of the comments as set forth in appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in appendixes I, III, and IV.

Copies of the EPA Order 1640.1, setting forth the policies and procedures for EPA's review of agency actions, may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Dated March 30, 1973.

SHELDON MEYERS,
Director,
Office of Federal Activities.

APPENDIX I

DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN FEBRUARY 16, 1973 AND FEBRUARY 28, 1973

Responsible Federal agency	Title and Identifying Number	General nature of comments	Source for copies of comments
Atomic Energy Commission	D-AEC-60080-VA: North Ana Nuclear Generating Station, Louisa County, Va.	ER-2	D
Do	D-AEC-60080-00: Emergency core cooling system for light water reactor.	3	A
Do	D-AEC-60081-MI: Donald C. Cook Nuclear Plant, Units 1 and 2, Mich.	ER-2	F
Corps of Engineers (Civil Works)	D-COE-25011-00: Permit program for waste disposal in Atlantic Ocean.	LO-2	A
Do	D-COE-30001-WA: Little Goose additional generating units, Wash.	LO-1	K
Do	D-COE-30003-OR: Willow Creek Lake, Heppner, Oreg.	ER-2	K
Do	D-COE-32802-NC: Craven County, N.C., Neuse River channel extension to Streets Ferry.	ER-2	E
Federal Highway Administration.	D-FHW-41639-MA: I-95 Middleton to Newburyport, Mass.	ER-2	B
Do	D-FHW-41633-MI: U.S. 131 (Limits M-46 to 20 Mile Rd.) Montcalm and Mecosta Counties, Mich.	LO-1	F
Do	D-FHW-41642-IA: Freeway 518 Project Johnson County, Iowa.	LO-2	H
Do	D-FHW-41657-NC: Union County, Monroe, N.C., Charlotte Avenue Extension, S U 1083.	LO-1	E
Do	D-FHW-41675-TN: Scott and Campbell Counties, Tenn. State road 63 (from Huntsville to Pioneer).	LO-1	E
Do	D-FHW-41674-FL: State road 9A; Duval County, Fla., State job 7200-3409, 3410, Federal, job I-295-5(33) 331.	ER-2	E
Do	D-FHW-41683-OR: Battle Creek—Talbot road section of I-5, Oreg.	LO-1	K
Federal Maritime Commission	D-FMC-52061-00: Pacific Coast-Australasian Tariff, docket 71-83.	LO-1	A
General Services Administration	D-GSA-51115-IL: Social Security Administration payment Center, Chicago, Cook County, Ill.	LO-1	F
Department of Housing and Urban Development.	D-HUD-83002-MD: Coldspring New Town, Baltimore, Md.	ER-2	D
Soil Conservation Service	D-SCS-36205-NB: South Fork watershed, Pawnee, and Richardson Counties, Nebr.	LO-2	H
Do	D-SCS-36217-AR: Little Running Water Ditch Resource Conservation and Development Measure, Ariz.	LO-2	G
	ERRATA—The following environmental impact statement for which a categorization was listed on February 28, 1973, 38 FR 5366, is amended accordingly:		
	D-AEC-60073-NM: Transuranium Solid Waste Development Facility, N. Mex.	LO-2	G

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action

LO—Lack of objection.

EPA has no objections to the proposed action as described in the draft impact statement; or suggests that only minor changes in the proposed action.

ER—Environmental reservations.

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these aspects.

EU—Environmentally unsatisfactory.

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the impact statement

Category 1—Adequate.—The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient information.—EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate.—EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonably available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

If a draft impact statement is assigned a category 3, no rating will be made of the project or action, since a basis does not generally exist on which to make such a determination.

APPENDIX III

FINAL ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN FEBRUARY 16, 1973 AND FEBRUARY 28, 1973

Responsible Federal Agency	Title and Identifying Number	General nature of comments	Source for copies of comments
Department of Agriculture.	F-DOA-61089-FL: Proposal for Oklawaha River, Ocala National Forest, Fla.	General lack of objections. Recommended further considerations be given to loss of spawning areas for certain fish species and effects on water quality by leaving partial pool at Rodman Dam.	E
Tennessee Valley Authority.	F-TVA-25024-AL: Experimental SO_2 removal system and waste disposal pond Widows Creek Steam Plant, Jackson County, Ala.	General agreement. Adverse effects will not be significant in comparison to environmental benefits which may result from this research.	E

APPENDIX IV

REGULATIONS, LEGISLATION AND OTHER FEDERAL AGENCY ACTIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN FEBRUARY 16, 1973 AND FEBRUARY 28, 1973

Agency	Title	General nature of comments	Source for copies of comments
None			

APPENDIX V

SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, room 847, 26 Federal Plaza, New York, N.Y. 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, suite 300, 1421 Peachtree Street NE., Atlanta, Ga. 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, Ill. 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Tex. 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Mo. 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, room 916, 1860 Lincoln Street, Denver, Colo. 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, Calif. 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101.

[FR Doc.73-6895 Filed 4-10-73;8:45 am]

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Agenda and Notice of Meetings

Pursuant to Public Law 92-463, notice is hereby given that meetings of the "Effluent Standards and Water Quality Information Advisory Committee" will be held at 9:30 a.m., April 20, 1973, in room 1112, Crystal Mall, Building 2 in Crystal City, Arlington, Va. and at 9:30 a.m., May 1, 1973, in room 310, in the Stewart Center, Purdue University, West Lafayette, Ind.

These are regularly scheduled meetings of this advisory committee. The agenda for both meetings includes a review of the Agency's approach to developing effluent limitations guidelines and standards of performance in implementing the Federal Water Pollution Control Act, as amended. The committee will also discuss the gathering of statistical information and their future activities and the timing of these.

The meeting will be open to the public. Any member of the public wishing to attend or participate should contact Mr. Harold Coughlin, Effluent Guidelines Division, at 703-557-1944.

WILLIAM D. RUCKELSHAUS,
Administrator.

APRIL 9, 1973.

[FR Doc.73-7091 Filed 4-10-73;8:45 am]

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Agenda and Notice of Public Hearings

Notice is hereby given of two public hearings to be held by the Effluent Standards and Water Quality Information Advisory Committee (the Committee) established pursuant to section 515 of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500, 86 Stat. 816) (the Act). The first hearing will be held on April 19, 1973 at 9:30 a.m. in room 1112, Crystal Mall, Building 2, in Crystal City, Arlington, Va. The second hearing will be held on April 30, 1973 at 9:30 a.m. in room 310, in the Stewart Center, Purdue University, West Lafayette, Ind. The hearings will be open to the public.

The Administrator of the Environmental Protection Agency (the Administrator) notified the committee on April 3, 1973 of his intention to propose regulations required by section 304(b) of the Act, concerning effluent limitations guidelines, and section 306 of the Act, concerning standards of performance for new sources, for the following categories of sources:

1. Pulp and paper mills.
2. Paperboard, builders paper and board mills.
3. Meat product and rendering processing.
4. Dairy product processing.
5. Grain mills.
6. Canned and preserved fruits and vegetables processing.
7. Canned and preserved seafood processing.
8. Sugar processing.
9. Textile mills.
10. Cement manufacturing.
11. Feedlots.
12. Electroplating.
13. Organic chemicals manufacturing.
14. Inorganic chemicals manufacturing.
15. Plastic and synthetic materials manufacturing.
16. Soap and detergent manufacturing.
17. Fertilizer manufacturing.
18. Petroleum refining.
19. Iron and steel manufacturing.
20. Nonferrous metals manufacturing.
21. Phosphate manufacturing.
22. Steam electric powerplants.
23. Ferroalloy manufacturing.
24. Leather tanning and finishing.
25. Glass and asbestos manufacturing.
26. Rubber processing.
27. Timber products processing.

The purpose of the hearings noticed hereby will be to initiate consideration of such scientific and technical information as is pertinent to the determinations required to be made by the Administrator when proposing regulations with respect to the above-listed categories. Specific testimony will be heard concerning the effluent limitation guidelines and standards of performance to be developed for the following major industrial categories:

1. *Chemicals.*—(This includes inorganic and organic chemicals manufacturing.)

2. *Foods.*—(This includes meat product and rendering processing, dairy products processing, grain mills, canned and preserved seafood processing, sugar processing and canned and preserved fruits and vegetables processing.)

3. *Pulp and papers.*—(This includes pulp and paper mills, paperboard, builders paper and board mills).

4. *Metals.*—(This includes electroplating, iron and steel manufacturing, nonferrous metals manufacturing and ferroalloy manufacturing.)

5. Steam electric powerplants.

The hearings may be adjourned to subsequent dates in order to obtain further information.

Additional information concerning the hearings may be obtained by calling Mr. Harold Coughlin, Effluent Guidelines Division at 703-557-1944 or by writing Dr. Martha Sager, chairman, Effluent Standards and Water Quality Information Advisory Committee, Environmental Protection Agency, Effluent Guidelines Division, room 915, Crystal Mall, Building 2, Washington, D.C. 20460. The hearings will be held pursuant to the direction of the chairman and in accordance with the hearing procedures as outlined in the appendix to this notice.

Certain persons or organizations may be invited by the Committee to appear and give oral testimony. Others desiring to appear and give oral testimony should contact Mr. Harold Coughlin at the telephone number listed above or may request the opportunity to appear by telegraphic notice or letter to the address listed above. Due to limitations of time, the number of additional witnesses for each industrial category or subcategory with which these hearings are concerned will generally be limited to the first three persons or organizations seeking the opportunity to appear. Witnesses will ordinarily be limited to 15-minute presentations to be followed by 15-minute periods of questions from the Committee.

Although the opportunity to appear and give oral testimony must necessarily be limited due to the limitations of time available to the Committee to hold public hearings and obtain additional information pursuant to the provisions of section 515 of the Act, all persons desiring to submit written statements or testimony to the Committee are encouraged to do so, preferably before the date of the hearings. Such statements or testimony should clearly indicate the category of sources concerned and should be addressed to the "Effluent Standards and Water Quality Information Advisory Committee" at the address listed above.

Statements presented at the hearing, or otherwise submitted to the Committee, will be available to the public pursuant to section 10(b) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), subject to the provisions of section 552 of title 5, United States Code. Request for such information should be directed to Dr. Martha Sager, Chairman, Effluent Standards and Water Quality Information Advisory Committee, Environmental Protection Agency, Effluent Guidelines Division, room 915, Crystal Mall, Building 2, Washington, D.C. 20460.

Dated April 9, 1973.

MARTHA SAGER,
Chairman, Effluent Standards and Water Quality Information Advisory Committee.

WILLIAM D. RUCKELSHAUS,
Administrator.

APPENDIX

Hearing procedures applicable to public hearings held by the Effluent Standards and Water Quality Information Advisory Committee established under section 515 of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500, 86 Stat. 816).

1. *General.*—(a). *Applicability.*—These procedures are applicable to hearings held by the Effluent Standards and Water Quality Information Advisory Committee (the Committee) pursuant to section 515 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1375. Hearings held by the Committee are intended to elicit additional scientific and technical information which will be useful to the Administrator in making determinations necessary to issuance of proposed regulations required by section 304(b), concerning effluent limitations guidelines, section 306, concerning proposed standards of performance for new sources, or 307(a) of the act, concerning proposed toxic pollutant effluent standards.

(b). *Authorities.*—Section 515(b)(1) of the act provides in part that "the Committee within ten days after receipt of notice (of the intent of the Administrator to propose regulations required by sections 304(b), 306 or 307(a) of the act) may publish a notice of a public hearing by the committee, to be held within thirty days.

Section 515(b)(2) of the act provides that "no later than 120 days after receipt of such notice, the Committee shall transmit to the Administrator such scientific and technical information as is in its possession, including that presented at any public hearings, related to the subject matter contained in such notice." Section 515(b)(3) then states that "Information so transmitted to the Administrator shall constitute a part of the

administrative record and comments on any proposed regulations or standards as information to be considered with other comments and information in making any final determinations." Finally, section 515(d) provides that "a special panel composed of one or more members upon order of the Committee shall conduct any hearing authorized by this section and submit the transcript of such hearing to the entire Committee for its action thereon."

2. *Notice of hearings.*—Notices of hearings to be held by the Committee shall indicate:

(a) The time and place of the hearing.

(b) The general purpose of the hearing.

(c) The manner in which additional information concerning the hearing may be obtained.

(d) The manner in which written statements may be submitted to the Committee for its consideration either before or after the hearing.

(e) The manner in which the opportunity to give oral testimony may be requested.

(f) The general hearing procedures applicable to the hearing with a reference to this appendix.

(g) The manner in which the opportunity to inspect and copy statements and testimony submitted to the committee may be requested.

3. *Chairmanship.*—The hearings held by the Committee may be conducted by a special panel composed of one or more members of the Committee, which panel shall submit the transcript of the hearing to the entire Committee for its review and action thereon. The hearing shall be chaired by the chairman of the committee, or a designee of the chairman of the Committee.

4. *Submissions of written testimony.*—Written statements may be submitted to the Committee either before or after the public hearings by any interested person. Such statements should be clearly entitled so as to indicate the category or subcategory of sources with which the statement is concerned and should provide the committee with additional scientific and technical information pertinent to the Administrator's responsibilities with respect to regulations required under sections 304(b), 306, and 307(a) of the act concerning respectively effluent limitations guidelines, standards of performance for new sources and toxic pollutant effluent standards.

5. *Oral testimony.*—(a) The Committee shall invite testimony from groups or individuals who in the judgment of the Committee can contribute valuable additional scientific and technical information.

(b) Other persons desiring to appear and give oral testimony before the Committee may request the opportunity to do so by telephone or by telegraphic or other written request. The Committee will ordinarily provide time for presentation of oral testimony to the first three parties so requesting the opportunity.

(c) Witnesses appearing before the Committee, whether invited by the Committee or appearing pursuant to their request, will be allowed to present 15 minutes of testimony to be followed by a 15-minute period during which the witness may be questioned by the Committee concerning the testimony present. Additional time for testimony may be allowed by the Committee Chairman or member presiding at the hearing.

(d) All persons presenting oral testimony shall provide the Committee in advance of the hearing with a written summary or outline, not to exceed five written pages, of the testimony to be given at the hearing.

6. *Hearing records.*—(a) The Committee shall maintain a record of written and oral statements presented at, before or after the hearing. To the extent practicable separate files shall be maintained for each category of sources for which standards or regulations are to be proposed by the Administrator. Oral testimony shall be transcribed in the manner determined by the Chairman of the Committee. The hearing record shall be open for supplementation or correction during the period of 14 days following completion of the Committee hearing.

(b) The hearing record is open to the public and is available for inspection and copying at the offices of the Effluent Guidelines Division, Environmental Protection Agency, room 915, Crystal Mall, Building 2, 1921 Jefferson Davis Highway, Arlington, Va., subject to the provisions of Section 552 of Title 5, United States Code.

7. *Communication with the Committee.*—Any person desiring to communicate with the Committee as required by these procedures, or otherwise, may do so by addressing correspondence to Effluent Standards and Water Quality Information Advisory Committee, Environmental Protection Agency, Effluent Guidelines, Division, room 915, Crystal Mall, Building 2, Washington, D.C. 20460. Communication with the Committee may be by telephone at 703-557-1944. Written correspondence should clearly indicate the category or subcategory of sources with which the communication is concerned.

8. *Additional procedures.*—The chairman of the Committee is authorized to prescribe additional rules and procedures and make such rulings as the Chairman deems necessary to the proper administration of the Committee in order to obtain in an orderly manner desired additional scientific and technical information and to otherwise discharge its responsibilities under section 515 of the act.

[FR Doc.73-7092 Filed 4-10-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19651, etc.; FCC 73R-139]

DUNCAN BROADCASTING CO., INC., AND WILLIAM S. HAGARA

Memorandum Opinion and Order Enlarging Issues

In regard applications of Duncan Broadcasting Co., Inc., Duncan, Okla., docket No. 19651, File No. BPH-7747; and William S. Hagara, Duncan, Okla., docket No. 19652, File No. BPH-7820, for construction permits.

1. The above-captioned mutually exclusive applications for a new FM broadcast station at Duncan, Okla., were designated for hearing by Commission Order, FCC 72-1082, released Dec. 5, 1972, 37 FR 237, published Dec. 8, 1972, under an adequacy of staff issue as to William S. Hagara (Hagara) and a standard comparative issue. Duncan Broadcasting Co., Inc. (Duncan) has now petitioned to enlarge to add the issues inquiring into Hagara's financial qualifications and comparative coverage.[1]

2. In support of the requested financial issues, Duncan notes that Hagara relies upon two commitments to lend money to him. The first is a letter from the First Bank & Trust Co. of Duncan, Okla., offering to lend $10,000 to be secured by furniture and fixtures and accounts receivable, and the second is a letter from James L. Labrie offering to lend Hagara $5,000 without security and with all payments deferred until after the first year of operation. As to the bank loan, Duncan contends that, since Hagara has neither furniture and fixtures, nor accounts receivable, the loan cannot be relied on. Petitioner notes that Labrie furnished no balance sheet or other indicia of his ability to lend the money and contends that, since form 301 instructions require such supporting information concerning persons, other than banks or other financial institutions who propose to lend money to broadcasters, this loan cannot be considered to be available to Hagara. Thus, Duncan concludes, since Hagara must have this money to construct and operate his station, an issue must be included. Both the Bureau and Hagara oppose the addition of an issue concerning the availability of the bank loan. They contend that the bank is fully aware that until the station is constructed and in operation, there will be neither furniture and fixtures nor accounts receivable, but that the bank has indicated its willingness to advance the money and accept an interest in the assets which the station will acquire in the future as security for its loan. The Bureau, however, agrees that, in the absence of the necessary supporting documents, the loan from Labrie may not be relied upon. The Review Board agrees that Hagara has provided reasonable assurance that the bank loan will be available to it; however, since Hagara has provided no evidence of Labrie's ability to make the $5,000 loan, an issue inquiring into the availability of this loan will be included in the proceeding.

3. Duncan also requests an issue to determine the basis of Hagara's estimated costs of construction and first year's operating costs. Petitioner contends that the $7,600 Hagara has budgeted for the first year is unbelievable, since it amounts to a total operating cost of only $1.16 per hour. Duncan further alleges that in the operation of its AM station in Duncan, Okla., it has 22 different items of expense, many of which are unavoidable and amount to more than Hagara's entire operating budget. Duncan also observes that Hagara has proposed to lease his equipment and that, after payment for the cost of the equipment there will be only $.44 per hour left to meet all other operating expenses. Furthermore, petitioner points out that Hagara made no allowance for the cost of this hearing in his proposal. In his opposition, Hagara contends that he will devote his full time to the station as general manager and Chief Engineer without salary and that most of his other employees will work either for commission on sales or as independent contractors, and they will be compensated solely by income from sales in the time block they program. To support this contention,

[1] Duncan's petition was filed on Dec. 22, 1972. The Board also has before it: comments, filed Jan. 9, 1973 by the Broadcast Bureau; and opposition, filed Jan. 29, 1973 by Hagara; and Duncan's reply, filed Feb. 5, 1973.

Hagara submits affidavits of three prospective independent contractors, each of whom specifies the hours during which he will be available to work at the station and indicates the time period during which he can work without any income from the station. Hagara also submits an affidavit of his wife, to the effect that the income from her business is sufficient to support the Hagara family, and an affidavit of Dick Gilbert, president and treasurer of Arizona Communications Corporation, licensee of Station KXTC, Glendale, Ariz., to the effect that he has operated numerous stations, that at all of them air personalities were independent contractors, compensated by sale of time on their program, and that salesmen worked strictly on commission. Hagara also notes that he has simultaneously filed an amendment to increase his estimated first year's operating costs to $20,000,[1] and providing $4,000 to accommodate the cost of hearings and other unspecified miscellaneous expenses. Thus, the total estimated funds required have been increased from $14,997 to $30,000. In view of Hagara's explanation and supporting affidavits, an issue concerning the validity of Hagara's construction and first year operating costs is not required. The application as amended makes provision for hearing costs, provides a surplus of funds of several thousand dollars for miscellaneous operating costs and petitioner has supplied no affidavits of persons with personal knowledge alleging that the amended figures are inadequate. In these circumstances, the requested issue will be denied.

4. Duncan also questions the validity of letters filed by Hagara in support of his reliance on estimated revenues during the first year of operation in the amount of $9,440. As amended, Hagara's application reflects that his estimated construction and first year's operating costs will be $30,000. To meet this cash requirement, Hagara proposes to rely upon $10,000 in cash on hand, loans netting $12,567, and advertising revenue of $9,440 for a total of $32,000. Thus, even assuming that both loans are available to Hagara, without the anticipated revenue he would fall $7,433 short of the sum required. If we give Hagara credit for the $15,500 shown as cash on deposit in response to question 3(a) in his February 9 amendment, he would still need at least an additional $1,943. The commitment letters merely express an intent to advertise in a certain amount on Hagara's proposed new FM station and, in the absence of an evidentiary hearing, we cannot conclude with reasonable assurance that those commitments will actually produce the necessary revenue. See Erwin O'Conner Broadcasting Co., 37 FCC 2d 983, 25 RR 2d 782 (1972). See also Radio Geneva, Inc., FCC 73-295, released March 21, 1973 ____ FCC 2d ____, ____ RR 2d ____. Accordingly, an issue to determine whether the expected revenue will in fact be available to Hagara will be added to the proceeding.

5. Duncan has also requested addition of an issue concerning comparative coverage of the two proposals. The review board has held that questions concerning comparative coverage are encompassed within the standard comparative issue, and, as such, the appropriate procedure is to initially make a threshold showing of substantial difference to the presiding judge. Jaco Inc., 18 FCC 2d 677, 16 RR 2d 894 (1969). We will therefore deny the request for a comparative coverage issue.

6. *Accordingly, it is ordered,* That the petition to enlarge issues, filed December 22, 1972, by Duncan Broadcasting Co., Inc. is granted to the extent indicated herein, and is denied in all other respects; and

7. *It is further ordered,* That the issues in this proceeding are enlarged as follows:

(a) To determine whether an unsecured loan from James L. Labrie will be available to William S. Hagara to finance the construction and first year's operating expenses of his proposed new FM broadcast station at Duncan, Okla.

(b) To determine whether William S. Hagara may reasonably expect revenues from advertising in the amount of $9,440 during the first year's operation of his proposed new FM broadcast station at Duncan, Okla., and, if not, whether he has available other sources of funds to meet his requirement.

(c) To determine in light of the foregoing whether William S. Hagara is financially qualified.

8. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and proof on these issues shall be on William S. Hagara.

Adopted March 30, 1973.

Released April 3, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-6964 Filed 4-10-73;8:45 am]

[1] Hagara's amendment, filed January 29, 1973 was granted by order, FCC 73M-314, released March 8, 1973, and his amendment amplifying the January 29 amendment, filed February 9, 1973 was granted by order, FCC 73M-265, released February 23, 1973.

[Docket No. 19601 etc.; FCC 73R-140]

GUS S. ERWAY ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Gus S. Erway, West Palm Beach, Fla., docket No. 19601, file No. BPH-7137; Sandpiper Broadcasting Co., Inc., West Palm Beach, Fla., docket No. 19602, file No. BPH-7533; Sun Sand and Sea, Inc., West Palm Beach, Fla., docket No. 19603, file No. BPH-7809; and Marshall W. Rowland, West Palm Beach, Fla., docket No. 19604, file No. BPH-7843, for construction permits.

1. Before the Review Board for consideration is a petition to enlarge issues, filed November 10, 1972, by Sun Sand and Sea, Inc. (Sun),[1] directed against the application of Gus S. Erway.[2] Although petitioner requests a miscellany of issues, some requests, particularly

[2] By the Review Board: Board Member Kessler dissenting as to addition of issue (b).

[1] Other related pleadings before the Board for consideration are: (1) Opposition, filed Dec. 22, 1972, by Erway; (2) Broadcast Bureau's comments, filed Dec. 22, 1972; and (3) reply, filed Jan. 26, 1973, by Sun.

[2] Petitioner seeks the addition of the following issues against Erway:

A. To determine whether Gus S. Erway has misrepresented material facts to the Commission including the following:

1. The availability, acceptability and estimated costs of his proposed antenna tower;

2. The overall estimated costs of his equipment;

3. Mr. Erway's availability to participate in the operation of the proposed West Palm Beach station in light of his conflicting proposal in his application for an FM station in Watkins Glen-Montour Falls, N.Y.;

4. The accuracy and completeness of his financial statements in light of his undisclosed commitment to the undisclosed FM application in Watkins Glen-Montour Falls, N.Y. and sale of assets in Erway Broadcasting Corp. without reduction in stated value;

5. Whether the application generally contains false or misleading statements or omissions of material facts or was lacking in candor in connection with relevant facts;

6. Whether, in light of evidence adduced pursuant to each of the above subissues the applicant should be disqualified as failing to possess the requisite qualifications to be a Commission licensee or in the event he is found not disqualified on any subissue whether he should be accorded a comparative element on any such subissue.

B. To determine whether Gus S. Erway has failed to completely disclose material information to the Commission in his application as required by § 1.514 of the Commission's Rules and, if so, the effect of such conduct on his requisite and/or comparative qualifications to be a Commission licensee.

C. To determine whether Gus S. Erway has failed to comply with the provisions of § 1.65 of the Commission's Rules and, if so, the effect of such conduct on his requisite and/or comparative qualifications to be a Commission licensee.

D. Whether in light of the evidence adduced in issue A(1) above Erway's proposed antenna and antenna site is sufficient to meet the Commission's technical requirements.

E. Whether in light of the evidence adduced in issues A(1) and (2) and issue 4 above, Gus S. Erway is financially qualified to construct and operate the proposed station.

F. Whether in light of the evidence adduced in the above issues, Gus S. Erway has demonstrated ineptness and the effect of that ineptness upon his requisite and/or comparative qualifications to be a Commission licensee.

G. To determine whether Gus S. Erway has engaged in "trafficking" in broadcast licenses, and whether, in light of the evidence adduced, Erway has the requisite qualifications to be a licensee of the Commission and, if so, the effect of such matters upon his comparative qualifications.

H. To determine, on a comparative basis, whether the horizontal radiation proposed by Erway is inferior in reception characteristics to the circular polarized radiation proposed by the other applicants in this proceeding.

those relating to allegations of misrepresentation and related issues, are based on the same sets of factual allegations. The Review Board will, therefore, deal initially with the more narrowly drawn requests, and then proceed to an examination of those requests which are broader in scope.

2. On November 11, 1971, Erway submitted a predesignation amendment to reflect changes in its engineering proposal; specifically, the applicant proposes, inter alia, to utilize a self-supporting monopole antenna with an overall height of 313 feet above ground.[3] In a corollary predesignation amendment, dated November 30, 1971, the applicant stated that its total revised equipment costs estimate of $30,000 includes $10,000 as the cost of the monopole antenna.[4] This estimate is challenged as deficient by Sun. As related by petitioner, in a letter response to its inquiry, an engineering sales representative of Union Metal indicated that a monopole antenna of 330 feet specification would cost between $18,000 and $25,000, plus shipping charges of $3,000; therefore, Sun contends that nearly all of the funds Erway has allocated for equipment costs could be required for the purchase of its proposed antenna alone. Sun's request, however, insofar as it challenges Erway's cost estimates, has been effectively mooted as a result of a recent financial amendment, which was accepted by order, FCC 73M–258, released February 26, 1973. Thus, Erway has increased its total equipment costs estimate from $30,000 to $50,000; and, according to an equipment lease agreement, its first-year equipment costs for the antenna will amount to $16,000. Sun's request for a financial issue will therefore be denied.

3. In the letter relied upon and submitted as a supporting affidavit by Sun, the Union Metal sales representative states that, although its existing line of monopole towers reaches 250 feet in maximum height, the company believes that it would be possible to design and build a self-supporting tower of 330 feet in height.[5] The sales representative notes further that the predicted deflection of the existing line of poles is approximately 25 percent of its height under a maximum load of 170 miles per hour; that this figure could be reduced somewhat by constructing a pole of larger diameter and/or increased wall thickness; but that absent more information (relating to maximum sway figure allowable) he could not predict how much the sway factor could be reduced. Based upon this letter, Sun alleges: (1) That there is no assurance that the proposed monopole structure could be constructed in such a manner as to provide for an acceptable base for an FM antenna; (2) that if that were the case, Erway's site would be unacceptable since it is too small for the location of guyed supports, and (3) that the deflection of a monopole antenna of 330 feet could be so severe under predictable conditions that an FM signal would be substantially degraded, particularly in light of the fact that Erway proposes "horizontal radiation only". Sun's "blunderbuss" request for an issue inquiring variously into the adequacy of Erway's antenna system and site will be denied, because of insufficient allegations. Sun not only predicates its request on incorrect and incomplete specifications which lack the specificity required by the rules (§ 1.229(c)),[6] but in some instances (most notably arguments 2 and 3 above) its allegations are purely conclusory and speculative in nature. Moreover, the reliability of Sun's supporting letter in this regard is open to question, because petitioner has not represented that the affiant is qualified to address himself to matters of considerable engineering complexity.

4. In support of a requested trafficking issue, Sun alleges that during the period of time between October 1966, and January 1972, Erway sold two FM stations, both held for less than 3 years, and two AM stations, both held for slightly over 3 years.[7] These transactions, according to petitioner, have resulted in enormous profits; the total purchase price for all stations was $30,000; the total sale price was $268,000, representing allegedly over a 500 percent profit on the original investment, giving allowance for lease or construction expenses. Sun contends further that Erway's conduct constitutes an ongoing pattern, noting in this connection that, while Erway was selling a station and a CP for an unbuilt FM station in one community, he was simultaneously seeking a CP in West Palm Beach, Fla. Sun further alleges that it was Erway's obvious intention to sell the unbuilt Montour Falls FM station from the time of acquisition of the construction permit. This intention is indicated, petitioner explains, by several factors: (1) Applications for Montour Falls and West Palm Peach[8] were filed almost concurrently; (2) Erway represented in its Montour Falls application that he would devote as much time as necessary to that proposal, while, at the same time, he was proposed as a full-time employee in the West Palm Beach application; and (3) after holding the Montour Falls CP for over a year, he requested an extension of time, indicating that his construction progress consisted of the single act of purchasing land.

[3] Erway indicated that this type of structure is currently manufactured by the Union Metal Manufacturing Co. (Union Metal).

[4] This estimate, according to Erway, was based upon the advice of its consulting engineer; an affidavit to this effect, executed by the engineer, is attached to Erway's opposition.

[5] The height used by petitioner is the proposed height of the Erway tower above mean sea level, rather than the actual proposed height above ground, which is 313 feet with obstruction lighting, or 310 feet without such lighting.

[6] In this connection, the Board is constrained to point out that a scrupulous attention to factual accuracy on the part of petitioners would facilitate a more expeditious resolution of matters before the Board.

[7] The following chart indicates the buying and selling pattern of Erway, according to petitioner:

Station and location	Acquisition date and purchase price	Date assignment sought or accomplished and purchase price	Time held
1. AM Station WAYE, Baltimore, Md.	1955	Sold September 1967	12 years.
2. AM Station WSEB, Sebring, Fla.	1966, $30,000 [1]	Sold June 1970, $112,000 [2]	Approximately 3½ years.
3. FM Station WSEB, Sebring, Fla.	do [1]	Sold June 1970, $112,000 [1]	2 years 11 months from date of program test authorization.
4. AM Station WGMF, Watkins Glen, N.Y.	CP–November 1967	Sought January 1972, $155,000 [3].	3⅕ years.
5. FM Station WXXY, Montour Falls, N.Y.	CP–December 1970	Sought January 1972, $1,000 (cost). [3]	More than 1 year unbuilt.
6. Proposed FM, West Palm Beach, Fla.	Sought May 1970		

[1] Bought as combination for $30,000.
[2] Sold as combination for $112,000.
[3] Sold as combination for $156,000.

5. According to Erway, its capital expenditures for the four stations in question amounted to $93,740, in addition to its original investment of $30,000; given these figures, the applicant asserts, its profits cannot be characterized as extraordinary. These expenditures were of particular importance to the Sebring stations, Erway explains, since at the time of purchase the AM was silent and the FM was as yet unbuilt and both required completely new equipment. Erway also alleges that WGMF was not a profitable operation, requiring loans from the Erway Broadcasting Corp. which were ultimately repaid upon transfer. Erway explains that the failure to report his interest in WXXY, Montour Falls, was inadvertent, and that for all practical purpose the reference to the WGMF corporate name[9] in the instant application indicates that Watkins Glen-Montour Falls constitute one market in any event.

[8] As a related matter, Sun notes that Erway failed to report the existence of its Montour Falls application in the instant application, as well as in several subsequent amendments; the first mention of the Montour Falls was in an amendment, filed June 21, 1972, in which Erway indicated that he had disposed of WXXY.

[9] I.e. Watkins Glen-Montour Falls Broadcasting Corp.

Finally, Erway maintains that he did not make inconsistent statements with respect to his proposed integration in his various applications; on the contrary, he states, while he did propose to be a full-time manager in the West Palm Beach application, he in no way indicated that he would move to Montour Falls from West Palm Beach, or that his participation would be more than part time in the WXXY application.

6. Whether or not a trafficking issue is warranted turns on the showing made by a petitioner with respect to three elements—time, price, and intention to profit from the sale of broadcast properties. The Board is of the view that Sun has raised sufficient question concerning all three elements to warrant the addition of an issue. During a period of approximately 5½years, Erway both acquired and relinquished interests in four broadcast facilities, none of which was held for more than 3½ years and one of which was never constructed. Second, even though capital expenditures were made for improvements in three of these facilities, the assignor nevertheless realized a clear and substantial profit from the sale of both AM–FM combinations, over and above these investments.[10] Aside from the above discussed elements of time and price, there are several factors which may either bear on or arguably be relevant to Erway's alleged intent and, as a consequence, merit further examination. One is Erway's acknowledged failure, both in the instant application and in subsequent amendments, to reflect his interest in an almost concurrently filed application for an FM facility in Montour Falls, until such time as he had sold that interest. Second, the Board is of the view that there is some question as to the precise value of the Montour Falls CP in the WGMF–WXXY "package" sale, even though its ascribed value is asserted to be $1,000 by Erway. And third, Erway has not adequately explained his reasons for relinquishing his broadcast interest in the two markets involved.[11] In these respects, Erway has failed to allay the doubts raised by Sun's allegations as to intent. An issue will therefore be added.

7. Sun's request for a comparative engineering issue is based upon alleged differences in the radiation efficiency attributable to the various antenna polarization techniques proposed in this proceeding; according to petitioner, a circular polarized FM transmission, such as the one it proposes,[12] results in reception which is clearly and demonstrably superior to that achieved by a horizontal polarized FM system, which Erway proposes to utilize. As pointed out by the Broadcast Bureau, the Commission has indicated that differences in antenna polarization techniques can result in differences in radiation efficiency, and, moreover, that advantages can be achieved by utilization of circular or elliptical polarization. See report and order in the matter of amendment of § 73.316, 4 RR 2d 1582 (1965). The Board is therefore of the view that the differences alleged are an appropriate subject for comparison of the applicants. However, we agree with Sun and the Bureau that this comparison is properly encompassed within the efficient use of frequency criterion of the standard comparative issue;[13] therefore, a separate issue is not required. Rather, as when seeking comparative evaluation of areas and populations under the same criterion, an applicant, as an initial matter, should make a prima facie showing of engineering differences before the Administrative Law Judge.[14]

8. Sun's requests for the related issues of misrepresentation, §§ 1.514 and 1.65, lack of candor and general ineptness are based on various sets of allegations, which we shall now consider.[15] Prior to the most recent financial amendment (see para. supra), Erway had represented to the Commission that his cost estimates were more than adequate to finance his complete equipment costs. As noted by Sun, there is some doubt as to whether or not the cost estimates were, in fact, adequate; however, even if this were found to be the case, we do not believe that this would constitute an adequate basis for a misrepresentation issue. Although there may be some question as to whether or not Erway exercised sufficient care in designing all aspects of his proposal,[16] there is no indication that there was any attempt to misrepresent the facts, and petitioner's argument in this regard is sheer speculation. Nor do we find that Erway's representations as to his proposed roles in the Montour Falls and West Palm Beach operations are inconsistent. As explained by Erway, his proposed full-time participation in the West Palm Beach application would not have precluded the more limited participation which had been proposed in connection with the Montour Falls operation. Petitioner's contention that Erway's March 1, 1970, evaluation of the assets of Erway Broadcasting Corp. should have been altered because of the sale of the two AM–FM combinations discussed above is unsubstantiated; petitioner has not advanced any basis, whatsoever, for assuming that the conversion of assets resulted in the diminution in the value of the corporation.[17]

9. In contrast, Erway's failure to disclose the existence of his interest in the then-pending Montour Falls FM application when he filed this application for West Palm Beach, Fla., clearly warrants the addition of a § 1.514 issue; the requisite application form 301 requires disclosure of the existence of any application pending before the Commission. Although Erway subsequently amended the West Palm Beach application a number of times, he did not disclose the existence of the Montour Falls application in any of these, even though two of the amendments dealt specifically with his broadcast interests. Significantly, he did not amend the application in this respect until June 21, 1972, in order to report the sale of the Montour Falls construction permit even though the application was granted on December 23, 1970, an application for call letters was filed on August 16, 1971, and an application to transfer the construction permit was filed on January 18, 1972, and granted on April 20, 1972. Accordingly, a § 1.65 issue will also be added to determine whether the application was maintained in current status. Finally, since the question of intent, together with other surrounding circumstances, may be explored under the §§ 1.514 and 1.65 issues being added herein, addition of a separate misrepresentation issue is unnecessary.

10. *Accordingly, it is ordered*, That the petition to enlarge issues, filed November 10, 1972, by Sun Sand and Sea, Inc., is granted to the extent indicated herein, and is denied in all other respects; and

11. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether Gus S. Erway has engaged in trafficking in broadcast licenses; and if so, to determine the effect of such misconduct on the basic or comparative qualifications of the applicant to be a broadcast licensee; and

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[10] The assignor cleared, according to Erway's figures, approximately $28,000 from the sale of the Sebring, Fla., AM–FM combination and approximately $116,000 from the sale of the Watkins Glen-Montour Falls combination.

[11] We believe that the cursory explanations given in the two assignment applications—the need to obtain special schooling for his son and the intention to pursue business interests (including broadcast interests) elsewhere—need further elaboration.

[12] Two other applicants in the proceeding also propose circular radiation.

[13] See paragraph 5 of the "Policy Statement on Comparative Broadcast Hearings," 1 FCC 2d 393, 398, 5 RR 2d 1901, 1913 (1965).

[14] At a prehearing conference held Nov. 6, 1972, the Administrative Law Judge indicated that, in his view, a separate engineering issue would be required in order to examine these alleged differences. In light of our determination herein, petitioner should renew its request before the presiding judge.

[15] As a preface to these requests, petitioner asserts that Erway, as a former licensee of WAYE, Baltimore, Md., had been found guilty of violation of Commission rules and that this past misconduct magnifies the gravity of currently alleged violations. However, upon reconsideration of that action, the Commission noted that Erway had never been given official notice of the two violations on the part of its employee during the time it was licensee of that station. (See FCC 69–1156, adopted Nov. 22, 1969.) Given this explanation, the Board is of the view that this past conduct cannot fairly be held to substantially reflect on Erway as an applicant in this proceeding.

[16] In this connection, the Board notes that Sun has advanced insufficient allegations to warrant the addition of an ineptness issue.

[17] The valuation of the corporation was increased from $650,000 to $707,000 in an Oct. 31, 1971, financial statement. As Sun correctly notes, Erway was unable to explain precisely how this appreciated value had been ascertained, but speculated that it may have represented a change in the fair market value of an asset or reflected the addition of interest on notes due the corporation. In any event, petitioner's allegations do not indicate that the appreciated valuation is inaccurate or overvalued.

(b) To determine whether Gus S. Erway has violated the provisions of §§ 1.514 and/or 1.65 of the Commission's rules by failure to report the existence of his application, filed January 23, 1970, for an FM station in Montour Falls, N.Y., and subsequent changes in the status of that application; and, if so, to determine the effect of such violation on the applicant's basic or comparative qualifications to be a Commission licensee; and

12. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issues added herein shall be on Sun Sand and Sea, Inc., and the burden of proof shall be on Gus S. Erway.

Adopted April 2, 1973.

Released April 4, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[14]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-6965 Filed 4-10-73;8:45 am]

PUBLIC NOTICE

Regular Informal Meetings in Broadcast Field

MARCH 30, 1973.

In recent months the Commission has held a series of meetings in which representatives of industry, minority, or similar groups have had the opportunity informally to present views to the Commission concerning emerging problems in the broadcast field. None of these meetings have, of course, dealt with pending proceedings that are to be decided on the record or proceedings where interested parties must avoid ex-parte presentations.

The Commission believes that these informal exchanges have been most helpful, and that provision should be made for them on a continuing regular basis. At the same time, in view of burgeoning interest by various groups and the many other demands on Commission time, it is necessary to place some limit on the number of such meetings and to allow participation on a fair, rotating basis. Accordingly, the Commission has decided to schedule meetings at regular 3-month intervals (i.e., on the 3rd Monday every 3rd month). Parties interested in participating should notify the Commission's Information Officer (202-632-7260), 1919 M Street NW., Washington, D.C. 20554, indicating the nature of the group, the proposed participants, and the issues to be covered. Requests for a continuing opportunity or an opportunity for a number of presentations over a period of time will also be accommodated to the extent practicable or useful, on a rotating basis, taking into account the requests for time by other groups.

This is obviously an experiment. As more expertise is gained, the Commission may revise this approach, either in minor or major ways, or end it entirely. In any event, this is but one of many ways by which the Commission is attempting to obtain the views of interested persons. It will continue to place great emphasis on the most open and full participation of public and industry in its overall proceedings. Only in this way can it best insure actions designed to promote "the larger and more effective use of radio in the public interest" (section 303(g) of the Communications Act).

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

[FR Doc.73-6966 Filed 4-10-73;8:45 am]

FEDERAL POWER COMMISSION

[Dockets Nos. R173-247, et al]

RATE CHANGES

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 30, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds.—It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly, sections 4 and 15, the regulations pertaining thereto (18 CFR, ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[14] By the Review Board: Board Member Nelson concurring; Board Member Kessler absent.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per M ft³* Rate in effect	Cents per M ft³* Proposed increased rate	Rate in effect subject to refund in dockets No.
RI73-247..	Tenneco Oil Co	219	3	El Paso Natural Gas Co. (East Labarge Field, Sublette County, Wyo.).	$1,075	3-2-73	.....	5-3-73	16.0	17.0	RI71-1058.
RI73-248..	Atlantic Richfield Co	476	3	Kansas-Nebraska Natural Gas Co. (Castle Garden Field, Fremont County, Wyo.).	727	3-5-73	.....	6-2-73	16.12	17.1275	RI70-830.
RI73-249..	Amoco Production Co	411	7	El Paso Natural Gas Co. (Ute Dome Paradox Field, San Juan County, N. Mex., San Juan Basin.)	20,100	3-5-73	.....	9-5-73	[1] 21.33	[1] 22.0	RI73-213.
RI73-250..	Union Oil Company of California.	117	6	El Paso Natural Gas Co. (Aneth Field, San Juan County, Utah).	320	3-5-73	.....	9-5-73	[2] 21.0	[2] 22.0	RI68-101.
RI73-251..	Phillips Petroleum Co	479	[3] 10	Panhandle Eastern Pipe Line Co. (Powder River Basin Area, Converse and Campbell Counties, Wyo.).	.....	3-9-73	4-9-73	[11] Accepted	.....	.....	
	do		[3] 11	do	265,495	3-9-73	.....	5-10-73	18.0016	22.1820	RI73-74.
RI73-252..	Travis Oil Co	1	[4] 1	Kansas-Nebraska Natural Gas Co. (Glasmer Field, Fremont County, Wyo., Montana-Wyoming Area).	.....	3-8-73	4-8-73	[11] Accepted	.....	.....	
	do		[5] 2	do	.....	3-8-73	4-8-73	[11] Accepted	.....	.....	
	do		[5] 3	do	11,520	3-8-73	.....	9-8-73	[6] 18.0	[6] 26.0	
RI73-253..	Shell Oil Co	383	4	El Paso Natural Gas Co. (Toro Field, Reeves County, Tex.) (Permian Basin).	75	[12] 3-5-73	.....	11-1-73	26.85	27.39	RI72-255.
RI73-254..	Tenneco Oil Co	221	4	El Paso Natural Gas Co. (Worsham-Bayer Field, Reeves County, Tex., Permian Basin).	5,054	3-2-73	.....	5-3-73	[7] 16.9356	[7] 18.3782	RI71-617.
RI73-255..	Sohio Petroleum Co	63	[3] 12	Northern Natural Gas Co. (North Eunice San Andres Gas Pool, Lea County, N. Mex., Permian Basin).	2,650	3-2-73	.....	9-2-73	14.5770	[8] 22.9135	

* Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Subject to downward Btu adjustment.
[2] Agreement providing for increase.
[3] Applicable only to gas purchased by Phillips under contracts dated prior to June 17, 1970.
[4] Renegotiated contract.
[5] Agreement providing for reimbursement to buyer by Travis for all cost of compression facilities.
[6] Subject to compression charges by buyer and Btu adjustment.
[7] Includes quality adjustment.
[8] Converted from filed rate of 23.5 cents at 15.025 lb/in²a.
[9] Applicable to future production from dedicated formations that were undeveloped prior to Feb. 2, 1973.
[10] The pressure base is 15.025 lb/in²a.
[11] Accepted for filing to be effective on the date shown in the "Effective Date" column.
[12] The proposed effective date is June 1, 1973.

APPENDIX A

The proposed increase of Union Oil Co. of California under its FPC gas rate schedule No. 117 to 22 cents per thousand cubic feet for a sale of gas in the Aneth area of Utah where no formal increased ceiling rate has been announced. The Commission, however, has previously suspended proposed increased rates at the level sought here, and since Union's proposed rate exceeds the rate level for 1-day suspension, it is suspended for 5 months.

The proposed increases of Amoco Production Co., Travis Oil Co., Shell Oil Co., and Sohio Petroleum Co. exceed the rate limit for 1-day suspensions and are therefore suspended for 5 months.

The remaining proposed increases do not exceed the rate limit for 1-day suspensions and they are suspended for either 1 day from the expiration of the 60-day-notice period or for 1 day from the contractual due date, whichever is later.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, ch. I, pt. 2, 2.56).

The rate increases granted in these cases have been reviewed in the light of and are consistent with the Economic Stabilization No. 11695, and the rules and regulations issued thereunder.

[FR Doc.73-6801 Filed 4-10-73;8:45 am]

[Rate Schedule No. 39 et al.]

ATLANTIC RICHFIELD CO. ET AL.

Notice of Rate Change

APRIL 2, 1973.

Take notice that the producers listed 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 below.

Any person desiring to be heard or to make any protest with reference to said filing should on or before April 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any 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.

Filing date	Producer	Rate schedule No.	Buyer	Area
Mar. 16, 1973...	Atlantic Richfield Co	39	Natural Gas Pipe Line Company of America.	Texas Gulf Coast.
		40		
		159		
		246		
		247		
Mar. 21, 1973...	Mobil Oil Corp	45	Tennessee Gas Pipeline Co.	Texas Gulf Coast.
		96		

[FR Doc.73-6800 Filed 4-10-73;8:45 am]

[Docket No. CP73-241]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application

APRIL 2, 1973.

Take notice that on March 19, 1973, Columbia Gulf Transmission Co. (Applicant), 3805 West Alabama Avenue, Houston, Tex. 77027, filed in docket No. CP 73-241 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas purchase facilities in 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 abandon the following field lines and appurtenances in Louisiana, which were used to obtain natural gas from producers as indicated below:

Field	Parish	Producer	Facilities to be abandoned
Florence	Vermilion	Getty Oil Co. et al.	Measuring station.
Cole's Gully	Acadia	Kilroy Properties, Inc., A. P. King, operator et al., Sun Oil Co.	0.95-mile of 6-inch supply line and measuring station.
Ellis	Acadia	Midwest Oil Corp. et al.	1.51-mile of 6-inch supply line and measuring station; 0.81-mile of 4-inch supply line.
Valentine	Lafourche	Robert Mosbacher et al.	0.75-mile of 4-inch supply line and measuring station; 0.43-mile supply line.

Applicant states that the subject facilities are no longer in use, that it cannot foresee any requirement for them in the future, and that the gas purchase contracts relating to the sales connected with the subject facilities have been terminated. Applicant proposes to abandon the field lines in place, since the cost of salvaging is too high to justify removing them. Applicant indicates, though, that it will attempt to salvage certain valves and other aboveground facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on 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 permission and approval for the proposed abandonment are 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.73-6797 Filed 4-10-73;8:45 am]

[Docket No. ID-1399 et al.]

ROBERT F. KRAUSE ET AL.

Notice of Applications

MARCH 30, 1973.

Take notice that the following applications were filed on the stated dates, pursuant to section 305(b) of the Federal Power Act, for authority to hold the position of officer or director of more than one public utility, or the position of officer or director of a public utility and officer or director of a firm authorized to market utility securities, or the position of officer or director of a public utility and officer or director of a company supplying electric equipment to such public utility.

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, 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 the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

ID-1399	Robert F. Krause	Jan. 15, 1973	New England Power Co., Connecticut Yankee Atomic Power Co., Yankee Atomic Electric Co., Maine Yankee Atomic Power Co., Vermont Yankee Nuclear Corp.
ID-1573	Miller C. Porterfield	Feb. 22, 1973	Appalachian Power Co., Kanawha Valley Power Co.
ID-1596	Russell W. Britt	Jan. 26, 1973	Wisconsin Electric Power Co., Wisconsin Michigan Power Co.
ID-1686	Robert E. Maguire	Jan. 16, 1973	Massachusetts Electric Co., The Narragansett Electric Co.
ID-1689	John D. Carbine	Jan. 22, 1973	Vermont Electric Power Co. Inc., Vermont Yankee Nuclear Power Corp.
ID-1690	Alice Del Bianco	Jan. 29, 1973	Central Vermont Public Service Corp., Vermont Electric Power Co. Inc.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6809 Filed 4-10-73;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN FLETCHER CORP.

Proposed Acquisition of Chapple Loan Co.

American Fletcher Corporation, Indianapolis, Ind., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 2254(b)(2) of the Board's Regulation Y, for permission to indirectly acquire through its subsidiary, Local Finance Corporation, Marion, Ind., the assets of Chapple Loan Co., Muskegon, Mich. Notice of the application was published on February 24, 1973, in the Muskegon Chronicle, a newspaper circulated in Muskegon, Mich.

Applicant states that the proposed subsidiary would engage in the activities of making consumer loans, purchasing consumer installment sales finance contracts, and the sale of credit life insurance to its direct consumer borrowers. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 30, 1973.

Board of Governors of the Federal Reserve System, April 3, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-6901 Filed 4-10-73;8:45 am]

WACHOVIA CORP.

Retention of American Credit Corp.

The Wachovia Corp., Winston-Salem, N.C., has applied, pursuant to sections 4(c)(8) and 4(c)(13) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and (13)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain voting shares of American Credit Corp., Charlotte, N.C. Notice of the application was published on December 9, 10, 11, 12, 13, 14, or 15, 1972, in various newspapers circulated in each of the areas in the States of Alabama, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia, in which the subsidiaries of American Credit Corp. operate approximately 332 offices under names that are variations of "American Credit Corporation," "Home Credit Company," "HCC Credit Company," "Home Investment Company," "Franklin Credit and Mortgage Co., Inc.," "Wayne Finance Company," "Wayne Loan Plan," "Wayne Consumer Discount Company," "Wayne Acceptance Corporation," "Hagerstown Loan and Thrift Corporation," Southeastern Financial Corp., American Lease Plans, Inc., East Coast Life Insurance Co., The Citadel Life Insurance Co., American Insurance Agency of Elizabeth Avenue, and Infitronic, Inc.

Applicant states that the subsidiary engages in the making of consumer loans, the purchase of consumer installment sales finance contracts, and factoring of accounts receivable, making advances to factored companies, making loans to businesses, discounting certain secured installment notes receivable, underwriting, directly and as reinsurer, of credit life and credit health and accident insurance, and providing data processing services to the holding company and its subsidiaries. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). Applicant further states that the subsidiary engages in the leasing of automobiles, trucks and trailers, and commercial equipment. Applicant states that such activities have been specified by the Board in § 225.4(a)(6) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). A proposal to amend § 225.4(a)(6) of Regulation Y with respect to the leasing activities permissible for bank holding companies (37 FR 26534) is currently under consideration by the Board. Applicant also states that the subsidiary engages in the sale of credit life and credit health and accident and property insurance. Under certain circumstances, such activities may be permissible for bank holding companies under § 225.4(a)(9) of Regulation Y, subject to Board approval of individual proposals in accordance with the procedures of § 22.4(b).

Interested persons may express their views on the question whether consummation of the proposal can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the rea- hearing on this question should be acsolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 30, 1973.

Board of Governors of the Federal Reserve System, April 3, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-6902 Filed 4-10-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL ARCHIVES ADVISORY COUNCIL

Agenda and Notice of Meeting

Notice is hereby given that the Region 4 Archives Advisory Council will meet at the time and place indicated. Anyone who is interested in attending, or wants additional information should contact the person shown below.

REGIONAL ARCHIVES ADVISORY COUNCIL

REGION 4

Meeting date.—May 11, 1973.
Time.—9 a.m.-4:30 p.m.
Place.—Federal Archives and Records Center, 1557 St. Joseph Avenue, East Point, Ga. 30344.
Agenda.—Discussion of archives branch programs and problems; discussion of future council activities and plans for a symposium on the Bicentennial of the American Revolution.

For further information contact:

E. L. Johnson, NARS Regional Commissioner, 1776 Peachtree St. NW., Atlanta, Ga. 30309, 404-526-5611

Issued in Washington, D.C. on April 4, 1973.

JAMES B. RHOADS,
Archivist of the United States.

[FR Doc. 73-6951 Filed 4-10-73;8:45 am]

[FEDERAL PROPERTY MANAGEMENT REGS.; TEMPORARY REG. F-174]

CHAIRMAN OF ATOMIC ENERGY COMMISSION

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Chairman, Atomic Energy Commission, to represent the consumer interests of the executive agencies of the Federal Government in a natural gas curtailment proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Chairman, Atomic Energy Commission, to represent the consumer interests of the executive agencies of the Federal Government before the Railroad Commission of Texas in a proceeding (Oil and Gas Division docket No. 20-62, 505, Gas Utilities Division docket No. 489) involving natural gas curtailment plans of the Pioneer Natural Gas Company.

b. The Chairman, Atomic Energy Commission, may redelegate this authority to any officer, official, or employee of the Atomic Energy Commission.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated April 3, 1973.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.73-6952 Filed 4-10-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

JONES & LAUGHLIN STEEL CORP.

Notice of Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) has been received as follows:

ICP Docket No. 20104, Jones & Laughlin Steel Corp., Vesta No. 5 Mine, USBM ID No. 36 00962 0, California, Pa.:
Section ID No. 003 (43 face entries).
Section ID No. 003 (43 face, 1 butt).
Section ID No. 005 (A section, west mains).
Section ID No. 007 (1 face).
Section ID No. 012 (50 face, 5 butt).
Section ID No. 013 (1 face, 1 butt).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4))

of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742 et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before April 26, 1973. Requests for public hearing must be filed in accordance with 30 CFR part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

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

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

APRIL 6, 1973.

[FR Doc.73-6926 Filed 4-10-73;8:45 am]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

LAKE SUPERIOR REGULATION

Public Hearings

The International Joint Commission, a permanent Canada and United States body established under the Boundary Waters Treaty of 1909, will hold public hearings at the times and places noted below on the questions of the effects on Lake Ontario of changes in the regulation of Lake Superior. These hearings are in addition to those announced in the Commission's public notice dated March 28, 1973.

The purpose of these hearings is to receive testimony and evidence relating to the International Great Lakes Levels Board's "Interim Report on Lake Superior and Lake Ontario" which has recently been received by the Commission and is being distributed to interested individuals, organizations and governmental agencies. Copies may be obtained upon request by writing to the International Joint Commission in either Washington or Ottawa at the addresses noted below.

The Commission's hearings are international in nature and irrespective of the location in which they are being held, the citizens of both the United States and Canada are invited to attend and participate. Opportunity will be given to anyone, either on his own behalf or in a representative capacity, to offer pertinent information which may assist the Commission in determining the advisability of prescribing a new regulation plan for Lake Superior.

Statements may be made orally or in writing. If written statements are submitted, it is requested that, if possible, 30 copies be provided for the Commission's use. Additional copies may be deposited with the secretaries at the hearings for the use of the news media and others present.

TIMES AND PLACES OF HEARINGS

May 3, 1973, 9:30 a.m., Rochester Academy of Medicine, 1441 East Avenue, Rochester, N.Y. 14610.

May 4, 1973, 9:30 a.m., Auditorium, Toronto Board of Education, 155 College Street, Toronto 2B, Ontario.

WILLIAM A. BULLARD,
Secretary, U.S. Section, International Joint Commission, 1717 H Street NW., Room 203, Washington, D.C. 20440, Phone 202-296-2142.

DAVID G. CHANCE,
Secretary, Canadian Section, International Joint Commission, 151 Slater Street, Suite 850, Ottawa, K1P 5H2, Ontario, Canada, Phone 613-992-2945.

APRIL 6, 1973.

[FR Doc.73-7029 Filed 4-10-73;8:45 am]

JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA

USE AND MANAGEMENT OF NATIONAL INTEREST LANDS

Notice of Public Hearings

1. Notice is hereby given that the Joint Federal-State Land Use Planning Commission for Alaska will hold a series of public hearings during the period April 23 through June 3, 1973, at 32 locations within Alaska and 4 locations outside of Alaska. The purpose of these public hearings is to obtain public testimony on the use and management of the 80 million acres of "national interest" lands in Alaska withdrawn by the Secretary of the Interior under the authority of the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. 1601-1624). In accordance with the provisions in section 17(a) of the above-mentioned act, these hearings are open to the public.

2. Time will be available for statements from the public but those wishing to make statements must inform the Chairman prior to the public hearing. Any interested person may file a written statement with the Planning Commission for its consideration. Written statements and written requests to give oral statements to the Planning Commission at specified public hearings should be submitted to T. G. Bingham, Executive Director, c/o D-2 Hearings, Joint Federal-State Land Use Planning Commission, suite 400, 733 West Fourth Avenue, Anchorage, Alaska 99501.

3. Public hearings are hereby scheduled on dates and at locations as specified below:

HEARING SCHEDULE—APRIL 23 THROUGH JUNE 3, 1973

SYDNEY LAURENCE AUDITORIUM

April 23—Anchorage, Alaska, 9 a.m.
April 24—Anchorage, Alaska, 9 a.m.
April 25—Seward, Alaska, 10 a.m.; Iliamna, Alaska, 11 a.m.-8 p.m.
April 26—Kenai, Alaska, 10 a.m.-8 p.m.; Dillingham, Alaska, 10 a.m.
April 27—Valdez, Alaska, 11 a.m.-8 p.m.; Toksook Bay, Alaska, 11 a.m.-6 p.m.
April 28—Holy Cross, Alaska, 10 a.m.-6 p.m.
April 30—Bethel, Alaska, 7 p.m.
May 1—Bethel, Alaska, 8 a.m.; McGrath, Alaska, 11 a.m.
May 2—Galena, Alaska, 10 a.m.; Emmonak, Alaska, 11 a.m.-6 p.m.
May 3—Togiak, Alaska, 10 a.m.-6 p.m.; Ambler, Alaska, 10 a.m.-6 p.m.
May 4—Fort Yukon, Alaska, 1 p.m.; Naknek, Alaska, 9 a.m.-6 p.m.
May 5—Allakaket, Alaska, 11 a.m.-6 p.m.
May 7—Nome, Alaska, 1 p.m.
May 8—Shishmaref, Alaska, 10 a.m.-6 p.m.
May 9—Kotzebue, Alaska, 9 a.m.; Kodiak, Alaska, 11 a.m.
May 10—King Cove, Alaska, 1 p.m.; Klana, Alaska, 9 a.m.-4 p.m.
May 11—Barrow, Alaska, 10 a.m.
May 12—Anaktuvuk Pass, Alaska, 10 a.m.-4 p.m.
May 13—Copper Center, Alaska, 12 noon.
May 14—Cordova, Alaska, 2 p.m.
May 15—Yakutat, Alaska, 11 a.m.-4 p.m.

NATIONAL GUARD ARMORY

May 16—Juneau, Alaska, 10 a.m.; Northway, Alaska, 11 a.m.-8 p.m.

ALASKALAND

May 17—Fairbanks, Alaska, 10 a.m.

NATIONAL GUARD ARMORY

May 17—Juneau, Alaska, 9 a.m.-4:30 p.m.

ALASKALAND

May 18—Fairbanks, Alaska, 8 a.m.-4 p.m.

JACK TARR HOTEL

May 22—San Francisco, Calif., 10 a.m.
May 23—San Francisco, Calif., 8 a.m.

CONTINENTAL MOTOR HOTEL

May 25—Denver, Colo., 10 a.m.

PACIFIC SCIENCE CENTER EAMES THEATER

May 25—Seattle, Wash., 10 a.m.
May 26—Seattle, Wash., 8 a.m.

CONTINENTAL MOTOR HOTEL

Denver, Colo., 8 a.m.

GENERAL SERVICES ADMINISTRATION BUILDING AUDITORIUM

May 29—Washington, D.C., 10 a.m.
May 30—Washington, D.C., 9 a.m.

SYDNEY LAURENCE AUDITORIUM

June 2—Anchorage, Alaska, 9 a.m.
June 3—Anchorage, Alaska, 10 a.m.

T. G. BINGHAM,
Executive Director.

[FR Doc.73-6955 Filed 4-10-73;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

PROGRAM AND PLANNING DEVELOPMENTS

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770, 1972), notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA), established under Public Law 92-125, as amended, will meet at 9

a.m. on April 16, 1973, in room 6802, Main Commerce Building, 14th and E Streets NW., Washington, D.C.

The purpose of the meeting is to inform the Committee members of some recent program and planning developments in its area of responsibility and to review and develop further assessments of relevant agency programs. The agenda for the open portion of the meeting will include briefings on weather modification, atmospheric sciences, and science policy.

The Assistant Secretary of Commerce for Administration has determined that the portion of the meeting to be conducted from 3 p.m. on April 16, 1973, through adjournment on April 17, 1973, will consist of exchanges of opinions and discussions which, if written, would fall within exemption (5) of 5 U.S.C. 522(b) and that it is essential to close this portion of 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 6, 1973.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.73-6897 Filed 4-10-73;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR SCIENCE EDUCATION

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Advisory Committee for Science Education will be held at 9 a.m. on April 23 and 24, 1973, in room 651 at 5225 Wisconsin Avenue NW., Washington, D.C. 20550. The purpose of this committee is to provide advice and recommendations concerning the impact of all Foundation activities relating to education in the sciences in U.S. schools, colleges, and universities.

The agenda for this meeting shall include:

APRIL 23 SESSION

General comments by the Acting Assistant Director for Education.

Remarks by the Director, National Science Foundation.

Committee administrative matters.

Discussion of "Objectives and Priorities of the National Science Foundation Program of Education in the Sciences."

APRIL 24 SESSION

Continuation of discussion of "Objectives and Priorities of the NSF Program of Education in the Sciences."

The meeting shall be open to the public on a space available basis. Individuals who plan to attend should notify Mrs. Frances O. Watts, Office of the Assistant Director for Education, by telephone, 202-282-7930, or by mail, room 600, 5225 Wisconsin Avenue NW., Washington, D.C. 20550, not later than close of business on April 18, 1973.

For further information concerning this committee, contact Mrs. Frances O. Watts, Administrative Officer, Directorate for Education, room 600, 5225 Wisconsin Avenue NW., Washington, D.C. 20550. Summary minutes of this meeting may be obtained by contacting the Management Analysis Office, room K-720, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director for Administration.

APRIL 4, 1973.

[FR Doc.73-6994 Filed 4-10-73;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

GEORGIA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970, and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on April 4, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Georgia resulting from severe flooding and tornadoes beginning on or about March 16, 1973, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Georgia. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given, that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606), I hereby appoint Mr. William C. McMillen, Regional Director, OEP Region 4, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that act for this disaster.

I do hereby determine the following areas in the State of Georgia to have been adversely affected by this declared major disaster.

The counties of:

Catoosa	Oconee
Clarke	Rockdale
Clayton	Walker
Dade	Walton
Henry	Whitfield
Madison	

Dated April 5, 1973.

DARRELL M. TRENT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.73-6984 Filed 4-10-73;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

ADVISORY COMMITTEE ON GNP DATA IMPROVEMENT

Establishment

Pursuant to the Federal Advisory Committee Act (Public Law 92-463), I hereby certify that it is in the public interest to establish the Advisory Committee on the GNP Data Improvement as an advisory committee of the Office of Management and Budget in connection with the duties imposed upon the Director by the Budget and Accounting Procedures Act of 1950 (Public Law 81-784, section 103).

The Budget and Accounting Procedures Act of 1950 in section 103 makes the Director of the Office of Management and Budget responsible for the development of programs for the improved gathering, compiling, analyzing, publishing, and disseminating of statistical information. The GNP statistics, which are widely used by Federal policymakers and private economists alike, have recently been subject to revisions which have impaired their usefulness in making economic policy decisions. These revisions have been necessary because some of the basic source data used in making GNP estimates are deficient in accuracy, completeness, or timeliness. Therefore, the Advisory Committee on GNP Data Improvement is established to conduct an intensive investigation into the data presently being utilized and to make recommendations as to what improvements are needed or what alternate sources should be developed.

The committee will be composed of nongovernment experts who, except for the chairman, will serve without compensation except for travel expenses. The chairman will serve as staff director, for which he will receive salary when actually employed. Other staff will consist of a paid secretary and other Federal agency personnel who will be assigned on nonreimbursable detail.

The determination will terminate on March 1, 1974.

ROY L. ASH,
Director.

[FR Doc.73-6604 Filed 4-10-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File 500-1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

APRIL 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Accurate Calculator Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 5, 1973, through April 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-6946 Filed 4-10-73;8:45 am]

[812-3116]

CITIZENS AND SOUTHERN CAPITAL CORP. ET AL.

Notice of Filing of Application for Order Exempting Transactions

APRIL 5, 1973.

Notice is hereby given that the Citizens and Southern Capital Corp., P.O. Box 4899, 35 Broad Street NW., Atlanta, Ga. 30303. (C. & S. Capital), a closed-end, nondiversified investment company registered under the Investment Company Act of 1940 (Act) and licensed as a small business investment company under the Small Business Investment Act of 1958, the Citizens and Southern National Bank (Bank), a national banking association, and Citizens and Southern Holding Company (Holding Company) on their own behalf and on behalf of any affiliated person of C. & S. Capital or any affiliated person of such a person who owns stock of the latter company, have filed an application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act certain transactions incident to an Agreement and Plan of Reorganization (Plan) involving C. & S. Capital and Holding Company, which Plan is more fully described below.

All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

THE PARTIES

C. & S. Capital has outstanding 780,000 shares of common stock with a par value of $1 a share, of which 304,380 shares (39.02 percent) are owned by Bank. Holding Company is a wholly owned subsidiary of Bank. Accordingly, Bank presumptively controls C. & S. Capital and Holding Company within the meaning of section 2(a)(9) of the Act and Bank is, therefore, an affiliated person of each of such other companies as defined in section 2(a)(3) of the Act. In addition, C. & S. Capital and Holding Company are each an affiliated person of the other as defined in section 2(a)(3)(C) of the Act.

Certain officers or directors of Bank, Holding Company, or of C. & S. Capital are stockholders of C. & S. Capital; and the trustees of the Bank's profit sharing plan own 7.89 percent of the outstanding common stock of C. & S. Capital. Accordingly, each of such persons is either an affiliated person of C. & S. Capital, a registered investment company, or an affiliated person of an affiliated person (Bank or Holding Company) of C. & S. Capital.

THE PROPOSED PLAN

As a result of the consummation of the Plan, Bank will acquire, directly and through its wholly owned subsidiary, Holding Company, substantially all of the assets of C. & S. Capital; Holding Company will assume substantially all of the liabilities of C. & S. Capital; C. & S. Capital will be liquidated and dissolved; and the stock of C. & S. Capital owned by each of its stockholders other than Bank will, in effect, be converted into common stock of Bank.

Briefly, the proposed Plan involves the following steps:

1. Bank will deliver to Holding Company a sufficient number of shares of Bank common stock to enable Holding Company to effectuate the following proposed exchange with C. & S. Capital.

2. Holding Company will acquire all of the assets of C. & S. Capital (after adjustment to reflect the anticipated payment by C. & S. Capital of its indebtedness to the Small Business Administration and the retention of $70,000 to cover estimated expenses of the Plan) except that Holding Company will not acquire, for the reasons stated below, more than 5 percent of the outstanding common stock of any issuer. Holding Company will (i) assume all the liabilities of C. & S. Capital other than the latter's liability to the Small Business Administration and liabilities related to, created by or arising in connection with, the Plan, and (ii) deliver to C. & S. Capital a number of shares of Bank stock having a value, as defined, equal to the value as of December 27, 1972, of the assets of C. & S. Capital to be transferred to Holding Company less the liabilities to be assumed by Holding Company. Holding Company proposes to limit the proportion of common stock of any one issuer to be acquired by it, as noted above, due to existing policies of other regulatory agencies which operate to prohibit Holding Company from acquiring more than 5 percent of the outstanding voting stock of nonbanking companies.

3. The total assets of C. & S. Capital as of December 27, 1972, have been valued at $12,080,965, consisting of $3,752,385 of cash on hand, in banks and certificates of deposit; $233,768 of notes, accounts, and accrued interest receivable; $8,093,790 of investments in small business concerns, including a parcel of real estate appraised at $25,000; and $1,022 of miscellaneous assets. All of such amounts are derived from amounts reported on the books of C. & S. Capital, except the $8,093,790 of investments which is based on an appraisal made by Johnson, Lane, Space, Smith & Co., Inc., Atlanta, Ga., member of the New York Stock Exchange. Such appraised value exceeds the cost of those assets by $2,503,819. Liabilities totaled $1,481,158 including $70,000 reserved for the payment of expenses of the Plan and $1,282,168 representing indebtedness to the Small Business Administration which is to be paid at the closing. Thus, on the foregoing basis C. & S. Capital had a net asset value of $10,599,807 which was equivalent to $13.59 a share.

4. The common stock of Bank has been valued for the purposes of the Plan at $23.60415 a share. This amount was arrived at by averaging the closing bid prices of such stock (adjusted to reflect a subsequent 2 for 1 split) as reported on the NASDAQ system for the 15-trading days ending December 27, 1972. The application contains a letter of Merrill Lynch, Pierce, Finner & Smith, Inc., expressing the view that the market of the Bank stock, as of December 27, 1972, fairly reflects investors' decisions as to such stock's value without distortions due to a small float or an illiquid or limited trading market.

5. The value as of December 27, 1972 of the assets of C. & S. Capital ($10,119,525) to be transferred to Holding Company, less the amount of the liabilities ($128,990) to be assumed by Holding Company will result in the latter's acquisition of net assets of $9,990,535. Therefore, under the Plan, Holding Company will transfer to C. & S. Capital 423,253 shares of Bank common stock. Following such transfer, the assets of C. & S. Capital as of December 1972 would consist of its remaining investments in small business concerns and a piece of real property "remaining investments" with an aggregate appraised value of $609,272 (ii) the 423,253 shares of Bank common stock having a total value of $9,990,535 for the purposes of the Plan, and (iii) cash in the amount of $70,000 equal to the reserve for estimated expenses of the Plan.

6. As soon as practicable following its receipt of the shares of Bank common stock, C. & S. Capital will make a liquidating distribution of all of its assets (other than the $70,000 to cover estimated expenses) to its stockholders, as follows:

a. C. & S. Capital will distribute to Bank (i) all of the former's remaining investments valued at $609,272, and (ii) such number of Bank shares taken at a value of $23.60415 a share as shall, when added to the $609,272, equal the aggregate book value, as defined, of Bank's holdings of common stock of C. & S. Capital immediately prior to the distribution. As a result of such distribution, Bank will receive a liquidating distribution with a value equal to the aggregate value of its holdings of stock of C. & S. Capital taken at a value of $13.59 a share.

b. The balance of C. & S. Capital's assets consisting of common stock of Bank will be distributed on a pro rata basis to all of the stockholders of C. & S. Capital other than Bank. As a result of such distribution the stockholders of C. & S. Capital will receive for each share of stock of C. & S. Capital approximately 0.5757 share of Bank stock valued at $13.59.

The application states that the remaining investments of C. & S. Capital are to be distributed to Bank and not to all of the C. & S. Capital stockholders because their distribution to the latter on a pro rata basis would (1) violate investment representations previously given to the portfolio companies by C. & S. Capital, and (2) make impractical and expensive the enforcement of the terms of certain agreements between C. & S. Capital and some of its portfolio companies providing for repurchase by the latter of their securities or the latters' rights of first refusal.

The Plan has been approved by the boards of directors of C. & S. Capital, Holding Company and Bank. The affirmative vote of the holders of a majority of the outstanding shares of common stock

of C. & S. Capital is required for adoption of the Plan.

Following consummation of the Plan, C. & S. Capital proposes to surrender its license as a small business investment company and to apply for deregistration as an investment company under the Act and to be dissolved. The application states that Holding Company is entitled to the exception from the definition of investment company afforded by section 3(b)(3) of the Act, which, in effect, provides such an exception for any issuer all of the outstanding securities of which (other than short-term paper and directors' qualifying shares) are directly or indirectly owned by a company (Bank) primarily engaged directly or through a wholly owned subsidiary or subsidiaries, in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities.

No fractional shares of Bank stock will be issued. Persons entitled to a fractional interest may during a limited period instruct an agent, to be designated by C. & S. Capital, to purchase an additional fractional interest sufficient to entitle him to one full share or to sell his fractional interest for his account and obtain the proceeds.

If the proposed sale of assets of C. & S. Capital to Holding Company is consummated, shareholders of C. & S. Capital dissenting therefrom will have certain rights with respect to such matter pursuant to chapter 22–12 and section 22–1102(b) of the Georgia Business Corporation Code.

Section 17(a) of the Act, as here pertinent, makes it unlawful for an affiliated person of a registered investment company, acting as principal, from selling to or purchasing from such registered company any securities or other property. Section 17(b) provides that the Commission, upon application, may exempt a proposed transaction from the provisions of section 17(a) if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and the general purpose of the Act.

The Plan involves the proposed purchase and sale of securities and other property between C. & S. Capital and its affiliates, Holding Company and Bank, and, accordingly, must meet the requirement of section 17(b).

Applicant states that the proposed transaction meets the standards of section 17(b). In support thereof, Applicant states that its board of directors determined that the Plan would be most beneficial to shareholders since (1) the transaction is tax free upon receipt to shareholders other than the Bank, (2) the market value of Bank stock to be received by public shareholders of C. & S. Capital is greater than the market value of their holdings of C. & S. Capital stock, (3) the dividend rates with respect to equivalent amount of stock would be essentially the same and (4) the distribution of securities of portfolio companies to the C. & S. Capital stockholders would lead to fragmentation of holdings, lack of a market for the securities received by a shareholder, lack of power and control with respect to the portfolio company, expense to the portfolio company in dealing with many shareholders and the expense to the shareholders in attempting to properly supervise the numerous investments.

Notice is further given that any interested person may, not later than May 1, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon C. & S. Capital, Bank, and Holding Company at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commisison, by the Division of Investment Management Regulation, pursuant to delegated authority.

RONALD F. HUNT,
Secretary.

[FR Doc.73–6957 Filed 4–10–73;8:45 am]

[70–5271]

COLUMBIA GAS SYSTEM, INC., ET AL.

Notice of Posteffective Amendment Regarding Prepayment of Promissory Notes and Related Transactions by Subsidiaries to Parent

APRIL 5, 1973.

Notice is hereby given that The Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Del. 19807 (Columbia), a registered holding company, and its wholly owned subsidiary companies listed above have filed with this Commission a posteffective amendment to its application-declaration pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 9, 10, and 12(b) of the Act and rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration as now amended for a complete statement of the proposed transactions.

By order dated December 29, 1972 (Holding Company Act Release No. 17828), the Commission, among other things, authorized Columbia Gas of New York, Inc. (Columbia of New York), in accordance with the provisions of rule 42(b)(2) under the Act, to prepay with excess cash, from time to time prior to the end of 1973, its outstanding promissory notes held by Columbia Gas Systems, Inc. up to an amount of $2,500,000. It is now proposed that this maximum amount of temporary prepayments be increased to $5 million so as to facilitate more efficient use of excess cash anticipated by Columbia of New York.

The Public Service Commission of New York has authorized the acquisition or prepayment by Columbia of New York of its outstanding promissory notes from Columbia.

Notice is further given that any interested person may, not later than April 30, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–6958 Filed 4–10–73;8:45 am]

[File 500-1]

FIRST WORLD CORP.

Order Suspending Trading

APRIL 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the class A and class B common stocks, $0.15 par value, and all other securities of First World 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 5, 1973, through April 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-6947 Filed 4-10-73;8:45 am]

[812-3424]

KIDDER, PEABODY & CO., INC.

Notice of Filing of Application for Order of Exemption

APRIL 5, 1973.

Notice is hereby given that Kidder, Peabody & Co., Inc., a registered broker-dealer corporation with its principal office at 10 Hanover Square, New York, N.Y. 10005 (Applicant), in connection with a proposed public offering of shares of common stock of Excelsior Income Shares, Inc. (the Company), a registered, closed-end diversified management investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the Act) for an order exempting Applicant and its counderwriters from section 30(f) of the Act to the extent that such section adopts section 16(b) of the Securities Exchange Act of 1934 (the Exchange Act) with respect to their transactions incidental to the distribution of Company shares. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant, Bache & Co., Inc., Clark, Dodge & Co., Inc., Harris, Upham & Co., Inc., and Walston & Co., Inc., are the prospective representatives (the Representatives) of a group of underwriters (the Underwriters) being formed in connection with the above public offering.

Shares of the Company are to be purchased by the Underwriters pursuant to an Underwriting Agreement (the Underwriting Agreement) to be entered into between the Underwriters, represented by the Representatives, and the Company. It is also contemplated that one or more dealers will offer and sell certain of the shares. It is intended that the several Underwriters will make a public offering of all the Company shares which such Underwriters are to purchase under the Underwriting Agreement at the price therein specified, as soon on or after the effective date of the Company's Registration Statement on form S-4 (the Registration Statement) as the Representatives deem advisable, and such shares are initially to be offered to the public at a per share public offering price and subject to underwriting commissions to be specified in the prospectus incorporated in the Registration Statement (the Prospectus) at the time the Registration Statement becomes effective under the Securities Act of 1933. Although 4,400,000 shares have been included for registration in the Registration Statement, the actual number of shares which may be the subject of the proposed public offering may be decreased by the Representatives and the Company shortly before the effective date of the Registration Statement and the proposed public offering, depending upon market conditions and the exercise of an overallotment election granted to the Underwriters.

Applicant states that it is possible that the underwriting commitment of any one or more of the Underwriters, including each of the Representatives, will exceed 10 percent of the aggregate number of shares of the Company's common stock to be outstanding after the purchase by the several Underwriters pursuant to the Underwriting Agreement or upon the completion of the initial public offering or at some interim time. Since section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Company to the same duties and liabilities as those imposed by section 16 of the Exchange Act with respect to the transactions in the securities of the Company, such Underwriter or Underwriters would become subject to the filing requirements of section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their customers, subject to the obligations imposed by section 16(b) of the Exchange Act.

Rule 16b-2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) thereof. Applicant states that the purpose of the purchase of the shares by the Underwriters will be for resale in connection with the initial distribution of the shares. Applicant states that such purchases and sales, therefore, will be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of rule 16b-2.

Applicant states that it is possible that one or more of the Underwriters, through their participation in the distribution of the Company's shares, may not be exempted from section 16(b) of the Exchange Act by the operation of rule 16b-2; they may fail to meet the requirement stated in rule 16b-2(a)(3) that the aggregate participation of persons not within the purview of section 16(b) of the Exchange Act be at least equal to the participation of persons receiving the exemption under rule 16b-2 since it is possible that one or more of the Underwriters who, pursuant to the Underwriting Agreement, will purchase more than 10 percent of the shares of the Company may be obligated to purchase more than 50 percent of the shares of the Company being offered.

In addition to purchases of shares from the Company and sales of shares to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover overallotments or other short position created in connection with such distribution, and sales of shares purchased in stabilization.

Applicant states that there is no inside information in existence since the Company, prior to the initial distribution of the shares, will have no assets, other than cash, or business of any sort, and all material facts with respect to the Company will be set forth in the Prospectus pursuant to which the shares will be offered and sold. No director or officer of the Applicant, Bache & Co. Inc., Clark, Dodge & Co. Inc., Harris Upham & Co. Inc., or Walston & Co., Inc., is a director or officer of either the Company or UST Advisory Co., Inc., the Company's investment adviser (Adviser), and Applicant states that it does not anticipate that any partner, director or officer of any other Underwriter or selected dealer which may be an Underwriter, will be a director or officer of the Company or the Adviser.

Applicant submits that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant further contends that the transactions sought to be exempted cannot lend themselves to the practices section 16(b) of the Exchange Act and section 30(f) of the Act were enacted to prevent.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from the provisions of the Act and rules and regulations promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given, that any interested person may, not later than April 26, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served

is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-6959 Filed 4-10-73;8:45 am]

[File 500-1]

LILAC TIME, INC.

Order Suspending Trading

APRIL 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Lilac Time, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 5, 1973, through April 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-6948 Filed 4-10-73;8:45 am]

[File 500-1]

LOGOS DEVELOPMENT CORP.

Order Suspending Trading

APRIL 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common securities of Logos Development Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 5, 1973, through April 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-6949 Filed 4-10-73;8:45 am]

[812-3433]

SALOMON BROTHERS ET AL.

Notice of Filing of Application for Exemption

APRIL 5, 1973.

Notice is hereby given that Salomon Brothers, One New York Plaza, New York, N.Y. 10004, Hornblower & Weeks-Hemphill, Noyes Inc., 8 Hanover Street, New York, N.Y. 10004, J. C. Bradford & Co. Inc., J. C. Bradford Building, 170 Fourth Avenue North, Nashville, Tenn. 37219, A. G. Edwards & Sons, Inc., 1 North Jefferson Street, St. Louis, Mo. 63103, Interstate Securities Corp., 221 South Tryon Street, Charlotte, N.C. 28202, The Robinson-Humphrey Co., Inc., 2 Peachtree Street NW., Atlanta, Ga. 30303, and Wheat, First Securities, Inc., 801 East Main Street, Richmond, Va. 23219 (Applicants), registered broker-dealers and the representatives of a group of underwriters to be formed in connection with a proposed public offering of shares of the Capital Stock, par value $1.00 per share (Capital Stock), of Hatteras Income Securities, Inc. (the Company), a newly registered closed-end, diversified management investment company, have filed an application, pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting them and their counderwriters from section 30(f) of the Act to the extent such section adopts section 16 of the Securities Exchange Act of 1934 (the Exchange Act). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Shares of Capital Stock are to be purchased pursuant to an underwriting agreement to be entered into between the Company and the underwriters represented by the representatives. A public offering of the registered shares will be made as soon as practicable after the effective date of the Company's registration statement on form S4.

In addition to purchases from the Company and sales to customers, there may be the usual transactions of purchases or sales incident to a distribution such as stabilizing purchases, purchases to cover over-allotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

It is quite possible that one or more representatives and other members of the underwriting group may each acquire, in accordance with the provisions of the underwriting agreement, more than 10% of the Company's Capital Stock which will be outstanding after the initial public offering of the shares.

Section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of a registered investment company to the same duties and liabilities as those imposed by section 16 of the Exchange Act.

Section 16(a) of the Exchange Act requires insiders to file reports of their holdings and changes in their holdings and section 16(b) makes such insiders liable for short-term trading profits.

Rule 16b-2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) of the Exchange Act. Applicants state that the purpose of the purchase by Applicants and the other underwriters is for resale in connection with the initial distribution of shares of Capital Stock. The purchases and sales will thus be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of rule 16b-2.

Although it is anticipated that the requirements of rules 16b-2(a) (1) and (2) will be met, any one or more of the underwriters, including the representatives, through their participation in the distribution of shares of Capital Stock, may nevertheless not be entitled to rely upon rule 16b-2 to exempt them from section 16(b) of the Exchange Act because the requirements stated in rule 16b-2(a)(3) may not be met. Rule 16b-2(a)(3) requires that underwriters not within the purview of section 16(b) of the Exchange Act be participating on terms at least as favorable as those on which underwriters exempted from the provisions of section 16(b) by rule 16b-2 are participating and to an extent at least equal to the aggregate participation of underwriters exempted from the provisions of section 16(b) by rule 16b-2. It is possible that any one or more of the underwriters, including the representatives, may be obligated through the underwriting agreement to purchase more than 10 percent of the aggregate number of shares of Capital Stock to be outstanding, and such underwriters may, as underwriters and as dealers, distribute more than 50 percent of the aggregate number of shares of Capital Stock being offered. Moreover, any one or more underwriters, including the representatives, even though they are obligated through the underwriting agreement to purchase less than 10 percent of the aggregate number of shares of the Capital Stock to be outstanding upon completion of the initial public offering, may, as a consequence of defaults by other underwriters or exercise of the over-allotment option, become obligated to purchase more than 10 percent of the aggregate number of shares of Capital Stock to be outstanding, and such underwriters may, either alone or in combination with underwriters obligated under the underwriting agreement to purchase more than 10 percent of the aggregate number of shares of Capital Stock to be outstanding, distribute more than 50 percent of the shares of Capital Stock being offered. Such arrangements might be

characterized as not meeting the requirements of rule 16b–2(a)(3).

Applicants state that there is no "inside information" in existence since the company, prior to distribution of the registered shares, will have no assets (other than cash) or business of any sort, and all material facts with respect to the company will be set forth in the prospectus incorporated in the registration statement. No partner, director or officer of the representatives is a director or officer of the company or the adviser to the company, and it is not anticipated that any partner, director or officer of any other underwriter will be a director or officer of the company or the adviser.

Applicants submit that the requested exemption from the provisions of section 30(f) of the act is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act. It is further submitted that the transactions sought to be exempted cannot lend themselves to the practices section 16 of the Exchange Act and section 30(f) of the act were enacted to prevent.

Section 6(c) of the act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from any provision of the act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than April 23, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0–5 of the rules and regulations promulgated under the act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-6960 Filed 4-10-73;8:45 am]

[File 500-1]

TEXTURED PRODUCTS, INC.

Order Suspending Trading

APRIL 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value and all other securities of Textured Products, 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 5, 1973, through April 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-6950 Filed 4-10-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

VIRGINIA DEVELOPMENTAL PLAN

Notice of Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.*—Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. section 667) and § 1902.11 of title 29, Code of Federal Regulations, notice is hereby given that an Occupational Safety and Health Plan for the Commonwealth of Virginia has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan, and hereby gives notice the question of approval of the plan is in issue before him.

The plan designates the department of labor and industry as the agency responsible for administering the plan. Standards will be adopted by the safety and health codes commission. Safety inspections will be conducted by the department of labor and industry. Health inspections will be conducted by the department of health. The department of labor and industry will issue citations, set abatement dates, and, as indicated, issue summons and/or warrants for a court determination on assessment of penalties for safety and health violations. Fire safety inspections and enforcement will be provided by agreement with the fire marshall.

All safety and health standards and amendments thereto which have been adopted by the U.S. Secretary of Labor except those found in 29 CFR Parts 1915, 1916, 1917, and 1918 (ship repairing, ship building, shipbreaking, and longshoring) will subsequent to public hearing, be adopted by the State. In addition, the State will retain its existing standard applicable to ionizing radiation. The plan provides that changes in the Federal standards will be adopted by the State.

Enabling legislation was enacted by the Virginia Legislature in February 1973. The legislation gives the commissioner of the department of labor and industry authority to enforce and to administer laws respecting the safety and health of employees; the legislation provides for the coverage of all employees within the Commonwealth with the exception of employees whose working conditions are regulated by Federal agencies other than the U.S. Department of Labor under section 4(b)(1) of the Occupational Safety and Health Act of 1970. The Commissioner is authorized to establish a program applicable to employees of the State and its political subdivisions. There are provisions which grant the commissioner of labor and industry the authority to inspect workplaces and to issue citations for the abatement of violations and there is also included a prohibition against advance notice of any such inspection. In addition, there is provision made for appeal of citations and/or abatement periods to the safety and health codes commission, for prompt restraint of imminent danger situations by injunction and "red-tag" and a system of criminal penalties for violations of standards. Also included are assurances for the protection of trade secrets and a provision to protect employees against discharge and discrimination in terms and conditions of employment. Included in the plan is a statement of the Governor's support of the plan and a statement of legal opinion that the legislation will meet requirements of the Occupational Safety and Health Act of 1970.

Set forth in the proposed plan is a timetable providing for the future drafting of various administrative rules, regulations and procedures. The plan contains a provision for coverage of personnel under the existing merit system.

2. *Location of plan for inspection and copying.*—A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, room 305, Railway Labor Building, 400 First Street NW., Washington, D.C. 20210; Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, suite 15200, 3535 Market Street, Philadelphia, Pa. 19104; Area Office, Occupational Safety and Health Administration, U.S. Department of Labor, 3661 Virginia Beach Boulevard, room 111, Stanwick Building, Norfolk, Va. 23502; Area Office, Occupational Safety and Health Administration, U.S. Department of Labor, room 8018, Federal Building, 400 North

Eighth Street, Richmond, Va. 23240; Virginia Department of Labor and Industry, Ninth Office Building, Richmond, Va.

3. *Public participation.*—Interested persons are hereby given until May 11, 1973, in which to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, room 305, Railway Labor Building, 400 First Street NW., Washington, D.C. 20210. The written comments will be available for public inspection and copying at the above address.

Any interested person(s) may request an informal hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereto are filed by May 11, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the plan.

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

CHAIN ROBBINS,
Deputy Assistant Secretary of Labor.

[FR Doc.73-6996 Filed 4-10-73;8:45 am]

Office of the Secretary

FISHER ELECTRONICS, INC.

Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to radio receivers and radio-phonograph combination sets in its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of workers of the Milroy, Pennsylvania plant of Fisher Electronics, Inc., subsidiary of Emerson Electric Co. (TEA-W-176). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under title III, chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in subpart B of 29 CFR Part 90.

Interested persons should submit written data, views or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. on or before April 16, 1973.

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

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.73-6997 Filed 4-10-73;8:45 am]

ZENITH RADIO CORP., CHICAGO, ILL.

Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to radio receivers and radio phonograph combination sets in its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of workers of Zenith Radio Corp., Chicago, Ill. (TEA-W-177). In view of the report and responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance provided for under title III, chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in subpart B of 29 CFR Part 90.

Interested persons should submit written data, views or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. on or before April 16, 1973.

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

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.73-6998 Filed 4-10-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 216]

ASSIGNMENT OF HEARINGS

APRIL 6, 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 April 11, 1973.

MC 105566 sub 81, Sam Tanksley Trucking, Inc., now being assigned June 11, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 101474 sub 23, Red Top Trucking Co., Inc., now being assigned June 12, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

AB 1 sub 7, Chicago and North Western Transportation Co. Abandonment between Stanwood and Tipton, Cedar County, Iowa, now being assigned June 14, 1973 (2 days), at Tipton, Iowa, in a hearing room to be lated designated.

MC 124309 sub 7, Alphie J. Bousley, now being assigned June 25, 1973 (2 days), at Chicago, Ill., in a hearing room to be later designated.

No. 35779, Potomac Passengers Association-V-Baltimore & Ohio Railroad Co., now assigned May 1, 1973, at Washington, D.C., is postponed to May 15, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MCC 7759, Central Motor Express, Inc., et al, v. Renner's Express, Inc., now assigned April 23, 1973, at Louisville, Ky., is canceled and transferred to modified procedure.

MC 128273 sub 130, Midwestern Express, Inc., now assigned April 10, 1973, at Washington, D.C., is canceled and the application is dismissed.

MC 75320 sub 161, Campbell Sixty-Six Express, Inc., now assigned June 4, 1973, at Omaha, Nebr., is canceled and transferred to modified procedure.

MC 117943 sub 1, Joseph M. Booth, doing business as J. M. Booth Trucking, now assigned April 10, 1973, at Washington, D.C., is postponed to May 15, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 133316 sub 7, Frank R. Givigiano, doing business as Givigiano Transport, now assigned May 7, 1973, at Denver, Colo., is postponed indefinitely.

MC 135109 sub 3, Seco, Inc., now assigned April 25, 1973, at Washington, D.C., is postponed indefinitely.

MCC-7734, Resort Bus Lines, Inc., et al. v. Mayflower Coach Corp., now being assigned June 4, 1973 (2 days), at Newark, N.J., in a hearing room to be later designated.

MC 138070, A. T. D. Trucking Corp., now being assigned June 6, 1973 (3 days), at New York, N.Y., in a hearing room to be later designated.

W-552 sub 15, American Commercial Barge Line Co., Line & W-654 sub 8, Warrior & Gulf Navigation Co.-Extension-Tug & Barge, now being assigned for prehearing conference, May 30, 1973, at the office of the Interstate Commerce Commission, Washington, D.C.

FF-376, American Delivery Systems, Inc., freight forwarder application, now being assigned hearing June 25, 1973, at the office of the Interstate Commerce Commission, Washington, D.C.

MC 61592 sub 290, Jenkins Truck Line, Inc., now assigned June 11, 1973, at Chicago, Ill., is canceled and application dismissed.
MC 115331 sub 336, Truck Transport, Inc., now assigned June 8, 1973, at Kansas City, Mo., is postponed indefinitely.
MC 128273 sub 134, Midwestern Express, Inc., now being assigned June 8, 1973 (1 day), at Kansas City, Mo., in a hearing room to be later designated.
MC 119968 sub 6, A. J. Weigand, Inc., now assigned May 14, 1973, at Columbus, Ohio, is postponed indefinitely.
MC-F-11673, Reliance Truck Co.—purchase—Daigh & Stewart Truck Co., MC 54567 sub 12, Reliance Truck Co., now assigned April 30, 1973, will be held at Oil and Gas Commission, 4515 North Seventh Ave., Phoenix, Ariz.
MC 109397 sub 277, Tri-State Motor Transit Co., now assigned May 10, 1973, MC 126514 sub 39, Schaeffer Trucking, Inc., now assigned May 7, 1973, will be held in Tax Court Room, Federal Office Building, 300 North Los Angeles St., Los Angeles, Calif.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-6968 Filed 4-10-73;8:45 am]

[Notice 217]

ASSIGNMENT OF HEARINGS

APRIL 6, 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 April 11, 1973.

CORRECTION

AB-7 sub 8, Chicago, Milwaukee, St. Paul, and Pacific Railroad Co. abandonment between St. Clair Junction and St. Clair, in Freeborn and Blue Earth Counties, Minn., now being assigned hearing June 6, 1973 (3 days), at Albert Lea, Minn., in a hearing room to be later designated, instead of June 6, 1973 (2 days).

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-6970 Filed 4-10-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 6, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before April 26, 1973.

FSA No. 42657—Joint water-rail container rates—Japan Line, Ltd. Filed by Japan Line, Ltd. (No. 4), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong, and Peoples Republic of China, on the one hand, and rail stations on the U.S. Atlantic and Gulf seaboard, on the other. Grounds for relief—Water competition.

FSA No. 42658—Joint water-rail container rates—Mitsui O. S. K. Lines, Ltd. (No. 5 (M.O.L. Series)), for itself and interested rail carriers. Rates on general commodities, between ports in Hong Kong, Japan, and Korea, on the one hand, and rail stations on the U.S. Atlantic and Gulf seaboard, on the other. Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-6972 Filed 4-10-73;8:45 am]

[Notice 9]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 6, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 647), Greyhound Lines, Inc. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed March 27, 1973. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 29 and Business Route U.S. Highway 29 approximately 5 miles north of Reidsville, N.C., over U.S. Highway 29 to junction Business Route U.S. Highway 29 approximately 5 miles south of Reidsville, N.C., with the following access routes: (1) From Reidsville, N.C., over U.S. Highway 158 to junction U.S. Highway 29, and (2) from Reidsville, N.C., over North Carolina Highway 87 to junction U.S. Highway 29, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Richmond, Va., over U.S. Highway 360 to Danville, Va., thence over U.S. Highway 29 to junction Business Route U.S. Highway 29 (formerly U.S. Highway 29) north of Reidsville, N.C., thence over Business Route U.S. Highway 29 via Reidsville, N.C., to junction U.S. Highway 29, south of Reidsville, N.C., thence over U.S. Highway 29 to Greensboro, N.C., and return over the same route.

No. MC-1515 (Deviation No. 648) (Cancels Deviation No. 265), Greyhound Lines, Inc. (Western Division), 371 Market Street, San Francisco, Calif. 94106, filed March 29, 1973. Carrier's representative: S. B. Ringwood, same address as applicant. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 61 and Interstate Highway 255, over Interstate Highway 255 to junction Interstate Highway 244, thence over Interstate Highway 244 to junction Interstate Highway 270, thence over Interstate Highway 270 to junction relocated U.S. Highway 66, thence over relocated U.S. Highway 66 to junction U.S. Highway 66, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Hamel, Ill., over Illinois Highway 157 to Edwardsville, Ill., thence over Illinois Highway 159 to Collinsville, Ill., thence over Business Route U.S. Highway 40 to East St. Louis, Ill., thence over Eads Toll Bridge to St. Louis, Mo., (2) from St. Louis, Mo., over Veteran Memorial Bridge to East St. Louis, Ill., and (3) from the Kansas-Missouri State line west of Joplin, Mo., over U.S. Highway 66 to junction unnumbered highway, thence over unnumbered highway to Rolla, Mo., thence over U.S. Highway 63 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway, thence over unnumbered highway via Fanning, Cuba, and Bourbon, Mo., to junction U.S. Highway 66, thence over U.S. Highway 66 to St. Louis, Mo., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-6973 Filed 4-10-73;8:45 am]

[Notice N. 13]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 6, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-69833 (sub-No. 26), associated Truck Lines, Inc., Vandenberg Center, Grand Rapids, Mich. 49502, filed March 29, 1973. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Flint, Mich., over Interstate Highway 75 to junction Interstate Highway 71, south of Cincinnati, Ohio, thence over Interstate Highway 71 to Louisville, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Flint, Mich., over Michigan Highway 78 to Battle Creek, Mich., thence over unnumbered highway (formerly U.S. Highway 12) to junction Interstate Highway 94 (formerly U.S. Highway 12), thence over Interstate Highway 94 to junction Business Interstate Highway 94, thence over Business Interstate Highway 94 to Kalamazoo, Mich., (2) from Lansing, Mich., over U.S. Highway 127 to junction Ohio Highway 15, thence over Ohio Highway 15 to Defiance, Ohio, thence over Ohio Highway 18 to Fostoria, Ohio, (3) from Jackson, Mich., over Michigan Highway 60 to Niles, Mich., (4) from Goshen, Ind., over U.S. Highway 33 via Elkhart and South Bend, Ind., to Niles, Mich., thence over U.S. Highway 31 to St. Joseph, Mich., (5) from South Bend, Ind., over U.S. Highway 31 to Indianapolis, Ind., (6) from Indianapolis, Ind., over U.S. Highway 31 to Columbus, Ind., thence over Alternate U.S. Highway 31 to Seymour, Ind., and (7) from Shelbyville, Ind., over Indiana Highway 9 to junction Indiana Highway 46, thence over Indiana Highway 46 to Columbus, Ind., thence over Alternate U.S. Highway 31 to Seymour, Ind., thence over U.S. Highway 50 to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31-W to Louisville, Ky., and return over the same routes.

No. MC-69833 (Deviation No. 27), Associated Truck Lines, Inc., Vandenberg Center, Grand Rapids, Mich. 49502, filed March 29, 1973. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Saginaw, Mich., over Interstate Highway 75 to junction Interstate Highway 71, south of Cincinnati, Ohio, thence over Interstate Highway 71 to Louisville, Ky., and return over the same route, for operating convenience only The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Lansing, Mich., over Michigan Highway 78 to junction Michigan Highway 13, thence over Michigan Highway 13 to Saginaw, Mich., (2) from Lansing, Mich., over U.S. Highway 127 to junction Ohio Highway 15, thence over Ohio Highway 15 to Defiance, Ohio, thence over Ohio Highway 18 to Fostoria, Ohio, (3) from Jackson, Mich., over Michigan Highway 60 to Niles, Mich., (4) from Goshen, Ind., over U.S. Highway 33 via Elkhart and South Bend, Ind., to Niles, Mich., thence over U.S. Highway 31 to St. Joseph, Mich., (5) from South Bend, Ind., over U.S. Highway 31 to Indianapolis, Ind., (6) from Indianapolis, Ind., over U.S. Highway 31 to Columbus, Ind., thence over Alternate U.S. Highway 31 to Seymour, Ind., and (7) from Shelbyville, Ind., over Indiana Highway 9 to junction Indiana Highway 46, thence over Indiana Highway 46 to Columbus, Ind., thence over Alternate U.S. Highway 31 to Seymour, Ind., thence over U.S. Highway 50 to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31-W to Louisville, Ky., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-6974 Filed 4-10-73;8:45 am]

[Notice 27]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 6, 1973.

The following publications[1] are governed by the new special rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 13250 (sub-No. 120), filed March 12, 1973. Applicant: J. H. Rose Truck Line, Inc., 5003 Jensen Drive, P.O. Box 16190, Houston, Tex. 77022. Applicant's representative: James M. Doherty, suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel and iron and steel articles. (1) Between points in California, on the one hand, and, on the other, points in Arizona, Colorado, and Utah; (2) between points in California, on the one hand, and, on the other, points in Nevada, Oregon, and Washington; (3) between points in California, on the one hand, and, on the other, points in Wyoming, North Dakota, and South Dakota; (4) between points in Arizona and Nevada; (5) between points in Arizona and Nevada, on the one hand, and, on the other, points in Colorado, Montana, Utah, and Wyoming; (6) between points in Arizona, on the one hand, and, on the other, points in Oregon and Washington; (7) between points in Idaho; (8) between points in Idaho, on the one hand, and, on the other, points in Arizona, Colorado, Montana, Utah, and Wyoming; and (9) between points in Oregon and Washington, on the one hand, and, on the other, points in Idaho and Utah for purpose of joinder only.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority to transport contractors' materials between California, on the one hand, and, on the other, points in Colorado and Montana, and can also be tacked from Pueblo, Colo., to points in Arizona; however, applicant indicates it has no present intention to tack.

Hearing: June 18, 1973 (1 week) at 9:30 a.m., d.s.t., (or 9:30 a.m., U.S.s.t., if that time is observed) at Portland, Oreg.

No. MC 109397 (sub-No. 283), filed March 5, 1973. Applicant: Tri-State Motor Transit Co., a corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel, and iron and steel articles, (1) between points in California, on the one hand, and, on the other, points in Idaho, Montana, Nevada,

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

Oregon, Washington, Wyoming, and Utah, and (2) between points in Oregon and Washington, on the one hand, and, on the other, points in Wyoming.

NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority.

Hearing: June 18, 1973 (1 week) at 9:30 a.m., d.s.t., (or 9:30 a.m., U.S.s.t., if that time is observed) at Portland, Oreg.

No. MC 60580 (sub-No. 28) (republication), filed May 8, 1972, published in the FEDERAL REGISTER issue of June 29, 1972, and republished this issue. Applicant: Highway Express Lines, Inc., 1314 North Irving Street, Allentown, Pa. 18103. Applicant's representative: Raymond A. Thistle, Jr., suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103. A supplemental order of the Commission, Operating Rights Board, dated March 14, 1973, and served March 28, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of food and foodstuffs, except in bulk in tank vehicles, from the facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Delaware, Maryland, New York, Virginia, and West Virginia, restricted to traffic originating at the named origin points and destined to points in the named destination points; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CAARIERS OF PROPERTY

No. MC-F-1172 (sub-No. 1). Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: T.I.M.E.-DC, Inc., P.O. Box 2550, Lubbock, Tex. 79408 (MC-35320), with three Texas carriers, namely, Certified Transfer & Storage, Inc., 5805-07 Ybarra Court, 9189 Drawer, El Paso, Tex. 79985 (MC-133733) (sub-No. 2), Curry Motor Freight Lines, Inc., 700 Northwest Third Street, Amarillo, Tex. 79107 (MC-60087), and Merchant's Fast Motor Lines, Inc., P.O. Drawer 270, East U.S. Highway 80, Abilene, Tex. 79604 (MC-2228), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving to and from points in Acala, Allamore, Andrews, Barstow, Brownfield, Clint, Douro, Fabens, St. Hancock, Kent, Lamesa, McNary, Meadow, Monahans, Odessa, Pecos, Penwell, Plateua, Pyote, Sand, Seagraves, Seminole, Sierra Blanca, Van Horn, Welch, Wellman, and Wolfforth, Tex. Attorney: Walter N. Bieneman, suite 1700, One Woodward Avenue, Detroit, Mich. 48226. T.I.M.E.-DC, Inc., is authorized to operate as a common carrier in Texas, Oklahoma, Arkansas, Tennessee, Missouri, and Kansas.

No. MC-F-11832. Authority sought for control and merger by Barton Truck Line, Inc., 455 West Fourth South Street, Salt Lake City, Utah 84101, of the operating rights and property of Bonanza Trucking Co., 2401 Second Avenue, Denver, Colo. 80223, and for acquisition by Harold R. Tate, also of Salt Lake City, Utah 84101, of control of such rights and property through the transaction. Applicants' attorney: William S. Richards, 900 Walker Bank Building, Post Office Box 2465, Salt Lake City, Utah 84110. Operating rights sought to be controlled and merged: General commodities, with exceptions, as a common carrier over regular routes, between Salt Lake City, Utah, and Etna, Wyo., serving various intermediate and off-route points, between Montpelier, Idaho and Etna, Wyo., serving various intermediate and off-route points, with restrictions, between Alpine, Wyo., and Geneva, Idaho, serving all intermediate and off-route points, between Afton, Wyo., and Pocatello, Idaho, serving all intermediate and off-route points, between Afton, Wyo., and Montpelier, Idaho, serving no intermediate points; cement, from Devils Slide, Utah to Afton, Wyo., serving no intermediate points, from Inkom, Idaho, to Thayne, Wyo., serving various intermediate and off-route points; brick and tile, from Ammon, Idaho, to Geneva, Idaho, serving all intermediate points and various off-route points; cheese, from Afton, Wyo., to Pocatello, Idaho; such merchandise, as is dealt in by retail grocery business houses, from Pocatello, Idaho, to Fairview, Wyo., serving various intermediate and off-route points; general commodities, with exceptions over irregular routes, between Denver, Colo., and points within 10 miles thereof, on the one hand, and, on the other, Craig, Colo., between Afton, Wyo., and points within 15 miles of Afton, between Craig, Colo., and points within 25 miles of Craig, on the one hand, and, on the other points in a defined area of Utah and Wyoming, with restriction; gilsonite, in bulk, from Bonanza, Utah, to points in a defined area of Wyoming. Barton Truck Line, Inc., is authorized to operate as a contract carrier in Utah, Colorado, Wyoming, Montana, and Nevada and as a common carrier in Nevada and Utah. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11835. Authority sought for control by Holmes Freight Lines, Inc., 7878 "I" Street, Omaha, Nebr. 68127, of (1) Byers Transportation Co., Inc., and (2) Commercial Freight Lines, Inc., both of 4200 Gardner Avenue, Kansas City, Mo. 64120, and for acquisition by Thomas Fulkerson, and K. Susan Edmunds, both of Omaha, Nebr. 68127, of control of Byers Transportation Co., Inc., and Commercial Freight Lines, Inc., through the acquisition by Holmes Freight Lines, Inc. Applicants' attorneys: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106, and Richard K. Andrews, 1500 Commerce Bank Building, Kansas City, Mo. 64106. Operating rights sought to be controlled: (1) General commodities with exceptions, as a common carrier over regular routes, between Kansas City, Mo., and St. Joseph, Mo., serving various intermediate and off-route points, between Kansas City, Kans., and East St. Louis, Ill., serving various intermediate and off-route points, with and without restrictions, between Kansas City, and Lake City, Mo., serving intermediate and off-route points within 2 miles of Lake City, between junction U.S. Highway 40 and Missouri Highway 7, and Lake City, Mo., serving intermediate and off-route points within 2 miles of Lake City, between Wentzville, and St. Louis, Mo., serving various intermediate and off-route points, between East St. Louis, Ill., and St. Joseph, Mo., between Maryville, Mo., and Omaha, Nebr., serving no intermediate points, between Sheridan and St. Joseph, Mo., serving various intermediate and off-route points; lubricating oils, greases, gasoline, naptha, furniture polish, rubber tires, insecticide liquid, batteries, wax, candies, empty drums, tanks, barrels, and signs, between Quincy, Ill., and Browning, Mo.; used empty containers for fresh meat and packinghouse products, from Booneville, Mo., to Kansas City, Kans.; petroleum products, in containers, soap, cleaning compounds, fresh meat and packinghouse products, in truckload lots, over irregular routes, from Kansas City, Kans., to points in Missouri; paint, varnish, and painters' supplies, in truckload lots, from Kansas City, Mo., to certain specified points in Kansas; paper and paper articles, in truckload lots, from St. Joseph, Mo., to certain specified points in Kansas; general commodities, with usual exceptions, between points in Clay, Jackson, and Platte Counties, Mo., and Douglas, Johnson, Leavenworth, and Wyandotte Counties, Kans., between points in that part of Nodaway, Gentry, and Worth Counties, Mo., on and east of U.S. Highway 71

and on and west of U.S. Highway 169, on the one hand, and, on the other, Omaha, Nebr., Council Bluffs and Des Moines, Iowa, Kansas City, Kans., Kansas City, Mo., and those points in that part of Iowa on and south of U.S. Highway 34 and on and west of U.S. Highway 169, with restriction; meats, meat products, and meat by-products and articles distributed by meat packing houses, as described in sections A and C of appendix I to the report in descriptions in motor carrier certificates, 61 M.C.C. 209 and 766 (except hides and commodities, in bulk, in tank vehicles), from the plantsite and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in Illinois, Iowa, Kansas, Missouri, and Nebraska, with restriction; and (2) general commodities, with certain specified exceptions, and numerous other specified commodities, as a common carrier, over regular and irregular routes, from, to, and between specified points in the States of Nebraska, Illinois, Missouri, Iowa, Kansas, Oklahoma, Indiana, Colorado, Wisconsin, Arkansas, and Minnesota, with certain restrictions, serving various intermediate and off-route points, as more specifically described in docket No. MC-84511 and sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof. Holmes Freight Lines, Inc., is authorized to operate as a common carrier in Iowa, Illinois, and Nebraska. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11836. Authority sought for purchase by Delaware Express Co., P.O. Box 97, Elkton, Md. 21921, of the operating rights and property of Franklin B. Baker, Jr., doing business as Baker Transport, 300 Christiana Avenue, Wilmington, Del. 19802, and for acquisition by Walter J. Winther, Raymond W. Weyland, and Harry C. Winther, all of Elkton, Md. 21921, of control of such rights and property through the purchase. Applicants' attorney: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: Asphalt, in containers, empty asphalt containers, shingles, siding, building and felt papers, asphalt flowerpot blanks, plastic cement, roofing, composition and prepared boards, roof capping, fiber glass insulation, and sheathing, as a contract carrier over irregular routes, between Edge Morr, Del., on the one hand, and, on the other, points in Fairfield, Hartford, and New Haven Counties, Conn.; Maryland; New Jersey (except Manville); certain specified points in New York, Pennsylvania, Virginia, and Washington, D.C., with restriction. Vendee is authorized to operate as a common carrier in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Maryland, Maine, Minnesota, Missouri, Michigan, Mississippi, New Jersey, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11837. Authority sought for continuance in control by Kroblin Refrigerated Xpress, Inc., 2125 Commercial Street, Waterloo, Iowa 50702, of B & H Transport Co., also of Waterloo, Iowa 50702. Applicants' representative: Allen E. Kroblin, of Waterloo, Iowa 50702. Upon issuance of the certificate authorized by Report of Review Board No. 3, dated December 15, 1972, in No. MC-133337 (sub-No. 3). Operating rights sought to be controlled: Tallow, grease, shortening, and blends thereof, in bulk, as a common carrier over irregular routes, from Waterloo and Columbus Junction, Iowa, to Austin and Albert Lea, Minn. Kroblin Refrigerated Xpress, Inc., is authorized to operate as a common carrier in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11839. Authority sought for purchase by (A) Eastern Tank Lines Corp., a noncarrier, 1103 Main Street, Wakefield, Mass. 01880, and (AA) Merrill Transport Co., a motor carrier, 1037 Forest Avenue, Portland, Maine 04104, of a portion of the operating rights and property of Eastern Tank Lines, Inc., 1099 Main Street, Wakefield, Mass. 01880, and for acquisition by Paul E. Merrill for both, also of Portland, Maine 04104, of control of such rights and property through the purchase. Applicants' attorney: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Operating rights sought to be transferred: (A) Fuel oils and gasoline, in bulk, in tank vehicle loads, as a common carrier over regular routes, from points in Massachusetts to points in New Hampshire, from Fall River, to East Douglas, Gardner, and Milford, Mass., from Tiverton, R.I., to points in Massachusetts and Rhode Island, service is not authorized to or from intermediate points on the above-specified routes, except as otherwise indicated; petroleum products, in bulk, in tank vehicles, from Waltham, Mass., to Manchester and Peterborough, N.H.; petroleum products, in bulk, in tank vehicles, over irregular routes, from Fall River, Mass., to Manchester, N.H.; petroleum products, except gasoline, fuel oil, medicinal petroleum products, and liquid wax, in bulk, in tank vehicles, from Sewaren, N.J., to points in a defined area of Massachusetts, traversing New York, Connecticut, and Rhode Island for operating convenience only. (AA) Petroleum products, in bulk, in tank vehicles, as a common carrier over irregular routes, from Dracut and West Boylston, Mass., to certain specified points in New Hampshire and Vermont. Vendee is authorized to operate as a common carrier in Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Vermont, New Jersey, New York, Pennsylvania, Delaware, Maryland, North Carolina, Virginia, Indiana, Kentucky, Ohio, Michigan, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11840. Authority sought for purchase by Consolidated Freightways Corporation of Delaware, 175 Linfield Drive, Menlo Park, Calif. 94025, of the operating rights of Harris Motor Express, Inc., Charlestown Road, P.O. Box 88, Martinsburg, W. Va. 25401, and for acquisition by Consolidated Freightways, Inc., International Building, 601 California Street, San Francisco, Calif. 94108, of control of such rights through the purchase. Applicants' attorneys: John P. Kelly, 175 Linfield Drive, Menlo Park, Calif. 94025, Eugene T. Liipfert, suite 1100, 1660 L Street NW., Washington, D.C. 20036, and William J. Little, suite 1110, 10 East Baltimore Street, Baltimore, Md. 21202. Operating rights sought to be transferred: General commodities, with exceptions, as a common carrier over regular routes, between Martinsburg, W. Va., and Cumberland, Md., between Berkeley Springs, W. Va., and Cumberland, Md., between Martinsburg, W. Va., and Hancock, Md., with restriction, between Baltimore, Md., and Martinsburg, W. Va., serving all intermediate points in West Virginia, and the off-route points of Shepherdstown and Middleway, W. Va., between Hagerstown, Md., and Winchester, Va., serving all intermediate points, and various off-route points; canned fruit products, from Inwood, W. Va., to Baltimore, Md., serving all intermediate points; general commodities, with exceptions, over irregular routes, between points in Berkeley County, W. Va., on the one hand, and, on the other, points in Frederick and Clarke Counties, Va., between points in Jefferson County, W. Va., on the one hand, and, on the other, points in West Virginia and Maryland, and those in Virginia on and north of U.S. Highway, with restriction. Vendee is authorized to operate as a common carrier in California, Oregon, Washington, Illinois, Minnesota, Wisconsin, Montana, Colorado, Utah, Wyoming, Idaho, Indiana, Nevada, Ohio, Iowa, Michigan, Arizona, Kansas, Maryland, North Dakota, South Carolina, Georgia, Alabama, Kentucky, North Carolina, New York, Massachusetts, Oklahoma, Missouri, Texas, Louisiana, Pennsylvania, South Dakota, New Mexico, Nebraska, West Virginia, Mississippi, New Jersey, Connecticut, Alaska, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11841. Authority sought for purchase by Baylor Trucking, Inc., Rural Route 1, Milan, Ind. 47031, of the operating rights of Monk's Express, Inc., 3535 Round Bottom Road, Cincinnati, Ohio 45244, and for acquisition by Chester R.

Baylor, also of Milan, Ind. 47031, of control of such rights through the purchase. Applicants' attorneys: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204, and John L. Watson, 33 North Market Street, Batavia, Ohio 45103. Operating rights sought to be transferred: Iron and steel wire, as a contract carrier over irregular routes, from Chicago and Waukegan, Ill., Detroit, Mich., and Johnstown, Pa., to Newtown, Ohio, from Alton and Joliet, Ill., and Sparrows Point, Md., to points in Anderson Township (Hamilton County), Ohio; staples and pneumatic tools, from Newtown, Ohio, to Chicago and Waukegan, Ill., Detroit, Mich., and Johnstown, Pa., with restriction; nails, staples, pneumatic tools and nailers, from points in Anderson Township, Hamilton County, Ohio, to Elkton, Md., and certain specified points in Pennsylvania, with restriction. Vendee is authorized to operate as a common carrier in Kentucky, Ohio, Indiana, Illinois, West Virginia, Michigan, Arkansas, Colorado, Connecticut, Iowa, Kansas, Maryland, Missouri, Minnesota, New Jersey, New York, Pennsylvania, Tennessee, Texas, Virginia, Wisconsin and Rhode Island. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-109154 (sub-No. 9) is a directly related matter.

No. MC-F-11842. Authority sought for control by Louis Grover, 1710 West Broadway, Idaho Falls, Idaho 83401, of Merle J. Taggart, 5074 Osceola Street, Denver, Colo. 80212. Applicants' attorney: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Operating rights sought to be controlled: Poles, posts, and timbers, as a common carrier over irregular routes, from Denver, Colo., to points in Wyoming, Nebraska, and New Mexico; forest products and sawmill products, between points in Colorado and Wyoming, on the one hand, and, on the other, points in Utah, Nebraska, and New Mexico, those in that part of Kansas on and west of U.S. Highway 81, except Wichita, and those in Oklahoma in and west of Beaver County, except Boise City, with restriction. Louis Grover is authorized to operate as a common carrier in Oregon, Wyoming, Arizona, Montana, Idaho, Utah, Nevada, Washington, and Colorado. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER PASSENGER

No. MC-F-11838. Authority sought for purchase by Texas Bus Lines, P.O. Box 418, Galveston, Tex. 77550, of the operating rights and property of Mack's Lufkin Beaumont Coaches, Inc., P.O. Box 916, Lufkin, Tex. and for acquisition by Houston Galveston Co., also of Galveston, Tex. 77550, of control of such rights and property through the purchase. Applicants' attorney: Jerry Prestridge, P.O. Box 1148, Austin, Tex. 78767. Operating rights sought to be transferred: Passengers and their baggage, and express, newspapers, and mail in the same vehicle with passengers, as a common carrier over regular routes, between Lufkin and Beaumont, Tex., serving all intermediate points. Vendee is authorized to operate as a common carrier in Texas. Application has been filed for temporary authority under section 210a(b).

Chicago & North Western Transportation Co., represented by Mr. Stuart F. Gassner, general attorney, 400 West Madison Street, Chicago, Ill. 60606, hereby gives notice that on the 22d day of March 1973, it filed with the Interstate Commerce Commission at Washington, D.C., an application, assigned finance docket No. 27339, for approval of an agreement providing for joint use by the North Western of trackage formerly owned by the Chicago & North Western Transportation Co. and the subject of proposed sale of said trackage to the Burlington Northern, Inc., as set forth in finance docket No. 27293. The total distance of the proposed joint use over a line of railroad is approximately 4.35 miles between Sioux City, Iowa, and Ferry, Nebr., involving the Sioux City Bridge and certain other trackage. No actual stations are involved although the line proposed to be operated by the North Western extends from Sioux City, Iowa, to Ferry, Nebr. The proposed joint use by the North Western is to facilitate the upgrading of the bridge between Sioux City, Iowa, and Ferry, Nebr., which will be accomplished by transferring ownership of the 4.35 miles to the Burlington Northern as specified in finance docket No. 27293. A motion to consolidate this proceeding with finance docket No. 27293 has been filed with the Interstate Commerce Commission. In the opinion of the applicant, there is no environmental impact alleged. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex parte No. 55 (sub-No. 4), "Implementation—National Environmental Policy Act, 1969," 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex parte No. 55 (sub-No. 4), supra, part (B) (1)-(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-6976 Filed 4-10-73;8:45 am]

[Notice 249]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 1, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74041. By supplemental order of March 13, 1973, the Motor Carrier Board approved for inclusion in the subject proceeding, the transfer to B & L Trucking, Inc., Minneapolis, Minn., of certificate No. MC-45134 (sub-No. 8), issued January 11, 1973, to Collins Truck Line, Inc., Minneapolis, Minn., authorizing the transportation of: Petroleum and petroleum products, in containers, gasoline additives, in containers, tires, batteries, and service station accessories and supplies (except in bulk) from the plantsite and storage facilities of Mobil Oil Corp. in the St. Paul-Minneapolis, Minn., commercial zone, as defined, to points in North Dakota. James S. Holmes, 2014 IDS Center, 80 South Eighth Street, Minneapolis, Minn., applicants' representative.

No. MC-FC-74071. By order of March 30, 1973, the Motor Carrier Board approved the transfer, on reconsideration, to McDonald's Trucking Co., Inc., Orangeburg, S.C., of a portion of the rights in certificate No. MC-108074 and the entire rights in certificate MC-108074 (sub-No. 3) issued to O. A. Argoe, doing business as Argoe Trucking Co., Orangeburg, S.C., authorizing the transportation of: Agricultural commodities of various types, between specified points in South Carolina, Georgia, North Carolina, and Florida. F. Hall Yarborough, attorney, 358 St. Paul Street NE., Orangeburg, S.C. 29115.

No. MC-FC-74263. By order of March 22, 1973, the Motor Carrier Board approved the transfer to B. A. Daniel, doing business as Daniel Moving & Storage Co., North Little Rock, Ark., of certificate of registration No. MC-120966 (sub-No. 1), issued November 19, 1965, to Briggs Bros. Van Lines, Inc., Little Rock, Ark., evidencing a right to engage in transportation in interstate commerce as described in certificate No. M-1355, dated June 3, 1965, issued by the Arkansas Commerce Commission. W. J. Williams, Jr., 2200 Worthen Bank, Little Rock, Ark. 72201, attorney for applicants.

No. MC-FC-74305. By order entered March 23, 1973, the Motor Carrier Board approved the transfer to Wayne Hunt

Inc., Hopkinsville, Ky., of the operating rights set forth in permit No. MC-128334 (sub-No. 1), issued February 15, 1968, to Thomas E. Frommel, doing business as Maddux Trucking Co., Hopkinsville, Ky., authorizing the transportation of liquid fertilizer, in bulk, in tank vehicles, from Hopkinsville, Ky., to points in Tennessee on and west of U.S. Highway 127, under a continuing contract, or contracts with W. R. Grace & Co., Nitrogen Products Division, of Decatur, Ill. Robert L. Baker, 500 Court Square Building, 300 James Robertson Parkway, Nashville, Tenn. 37201.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-6978 Filed 4-10-73;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 6, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California docket No. A 53921 filed March 22, 1973, Applicant: Royal Transportation Co., Inc., 600 South Maple Street, Montebello, Calif. 90022. Applicant's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, Calif. 90212. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of property as follows: (I) General commodities between points and places within the Los Angeles Basin Territory described in note A; (II) general commodities between points and places within the Los Angeles Basin Territory, as described in note A, on the one hand, and points and places within the San Diego Territory as described in note B, on the other hand, including all intermediate points on U.S. Highway 395 and interstate Highways 5 and 15, and all points laterally within 15 miles of said highways; (III) general commodities between points and places within the San Diego Territory as described in note B; (IV) sand between Oceanside, on the one hand, and all points and places in Los Angeles and Orange Counties and all points and places in San Diego County, other than Oceanside, all on the other hand; (V) general commodities between the Los Angeles Basin Territory, as described in note A, on the one hand, and Mecca and Twenty-Nine Palms on the other hand, including all intermediate points on interstate Highway 10 and California Highway 62, and all points laterally within 15 miles of said highways; (VI) general commodities between the Los Angeles Basin Territory, as described in note A, on the one hand, and Goleta, on the other hand, including all intermediate points on U.S. Highway 101 and California Highways 1 and 118, and all points laterally within 15 miles of the above highways; (VII) general commodities between the San Diego Territory, as described in note B, on the one hand, and Calexico, on the other hand, including all intermediate points on interstate Highway 8 and California Highway 111, and all points laterally within 15 miles of said highways; and (VIII) operating over all accessible public highways between all of said termini, intermediate and offroute points, in combination one with the other. Applicant shall not transport any shipments of:

(1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of item No. 10-C of minimum rate tariff No. 4-A; (2) automobiles, trucks and buses, viz: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) livestock, viz: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine; (4) commodities requiring protection from heat by the use of ice (either water or solidified carbon dioxide) or by mechanical refrigeration; (5) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (6) commodities when transported in bulk in dump trucks or in hopper-type trucks, except, however, the commodity hereinabove described at paragraph (b); (7) commodities when transported in motor vehicles equipped for mechanical mixing in transit; and (8) trailer coaches and campers, including integral parts and contents, when the contents are within the trailer coach or camper.

NOTE A.—Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Los Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the city of Redlands, westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately 1 mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto; easterly, southerly, and westerly along said corporate boundary to San Jacinto Avenue; Southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the city of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Co.; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the County road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary lines; westerly along said boundary line to the Orange County-San Diego County boundary lines; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning.

NOTE B.—San Diego Territory includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101-E and 101-W (4 miles north of La Jolla); thence easterly to Miramar on State Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the international boundary line; west to the Pacific Ocean and north along the coast to point of beginning. Intrastate, interstate, and foreign commerce authority sought.

Hearing: Date, time, and place not shown. Requests for procedural information should be addressed to the California

Public Utilities Commission, State Building, Civic Center, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California docket No. 53923, filed March 26, 1973. Applicant: Dynamic Freight Corp., 215 Littlefield, South San Francisco, Calif. 94080. Applicant's representative: E. H. Griffiths, 1182 Market Street, room 207, San Francisco, Calif. 94102. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general commodities, except as hereinafter provided, between all points and places in the San Francisco Territory, which is described as follows: San Francisco Territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road; southeasterly along the Southern Pacific Co. right-of-way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue, easterly along East Parr Avenue to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific Co. right-of-way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drives; westerly along Estates Drive, Harboard Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Except that applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of item No. 10–C of minimum rate tariff No. 4–A; (2) automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobiles chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine; (4) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (5) commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) cement; (8) logs; (9) commodities of unusual or extraordinary value; and (10) fresh fruits and vegetables. Intrastate, interstate and foreign commerce authority sought.

Hearing: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-6975 Filed 4-10-73;8:45 am]

[Notice 44]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 5, 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 2202 (sub-No. 443 TA), filed March 27, 1973. Applicant: Roadway Express, Inc., 1077 Gorge Boulevard, P.O. Box 471, Akron, Ohio 44309. Applicant's representative: James W. Conner (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, class 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 Corning Glass Works at or near Greencastle, Pa., and Penn Dye & Finishing Co., Inc., at or near Pine Grove, Pa. as off-route points, 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 shippers: Corning Glass Works, Corning, N.Y., and Penn Dye & Finishing Co., Inc., Pine Grove, Pa. Send protests to: Franklin D. Bail, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 3101 (sub-No. 2 TA), filed March 27, 1973. Applicant: Schaum Transfer Co., a corporation, 410 East Davis Street, St. Louis, Mo. 63111. Applicant's representative: Lee K. Mathews, 1301–02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Sand, unground or other than ground or pulverized, and sand, ground or pulverized, under contract with Unisil Corp., from the plantsite and storage facilities of Unisil Corp. in Jefferson County, Mo., to East St. Louis, Ill., for 180 days. Supporting shipper: Unisil Corp., 345 Park Avenue, New York, N.Y. 10022. Send protests to: District Supervisor, J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, room 1465, 210 North 12th Street, St. Louis, Mo. 63101.

No. MC 13123 (sub-No. 69 TA), filed March 21, 1973. Applicant: Wilson

[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.

Freight Co., 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: David M. Gantz (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, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Anaconda Aluminum Co., at or near Sebree, Ky., as an off-route point in connection with applicant's authorized regular route operations, for 180 days. Supporting shipper: Anaconda Aluminum Co., 1251 South Fourth Street, Louisville, Ky. 40203. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

NOTE.—Applicant states that in docket No. MC 13123 and subs thereto, it will tack and interline at any authorized point.

No. MC 15945 (sub-No. 12 TA), filed March 28, 1973. Applicant: Bringwald Transfer Inc., 1419 Hart Street, Vincennes, Ind. 47591. Applicant's representative: A. Charles Tell, Columbus Center, 100 East Broad Street, Columbus, Ohio. 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, commodities in bulk, and those requiring special equipment), between the plantsite and shipping facilities of Anaconda Aluminum Co. near Sebree, Ky., on the one hand, and, on the other points in Illinois, Indiana, and Ohio, and St. Louis, Mo., for 180 days. Supporting shipper: Anaconda Aluminum Co., 1251 South Fourth Street, Louisville, Ky. 40203. Send protest to: District Supervisor, James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 35807 (sub-No. 33 TA), filed March 22, 1973. Applicant: Wells Fargo Armored Service Corp., P.O. Box 4313 30302, 210 Baker Street NW., Atlanta, Ga. 30313. Applicant's representative: Melvin E. Ballet (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: currency, from Nogales and Tucson, Ariz., to El Paso, Tex., for 180 days. Supporting shipper: Southern Arizona Bank & Trust Co., 150 North Stone Avenue, Tucson, Ariz. 85702. Send protests to: District Supervisor, William L. Scroggs, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 51824 (sub-No. 3 TA), filed March 26, 1973. Applicant: Van Derhule Moving & Storage, Inc., 10th and Broadway, Yankton, S. Dak. 57078. Applicant's representative: Don A. Bierle, 314 Walnut, Yankton, S. Dak. 57078. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat, meat products and meat byproducts, from Yankton, S. Dak., to Minneapolis-St. Paul, Minn. and Des Moines, Iowa, for 180 days. Supporting shipper: Cimpl Packing Co., Yankton, S. Dak. 57078, John A. Cimpl, vice president. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 60612 (sub-No. 18 TA), filed March 27, 1973. Applicant: Tischler Motor Freight, Inc., 215 South Broad Street, Suite 601, Philadelphia, Pa. 19107. Applicant's representative: Francis P. Desmond, 115 East Fifth Street, Chester, Pa. 19103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned goods, from Bridgeton and Vineland, N.J. to points in Connecticut, Rhode Island, and Massachusetts, for 180 days. Supporting shippers: Minot Food Packers, Inc., Penn and Bank Streets, Bridgeton, N.J. 08302 and Venice-Maid Co., Inc., Vineland, N.J. 08360. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, room 1600, Philadelphia, Pa. 19102.

No. MC 99780 (sub-No. 24 TA), filed March 26, 1973. Applicant: Chipper Cartage Co., Inc. (Del. Corp.), 1327 NE. Bond Street, Peoria, Ill. 61603. Applicant's representative: Robert L. Zang (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat by-products and articles distributed by Meat Packing Houses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and/or Cold Storage Facilities utilized by Wilson & Co., Inc. at Cedar Rapids, Iowa, to Boscobel, Darlington, Dodgeville, Lancaster, Platteville, and Spring Green, Wis., restricted to traffic originating at the above specified plant site and/or cold storage facilities and destined to the above specified destinations, for 180 days. Supporting shipper: Wilson & Co., Inc., A. N. Brent, Manager, Transportation, 4545 N. Lincoln Boulevard, Oklahoma City, Okla. 73105. Send protests to: District Supervisor Richard K. Shullaw, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, room 1086, Chicago, Ill. 60604.

No. MC 106400 (sub-No. 95 TA), filed March 23, 1973. Applicant: KAW TRANSPORT CO., P.O. Box 12628, North Kansas City, Mo. 64116. Applicant's representative: Harold D. Holwick (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Emulsions, in bulk, in tank vehicles, from Kansas City, Kans., to Charlotte, N.C., for 180 days. Supporting shipper: Reichhold Chemicals, Inc., 3150 Fiberglass Road, Kansas City, Kans. 66115. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 107012 (sub-No. 177 TA), filed March 26, 1973. Applicant: North American Van Lines, Inc., P.O. Box 988, Lincoln Highway, East and Meyer Road, Ft. Wayne, Ind. 46801. Applicant's representative: Karlton Holle (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New furniture, crated and uncrated, and new commercial and institutional fixtures, uncrated, from Albuquerque and Clovis, N. Mex., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shippers: Donald G. Whiting Co., Inc., 1009 San Mateo Boulevard SE., P.O. Box 8977, Albuquerque, N. Mex. 87108; Pacemaker Furniture, Inc., 3825 Commercial NE., Albuquerque, N. Mex. 87107; Envirco, Division of Bio-Dynamics, 6701 Jefferson NE., P.O. Box 6468, Albuquerque, N. Mex. 87107; Artistic Furniture Manufacturing Co., 1620 First Street NW., Albuquerque, N. Mex. 87107; and Customcraft Fixtures, Inc., 1215 Fourth Street NW., Albuquerque, N. Mex. 87102. 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 113908 (sub-No. 259 TA), filed March 28, 1973. Applicant: Erickson Transport Corp., P.O. Box 3180, Glenstone Station, 2105 East Dale Street, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transprting: Liquid soap, cleaning commodities and ingredients, in bulk, in tank and hopper type equipment, from Denver, Colo. to Columbus, Ohio and points within fifty (50) miles thereof, for 180 days. Supporting shipper: Foresight, Inc., 1645 Court Place, Denver, Colo. 80202. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 114604 (sub-No. 12 TA), filed March 26, 1973. Applicant: Caudell Transport, Inc., State Farmers Market, No. 33, Forest Park, Ga. 30050. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs (except commodities in bulk) between the plantsites and warehouse facilities of Sea Pak Division of W. R. Grace & Co., Golden Shore Seafoods, Inc.; King Shrimp Co. and Sea Harvest Packing Co., in Glynn County,

Ga., and the facilities of the Georgia State Docks at Brunswick, Ga., on the one hand, and, on the other, points in Alabama, North Carolina, South Carolina, Georgia, Mississippi, Tennessee, Louisiana, Virginia, and points in Florida, in and north of the counties of Levy, Marion, Putnam, and Flagler, Fla., restricted to the transportation of traffic originating at and destined to the plantsites and warehouse facilities of the above named shippers in Glynn County, Ga., and the facilities of the Georgia State Docks at Brunswick, Ga., and further restricted to the transportation of Florida traffic only when moving in mixed loads with traffic destined to points in the other States described above, for 180 days. Supporting shippers: Sea Pak, Division of W. R. Grace and Co., Glynn County, Ga.; and Golden Shore Seafoods, Inc., Brunswick, Ga.; and Sea Harvest Packing Co., Brunswick, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 119767 (sub-No. 299 TA), filed March 27, 1973. Applicant: Beaver Transport Co., Mail: P.O. Box 186, Pleasant Prairie, Wis. 53158 and Off: I–94 and County Highway C, Bristol, Wis. 53104. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs, canned or prepared (except commodities in bulk), from Munster, Ind., to points in Illinois, Kentucky, and points in Ohio, on and west of a line beginning at Sandusky, Ohio and extending south along Ohio Highway 4 to Marion, Ohio, and thence south along U.S. Highway 23 to Portsmouth, Ohio and Davenport and Dubuque, Iowa, restricted to traffic originating at the plantsite and warehouse facilities utilized by Pepsi-Cola General Bottlers, Inc., at Munster, Ind., and destined to the above named destinations, for 180 days. Supporting shipper: Pepsi-Cola General Bottlers, Inc. and Kolmar Products Division of Pepsi-Cola General Bottlers, 1745 North Kolmar Avenue, Chicago, Ill. 60639. 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 127115 (sub-No. 4 TA (amendment)), filed November 17, 1972, published in the FEDERAL REGISTER issue of December 14, 1972, and republished as amended this issue. Applicant: Millers Transport, Inc., 510 West 4th North Street, Hyrum, Utah 84319. Applicant's representative: Harry D. Pugsley, Suite 400, El Paso Natural Gas Building, Salt Lake City, Utah. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Foam and cellular expanded plastics, rubber and related accessories, from Compton, City of Commerce and Oakland, Calif. and Portland, Oreg., to points in Utah and Idaho south of Idaho County, and Reno and Elko, Nev., for 180 days. Supporting shipper: Allstate Foam Corp., 870 West 2600 South, Salt Lake City, Utah 84119 (D. J. Benson, president). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84111.

NOTE: The purpose of this republication is to show that the application has been amended to reflect different origin points.

No. MC 127539 (sub-No. 26 TA), filed March 26, 1973. Applicant: Parker Refrigerated Service, Inc., 3533 East 11th Street, Tacoma, Wash. 98421. Applicant's representative: George R. LaBissioniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fresh and frozen meat products, from Spokane, Wash., to Stockton, Alameda, San Francisco, Oakland, San Jose, and Los Angeles, Calif.; Portland, Oreg.; and Seattle, Wash., for 150 days. Supporting shipper: Hygrade Food Products Corp., Terminal Annex Box 2567, 707 North Regal Street, Spokane, Wash. 99202. Send protests to: L. D. Boone, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 127539 (sub-No. 27 TA), filed March 26, 1973. Applicant: Parker Refrigerated Service, Inc., 3533 East 11th Street, Tacoma, Wash. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, from Long Beach and Los Angeles, Calif., to points in Oregon and Washington, for 180 days. Supporting shippers: Standard Fruit & Steamship Co., 1450 Panorama Drive, Long Beach, Calif.; West Coast Fruit & Produce Co., P.O. Box 1171, 488 East 18th Street, Tacoma, Wash. 98401; and Peirone Product Co., East 524 Trent Avenue, Spokane, Wash. 99202. Send protests to: L. D. Boone, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 128030 (sub-No. 40 TA), filed March 27, 1973. Applicant: Stout Trucking Co., Inc., Illinois corporation, P.O. Box 177, Rural Route No. 1, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as above), authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Artificial Christmas trees and accessories thereto, from the plantsite and warehouse of Gordon Industries, Inc., Chicago, Ill., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont. Return movement from plantsite facilities of Gordon Industries, Inc., Newburgh, N.Y. to Chicago, Ill., also rejected shipments or surplus stock from points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont to Chicago, Ill., for 180 days. Supporting shipper: Philip E. Scull, Gordon Industries, Inc., 901 East 104th Street, Chicago, Ill. 60628. Send protests to: R. 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 134734 (sub-No. 9 TA), filed March 27, 1973. Applicant: National Transportation, Inc., P.O. Box 31, Norfolk, Nebr. 68701. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Cranberry products (except in bulk), from Kenosha, Wis., to points in Texas, for 180 days. Supporting shipper: Ocean Spray Cranberries, Inc., Cranberry Road, Kenosha, Wis. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 138442 (sub-No. 1 TA), filed March 27, 1973. Applicant: Gordon M. Ebbert, doing business as Jade Air Cargo, Grant County Airport, P.O. Box 886, Building 429, Moses Lake, Wash. 98837. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Seattle-Tacoma International Airport, Spokane International Airport, Portland International Airport, Yakima Airport, Coulee Dam Municipal Airport, and those airports located at or near Ellensburg, Sunnyside, Pasco, Wenatchee, Okanogan, Omak, Twisp, Brewster, Ephrata, Moses Lake, Othello, Cashmere, Chelan, Waterville, and Oroville, Wash., on the one hand, and, on the other, points in that part of Washington lying east of the Cascade Mountain Range, except points lying east of U.S. Highway 395 as it extends from the Washington-Oregon border to its junction with U.S. Highway 2, points lying north of U.S. Highway 2 between its junction with U.S. Highway 395 and its junction with Washington Highway 21 at or near Wilbur, Wash., and those points lying east of Washington Highway 21 as it extends from said junction to the United States-Canada boundary line, for 180 days. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted to traffic having a prior or subsequent movement by air. Supporting shippers: Kelleher Motor Co., Sixth and Pearl, Ellensburg, Wash.; Carnation Co., Route 2, Box 60, Moses Lake, Wash.; Hostetter Ford Sales, Inc., P.O. Box H, 262 South First Avenue, Othello, Wash. 99344; Utah-Idaho Sugar Co., Wheeler Road, Moses Lake, Wash. 98837; and Ephrata Ford Sales, 998 Basin NW., Ephrata, Wash. Send protests to:

L. D. Boone, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 138511 (sub-No. 1 TA), filed March 21, 1973. Applicant: Terminal Service Co., 600 Provident Bank Building, Cincinnati, Ohio 45202. Applicant's representative: John A. Mcjoynt, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Employees of the Penn Central Transportation Co., from Indianapolis, Ind., to Bellefontaine, Ohio, and return, for 180 days. Supporting shipper: The Penn Central Transportation Co., Indianapolis, Ind. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 138529 TA, filed March 27, 1973. Applicant: Edwards Bros., Inc., a corporation, 1875 North Holmes, Idaho Falls, Idaho 83401. Applicant's representative: Dennis M. Olsen, 485 "E" Street, Idaho Falls, Idaho 83401. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Dinner ingredients, consisting of dry ingredients, in combined packages, in boxes, from the plant of Idaho Potato Foods, Inc., located in Bonneville County, Idaho, to Hunt-Wesson Foods, Inc. at Hayward, Fullerton, Davis, and Oakdale, Calif., for 180 days.

NOTE.—Applicant does not intend to tack authority or interline with any other carrier.

Supporting shipper: Hunt-Wesson Foods, Inc., 1645 West Valencia Drive, Fullerton, Calif. 92634. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, Idaho 83724.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-6977 Filed 4-10-73;8:45 am]

[Ex Parte No. 241; Rule 19, Rev. Exemption 37]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

Exemption under Mandatory Car Service Rules

It appearing, that because of flood conditions the St. Louis-San Francisco Railway Co. is unable to move empty cars to and from its lines extending southward from St. Louis, Mo., and southeastward from Springfield, Mo., to Memphis, Tenn.; that sufficient cars of suitable ownership are not available for loading by shippers served by these lines; that numerous other empty cars located on these lines cannot be returned to owners until normal operations can be resumed; that compliance with Car Service Rules 1 and 2 would result in these cars standing idle and would prevent their use by shippers unable to receive other cars for loading.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the St. Louis-San Francisco Railway Co. is authorized to move, place, and accept from shippers, cars owned by other railroads regardless of the provisions of Car Service Rules 1 and 2 on its lines in Arkansas and Missouri extending southward from St. Louis, Mo., and southeastward from Springfield, Mo., to Memphis, Tenn.

Effective April 4, 1973.

Expires April 18, 1973.

Issued at Washington, D.C., April 3, 1973.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER, *Agent.*

[FR Doc.6971 Filed 4-10-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

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