

# Register

August 16, 1973—Pages 22109-22205

THURSDAY, AUGUST 16, 1973

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Pages 22109-22205

## PART I

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

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

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## Title 3—The President

PROCLAMATION 4231

### Columbus Day, 1973

*By the President of the United States of America*

#### A Proclamation

The pages of history teach us that it is the extraordinary man who has shaped our past and thus determined much of what we are today. Such a man was Christopher Columbus, son of Italy and explorer of the New World.

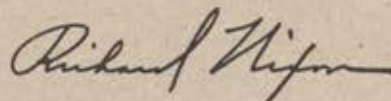
Columbus launched the great age of discovery in the Americas. For five centuries, the spirit of discovery has continued to flourish here. On this Columbus Day, we can usefully reflect on the many ways in which that spirit still lives on, not only in our efforts to expand our physical horizons but in everything we do which helps us broaden our understanding of our world and of ourselves.

In recognizing our debt to the great navigator, we are mindful that his most enduring legacies to us are those qualities of vision, faith, and boldness without which progress can never take place. His determination to seek the truth against great odds continues to inspire our efforts to achieve a better and more peaceful world.

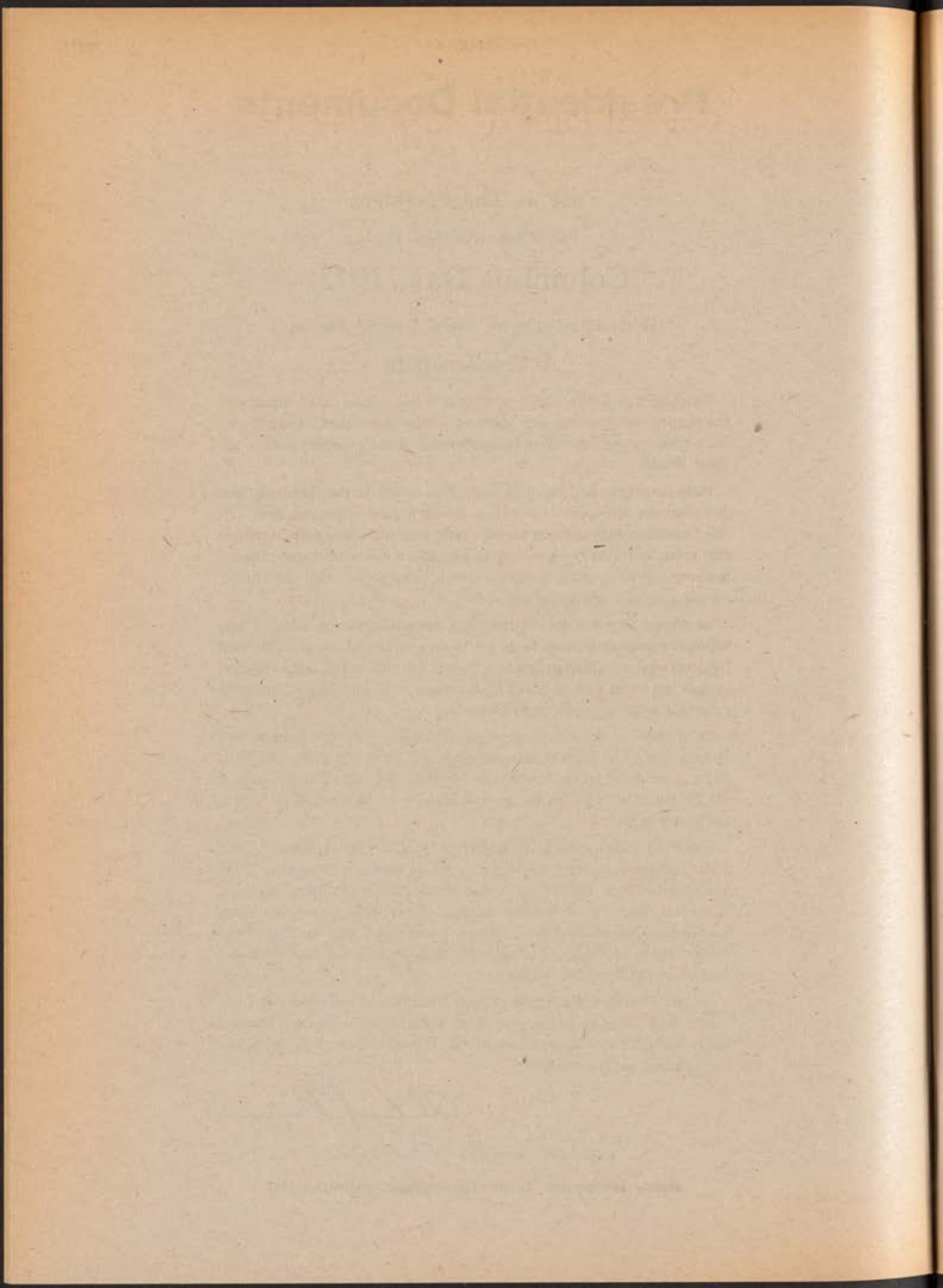
In tribute to the achievement of Columbus, the Congress of the United States, by joint resolution approved April 30, 1934 (48 Stat. 657), as modified by the act of June 28, 1968 (82 Stat. 250), requested the President to proclaim the second Monday in October of each year as Columbus Day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Monday, October 8, 1973, as Columbus Day. I invite the people of this Nation to observe that day in schools, churches, and other suitable places with appropriate ceremonies in honor of the great explorer. I also direct that the flag of the United States be displayed on all public buildings on the appointed day in memory of Christopher Columbus.

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



[FR Doc.73-17197 Filed 8-15-73;8:52 am]





## PROCLAMATION 4232

## General Pulaski's Memorial Day

*By the President of the United States of America*

## A Proclamation

On the eleventh day of October, 1973, the people of the United States will honor the 194th anniversary of the death of Casimir Pulaski, a dedicated patriot who fought selflessly and courageously for the cause of freedom both in Poland and America. It was on October 11, 1779 that Pulaski gave his life for the infant American nation, dying in an attempt to free the city of Savannah, Georgia.

Today, in remembrance of his heroic sacrifice, we pay grateful tribute to Casimir Pulaski. As we do, we also pay tribute to all other Americans of Polish ancestry who have contributed to the greatness of America. Their energies and their devotion have been instrumental in the building of our country from our earliest years down to the present day.

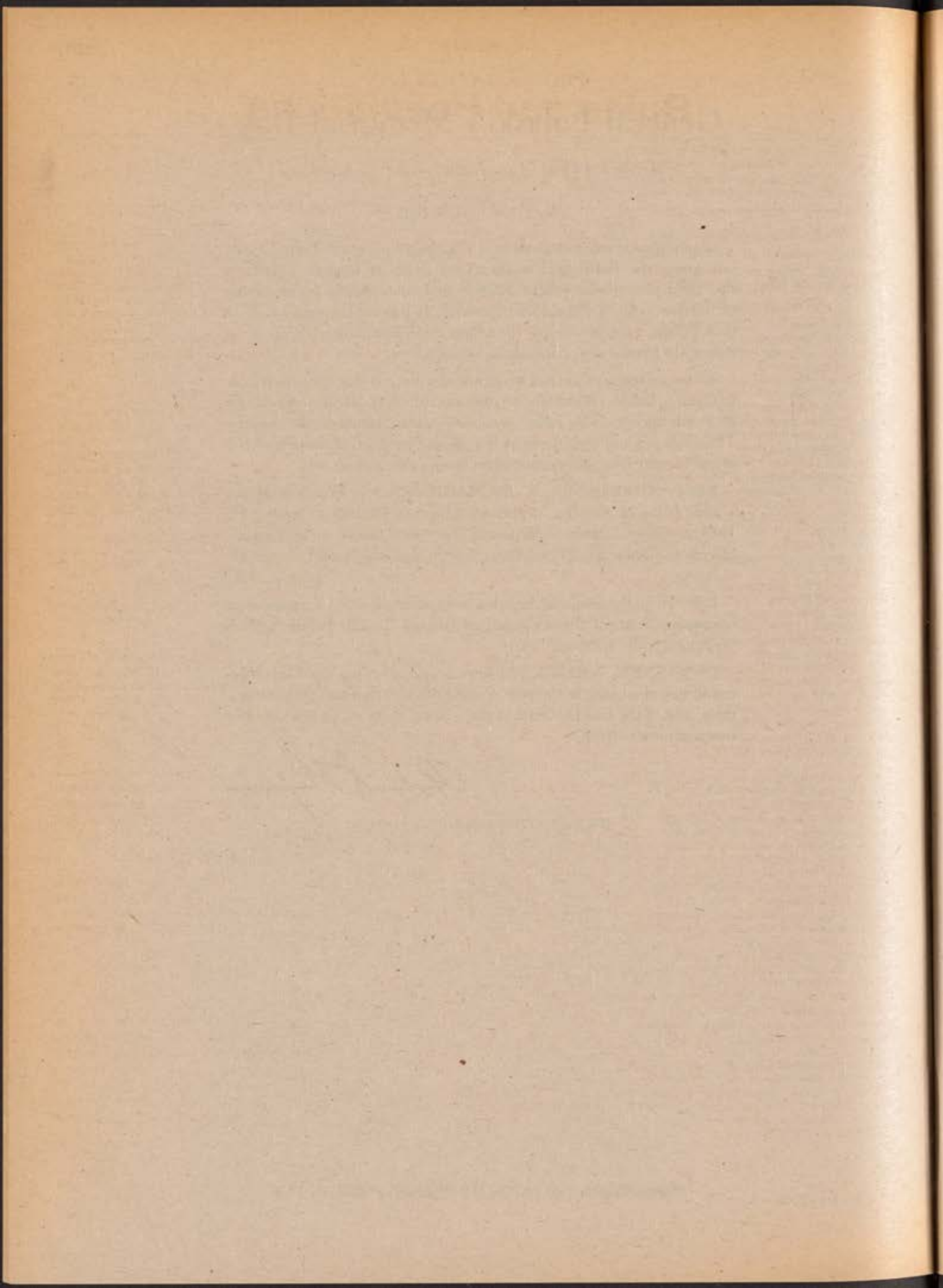
NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Thursday, October 11, 1973, as General Pulaski's Memorial Day, and I direct the appropriate officials to display the United States flag on that day on all Government buildings.

I also invite the people of America to set aside this day for appropriate ceremonies in honor of the memory of General Casimir Pulaski and his dedication to the defense of liberty.

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



[FR Doc.73-17198 Filed 8-15-73;8:52 am]



# Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

## Title 6—Economic Stabilization

### CHAPTER I—COST OF LIVING COUNCIL

#### PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

##### Correcting Amendments

The purpose of these amendments is to correct typographical and other errors and to clarify certain of the Phase IV price regulations.

Section 150.1(f) is amended to change the cross reference to Cost of Living Council procedural regulations. A new Part 155 has been added to replace the procedural regulations which were formerly included in Part 105.

Section 150.10(a) is amended to make clear that the highest of the three prices, base price, adjusted freeze price, or other price authorized under this part, is the price which a firm may not exceed under the general rule. Section 150.10(b) which sets forth the general rules for purchasers is also amended in the same manner.

A new rule governing profit margin overages of a firm which sells both custom and non-custom products is added to § 150.11(f). The new rule applies only to firms which would not be in violation of the profit margin limitation except for the charging of a price for a custom product. With respect to those firms, the Council will excuse a profit margin overage to the extent that the firm can demonstrate that the profit margin on those custom products or custom services does not exceed the base period profit margin of the firm.

Other changes are made in the Phase IV definitions. "Base period profit margin" is revised to clarify that revenues which are not included in annual sales or revenues as defined in § 150.31 are not to be included in measuring the base period profit margin. "Price increase" is corrected to indicate that the decrease in quantity of an item will also be regarded as a price increase. "Public utility" is amended to exclude mass transportation systems which are subject to special controls under Subpart P.

Section 150.54(f)(2) is amended to make clear that sales of property by State and local governments are exempt. The rule excluding certain firms from the requirement that they submit quarterly reports is also changed. A new exclusion is created which applies to a firm that has both 90 percent of its annual sales or revenues from exempt items and less than \$50 million in annual sales or revenues from nonexempt items. The amendment is similar to the exclusion from the profit margin limitations which appears at § 150.11(3).

A mistake in § 150.205(d) is corrected by inserting "customary initial percentage markup" in lieu of "allowable costs."

Section 150.303 is amended to provide alternate methods of computing customary initial percentage markup and gross margin. This change merely allows firms to continue to use their customary accounting practices and was inadvertently omitted. Section 150.306(a)(3) is also changed to require firms to state which option they have selected for the computation of their customary initial percentage markups or gross margins. Finally, the cross reference in § 150.310 is corrected to read § 150.306(a) instead of § 150.307(a).

Because the purpose of these amendments is to provide immediate guidance and information with respect to the Phase IV price regulations, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat 743; Pub. L. 93-28, 87 Stat 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489)

In consideration of the foregoing, Part 150 of Chapter I of Title 6 of the Code of Federal Regulations is amended as follows effective 11:59 p.m., e.s.t., August 12, 1973.

Issued in Washington, D.C., on August 10, 1973.

JOHN T. DUNLOP,  
Director,  
Cost of Living Council.

##### § 150.1 [Amended]

1. Section 150.1(f) is amended by changing the reference to "Part 105" to read "Part 155".

##### § 150.10 [Amended]

2. Section 150.10(a) is amended to insert the phrase ", whichever is the highest," after the word "part".

3. Section 150.10(b) is amended to insert the phrase ", whichever is the highest," after the word "part".

4. Section 150.11(f) is amended by designating the present § 150.11(f) as § 150.11(f)(i) and adding a new § 150.11(f)(ii) to read as follows:

##### § 150.11 Profit Margin Limitation.

(f) \* \* \*

(ii) If a firm's activities subject to the profit margin limitations of this section include both the sale of custom products and services as defined in § 150.104 of

this part and the sale of non-custom products and services and the firm is not in violation of the profit margin limitations of this section, the Cost of Living Council shall for purposes of determining compliance with § 150.104(b), excuse the profit margin overage to the extent that the firm can demonstrate that the profit margin on the custom products or custom services does not exceed the base period profit margin of the firm.

##### § 150.31 [Amended]

5. Section 150.31 is amended in the definition of "Base period profit margin" by deleting the word "and" following the reference to "§ 150.56" and inserting a comma in lieu thereof and by inserting after the word "Subpart M" the phrase "and revenues not included in annual sales or revenues as defined in this section".

6. Section 150.31 is amended in the definition of "Price Increase" to insert the words "or quantity" following the word "quality".

7. Section 150.31 is further amended in the definition of "Public Utility" to read as follows:

"Public Utility" means a firm or that part of a firm which regularly furnishes the public or a recognized segment of the public with a commodity or service which is of public consequence and need whether or not that firm is under the jurisdiction of a regulatory agency, including gas, electric, telephone, telegraph, public transportation by vehicle or pipeline, water, and sewage disposal services, but excluding mass transportation system as defined in Subpart P of this Part.

##### § 150.54 [Amended]

8. Section 150.54(f)(2) is amended by inserting the phrase "or State and local governments" after the word "States".

9. Section 150.161(b)(1) is amended to read as follows:

##### § 150.161 Quarterly reports.

(b) \* \* \*

(1) A firm which during its most recent fiscal year derived both (i) 90 percent or more of its annual sales or revenues from the sale of exempt items or from exempt sales and (ii) less than \$50 million of its annual sales or revenues from the sale or lease of non-exempt items.

## § 150.205 [Amended]

10. Section 150.205(d) is amended by deleting the words "allowable costs" in the first sentence and inserting in lieu thereof "customary initial percentage markup".

11. Section 150.303 is amended to read as follows:

## § 150.303 Computing customary initial percentage markups and gross margins.

For the purposes of this subpart—  
(a) Customary initial percentage markup =  $\frac{\text{Initial price} - \text{Cost}}{\text{Initial Price or Cost}} \times 100$

Where:

Initial price = Total sales prices of all merchandise within a category when first offered for sale weighted for volume; and

Cost = Total invoice costs of all merchandise within a category plus transportation allocated to that merchandise.

(b) Gross margin =  $\frac{\text{Revenues} - \text{Cost}}{\text{Revenues or Cost}} \times 100$

Where:

Revenues = Total revenues realized from the sales of merchandise within a category less returns and credits; and

Cost = Total invoice costs of all merchandise within a category plus transportation allocated to that merchandise.

12. Section 150.306(a)(3) is amended to read as follows:

## § 150.306 Merchandise pricing plans; firms with annual revenues of \$50 million or more.

(a) \* \* \*

(3) A completed form as specified by the Council on each pricing entity stating its selection of either the customary initial percentage markup or gross margin basis for control, whether in computing its customary initial percentage markups or gross margins pursuant to § 150.303 it uses in the denominator (i) initial price or cost or (ii) revenues or cost, respectively, and its selection of pricing base period and setting forth its categories, the pricing base period customary initial percentage markup applied to or the gross margin realized for each category, and the customary initial percentage markup applied to or the gross margin realized for each category during each fiscal quarter of the pricing base period;

## § 150.310 [Amended]

13. Section 150.310 is amended to change the reference to "§ 150.307(a)" to read "§ 150.306(a)".

## § 150.104 [Amended]

14. Section 150.104(b) is amended by inserting between the reference to

"§ 150.11(d)(iii)" and the period the words "and § 150.11(f)(ii)".

[FR Doc. 73-17031 Filed 8-13-73; 10:59 am]

## Title 12—Banks and Banking

## CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

## SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

## PART 329—INTEREST ON DEPOSITS

## Maximum Rates of Interest on Single and Multiple Maturity Time Deposits; Correction

In FR Doc. 73-15505 appearing on page 20248 in the issue of Monday, July 30, 1973, make the following change: In the 17th line of § 329.7(d) insert the word "interest" between "semiannual" and "or div(dend)".

Dated: August 13, 1973.

[SEAL] ALAN R. MILLER,  
Executive Secretary.

[FR Doc. 73-17070 Filed 8-15-73; 8:45 am]

## Title 14—Aeronautics and Space

## CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-SO-57]

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

## Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Manning S.C., transition area.

The Manning transition area is described in § 71.181 (38 F.R. 435). In the description, an extension is predicated on Vance, S.C. VORTAC 100° radial. Since the VOR-A Instrument Approach Procedure to Wings and Wheels Airport, Santee, S.C., has been amended to utilize the Vance VORTAC 103° radial for the procedure turn, it is necessary to amend the description to predicate the extension on the 103° radial. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (38 F.R. 435), the Manning, S.C., transition area is amended as follows:

"\* \* \* 100° radial \* \* \*" is deleted and  
"\* \* \* 103° radial \* \* \*" is substituted therefor.

(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 East Point, Ga., on August 7, 1973.

PHILLIP M. SWATEK,  
Director, Southern Region.

[FR Doc. 73-17007 Filed 8-15-73; 8:45 am]

[Airspace Docket No. 73-GL-38]

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

## Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to alter the Carbondale, Illinois, control zone and the Marlon, Illinois, transition area.

The approach bearings on two approach procedures to the Southern Illinois Airport, Carbondale, Illinois, have been changed slightly; therefore, airspace protecting these approaches requires a corresponding change.

Since these alterations are minor in nature and are in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedures Act is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective November 8, 1973, as hereinafter set forth:

In § 71.171 (38 F.R. 351), the following control zone is amended to read:

CARBONDALE, ILL.

Within a 5-mile radius of the Southern Illinois Airport (latitude 37°46'45"N., longitude 89°15'00"W.) and within 3 miles either side of the 338° bearing from the Southern Illinois Airport, extending from the 5-mile radius zone to 8 miles north of the airport; and within 3 miles either side of the 250° bearing from the Southern Illinois Airport extending from the 5-mile radius zone to 8 miles west of the airport. This control zone is effective during specific dates and times established in advance by Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

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

MARION, ILL.

That airspace extending upward from 700 feet above the surface, bounded by a line beginning at latitude 37°53'40"N., longitude 88°48'35"W., thence west to latitude 37°56'25"N., longitude 89°02'40"W., thence west to latitude 37°58'45"N., longitude 89°20'25"W., thence south to latitude 37°47'25"N., longitude 89°26'00"W., thence south to latitude 37°42'10"N., longitude 89°24'00"W., thence southeast to latitude 37°32'50"N., longitude 88°59'00"W., thence northeast to latitude 37°42'35"N., longitude 88°52'15"W., thence north to the point of beginning; and that airspace extending upward from 1,200 feet above the surface 9.5 miles southeast of and 4.5 miles northwest of the 250° bearing from the Southern Illinois Airport, extending from the airport to 18.5 miles southwest, excluding that portion within the state of Illinois.

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

Issued in Des Plaines, Illinois, on August 8, 1973.

LYLE K. BROWN,  
Director, Great Lakes Region.

[FR Doc.73-17009 Filed 8-15-73; 8:45 am]

[Docket No. 13114; Amdt. No. 877]

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**

**Miscellaneous Amendments**

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

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

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, S.W., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30.00 each.

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective September 27, 1973.

- Daytona Beach, Fla.—Daytona Beach Regional Arpt., VOR Rwy 16, Amdt. 11
- Dillon, Mont.—Dillon Arpt., VOR-A, Amdt. 5
- Evansville, Ind.—Evansville Dress Regional Arpt., VOR Rwy 4, Amdt. 6

- Gustavus, Alas.—Gustavus Arpt., VOR/DME-B, Amdt. 1
- Lawrenceville, Ill.—Lawrenceville-Vincennes Municipal Arpt., VOR Rwy 18, Amdt. 3
- Lawrenceville, Ill.—Lawrenceville-Vincennes Municipal Arpt., VOR Rwy 36, Amdt. 3
- Madison, Ga.—Madison Municipal Arpt., VOR-1, Orig. Canceled
- Madison, Ga.—Madison Municipal Arpt., VOR/DME-A, Orig.
- Shelbyville, Tenn.—Bomar Field—Shelbyville Municipal Arpt, VOR-A, Amdt. 2
- Shelbyville, Tenn.—Bomar Field—Shelbyville Municipal Arpt., VOR Rwy 36, Amdt. 9
- Terre Haute, Ind.—Hulman Field, VOR Rwy 5, Amdt. 8
- Terre Haute, Ind.—Hulman Field, VOR Rwy 23, Amdt. 10

\*\*\* effective August 30, 1973

- Bozeman, Mont.—Gallatin Field, VOR Rwy 12, Amdt. 9

\*\*\* effective August 3, 1973

- Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l Arpt., VOR Rwy 26, Amdt. 7

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective September 27, 1973.

- Daytona Beach, Fla.—Daytona Beach Regional Arpt., LOC (BC) Rwy 24R, Amdt. 3
- Medford, Ore.—Medford-Jackson County Arpt., LOC/DME (BC) A, Amdt. 1, Canceled
- Medford, Ore.—Medford-Jackson County Arpt., LOC/DME (BC) B, Orig.
- Terre Haute, Ind.—Hulman Field, LOC (BC) Rwy 23, Amdt. 10

\*\*\* effective August 23, 1973

- Bremerton, Wash.—Kitsap County Arpt., SDF Rwy 1, Orig.

\*\*\* effective August 6, 1973

- Milwaukee, Wis.—General Mitchell Field, LOC Rwy 19R, Amdt. 1

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective September 27, 1973.

- Destin, Fla.—Destin-Ft. Walton Beach Arpt. NDB Rwy 14, Amdt. 1, Canceled
- Evansville, Ind.—Evansville Dress Regional Arpt., NDB Rwy 22, Amdt. 7
- Greenville, S.C.—Greenville Municipal Downtown Arpt., NDB Rwy 36, Amdt. 14
- Morganton, N.C.—Morganton-Lenoir Arpt., NDB-A, Amdt. 2
- Terre Haute, Ind.—Hulman Field, NDB Rwy 5, Amdt. 8
- Washington, Ind.—Davless County Arpt., NDB Rwy 18, Amdt. 1

\*\*\* effective August 30, 1973.

- Bozeman, Mont.—Gallatin Field, NDB-A, Amdt. 5, Canceled
- Bozeman, Mont.—Gallatin Field, NDB Rwy 12, Orig.

\*\*\* effective August 23, 1973.

- Minocqua-Woodruff, Wis.—Lakeland Arpt., NDB Rwy 28, Amdt. 3
- Minocqua-Woodruff, Wis.—Lakeland Arpt., NDB Rwy 36, Amdt. 3, Canceled
- Minocqua-Woodruff, Wis.—Lakeland Arpt., NDB Rwy 36, Orig.

\*\*\* effective August 3, 1973.

- Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l Arpt., NDB Rwy 26, Amdt. 9

4. Section 97.29 is amended by originating, amending, or canceling the fol-

lowing ILS SIAPs, effective September 27, 1973.

- Daytona Beach, Fla.—Daytona Beach Regional Arpt., ILS Rwy 6L, Amdt. 18
- Evansville, Ind.—Evansville Dress Regional Arpt., ILS Rwy 22, Amdt. 15
- Greenville, S.C.—Greenville Municipal Downtown Arpt., ILS Rwy 36, Amdt. 19
- Terre Haute, Ind.—Hulman Field, ILS Rwy 5, Amdt. 13

\*\*\* effective August 30, 1973.

- Bozeman, Mont.—Gallatin Field, ILS Rwy 12, Amdt. 1

\*\*\* effective August 3, 1973.

- Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l Arpt., ILS Rwy 26, Amdt. 5

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective September 27, 1973.

- Destin, Fla.—Destin-Ft. Walton Beach Arpt., RADAR-1, Amdt. 2
- Greenville, S.C.—Greenville Municipal Downtown Arpt., RADAR-1, Amdt. 7

\*\*\* effective August 3, 1973.

- Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l Arpt., RADAR-1, Amdt. 20

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective September 27, 1973.

- Evansville, Ind.—Evansville Dress Regional Arpt. RNAV Rwy 4, Amdt. 1

7. Correction: In Docket No. 13059, Amendment 875, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated August 3, 1973, on page 20819, under § 97.29 effective September 13, 1973, delete Tucson, Ariz.—Tucson Int'l Arpt., ILS Rwy 11L, Amdt. 3. ILS Rwy 11L, Amdt. 2, remains in effect.

These amendments are made effective under the authority of (Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)).

Issued in Washington, D.C., on August 9, 1973.

JAMES M. VINES,  
Chief,  
Aircraft Programs Division.

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

[FR Doc.73-17008 Filed 8-15-73; 8:45 am]

**Title 17—Commodity and Securities Exchanges**

**CHAPTER II—SECURITIES AND EXCHANGE COMMISSION**

[Release No. 33-5413]

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

**Filing Registration Statements for Variable Life Insurance Contracts**

On January 31, 1973, the Commission announced that it had determined that

variable life insurance contracts are securities and that the offer and sale of such contracts would be subject to the provisions of the Securities Act of 1933 (Securities Act).<sup>1</sup> At the same time, the Commission also adopted exemptive rules under the Investment Company Act of 1940 and the Investment Advisers Act of 1940 for variable life insurance separate accounts and for insurance companies or affiliates thereof acting as investment advisers under certain specified conditions. In adopting these rules, the Commission took note of the body of state law which had developed and was continuing to develop in the area of insurance regulation.

In view of developing state regulatory requirements, companies which are considering the filing of a registration statement for variable life insurance contracts should determine, prior to filing, whether the policies to be offered can be sold in the jurisdiction in which offers will be made. In the Commission's view, sec. 6(a) of the Securities Act generally contemplates that at the time of the filing of a registration statement the registrant must have a present intention to commence selling when the registration statement is ordered effective;<sup>2</sup> and sec. 5(b) of that Act contemplates that at the time of filing there must be a reasonable certainty that the securities being offered can be legally sold upon effectiveness. It is the Commission's opinion that such reasonable certainty does not exist if the absence of enabling legislation, regulations or the approval of a policy by state insurance authorities would prevent the sale of a policy in the jurisdiction in which it is intended to be sold. Accordingly, a registration statement covering the offer and sale of a policy which cannot be sold because of the above limitations will not be accepted for filing under the Securities Act.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

AUGUST 2, 1973.

[FR Doc.73-17053 Filed 8-15-73;8:45 am]

<sup>1</sup> Securities Act of 1933 Release No. 5380, Securities Exchange Act of 1934 Release No. 9972, Investment Company Act of 1940 Release No. 7644, Investment Advisers Act of 1940 Release No. 359 (January 31, 1973) [38 FR 4315].

<sup>2</sup> The Commission has previously enumerated specific exceptions to this requirement where registration for certain types of deferred or extended offerings would be permitted. See Guide 4 of the Guides for Preparation and Filing of Registration Statements, Securities Act of 1933 Release No. 4936 (December 9, 1968). [33 FR 18617]

Title 42—Public Health  
CHAPTER I—PUBLIC HEALTH SERVICE,  
DEPARTMENT OF HEALTH, EDUCATION,  
AND WELFARE

SUBCHAPTER C—MEDICAL CARE AND  
EXAMINATIONS

PART 37—SPECIFICATIONS FOR MEDICAL  
EXAMINATIONS OF UNDERGROUND  
COAL MINERS

Second Round of Chest Roentgenographic  
Examinations; Corrections and Omissions

In FR Doc. 73-15273 appearing at page 20076 in the issue for Friday, July 27, 1973, the following paragraph (b)(4) should be inserted in § 37.3:

"(4) ALFORD will notify the miner and his employer when the second and third examinations are required."

In § 37.4(c), the last sentence should read: "Every such plan shall be subject to revision in accordance with paragraph (d) of this section."

In § 37.43, the first sentence should read: "Except as otherwise specified in § 37.41, roentgenographic equipment, its use and the facilities (including mobile facilities) in which such equipment is used, shall conform to applicable State and Federal regulations."

Dated: August 8, 1973.

EDWARD J. BAIER,  
Acting Director, National Institute  
for Occupational Safety  
and Health.

[FR Doc.73-17038 Filed 8-15-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS  
PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in  
Feed and Drinking Water of Animals or  
for the Treatment of Food-Producing  
Animals

Subpart D—Food Additives Permitted in  
Food for Human Consumption

PROPARGITE

A petition (FAP 3H5028) was filed by Uniroyal Chemical, Division of Uniroyal, Inc., Bethany, CT 06525, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), proposing establishment of food additive tolerances (21 CFR Part 121) for residues of the insecticide propargite (2-(*p*-tert-butylphenoxy)cyclohexyl 2-propynyl sulfite) in dried apple pomace at 80 parts per million resulting from application of the insecticide to the growing raw agricultural commodity apples. (For a related document, see this issue of the FEDERAL REGISTER, page 22123).

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug,

and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348). Pesticide and food additive tolerances for residues of propargite have previously been established.

Having evaluated the data in the petition and other relevant material, it is concluded that the tolerances should be established.

It is also concluded that the name propargite is the accepted common name for the insecticide (2-(*p*-tert-butylphenoxy)cyclohexyl 2-propynyl sulfite).

Therefore, pursuant to provisions of the Act (sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 F.R. 9038), Part 121 is amended by revising § 121.345 in Subpart C and § 121.1236 in Subpart D to read as follows:

§ 121.345 Propargite.

Tolerances are established for residues of the insecticide propargite (2-(*p*-tert-butylphenoxy)cyclohexyl 2-propynyl sulfite) in the following processed feeds, when present therein as a result of the application of this insecticide to growing crops:

80 parts per million in dried apple pomace.

40 parts per million in dried citrus pulp and dried grape pomace.

§ 121.1236 Propargite.

Tolerances are established for residues of the insecticide propargite (2-(*p*-tert-butylphenoxy)cyclohexyl 2-propynyl sulfite) in the following processed foods when present therein as a result of the application of this insecticide to growing crops:

30 parts per million in dried hops.

25 parts per million in raisins.

Any person who will be adversely affected by the foregoing order may at any time on or before September 17, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, S.W., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on August 16, 1973. (Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: August 13, 1973.

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

[FR Doc.73-17114 Filed 8-15-73;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-194]

**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
Colorado	El Paso	Palmer Lake, Town of				Aug. 16, 1973, Emergency.
Connecticut	New London	Lyme, Town of				Do.
Pennsylvania	Bucks	Hulmeville, Borough of				Do.
Do.	Luzerne	Butler, 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 F.R. 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 F.R. 2680, Feb. 27, 1969)

Issued: August 8, 1973.

CHARLES W. WIECKING,  
 Acting Federal Insurance Administrator.

[FR Doc.73-16995 Filed 8-15-73;8:45 am]

**Title 33—Navigation and Navigable Waters**

**CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION**

[CGD 3-73-5R]

**PART 127—SECURITY ZONES**

**Establishment of Security Zone, Newton Creek, Delaware River, Camden, New Jersey**

This amendment to the Coast Guard's Security Zone Regulations, establishes the waters of the Delaware River, Camden, New Jersey as a security zone. This security zone is established to protect the M/V FEDOR POLETAVE while moored at Holt Terminal, Camden, New Jersey.

This amendment is issued without publication of a notice of proposed rule making and this amendment is effective in less than 30 days from the date of publication, because this security zone involves a foreign affairs function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.306, to read as follows:

§ 127.306 Newton Creek, Delaware River, Camden, New Jersey.

The area within the following boundary is a security zone: a line beginning at 39-54-25N, 075-07-32W; thence east to 39-54-25N, 075-07-21W; thence north to 39-54-28N, 075-07-21W; thence west to 39-54-28N, 075-07-32W; thence south to the beginning point.

(46 Stat. 220, as amended, § 6(b), 80 Stat. 937; 50 U.S.C. § 191, 49 U.S.C. § 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3

CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

*Effective date:* This amendment is effective from 11:00 A.M. Eastern Daylight Time, Monday, 6 August 1973 to 6:30 P.M. Eastern Daylight Time, Monday, 6 August 1973.

Dated: August 6, 1973.

B. F. ENGEL,  
 Vice Admiral, United States Coast Guard Commander, Third Coast Guard District, Governors Island, New York.

[FR Doc.73-17032 Filed 8-15-73;8:45 am]

**Title 40—Protection of Environment**

**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY**

**SUBCHAPTER E—PESTICIDE PROGRAMS**

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

**Propargite**

A petition (PP 2F1272) was filed by Uniroyal Chemical, Division of Uniroyal, Inc., Bethany, CT 06525, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide propargite (2-(p-tert-butylphenoxy)cyclohexyl 2-propynyl sulfite) in or on the raw agricultural commodities alfalfa hay, clover hay, and mint at 25 parts per million; grapefruit at 5 parts per million;

corn fodder and forage at 2 parts per million; and corn grain, fresh corn including sweet corn and popcorn (kernels plus cob with husk removed), and potatoes at 0.1 part per million (negligible residue).

Subsequently, the petitioner amended the petition by (a) increasing the proposed tolerance for residues of the insecticide in or on mint from 25 parts per million to 50 parts per million; (b) proposing a tolerance of 0.1 part per million for residues in the fat, meat, and meat byproducts of hogs; and (c) withdrawing the proposed tolerances in or on alfalfa hay, clover hay, and fresh corn. (For a related document, see this issue of the FEDERAL REGISTER, page 22122).

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

1. The insecticide is useful for the purpose for which the tolerances are being established.
2. There is no reasonable expectancy that residues in meat, milk, eggs, or poultry will exceed either the already established tolerances or the tolerances being established.
3. The tolerances established by this order will protect the public health.
4. The name propargite is the accepted common name for the insecticide (2-(p-tert-butylphenoxy)cyclohexyl 2-propynyl sulfite), and the regulation should be changed to so indicate.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority trans-

ferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.259 is revised to read as follows:

**§ 180.259 Propargite; tolerances for residues.**

Tolerances are established for residues of the insecticide propargite (2-(*p*-tert-butylphenoxy) cyclohexyl 2-propynyl sulfite) in or on raw agricultural commodities as follows:

55 parts per million in or on almond hulls.

50 parts per million in or on mint.

15 parts per million in or on hops.

10 parts per million in or on grapes.

7 parts per million in or on apricots, peaches, plums (fresh prunes), and strawberries.

5 parts per million in or on grapefruit, lemons, and oranges.

4 parts per million in or on nectarines.

3 parts per million in or on apples and pears.

2 parts per million in or on corn fodder and forage.

2 parts per million in milk fat (reflecting negligible residues of 0.08 part per million in milk).

0.1 part per million (negligible residue) in or on almonds, corn grain (including popcorn), cottonseed, potatoes, and walnuts.

0.1 part per million (negligible residue) in eggs and the fat, meat, and meat byproducts of cattle, goats, hogs, poultry, and sheep.

Any person who will be adversely affected by the foregoing order may at any time on or before September 17, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, S.W., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on August 16, 1973.

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

Dated: August 13, 1973.

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

[FR Doc.73-17113 Filed 8-15-73; 8:45 am]

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

**Dimethyl Sulfoxide**

In response to a petition (PP 3E1364) submitted by Crown Zellerbach Corp., Chemical Products Division, Camas, WA 98607, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of June 22, 1973 (38 FR 16392), proposing establishment of an exemption from the requirement of a tolerance for residues of dimethyl sulfoxide when used as a solvent or co-solvent in pesticide formulations intended for preemergence application or application prior to formation of edible parts of food plants. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.1001(d) is amended by revising the item "Dimethyl sulfoxide" in the table to read as follows:

**§ 180.1001 Exemptions from the requirement of a tolerance.**

Inert Ingredients	Limits	Uses
Dimethyl sulfoxide.	-----	Solvent or cosolvent for formulations used before crop emerges from soil or prior to formation of edible parts of food plants.
...	...	...

Any person who will be adversely affected by the foregoing order may at any time on or before September 17, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, S.W., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on August 16, 1973.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: August 13, 1973.

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

[FR Doc.73-17116 Filed 8-15-73; 8:45 am]

**Title 41—Public Contracts and Property Management**

**CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION**

**PART 5A-1—GENERAL**

**Subpart 5A-1.12—Responsible Prospective Contractors**

**CHANGE IN SUPPLIERS BY PRIME CONTRACTOR**

The following is to provide guidance for contracting officers when a contractor requests authority to change sources of supply, inspection, or production point.

The table of contents for Part 5A-1 is amended by the addition of the following new entry:

5A-1.1206 Change in suppliers by prime contractors.

Section 5A-1.1206 is added as follows:

**§ 5A-1.1206 Change in suppliers by prime contractors.**

(a) Before authorizing a contractor to change a designated source of supply or any designated inspection or production point, the contracting officer shall determine that such change will not be detrimental to the ability of the contractor to fulfill his obligations under the terms of the contract. If a favorable determination cannot be made without obtaining additional information, the contracting officer shall request a plant facilities evaluation.

(b) In making an evaluation of the requested change, contracting officers shall exercise similar precautions with regard to new sources as were taken in determining the acceptability of the initial supply source. If the contracting officer approves a change of supply source, inspection point, or production point, he shall issue an appropriate contract amendment specifying the nature of the change and the effective date. Where feasible, the amendment shall provide that delivery orders placed prior to the effective date will remain in effect as written. In determining the effective date, contracting officers shall take into consideration the time necessary for offices concerned to receive and take required actions thereunder.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))



*Effective date.* This regulation is effective on the date shown below.

Dated: August 3, 1973.

M. J. TIMBERS,  
Commissioner,  
Federal Supply Service.

[FR Doc.73-17075 Filed 8-15-73;8:45 am]

#### Title 49—Transportation

### CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 1-18; Notice 9]

#### PART 571—MOTOR VEHICLE SAFETY STANDARDS

##### Control Location, Identification, and Illumination

This notice amends Motor Vehicle Safety Standard No. 101 to allow a control position providing minimal illumination, effective September 1, 1973.

On February 27, 1973 the National Highway Traffic Safety Administration proposed (38 FR 5261) that paragraph S4.3 of 49 CFR 571.101, *Control location, identification, and illumination*, be amended to allow vehicle manufacturers the option of providing an instrument illumination control with either an "off" position, or one providing illumination "barely discernible to a vehicle operator whose eyes have adapted to dark ambient roadway conditions." The standard mandated an "off" position only as of September 1, 1973 and the agency's notice of February 27 granted the petition of Mercedes-Benz of North America for initiation of rulemaking to allow the option. Mercedes justified its request with its opinion that "under no circumstances should the driver . . . be without a certain amount of control illumination, and . . . a driver who is unfamiliar with [a] vehicle 'cannot possibly recognize the identification of the specified controls upon activating the head lamps switch when the rheostat has been turned off'".

The comments received supported the proposal. Some reservations were expressed over the subjectivity of the proposed wording. The NHTSA recognized this problem in the notice when it commented "While this option does not provide a quantitative performance level per se, it is assumed that 'barely discernible' illumination would be of such low intensity that it does not produce glare on the instrument panel or a reflection in the windshield". However, no one suggested language more objective in nature, and the NHTSA has decided to adopt its proposed wording in the absence of a quantitative expression of light output. The NHTSA may conduct research that possibly could lead to further rule making in this area.

In consideration of the foregoing, the last sentence of paragraph S4.3 of 49 CFR 571.101, *Motor Vehicle Safety Standard No. 101*, is revised to read:

"On each vehicle to which this paragraph applies manufactured on or after September 1, 1973, a control shall be pro-

vided to adjust the intensity of control illumination, so that it is continuously variable from a position of either no illumination, or illumination that is barely discernible to a vehicle operator whose eyes have adapted to dark ambient roadway conditions, to a position providing illumination sufficient for the vehicle operator to readily identify the control under conditions of reduced visibility."

*Effective date:* September 1, 1973. Because the amendment is of a requirement effective September 1, 1973, and allows an optional means of compliance, it is found for good cause shown that an effective date earlier than 180 days after issuance is in the public interest.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51).

Issued on August 9, 1973.

JAMES B. GREGORY,  
Administrator.

[FR Doc.73-17069 Filed 8-15-73;8:45 am]

### CHAPTER X—INTERSTATE COMMERCE COMMISSION

#### SUBCHAPTER B—PRACTICE AND PROCEDURES

[Ex Parte No. 298]

#### PART 1107—REQUIREMENTS AND PROCEDURES RELATING TO RAILROAD RATE ADJUSTMENT ACT OF 1973

##### Correction

AUGUST 10, 1973.

The attention of the Commission was called today to the fact that the order of July 27, 1973, in this proceeding, under § 1107.1, "Requirements," of the rules therein prescribed erroneously covered only class I line-haul carriers. The first clause under that heading should be changed to read as follows:

Petition or petitions filed by class I line-haul railroads and other common carriers subject to part I of the Interstate Commerce Act under the provisions of subsection (4) (a) of section 15a of the act, \* \* \*

A copy of this notice will be deposited with the Director, Office of the Federal Register, for publication therein.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-17103 Filed 8-15-73;8:45 am]

#### Title 50—Wildlife and Fisheries

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

#### PART 32—HUNTING

##### Sand Lake National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on August 16, 1973.

§ 32.12 Special regulations; big game; for individual wildlife refuge areas.

##### SOUTH DAKOTA

##### SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Sand Lake National Wildlife Refuge,

South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following conditions:

(1) Archery season—December 3 through December 31, 1973, both dates inclusive.

(2) Firearms season—November 24 through December 2, 1973, both dates inclusive.

(3) All hunters must exhibit their hunting license, deer tag and vehicle contents to Federal and State officers upon request.

(4) Hunters will not be allowed to drive on refuge maintained trails, but may park their vehicles outside the refuge and hunt on foot.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

LOUIS S. SWENSON,  
Refuge Manager, Sand Lake  
National Wildlife Refuge.

AUGUST 6, 1973.

[FR Doc.73-17035 Filed 8-15-73;8:45 am]

#### PART 32—HUNTING

##### National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on September 1, 1973.

§ 32.12 Special regulations; migratory birds; for individual wildlife refuge areas.

##### ALABAMA

##### EUFULA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Eufaula National Wildlife Refuge, Alabama, is permitted only on those areas designated by signs as open to hunting. These open areas are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, N.E., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of mourning doves subject to the following special conditions.

(1) Hunting shall be permitted from 12 noon until sunset (Central time) on the following dates:

(a) Houston Tract Unit—October 13, 20, 27 and November 3, 1973.

(b) Molnar Tract Unit—December 29, 1973 and January 5 and 12, 1974.

(2) Each hunter must have on his person a validated refuge hunting permit. Permits will be issued at the refuge on each day of the hunt on a first-come, first-serve basis.

(3) No hunters will be permitted within hunting areas before 11:45 A.M. each day.

(4) All firearms must be encased and/or unloaded when outside the designated hunting area.

(5) Each hunter who successfully takes a limit of mourning doves must leave the hunting area immediately.

(6) Retrievers used by hunters shall be under the control of the owner at all times.

(7) All hunters must check in and out of the refuge at the designated checking station.

(8) All litter (paper, empty shell boxes, etc.) must be removed by individual hunters.

(9) Wounded or dead doves falling outside the hunting area may be recovered, but firearms must be left inside hunting area.

(10) Vehicle parking will be limited to areas designated by refuge personnel.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 12, 1974.

#### ARKANSAS

##### HOLLA BEND NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Holla Bend National Wildlife Refuge, Arkansas, is permitted on an area delineated by public hunting signs. This open area, comprising approximately 500 acres, is delineated on a map available at refuge headquarters, Russellville, Arkansas 72801, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, N.E., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves, subject to the following special conditions.

(1) Hunting dates: September 1 and 8, 1973.

(2) Two hundred fifty permits will be issued for each hunt. Application may be made by postcard addressed to Holla Bend National Wildlife Refuge, P.O. Box 746, Russellville, Arkansas 72801. Cards may contain the name of only one hunter and should indicate a preference for either September 1 or 8. They must be received not later than August 17, 1973. A drawing will be held at 1:00 P.M., August 17, 1973, in the refuge office to determine permittees.

(3) No alcoholic beverages will be allowed in the hunting area.

(4) Hunters under 18 years of age must be accompanied by an adult.

(5) All firearms must be cased and/or unloaded when outside designated hunting areas.

(6) Dogs used as retrievers must comply with State dog licensing requirements.

(7) Hunting shall be from 12 noon until sunset each day of the hunt.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 8, 1973.

#### SOUTH CAROLINA

##### CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves is permitted on the open area of Carolina Sandhills National Wildlife Refuge, S.C. This open area, comprising approximately 350 acres, is delineated on a map available at refuge headquarters, McBee, S.C. 29101, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, N.E., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves, subject to the following special conditions.

(1) Open Season. September 8, 1973— from noon until 4:30 P.M. September 15, 22, 29, and October 6, 1973— from noon until official sunset.

(2) Species and Bag Limit. Mourning doves only—12 birds per hunter each day. Hunters must leave the hunting area upon completing bag limits.

(3) Permits and Entry. Permits will be issued on a first-come, first-served basis to 300 hunters each day. Permits will be available from a permit station located across South Carolina Highway 145 from the Lake Bee Recreation Area. Permits will be sold from 10:30 A.M. until 2:30 P.M. each day of the hunt and they will cost \$2 each on opening day and \$1 each for subsequent hunts. Each hunter must secure his own permit and personally sign for the permit to be valid.

(4) Vehicles and Shooting Sites. Hunters must enter the hunting area at designated entrance points and utilize specified parking areas. These will be posted with signs. Maximum speed is 35 MPH. Loaded firearms in vehicles are prohibited. Soybean fields are CLOSED TO ALL ENTRY during the hunts to protect the interest of the refuge's cooperative farmer. Therefore, hunters and dogs are not to enter soybean fields under any circumstances.

(5) Weapons. Only shotguns and shells with shot sizes No. 6 or smaller are allowed. Shotguns capable of holding more than three shells (one in the chamber and two in the magazine) must be plugged in accordance with applicable State and Federal regulations. Guns must be unloaded and either encased or disassembled while being transported on the refuge.

(6) Dogs. Retrievers are allowed on the hunting area; however, they must be under control at all times. Hunters utilizing retrievers must have their permits appropriately stamped to authorize having dogs on the refuge.

The provisions of this special regulation supplement the regulations which

govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 6, 1973.

JACK E. HEMPHILL,  
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 9, 1973.

[FR Doc.73-17027 Filed 8-15-73; 8:45 am]

#### PART 32—HUNTING

##### Seedskadee National Wildlife Refuge

The following special regulation is issued and is effective August 16, 1973.

§ 32.12 Special Regulations; migratory game birds; for individual wildlife refuge areas.

#### WYOMING

##### SEEDSKADEE NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Seedskadee National Wildlife Refuge, Wyoming is permitted from September 1, 1973 to September 16, 1973, inclusive. All of the refuge area, comprising 12,370 acres, and so designated by signs, is open to hunting. Maps of the area are available at the refuge office, Room 118, Courthouse, Green River, Wyoming, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Ave., Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations governing the hunting of mourning doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 16, 1973.

MERLE O. BENNETT,  
Refuge Manager, Seedskadee National Wildlife Refuge,  
Green River, Wyoming.

JULY 27, 1973.

[FR Doc.73-17026 Filed 8-15-73; 8:45 am]

#### PART 32—HUNTING

##### National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on August 25, 1973.

§ 32.22 Special regulations; upland game; for individual refuge areas.

#### ALABAMA

##### WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of rabbits, gray squirrels, foxes, raccoons, and opossums is permitted only on the areas designated by signs and/or delineated on maps which are available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park

Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all State and Federal regulations subject to the following special conditions:

(1) Hunting shall be by permit only. Permits may be obtained from the Refuge Manager under prescribed conditions.

(2) Foxes may be hunted with dogs, but without guns during the period October 1, 1973 through February 15, 1974, under conditions set forth in permits obtainable from the Refuge Manager.

(3) Gray squirrels and rabbits may be hunted October 15-20, 1973.

(4) Raccoons and opossums may be hunted February 11-16, 1974.

(5) Rabbits may be hunted February 19-23, 1974.

(6) Either shotguns, .22 rimfire rifles, non-powder burning rifles or bows and arrows may be used for squirrel hunting, but .22 rimfire rifles may not be used for other species listed. Raccoon and opossum hunting is limited to use of shotguns only. Not larger than No. 6 shot may be used for squirrel and rabbit hunting, nor larger than No. 8 for raccoon and opossum hunting.

(7) Legal hours for entering and hunting on the refuge for raccoons and opossums shall be 6 p.m. to 5 a.m. inclusive; for rabbits 8 a.m. to 5 p.m. inclusive; and for squirrels all daylight hours.

(8) No hunting is permitted within 100 yards of buildings on the refuge boundary. No hunting is permitted on lands west of Flint Creek nor within the Triana Recreational Area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 23, 1974.

#### ARKANSAS

##### WAPANOCCA NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons is permitted only on the area designated by signs as open to hunting. This open area is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, NE, Atlanta, Georgia 30329. Hunting shall be in accordance with all State and Federal regulations subject to the following special conditions:

(1) Squirrels may be hunted October 1-15, 1973, during daylight hours only.

(2) Raccoons may be hunted November 1-15, 1973, from dark to 12 midnight only.

(3) Only shotguns and .22 caliber rifles may be used. Pistols and other sidearms are prohibited.

(4) Dogs are required during the raccoon hunts and are prohibited during the squirrel hunt.

(5) Cutting or burning of trees, fires, camping, and littering are prohibited.

The provisions of these special regulations supplement the regulations which

govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 15, 1973.

##### WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of raccoon, squirrel and turkey on the White River National Wildlife Refuge, Arkansas, is permitted only on the areas designated by signs as open to hunting. These open areas are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

##### Raccoons:

(1) Raccoons may be taken without limit on the refuge November 1-3; November 8-10; and December 6-8, 1973.

(2) Weapons: Shotguns larger than 28 gauge and .22 caliber, rimfire rifles; no headlight hunting permitted.

(3) Camping will be permitted in designated areas only. No fires are permitted outside the camping area. No trees will be cut.

(4) Hunters must check in and out each day at the designated check station between the hours of 5 p.m. and 2 a.m. Shooting hours begin at 5 p.m. and close at 1 a.m.

(5) Boats will be prohibited on refuge waters. Hunters are not permitted to enter the refuge by boats from navigable waters.

(6) Littering of the refuge will be a violation.

(7) A Federal permit is required to enter the public hunting area.

##### Squirrel, rabbit, beaver, feral hogs, and turkey:

(1) Species to be taken: Squirrel, rabbit, beaver, feral hogs, and turkey by gun; and turkey by archery.

(2) Open season: Gun hunt (except turkey)—October 1-15; Archery (turkey)—October 16-30; Turkey shotgun hunt—November 6-7, 1973.

(3) Bag limit: One turkey of either sex; rabbits—8; squirrel—8; no limit on beaver and hogs.

(4) Weapons: (a) Gun—shotguns and rimfire rifles are legal. Rifles larger than .22 caliber are prohibited. (b) Long bows only, with a minimum pull of 40 pounds and arrows with 7/8 inch minimum width blades.

(5) A federal permit is required to enter the public hunting area for the turkey gun hunt. No permit required for squirrel or archery turkey hunts.

The provisions of these special regulations supplement the regulations which govern hunting on national wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 9, 1973.

#### FLORIDA

##### ST. MARKS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the St. Marks National Wildlife Refuge, Florida, is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 1,200 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations governing the hunting of upland game.

#### KENTUCKY

##### REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons on the Reelfoot National Wildlife Refuge, Kentucky, is permitted only on the area designated by signs as open to hunting. This open area, comprised of 2,034 acres, is delineated on maps available at refuge headquarters, Samburg, Tennessee and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels and raccoons subject to the following special conditions:

##### Squirrels:

(1) Squirrels may be hunted on the refuge from September 1-30, 1973.

(2) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(3) Dogs are not permitted.

(4) A Federal permit is not required to enter the public hunting area.

**Raccoons:** Raccoons may be taken without limit, on the Long Point refuge unit during the periods of October 1-6, 1973 and October 8-13, 1973.

(2) Hunting hours shall be from 7:30 p.m. to 12:30 a.m.

(3) The use of dogs and guns is permitted.

(4) No axes, saws, or other cutting implements will be permitted.

(5) A Federal permit will not be required. However, all hunters will be required to check in and check out at the designated check station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tennessee.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 13, 1973.

#### SOUTH CAROLINA

##### CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Public hunting of rabbits, squirrels, and raccoons on the Bulls Island Unit of the Cape Romain National Wildlife Refuge, Awendaw, South Carolina, is permitted only on the area designated by signs as open to hunting. This open area,

comprising 2,500 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits, squirrels, and raccoons except the following special conditions:

(1) The open season for hunting rabbits, squirrels, and raccoons is October 29–November 3, November 22–24, and December 10–15, 1973. Daylight hours only.

(2) Bow and arrows permitted. Firearms, crossbows, or any type mechanical bow prohibited. Drugged or poison arrows prohibited.

(3) No dogs allowed on the island.

(4) Hunters must check in with refuge personnel upon arrival and check out upon departure from Bulls Island.

(5) Hunters under 18 years of age must be accompanied by an adult.

(6) Camping for hunters is permitted in the designated campground only. Campsites may be erected 24 hours prior to each hunt and must be removed within 24 hours after the close of each hunt. Campsites and camp gear may not be left from one hunt to the next. Fires are restricted to the designated camp area. A camping fee of \$1.00 per person per day will be required for use of the camping area during the hunts. Recreational camping by non-hunters is not permitted during the hunts.

(7) Permits are required and may be obtained at the refuge office on Bulls Island.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 17, 1973.

#### TENNESSEE

##### HATCHIE NATIONAL WILDLIFE REFUGE

The public hunting of squirrels and raccoons on the Hatchie National Wildlife Refuge is permitted on the area designated by signs as open to hunting. This open area, comprising 11,000 acres, is delineated on a map available at the refuge headquarters, Brownsville, Tennessee 38012 and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all State and Federal regulations subject to the following conditions:

(1) Seasons: Squirrels—August 25–September 20, 1973. Raccoons—October 12–November 14, 1973.

(2) Weapons: Only .22 caliber rifles or shotguns incapable of holding more than three shells are permitted. Possession of buckshot or slugs is in violation of refuge regulations.

(3) Camping is prohibited.

(4) Dogs are prohibited during the squirrel hunt, but are required to hunt raccoons.

(5) The hunting hours for raccoons shall be from sunset to midnight.

(6) No axes, saws, or other cutting implements will be permitted during the raccoon hunt.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 14, 1973.

##### LAKE ISOM NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons on the Lake Isom National Wildlife Refuge, Tennessee is permitted only on the area designated by signs as open to hunting. This open area, comprised of 1,850 acres, is delineated on maps available at refuge headquarters, Samburg, Tennessee and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels and raccoons subject to the following special conditions:

##### Squirrels:

(1) Squirrels may be hunted on the refuge from September 1–30, 1973.

(2) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(3) Dogs are not permitted.

(4) A Federal hunting permit is not required to enter the public hunting area.

##### Raccoons:

(1) Raccoons may be taken, without limit, on the refuge during the period of October 8–13, 1973.

(2) Hunting hours shall be from 7:30 p.m. to 12:30 a.m.

(3) The use of dogs and guns is permitted.

(4) No axes, saws, or other cutting implements will be permitted.

(5) A Federal permit will not be required. However, all hunters will be required to check in and check out at the designated checking station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tennessee 38254.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 13, 1973.

##### REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons on the Reelfoot National Wildlife Refuge, Tennessee is permitted only on the area designated by signs as open to hunting. This open area, comprised of 9,585 acres, is delineated on maps available at refuge headquarters, Samburg, Tennessee, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations covering the

hunting of squirrels and raccoons subject to the following special conditions:

##### Squirrels:

(1) Squirrels may be hunted on the refuge from September 1–30, 1973.

(2) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(3) Dogs are not permitted.

(4) A Federal permit is not required to enter the public hunting area.

##### Raccoons:

(1) Raccoons may be taken, without limit, on the Long Point refuge unit during the periods of October 1–6, 1973 and October 8–13, 1973.

(2) Raccoons may be taken, without limit, on the Grassy Island refuge unit during the period of October 1–6, 1973.

(3) Hunting hours shall be from 7:30 p.m. to 12:30 a.m.

(4) The use of dogs and guns is permitted.

(5) No axes, saws, or other cutting implements will be permitted.

(6) A Federal permit will not be required. However, all hunters will be required to check in and check out at the designated check station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tennessee 38254.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 13, 1973.

C. EDWARD CARLSON,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

AUGUST 10, 1973.

[FR Doc. 73-17028 Filed 8-15-73; 8:45 am]

## PART 32—HUNTING

### Seedskadee National Wildlife Refuge

The following special regulation is issued and is effective August 16, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

#### WYOMING

##### SEEDSKADEE NATIONAL WILDLIFE REFUGE

Public hunting of cottontail rabbits on the Seedskadee National Wildlife Refuge, Wyoming is permitted from August 25, 1973 to December 31, 1973, inclusive. All of the refuge area, comprising 12,370 acres, and so designated by signs, is open to hunting. Maps of the area are available at the refuge office, Room 118 Courthouse, Green River, Wyoming, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations governing the hunting of cottontail rabbits.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50,

Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

MERLE O. BENNETT,  
Refuge Manager, Seedskadee  
National Wildlife Refuge,  
Green River, Wyoming.

JULY 23, 1973.

[FR Doc.73-17022 Filed 8-15-73;8:45 am]

**PART 32—HUNTING**

**Seedskadee National Wildlife Refuge**

The following special regulation is issued and is effective August 16, 1973.

§ 32.32 Special regulations; upland game; for individual wildlife refuge areas.

**WYOMING**

**SEEDSKADEE NATIONAL WILDLIFE REFUGE**

Public hunting of sage grouse on the Seedskadee National Wildlife Refuge is permitted as follows: West of the Green River from August 25, 1973 to August 31, 1973 inclusive; East of the Green River from August 25, 1973 to September 3, 1973 inclusive. All of the refuge area, comprising 12,370 acres, and so designated by signs, is open to hunting. Maps of the area are available at the refuge office, Room 118, Courthouse, Green River, Wyoming and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations governing the hunting of sage grouse.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 3, 1973.

MERLE O. BENNETT,  
Refuge Manager, Seedskadee  
National Wildlife Refuge,  
Green River, Wyoming.

JULY 27, 1973.

[FR Doc.73-17024 Filed 8-15-73;8:45 am]

**PART 32—HUNTING**

**De Soto National Wildlife Refuge**

The following special regulation is issued and is effective August 16, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

**NEBRASKA**

**DE SOTO NATIONAL WILDLIFE REFUGE**

Public hunting of deer on the De Soto National Wildlife Refuge, Nebraska, is permitted only on the area designated by signs as open to hunting. This area, comprising 1,200 acres, that lies west of the present Missouri River channel, is de-

lined out on a map available at refuge headquarters and from the Area Manager, Bureau of Sport Fisheries and Wildlife, 601 E. 12th, Federal Building, Kansas City, Missouri 64106. Hunting shall be in accordance with state regulations governing the hunting of deer with bow and arrow and shall be permitted only during the regular Nebraska archery deer season, September 15, 1973 through November 9, 1973, and from November 19, 1973 through December 31, 1973.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

JAMES E. FRATES,  
Refuge Manager.

AUGUST 8, 1973.

[FR Doc.73-17021 Filed 8-15-73;8:45 am]

**PART 32—HUNTING**

**Seedskadee National Wildlife Refuge**

The following special regulation is issued and is effective August 16, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

**WYOMING**

**SEEDSKADEE NATIONAL WILDLIFE REFUGE**

Public hunting of antelope on the Seedskadee National Wildlife Refuge, Wyoming is permitted as follows: west of the Green River from September 1 through September 9, 1973, inclusive; east of the Green River from September 19 through September 30, 1973, inclusive. All of the refuge area, comprising 12,370 acres, and so designated by signs, is open to hunting. Maps of the area are available at the refuge office, Room 118 Courthouse, Green River, Wyoming, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations governing the hunting of antelope.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1973.

MERLE O. BENNETT,  
Refuge Manager, Seedskadee  
National Wildlife Refuge,  
Green River, Wyoming.

JULY 26, 1973.

[FR Doc.73-17023 Filed 8-15-73;8:45 am]

**PART 32—HUNTING**

**Seedskadee National Wildlife Refuge**

The following special regulation is issued and is effective August 16, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

**WYOMING**

**SEEDSKADEE NATIONAL WILDLIFE REFUGE**

Public hunting mule deer on the Seedskadee National Wildlife Refuge is permitted from October 15 through October 31, 1973, inclusive. All of the refuge area, comprising 12,370 acres, and so designated by signs, is open to hunting. Maps of the area are available at the refuge office, Room 118, Courthouse, Green River, Wyoming and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations governing the hunting of mule deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 31, 1973.

MERLE O. BENNETT,  
Refuge Manager, Seedskadee  
National Wildlife Refuge,  
Green River, Wyoming.

JULY 27, 1973.

[FR Doc.73-17025 Filed 8-15-73;8:45 am]

**PART 32—HUNTING**

**Bitter Lake National Wildlife Refuge,  
N. Mex.**

The following special regulation is issued and is effective on August 16, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

**NEW MEXICO**

**BITTER LAKE NATIONAL WILDLIFE REFUGE**

The public hunting of deer on the Bitter Lake National Wildlife Refuge is permitted only on the North Tract and only during the period November 17, 1973 through December 2, 1973, inclusive. The hunting area comprising about 12,000 acres, is delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, New Mexico, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 2, 1973.

BARNET W. SCHRANCK,  
Refuge Manager, Bitter Lake  
National Wildlife Refuge,  
Roswell, New Mexico.

AUGUST 9, 1973.

[FR Doc.73-17073 Filed 8-15-73;8:45 am]

## Title 7—Agriculture

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

## PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS AND GRADES WITH RESPECT THERETO

## Grade A for Further Processing

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627), the U.S. Department of Agriculture hereby amends the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof and United States Classes, Standards, and Grades With Respect Thereto (7 CFR Part 70).

*Statement of considerations.* On July 6, 1973, a rulemaking proposal was published in the FEDERAL REGISTER (38 FR 18032) which would establish a U.S. Grade A—For Further Processing standard for turkeys, permit ducks, otherwise of A quality with portions of both wings missing beyond the second joint to be classified as U.S. Grade A, and set forth the Department's policy of nondiscrimination in the conduct of services and licensing of graders and inspectors.

Eleven letters were received by the Hearing Clerk on the proposal. Eight comments were in favor of the U.S. Grade A—For Further Processing standard for turkeys and two opposed. Five comments concerned the proposal on ducks and all were in favor of the proposal. In view of the support for and the desirability of the standards, the Department has decided to promulgate them as proposed.

The Amendments are as follows:

1. A new § 70.5 is added to read:

## § 70.5 Nondiscrimination.

The conduct of all services and the licensing of graders and inspectors under these regulations shall be accomplished without discrimination as to race, color, creed, sex, or national origin.

2. In § 70.91, a new paragraph (d) is added to read:

## § 70.91 Marking graded products.

(d) *Identification of U.S. Grade A—for further processing.* The grade mark indicated in Figure 3A, below, is restricted to turkeys meeting the requirements of § 70.364. The grade mark may be applied only to master shipping containers and not to individual birds. The block containing the words "For Further Processing" in Figure 3A shall be located as indicated and shall be at least as wide and at least ¼ as high as the height of the grade mark. The words "For Further Processing" shall be in the same boldness of type as the wording in the grade mark.

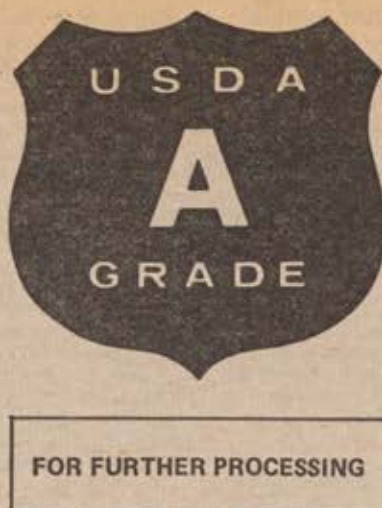


FIGURE 3A

3. In § 70.353, paragraph (f) is amended to read:

## § 70.353 A Quality.

(f) *Disjointed and broken bones and missing parts.* Parts are free of broken bones. The carcass is free of broken bones and has not more than one disjointed bone. The wing tips may be removed at the joint, and in the case of ducks and geese, the parts of the wing beyond the second joint may be removed if removed at the joint and both wings are so treated. The tail may be removed at the base. Cartilage separated from the breastbone is not considered as a disjointed or broken bone.

4. Immediately following § 70.363, a new center heading and a new § 70.364 are added to read:

## UNITED STATES READY-TO-COOK GRADE FOR FURTHER PROCESSING

## § 70.364 U.S. Grade A—For Further Processing.

Any lot of ready-to-cook poultry composed of one or more turkey carcasses may be designated as "U.S. Grade A—For Further Processing" when each carcass in the lot meets the requirements for U.S. A quality as described in this subpart with the following exceptions: (a) Exposed flesh and discolorations of the skin and flesh may be as described for U.S. B quality in this subpart, (b) Any number of disjointed bones are permitted, (c) Part or all of one or both wings may be missing when severed at a joint, and (d) The back may be trimmed in an area not wider than the base of the tail and extending from the tail to the area between the hip joints.

Since the standards will more accurately reflect the market value of turkeys used in further processing, the heavy processing season is imminent and no special preparation would be required by the industry to implement the standards, it is in the public interest to make

them effective as soon as possible. Accordingly, under the administrative procedure provisions in 5 U.S.C., 553, good cause is found for making the standards effective less than 30 days after publication in the Federal Register.

Done at Washington, D.C., this 10th day of August 1973, to become effective on August 15, 1973.

JOHN C. BLUM,  
Acting Administrator.

[FR Doc. 73-16942 Filed 8-15-73; 8:45 am]

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

[Valencia Orange Regulation 445]

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

## Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period August 17-23, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

## § 908.745 Valencia Orange Regulation 445.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing

opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be fairly good, with general activity about the same as in recent weeks. Prices f.o.b. averaged \$3.46 per carton on a sales volume of 585 cartons during the week ended August 9, 1973, compared with \$3.42 per carton on sales of 538 cartons a week earlier. Track and rolling supplies at 299 cars were down 34 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 14, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 17, 1973, through August 23, 1973, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: 475,000 cartons;

(iii) District 3: Unlimited."

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

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

Dated: August 15, 1973.

D. S. KURYLOSKI,  
Acting Deputy Director, Fruit  
and Vegetable Division, Agricultural  
Marketing Service.

[FR Doc. 73-17254 Filed 8-15-73; 12:03 pm]

#### PART 910—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

##### Expenses and Rate of Assessment and Carryover of Unexpended Funds

This document authorizes expenses of \$271,400 for the Lemon Administrative Committee, under Marketing Order No. 910, for the 1973-74 fiscal year and fixes a rate of assessment of \$0.023 per carton of lemons handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

On July 30, 1973, notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 20265) regarding proposed expenses, the proposed rate of assessment and the proposed carryover of unexpended funds from the fiscal year ended July 31, 1973, pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in the States of California and Arizona. This notice allowed interested persons until August 10, 1973, during which they could submit data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Lemon Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

##### § 910.211 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Lemon Administrative Committee during the period August 1, 1973, through July 31, 1974, will amount to \$271,400.

(b) *Rate of assessment.* The rate of assessment for said period, payable to each handler in accordance with § 910.41, is fixed at \$0.023 per carton of lemons.

(c) *Carryover of Unexpended Funds.* That \$20,000 of unexpended funds in excess of expenses incurred during the fiscal year ended July 31, 1973, be added to the reserve, established pursuant to § 910.42(a) (2).

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of lemons grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable lemons handled during the aforesaid period, and (3) such period began on August 1, 1973, and said rate of assessment will automatically apply to all such lemons beginning with such date.

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

Dated: August 13, 1973.

D. S. KURYLOSKI,  
Acting Deputy Director, Fruit  
and Vegetable Division, Agricultural  
Marketing Service.

[FR Doc. 73-17107 Filed 8-15-73; 8:45 am]

#### PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA AND MARYLAND

##### Expenses and Rate of Assessment for the 1973-74 Fiscal Period and Carryover of Unexpended Funds

This document authorizes expenses of \$107,200 of the Cherry Administrative Board, under Marketing Order No. 930, for the 1973-74 fiscal period and fixes a rate of assessment of \$1.00 per ton of cherries handled in such period to be paid to the board by each first handler as his pro rata share of such expenses.

On July 16, 1973, notice of rulemaking was published in the FEDERAL REGISTER (38 FR 19047) regarding proposed expenses and the related rate of assessment for the period beginning May 1, 1973, and ending April 30, 1974, and carryover of unexpended funds pursuant to the marketing Order No. 930, (7 CFR Part 930), regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia and Maryland. The notice allowed interested persons until July 29, 1973 to submit written data, views, or arguments pertaining to such proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice, which were submitted by the Cherry Administrative Board (established pursuant to said marketing order), it is hereby found and determined that:

§ 930.203 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses which are reasonable and likely to be incurred by the Cherry Administrative Board during the 1973-74 fiscal period, May 1, 1973 through April 30, 1974 will amount to \$107,200.

(b) *Rate of assessment.* The rate of assessment for such fiscal period payable by each handler in accordance with § 930.41 is fixed at \$1.00 per ton of first handled cherries.

(c) Unexpended assessment funds in excess of expenses incurred during fiscal period ended April 30, 1973, shall be carried over as a reserve in accordance with § 930.42(a) of said marketing order.

Terms used in this part shall, when used herein, have the same meaning as is given to the respective term in said order and "ton of cherries" shall mean 2000 pounds of raw unpitted cherries.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) handling of the current crop of cherries is currently under way; (2) the relevant provisions of said marketing order require that the rate of assessment fixed for a particular season be applicable to all cherries from the beginning of such fiscal period; and

(3) the fiscal period began May 1, 1973, and the rate of assessment herein fixed will automatically apply to all cherries beginning with such date.

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

Dated: August 13, 1973.

D. S. KURYLOSKI,  
Acting Deputy Director, Fruit  
and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-17108 Filed 8-15-73; 8:45 am]

**PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA**

**Raisins Acquired Under Weight Dockage System**

*Correction*

In FR Doc. 73-16403 appearing at page 21390 in the issue of Wednesday, August 8, 1973, the following changes should be made in § 989.210:

1. In paragraph (a), the word "tendered" in the first sentence should read "tenderer".

2. In paragraph (f), the word "PAC" in the seventh line should read "RAC".

3. In paragraph (f), the word "processed" in the tenth and eleventh lines should read "processed".



# 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 COMMERCE

National Oceanic and Atmospheric Administration

[ 50 CFR Part 216 ]

### MARINE MAMMALS

#### Taking and Importing

On December 21, 1972, amended interim regulations governing the taking and importing of marine mammals, as required by section 103 of the Marine Mammal Protection Act of 1972 (Public Law 92-522), were published in the FEDERAL REGISTER (37 FR 28177). Publication was accompanied by a statement that written comments, views and objections to those regulations could be made to the Director, National Marine Fisheries Service, during the 60-day period ending February 21, 1973; and that final regulations on the matters covered by the interim regulations would be published as soon thereafter as practicable.

The comments, views and objections submitted with regard to the regulations published on December 21, 1972, have been considered. There are published herewith proposed final regulations which reflect these comments, views and objections insofar as they were thought to be consistent with the intent and provisions of the Act.

Over one-third of the comments on the amended interim regulations requested that the definition of "authentic native articles of handicraft and clothing" be amended so as to allow the production of these articles by the use of sewing machines and/or the use of commercial tanneries, as appropriate. An amendment allowing these uses appears in § 216.3 of the proposed final regulations. There were numerous requests for changes in other definitions which also have been incorporated into the proposed final regulations. Thus, in § 216.3, the definition of "take" has been stated to include "collection." In § 216.3, the definition of "native village or town" has been broadened to more accurately describe native enclaves present within predominantly non-native populations. In § 216.3, the definition of "subsistence purposes" was enlarged to more specifically describe the traditional utilization of marine mammals by natives. In § 216.3, the definition of "wasteful manner" was enlarged to authorize the discard by natives of the unusable portions of mammals. In § 216.23, the "native exception" was changed so as to allow the sale by natives in native villages and towns of edible portions of mammals.

In addition, the subpart and subsection numbers and headings were changed to

correspond with similar numbers and headings in the Department of the Interior regulations on the taking and importing of marine mammals (37 FR 28173) and several minor changes in addition to those specifically enumerated above have been made.

On the other hand, certain other changes which were requested were not made because they were thought to be inconsistent with the intent and provisions of the Act. Thus, it was felt that a person not otherwise fulfilling the definition of "native" set out in (old) § 216.2(i) could not be considered to be a native solely because he (or she) was married to a native. It was felt that the collection of dead mammals, or mammal parts, from beaches should not be exempt from the provisions of the Act since it would be extremely difficult for the Service to ascertain whether, in fact, a given mammal was dead upon being taken. It was felt that the transfer or sale of mammals, or mammal parts, by natives to non-natives did not fall within the "direct consumption by Alaskan natives" language of (old) § 216.2(n). It was felt to be inappropriate to consider the review of Alaskan marine mammal laws, looking toward their possible approval under section 109 of the Act, prior to the Marine Mammal Commission having formally begun the discharge of its responsibilities under Title II of the Act.

A few other suggested changes also were not adopted on the grounds of inconsistency with the intent and provisions of the Act. All comments are available for review in the Office of the Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW, Washington, D.C. 20235.

Written comments, views, or objections on these proposed regulations may be made to the Director, National Marine Fisheries Service, Washington, D.C. 20235 until the close of business on October 1, 1973.

It is hereby proposed to revise 50 CFR, Part 216, titled, "Marine Mammals, Taking and Importing," to read as follows:

### PART 216—MARINE MAMMALS, TAKING AND IMPORTING

#### Subpart A—Introductions

- Sec.  
216.1 Purpose of regulations.  
216.2 Scope of regulations.  
216.3 Definitions.  
216.4 Other laws and regulations.

#### Subpart B—Prohibitions

- 216.11 Prohibited taking.  
216.12 Prohibited importation.  
216.13 Prohibited uses, possession, transportation and sales.  
216.14 Proof of compliance.

#### Subpart C—General Exceptions

- Sec.  
216.21 Actions permitted by international treaty, convention, or agreement.  
216.22 Taking by State or local government officials.  
216.23 Native exception.  
216.24 Taking incidental to commercial fishing operations.  
216.25 Exempted marine mammals and marine mammal products.

#### Subpart D—Special Exceptions

- 216.31 Scientific research permits and public display permits.  
216.32 Undue economic hardship.  
216.33 Waivers of the moratorium. [Reserved].  
216.34 Procedures for issuance of permits and modification, suspension or revocation thereof.  
216.35 Possession of permits.

#### Subpart E—Designated Ports

- 216.40 Importation at designated ports.

#### Subpart F—Penalties and Procedures for Their Assessment

- 216.51 Penalties.  
216.52 Notice of proposed assessment; opportunity for hearing.  
216.53 Waivers of hearing; assessment of penalty.  
216.54 Appointment of administrative law judge and agency representative; notice of hearing.  
216.55 Failure to appear; official transcript; record for decision.  
216.56 Duties and powers of the administrative law judge.  
216.57 Appearance of the respondent and the agency representative.  
216.58 Evidence.  
216.59 Filing of briefs.  
216.60 Decisions.  
216.61 Remission or mitigation.  
216.62 Payments of penalty.  
216.63 Forfeiture and return of seized property.  
216.64 Holding and bonding.  
216.65 Enforcement officers.

AUTHORITY: Title I of the Marine Mammal Protection Act of 1972, 86 Stat. 1027, 16 U.S.C. 1361-1407, Public Law No. 92-522.

#### Subpart A—Introduction

##### § 216.1 Purpose of regulations.

The regulations in this part implement the Marine Mammal Protection Act of 1972, 86 Stat. 1027, 16 U.S.C. 1361-1407, Public Law 92-522, which, among other things, restricts the taking, possession, transportation, selling, offering for sale, and importing of marine mammals.

##### § 216.2 Scope of Regulations.

This Part 216 applies solely to marine mammals and marine mammal products as defined in § 216.3. For regulations under the Act, with respect to other marine mammals and marine mammal products, see 50 CFR Part 18.

### § 216.3 Definitions.

In addition to definitions contained in the Act, and unless the context otherwise requires, in this Part 216:

"Act" means the Marine Mammal Protection Act of 1972, 86 Stat. 1027, 16 U.S.C. 1361-1407, Public Law 92-522.

"Alaskan Native" means a person defined in the Alaska Native Claims Settlement Act (43 U.S.C. sec. 1602(b)) (85 Stat. 588) as a citizen of the United States who is of one-fourth degree or more Alaska Indian (including Tsimshian Indians enrolled or not enrolled in the Metlakatla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native, as so defined, either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or group, of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any Native village or Native group. Any such citizen enrolled by the Secretary of the Interior pursuant to section 5 of the Alaska Native Claims Settlement Act shall be conclusively presumed to be an Alaskan Native for purposes of this part.

"Authentic native articles of handicrafts and clothing" means items made by an Indian, Aleut or Eskimo which (a) were commonly produced on or before December 21, 1972, and (b) are composed wholly or in some significant respect of natural materials, and (c) are significantly altered from their natural form and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass copying devices. Improved methods of production utilizing modern implements such as sewing machines or modern tanning techniques at a tannery registered pursuant to § 216.23(c) may be used so long as no large scale mass production industry results. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting. The formation of traditional native groups, such as a cooperative, is permitted so long as no large scale mass production results.

"Commercial fishing operation" means the lawful harvesting of fish from the marine environment for profit as part of an on-going business enterprise. Such term shall not include sport fishing activities whether or not carried out by charter boat or otherwise, and whether or not the fish so caught are subsequently sold.

"Endangered Species" means a species or subspecies of marine mammal listed pursuant to the Endangered Species Conservation Act of 1969, 83 Stat. 275, 16 U.S.C. 668aa-668ee, P.L. 91-135, (see Part 17 of this Title).

"Incidental catch" means the taking of a marine mammal (1) because it is directly interfering with commercial

fishing operations, or (2) as a consequence of the steps used to secure the fish in connection with commercial fishing operations: *Provided*, That a marine mammal so taken must immediately be returned to the sea with a minimum of injury and further, that the taking of a marine mammal, which otherwise meets the requirements of this definition shall not be considered an incidental catch of that mammal if it is used subsequently to assist in commercial fishing operations.

"Marine environment" means the oceans and the seas, including estuarine and brackish waters.

"Marine mammal" means those specimens of the following orders, which are morphologically and physiologically adapted to the marine environment, whether alive or dead, and any part thereof, including but not limited to, any raw, dressed, or dyed fur or skin: Cetacea (whales and porpoises), Pinnipedia, other than walrus (seals and sea lions).

"Native village or town" means any community, association, tribe, band, clan or group.

"Pregnant" means pregnant near term.

"Secretary" shall mean the Secretary of Commerce or his authorized representative.

"Subsistence" means the use of marine mammals taken by Alaskan Natives for food, clothing, shelter, heating, transportation, and other uses necessary to maintain the life of the taker or those who depend upon the taker to provide them with such subsistence.

"Take" means to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill, any marine mammal, including, without limitation, any of the following: The collection of dead animals, or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal; or the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional acts which result in the disturbing or molesting of a marine mammal.

"Wasteful manner" means any taking or method of taking which is likely to result in the killing of marine mammals beyond those needed for subsistence or for the making of authentic native articles of handicrafts and clothing or which results in the waste of a substantial portion of the marine mammal and includes, without limitation, the employment of a method of taking which is not likely to assure the capture or killing of a marine mammal, or which is not immediately followed by a reasonable effort to retrieve the marine mammal.

### § 216.4 Other laws and regulations.

(a) *Federal*. Nothing in this part, nor any permit issued under authority of this part, shall be construed to relieve a person from any other requirements imposed by a statute or regulation of the United States, including any applicable statutes or regulations relating to wildlife and fisheries, health, quarantine, agriculture, or customs.

(b) *State laws or regulations*. Section 109 of the Act provides that on or after December 21, 1972, no State may adopt any law or regulation with regard to the taking of marine mammals, or enforce any existing law or regulation which relates to the taking or protection of marine mammals. Any State may adopt laws or regulations relating to the taking or protection of any species or population stocks of marine mammals if the Secretary determines after review by him that such laws or regulations will be consistent with the provisions of the Act and the regulations in this part. In no event, however, will the Secretary approve any State laws or regulations which:

(1) Purport to authorize a State to issue permits in situations which would require a Federal permit under the Act unless and until appropriate Federal regulations have been issued under section 103 of the Act, and where appropriate, the Secretary has waived the moratorium on such taking or importation under section 101(a)(3) of the Act; or

(2) Purport to authorize a State to issue permits for scientific research or for public display (except that a State may, under authority of a general scientific research permit granted by the Secretary to it, assign individual scientific research permits to State employees or representatives of State universities or other State agencies, subject to the provisions of the general permit); or

(3) Purport to authorize the State to grant exemptions from the Act on the grounds of economic hardship.

(c) Any State may obtain a review and determination of its existing laws and regulations from the Secretary by submitting a written request to that effect to the Director, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, accompanied by the following documents, unless otherwise specified by the Secretary:

(1) A complete set of laws and regulations to be reviewed, certified as complete, true and correct, by the appropriate State official;

(2) A scientific description by species and population stock of the marine mammals to be subjected to such laws and regulations;

(3) A description of the organization staffing and funding for the administration and enforcement of the laws and regulations to be reviewed;

(4) A description where such laws and regulations provide for discretionary authority on the part of State officials to issue permits, of the procedures to be used in granting or withholding such permits and otherwise enforcing such laws; and

(5) Such other materials and information as the Secretary may request or which the State may deem necessary or advisable to demonstrate the compatibility of such laws and regulations with the policy and purposes of the Act and the rules and regulations issued thereunder.

(d) In making a determination with respect to any State laws and regulations, the Secretary shall take into account:

(1) Whether such laws and regulations are consistent with the purposes and policies of the Act and the rules and regulations issued thereunder;

(2) The extent to which such laws and regulations are consistent with, or constitute an integrated management or protection program with, the laws and regulations of other jurisdictions whose activities may affect the same species or stocks or marine mammals; and

(3) The existence of or preparations for an overall State program regarding the protection and management of marine mammals to which the laws and regulations under review relate.

(e) To assist States in preparing laws and regulations relating to marine mammals, the Secretary will also, at the written request of any State, make a preliminary review of any such proposed laws or regulations. Such review will be strictly advisory in nature and shall not be binding upon the Secretary. Upon adoption of previously reviewed laws and regulations, the same shall be subject to a complete review for a final determination pursuant to these regulations. To be considered for preliminary review, all legislative and regulatory proposals must be forwarded to the Director, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, and certified by the appropriate State official. In addition, they shall be accompanied to the extent available with the same materials required under paragraph (b) above, unless otherwise provided by the Secretary.

(f) All determinations by the Secretary (other than as a result of preliminary reviews of proposed laws and regulations) shall be final and binding on the parties.

(g) The implementation and enforcement of all State laws and regulations previously approved by the Secretary pursuant to this section shall be subject to continuous monitoring and review by the Secretary pursuant to such rules and regulations as he may adopt. Any modifications, amendments, deletions or additions to laws or regulations previously approved shall be deemed to be new laws and regulations for the purposes of these regulations and shall require review and approval by the Secretary before their adoption.

(h) Notwithstanding the foregoing, nothing herein shall prevent (1) the taking of a marine mammal by a State or local government official pursuant to § 216.22 of the regulations in this part, or (2) the adoption or enforcement of any law or regulation relating to any marine mammal taken or imported prior to the effective date of the Act.

#### Subpart B—Prohibitions

##### § 216.11 Prohibited Taking.

Except as otherwise provided in Subparts C and D of this Part 216, it is unlawful for:

(a) Any person, vessel, or conveyance subject to the jurisdiction of the United

States to take any marine mammal on the high seas, or

(b) Any person, vessel, or conveyance to take any marine mammal in waters or on lands under the jurisdiction of the United States, or

(c) Any person subject to the jurisdiction of the United States to take any marine mammal during the moratorium.

##### § 216.12 Prohibited importation.

(a) Except as otherwise provided in Subparts C and D of this Part 216, it is unlawful for any person to import any marine mammal or marine mammal product into the United States.

(b) Regardless of whether an importation is otherwise authorized pursuant to Subparts C and D of this Part 216, it is unlawful for any person to import into the United States any:

(1) Marine mammal:  
 (i) Taken in violation of the Act, or  
 (ii) Taken in another country in violation to the laws of that country;  
 (2) Any marine mammal product if  
 (i) The importation into the United States of the marine mammal from which such product is made would be unlawful under paragraph (b) (1) of this section, or  
 (ii) The sale in commerce of such product in the country of origin if the product is illegal.

(c) Except in accordance with an exception referred to in Subpart C and §§ 216.31 (regarding scientific research permits only) and 216.32 of this Part 216, it is unlawful to import into the United States any:

(1) Marine mammal which was pregnant at the time of taking.

(2) Marine mammal which was nursing at the time of taking, or less than 8 months old, whichever occurs later.

(3) Specimen of endangered species or subspecies of marine mammals.

(4) Specimen taken from a depleted species or stock of marine mammals, or

(5) Marine mammal taken in an inhumane manner.

(d) It is unlawful to import into the United States any fish, whether fresh, frozen, or otherwise prepared, if such fish was caught in a manner proscribed by the Secretary of Commerce for persons subject to the jurisdiction of the United States, whether or not any marine mammals were in fact taken incident to the catching of the fish.

##### § 216.13 Prohibited uses, possession, transportation, and sales.

It is unlawful for:

(a) Any person to use any port, harbor or other place under the jurisdiction of the United States for any purpose in any way connected with a prohibited taking or an unlawful importation of any marine mammal or marine mammal product; or

(b) Any person subject to the jurisdiction of the United States to possess any marine mammal taken in violation of the Act or these regulations, or to transport, sell, or offer for sale any such marine mammal or any marine mammal

product made from any such mammal.

(c) Any person subject to the jurisdiction of the United States to use in a commercial fishery, any means or method of fishing in contravention of regulations and limitations issued by the Secretary of Commerce for that fishery to achieve the purposes of this Act.

##### § 216.14 Proof of compliance.

In any case where any marine mammal or any marine mammal product, is offered for importation or entry, the importer may be required to show to the satisfaction of the Secretary whether the importation in question is in compliance with the requirements of the Act or regulations, the burden shall be on the importer to prove the identity of the marine mammal or marine mammal products or to show compliance with the regulations. Until such time as the importer can show compliance, the Director, National Marine Fisheries Service or the Supervisory Customs Inspector, may refuse to clear the marine mammal or the marine mammal product shipment for importation.

#### Subpart C—General Exceptions

##### § 216.21 Actions permitted by international treaty, convention, or agreement.

The Act and these regulations shall not apply to the extent that they are inconsistent with the provisions of any international treaty, convention or agreement, or any statute implementing the same relating to the taking or importation of marine mammals or marine mammal products, which was existing and in force prior to December 21, 1972, and to which the United States was a party. Specifically, the regulations in Subpart B of this part and the provisions of the Act shall not apply to activities carried out pursuant to the Interim Convention on the Conservation of North Pacific Fur Seals signed at Washington on February 9, 1957, and the Fur Seal Act of 1966, 16 U.S.C. 1151-1187, as in each case, from time to time amended.

##### § 216.22 Taking by State or local government officials.

(a) A State or local government official or employee may take a marine mammal in the normal course of his duties as an official or employee, and no permit shall be required, if such taking:

(1) Is accomplished in a humane manner;

(2) Is for the protection or welfare of such mammal or for the protection of the public health or welfare; and

(3) Includes steps designed to insure return of such mammal, if not killed in the course of such taking, to its natural habitat.

In addition, any such official or employee may, incidental to such taking, possess and transport, but not sell or offer for sale, such mammal and use any port, harbor, or other place under the jurisdiction of the United States. All steps reasonably practicable under the circumstances shall be taken by any such

employee or official to prevent injury or death to the marine mammal as the result of such taking. Where the marine mammal in question is injured or sick, it shall be permissible to place it in temporary captivity until such time as it is able to be returned to its natural habitat. It shall be permissible to dispose of a carcass of a marine mammal taken in accordance with this subsection whether the animal is dead at the time of taking or dies subsequent thereto.

(b) Each taking permitted under this Section shall be included in a written report to be submitted to the Secretary every six months beginning December 31, 1973. Unless otherwise permitted by the Secretary, the report shall contain a description of:

- (1) The animal involved;
- (2) The circumstances requiring the taking;
- (3) The method of taking;
- (4) The name and official position of the State official or employee involved;
- (5) The disposition of the animal, including in cases where the animal has been retained in captivity, a description of the place and means of confinement and the measures taken for its maintenance and care; and
- (6) Such other information as the Secretary may require.

#### § 216.23 Native exceptions.

(a) *Taking.* Notwithstanding the prohibitions of Subpart B of this Part 216, but subject to the restrictions contained in this section, any Indian, Aleut, or Eskimo who resides on the coast of the North Pacific Ocean or the Arctic Ocean may take any marine mammal without a permit, if such taking is:

- (1) By Alaskan Natives who reside in Alaska for subsistence, or
- (2) For purposes of creating and selling authentic native articles of handicraft and clothing, and
- (3) In each case, not accomplished in a wasteful manner.

#### (b) Restrictions.

(1) No marine mammal taken for subsistence may be sold or otherwise transferred to any person other than an Alaskan Native or delivered, carried, transported, or shipped in interstate or foreign commerce, unless:

(i) It is being sent by an Alaskan Native directly or through a registered agent to a tannery registered under subsection (c) of this section for the purpose of processing, and will be returned directly or through a registered agent to the Alaskan Native; or

(ii) It is an edible portion and it is sold in an Alaskan Native village or town.

(2) No marine mammal taken for purposes of creating and selling authentic native articles of handicraft and clothing may be sold or otherwise transferred to any person other than an Indian, Aleut or Eskimo, or delivered, carried, transported or shipped in interstate or foreign commerce, unless:

(i) It is being sent by an Indian, Aleut or Eskimo directly or through a registered agent to a tannery registered un-

der subsection (c) of this section for the purpose of processing, and will be returned directly or through a registered agent to the Indian, Aleut or Eskimo; or

(ii) It has first been transformed into an authentic native article of handicraft or clothing; or

(iii) It is an edible portion and sold (A) in an Alaskan Native village or town, or (B) to an Alaskan Native for his consumption.

(c) Any tannery, or person who wishes to act as an agent, within the jurisdiction of the United States may apply to the Director, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, for registration as a tannery or an agent which may possess and process marine mammal products for Indians, Aleuts, or Eskimos. The application shall include the following information:

- (i) The name and address of the applicant;
- (ii) A description of the applicant's procedures for receiving, storing, processing, and shipping materials;
- (iii) A proposal for a system of book-keeping and/or inventory segregation by which the applicant could maintain accurate records of marine mammals received from Indians, Aleuts, or Eskimos, pursuant to this section;
- (iv) Such other information as the Secretary may request;
- (v) A certification in the following language:

I hereby certify that the foregoing information is complete, true and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining the benefit of an exception under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or to penalties under the Marine Mammal Protection Act of 1972.

- (vi) the signature of the applicant.

The sufficiency of the application shall be determined by the Secretary, and in that connection, he may waive any requirement for information, or require any elaboration or further information deemed necessary. The registration of a tannery shall be subject to such conditions as the Secretary prescribes, which may include, but are not limited to, provisions regarding records, inventory segregation, reports, and inspection. The Secretary may charge a reasonable fee for processing such applications, including an appropriate apportionment of overhead and administrative expenses of the Department of Commerce.

(d) Notwithstanding the preceding provisions of this section, whenever, under the Act, the Secretary determines any species of stock of marine mammals to be depleted, he may prescribe regulations pursuant to section 103 of the Act upon the taking of such marine animals by any Indian, Aleut, or Eskimo and, after promulgation of such regulations, all takings of such marine mammals shall conform to such regulations.

#### § 216.24 Taking incidental to commercial fishing operations.

(a) Until October 21, 1974, marine mammals may be taken incidental to the course of commercial fishing operations, and no permit shall be required, so long as the taking constitutes an incidental catch. In any event, it shall be the immediate goal that the incidental kill or incidental serious injury of marine mammals permitted in the course of commercial fishing operations be reduced to insignificant levels approaching zero mortality and serious injury rate.

(b) In furtherance of the Secretary's research and development program under section 111 of the Act, the following regulations shall apply: Any duly authorized agents of the Secretary may from time to time, after timely oral or written notice to the vessel owner or charterer board and/or accompany commercial fishing vessels documented under the laws of the United States, whenever the Secretary determines that there is space available, on regular fishing trips, for the purpose of conducting research or observation operations. Such research and observation operations shall be carried out in such manner as to minimize interference with commercial fishing operations. No master, charterer, operator or owner of such vessel shall impair or in any way interfere with the research or observations being carried out. The Secretary shall provide for the payment of all reasonable costs directly related to the quartering and maintaining of such agents on board such vessels.

#### § 216.25 Exempted marine mammals and marine mammal products.

(a) The provisions of the Act and these regulations shall not apply:

- (1) To any marine mammal taken before December 21, 1972, or
- (2) To any marine mammal product if the marine mammal portion of such product consists solely of a marine mammal taken before such date.

(b) The prohibitions contained in § 216.12(c) (3) and (4) shall not apply to marine mammals or marine mammal products imported into the United States before the date on which a notice is published in the FEDERAL REGISTER with respect to the designation of the species or stock concerned as depleted or endangered.

(c) Section 216.12(b) shall not apply to articles imported into the United States before the effective date of the foreign law making the taking or sale, as the case may be, of such marine mammals or marine mammal products unlawful.

#### Subpart D—Special Exceptions

#### § 216.31 Scientific Research Permits and Public Display Permits.

(a) The Director may issue permits authorizing the taking and importation of marine mammals for scientific research. Any person desiring to obtain a scientific research or display permit may make application therefore to the Secretary. Such application shall be in writ-

ing, addressed to the Director, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, and shall contain the following information:

(1) The name, address, and phone number of the applicant;

(2) A statement of the purpose, date, location and manner of the taking or importation;

(3) A description of the marine mammal or the marine mammal product to be taken or imported, including the species or subspecies involved; the population stock, when known; the number of specimens or products (or the weight thereof, where appropriate); and the anticipated age, size, sex, and condition (i.e. whether pregnant or nursing) of the animals involved;

(4) If the marine mammal is to be taken and transported alive, or held for public display, a complete description of the manner of transportation, care, and maintenance, including the type, size, and construction of the container or artificial environment; arrangements for feeding and sanitation; a statement of the applicant's qualifications and previous experience in caring for and handling captive marine mammals and a like statement as to qualifications of any common carrier or agent to be employed by the applicant to transport the animal; and a written certification of a licensed veterinarian knowledgeable in the field of marine mammals that he has personally reviewed the arrangements for transporting and maintaining the animal and that in his opinion they are adequate to provide for the well-being of the animal;

(5) If the application is for a scientific research permit, a detailed description of the scientific research project or program in which the marine mammal or marine mammal product is to be used including a copy of the research proposal relating to such program or project and the names and addresses of the sponsor or cooperating institutions and the scientists involved;

(6) If the application is for a scientific research permit, and if the marine mammal proposed to be taken or imported is listed as an endangered species pursuant to the Endangered Species Act of 1969, 83 Stat. 275, 16 U.S.C. 668aa-668ee, P.L. 91-135, or has been designated by the Secretary as depleted, a detailed justification of the need for such a marine mammal, including a discussion of possible alternatives, whether or not under the control of the applicant;

(7) If the application is for a public display permit, a detailed description of the proposed use to which the marine mammal or marine mammal product is to be put, including the manner, location, and times of display, whether such display is for profit, an estimate of the numbers and types of persons who it is anticipated will benefit for such display, and whether and to what extent the display is connected with educational or scientific programs.

There shall also be included a complete description of the enterprise seek-

ing the display permit and its educational and scientific qualifications, if any;

Secretary may request:

(9) A certification in the following language:

I hereby certify that the foregoing information is complete, true and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining a permit under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or to penalties under the Marine Mammal Protection Act of 1972.

(10) Such application shall be signed by the applicant.

The sufficiency of the application shall be determined by the Secretary and in that connection, he may waive any requirement for information, or require any elaboration or further information deemed necessary.

(b) Upon receipt of an application for a scientific research permit or a public display permit, the Secretary shall forward the application to the Marine Mammal Commission together with a request for the recommendations of the Commission and the Committee of Scientific Advisors on Marine Mammals on the permit application. In order to comply with the time limits provided in these regulations, the Secretary shall request that such recommendation be submitted within 30 days of receipt of the application by the Commission. If the Commission or the Committee, as the case may be, does not respond within 30 days from the receipt of such application by the Commission, the Secretary shall advise the Commission in writing that failure to respond within 45 days from original receipt of the application (or such longer time as the Secretary may establish) shall be considered as a recommendation from the Commission and the Committee that the permit be issued. The Secretary may also consult with any other person, institution or agency concerning the application.

(c) Permits applied for under this section shall be issued, suspended, modified and revoked pursuant to regulations contained in § 216.34. In determining whether to issue a scientific research permit, the Secretary shall, among other criteria, consider whether the proposed taking or importation will be consistent with the policies and purposes of the Act; and whether the granting of the permit is required to further a bone fide and necessary or desirable scientific purpose, taking into account the benefits anticipated to be derived from the scientific research contemplated and the effect of the proposed taking or importation on the population stock and the marine ecosystem. In determining whether to issue a public display permit, the Secretary shall, among other criteria, consider whether the proposed taking or importation will be consistent with the policies and purposes of the Act; whether

a substantial public benefit will be gained from the display contemplated, taking into account the manner of the display and the anticipated audience on the one hand, and the effect of the proposed taking or importation on the population stocks of the marine mammal in question and the marine ecosystem on the other; and the applicant's qualifications for the proper care and maintenance of the marine mammal or the marine mammal product, and the adequacy of his facilities.

(d) Permits applied for under this section shall contain terms and conditions as the Secretary may deem appropriate, including:

(1) The number and kind of marine mammals which are authorized to be taken or imported;

(2) The location and manner in which such marine mammals may be taken or from which they may be imported;

(3) The period during which the permit is valid;

(4) The methods of transportation, care and maintenance to be used with live marine mammals;

(5) Any requirements for reports or rights of inspections with respect to any activities carried out pursuant to the permit;

(6) The transferability or assignability of the permit;

(7) The sale or other disposition of the marine mammal, its progeny or the marine mammal product; and

(8) A reasonable fee covering the costs of issuance of such permit, including an appropriate apportionment of overhead and administrative expenses of the Department of Commerce.

#### § 216.32 Undue economic hardship.

(a) Persons other than those engaged in commercial fishing operations referred to in § 216.24 may be exempted by the Secretary from the provisions of the Act through October 20, 1973, if the Secretary determines to his satisfaction, that such persons will suffer an undue economic hardship. Any person desiring to obtain an economic hardship exemption may make application to the Secretary, except that in the case of an application which involves scientific research or public display, such application will only be accepted if made by the person who will actually undertake such scientific research or public display. The application shall be in writing, addressed to the Director, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, and shall contain the following information:

(i) The information required by § 216.31(a) (1), (2), (3), (4), (8), (9), and (10);

(ii) A full statement of the facts, circumstances, and reasons why failure to grant an exemption under this section would lead to undue economic hardship together with all supporting documents including certified copies of all relevant corporate minutes and resolutions, contracts and agreements, financial commitments, and current and historical financial data. In particular, copies of all contracts, agreements, or other arrange-

ments entered into prior to the enactment of the Act necessitating the taking or importation of marine mammals or marine mammal products and documents showing the dollar amount of anticipated loss or economic hardship should be enclosed;

(iii) If the exemption sought relates to scientific research, a detailed description of the scientific research project or program in which the marine mammal or marine mammal product is to be used, including a copy of the research proposal relating to such program or project and the names and addresses of the sponsoring or cooperating institutions and the scientists involved;

(iv) If the exemption sought relates to scientific research, and if the marine mammal proposed to be taken or imported is listed as an endangered species pursuant to the Endangered Species Act of 1969, 83 Stat. 275, 16 U.S.C. 668aa-668ee, P.L. 91-135, or has been designated by the Secretary as depleted, a detailed justification of the need for such a marine mammal, including a discussion of possible alternatives, whether or not under the control of the applicant;

(v) If the exemption sought relates to public display, a detailed description of the proposed use to which the marine mammal or marine mammal product is to be put, including the manner, location, and times of display, whether such display is for profit, an estimate of the numbers and types of persons who it is anticipated will benefit from such display, and whether and to what extent the display is connected with educational or scientific programs. There shall also be included a complete description of the enterprise seeking the display permit and its educational and scientific, medical or governmental qualifications, if any.

The sufficiency of the application shall be determined by the Secretary and in that connection he may waive any requirement for information, or may require any elaboration or further information deemed necessary.

(b) In determining whether to issue an economic hardship exemption the Secretary shall consider among other criteria the following:

(1) The effect of granting the exemption on the species or populations stock in question and the marine ecosystem;

(2) The degree of economic hardship to be anticipated should the exemption not be granted;

(3) The economic and legal alternatives available to the applicant;

(4) The likelihood of the anticipated economic hardship; and

(5) Such of the criteria relative to the issuance of scientific research permits and/or public display permits as may be applicable to the application.

(c) Exemptions issued under this section shall contain such terms and conditions as the Secretary may deem appropriate, including—

(1) The number and kind of marine mammals which are authorized to be taken or imported;

(2) The location and manner in which such marine mammals may be taken or

from which they may be imported;

(3) The period during which the exemption is valid;

(4) The methods of transportation, care, and maintenance to be used with live marine mammals;

(5) Any requirements for reports or rights of inspections with respect to any activities carried out pursuant to the exemption;

(6) The transferability or assignability of the exemption;

(7) The sale or other disposition of the marine mammal, its progeny, or the marine mammal product; and

(8) A reasonable fee covering the costs of issuance of such exemption, including an appropriate apportionment of overhead and administrative expenses of the Department of Commerce. In cases of nonprofit research, this fee may be waived by the Director, National Marine Fisheries Service.

(d) Failure to observe any of the terms and conditions of the exemption shall be cause for the revocation, suspension, or modification of the exemption by the Secretary in his sole discretion and may subject the exemption holder to the penalties of the Act.

(e) In no event shall an exemption to take or import marine mammals or marine mammal products be granted pursuant to this section which continues in effect beyond midnight of October 20, 1973.

(f) The decision of the Secretary regarding the granting or denial of an exemption or the revocation, modification or suspension thereof, shall be final and binding. Upon taking any such action, the Secretary shall notify the applicant or the exemption holder, as the case may be, in writing as soon as practicable of such action. The Secretary may, at his discretion, hold hearings on any applicant's request for an exemption under this section.

#### § 216.33 Waivers of the moratorium. [Reserved]

#### § 216.34 Procedures for Issuance of Permits and Modification, Suspension or Revocation Thereof.

(a) Whenever application for a permit is received by the Secretary which the Secretary deems sufficient, he shall, as soon as practicable, publish a notice thereof in the FEDERAL REGISTER. Such notice shall set forth a summary of the information contained in such application. Any interested party may, within 30 days after the date of publication of such notice, submit to the Secretary his written data or views with respect to the taking or importation proposed in such application and may request a hearing in connection with the action to be taken thereon.

(b) If a request for a hearing is made within the 30-day period referred to in paragraph (a) of this section, or if the Secretary determines that a hearing would otherwise be advisable, the Secretary may, within 60 days after the date of publication of the notice referred to in paragraph (a) of this section, afford to such requesting party or parties an

opportunity for a hearing. Such hearing shall also be open to participation by any interested members of the public. Notice of the date, time, and place of such hearing shall be published in the FEDERAL REGISTER not less than 15 days in advance of such hearing. Any interested person may appear in person or through representatives at the hearing and may submit any relevant material, data, views, comments, arguments, or exhibits. A summary record of the hearing shall be kept.

(c) As soon as practicable but not later than 30 days after the close of the hearing (or if no hearing is held, as soon as practicable after the end of the 30 days succeeding publication of the notice referred to in paragraph (a) of this section) the Secretary shall issue or deny issuance of the permit. Notice of the decision of the Secretary shall be published in the FEDERAL REGISTER within 10 days after the date of the issuance or denial and indicate where copies of the permit, if issued, may be obtained.

(d) Any permit shall be subject to modification, suspension, or revocation by the Secretary in whole or in part in accordance with these regulations and the terms of such permits. The permittee shall be given written notice by registered mail, return receipt requested, of any proposed modification, suspension, or revocation. Such notice shall specify:

(1) The action proposed to be taken along with a summary of the reasons therefore; and

(2) The steps which the Permittee may take to demonstrate or achieve compliance with all lawful requirements;

(3) Shall advise the permittee that he is entitled to a hearing thereon, if a written request for such a hearing is received by the Secretary within 10 days after receipt of the aforesaid notice or such other date as may be specified in the notice by the permittee. The time and place for the hearing, if requested by the permittee, shall be determined by the Secretary and written notice thereof given to the permittee by registered mail, return receipt requested, not less than 15 days prior to the date of hearing specified. The Secretary may, in his discretion, allow participation at the hearing by interested members of the public. The permittee and others participating may submit all relevant material, data, views, comments, arguments, and exhibits at the hearing. A summary record shall be kept of any such hearing.

(e) The Secretary shall make a decision regarding the proposed modification, suspension, or revocation, as soon as practicable after the close of the hearing, or if no hearing is held, as soon as practicable after the close of the 10-day period during which a hearing could have been requested. Notice of the modification, suspension, or revocation shall be published in the FEDERAL REGISTER within 10 days from the date of the Secretary's decision. In no event shall the proposed action take effect until notice of the Secretary's decision is published in the FEDERAL REGISTER.

§ 216.35 Possession of permits.

(a) Any permit issued under these regulations must be in the possession of the person to whom it is issued (or an agent of such person) during:

(1) The time of the authorized taking or importation;

(2) The period of any transit of such person or agent which is incident to such taking or importation; and

(3) Any other time while any marine mammal taken or imported under such permit is in the possession of such person or agent.

(b) A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision, or care.

Subpart E—Designated Ports

§ 216.40 Importation at designated ports.

Any marine mammal or marine mammal product which is subject to the jurisdiction of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce and is intended for importation into the United States shall be subject to the provisions of 50 CFR Part 13.

For the information of importers, designated ports of entry for the United States are:

- New York, N.Y.
- Miami, Fla.
- Chicago, Ill.
- San Francisco, Calif.
- Los Angeles, Calif.
- New Orleans, La.
- Seattle, Wash.
- Honolulu, Ha.

additionally, marine mammals or marine mammal products which are entered into Alaska, Hawaii, Puerto Rico, Guam, American Samoa or the Virgin Islands and which are not to be forwarded or transhipped within the United States may be imported through the following ports:

- Hawaii—Honolulu
- Puerto Rico—San Juan
- Guam—Honolulu, Ha.
- American Samoa—Honolulu, Ha.
- Virgin Islands—San Juan, P.R.

Importers are advised to see 50 CFR Part 13 for importation requirements and information.

Subpart F—Penalties and Procedures for Their Assessment

§ 216.51 Penalties.

Any person who violates any provision of the Act or of any permit or regulation, including without limitation, conditions imposed by the Secretary with respect to the taking, importing, maintenance or transporting of marine mammals or marine mammal products, issued thereunder may be assessed a civil penalty by the Secretary of not more than \$10,000 for each violation. Each unlawful taking or importation shall be a separate offense.

§ 216.52 Notice of Proposed Assessment; Opportunity for Hearing.

(a) Prior to the assessment of a civil penalty pursuant to section 105(a) of the Act, a notice of proposed assessment issued by the Secretary shall be served personally or by registered or certified mail, return receipt requested, upon the person believed to be subject to a penalty (the respondent). The notice shall contain:

(1) A concise statement of the facts believed to show a violation;

(2) A specific reference to the provisions of the Act, regulations, or permit allegedly violated; and

(3) The amount of penalty proposed to be assessed.

The notice shall inform the respondent that he has 20 days from receipt of the notice in which to request a hearing or to waive it. The request or waiver shall be in writing and addressed to the Director, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235. The notice shall further inform the respondent that if he does not respond to the notice within the 20 days allowed, he shall be deemed to have waived his right to a hearing and to have consented to the making of an assessment without a hearing.

(b) With his request for a hearing or with his written waiver of a hearing, the respondent may submit objections to the proposed assessment. He may deny the existence of the violation or ask that no penalty be assessed or that the amount be reduced. The respondent must set forth in full all facts supporting his denial of the alleged violation or his request for relief.

§ 216.53 Waiver of Hearing; Assessment of Penalty.

(a) If a written waiver of a hearing is timely made, or if a hearing is deemed to have been waived as provided in § 216.52(a), the Secretary shall proceed either to make an assessment of a civil penalty or to rescind the proposed assessment, taking into consideration such showing as may have been made by respondent pursuant to § 216.52(b). Such action shall become the final administrative decision of the Secretary when rendered, and any civil penalty assessed shall be collected in accordance with § 216.62. Notice of such final decision shall be promptly sent to the respondent by registered or certified mail, return receipt requested.

(b) If, despite the waiver of a hearing, the Secretary believes that there are material facts at issue which cannot otherwise be satisfactorily resolved, he may refer the case to an administrative law judge as provided in § 216.54.

§ 216.54 Appointment of Administrative Law Judge and Agency Representative; Notice of Hearing.

(a) If a written request for a hearing has been timely made, or the Secretary determines, pursuant to § 216.53(b), that a hearing should be held, the case shall

be assigned to an administrative law judge appointed pursuant to 5 U.S.C. 3105. Written notice of the assignment shall promptly be given to the respondent, together with the name and address of the person who will present evidence on behalf of the Secretary at the hearing (the agency representative), and thereafter all pleadings and other documents shall be filed directly with the administrative law judge, with a copy served on the agency representative or the respondent as the case may be.

(b) The Secretary shall deliver to the administrative law judge a copy of the notice of proposed assessment, any response of the respondent thereto, and other materials deemed relevant to the case and shall furnish to the respondent a copy of any such materials not already in respondent's possession.

(c) The administrative law judge shall promptly cause to be served on the parties notice of the time and place of the hearing, which shall not be less than 10 days after service of the notice of hearing except in extraordinary circumstances.

§ 216.55 Failure to Appear; Official Transcript; Record for Decision.

(a) If the respondent fails to appear at the hearing, he will be deemed to have consented to a decision being rendered on the record made at the hearing.

(b) The Secretary shall provide the services of an official reporter who shall make the [only] official transcript of the proceedings. Copies of the official transcript may be obtained from the official reporter upon payment of the charges therefor.

(c) The transcript of testimony and exhibits, together with all papers and requests filed in the proceedings, shall constitute the exclusive record for decision.

§ 216.56 Duties and Powers of the Administrative Law Judge.

It shall be the duty of the administrative law judge to inquire fully into the facts as they relate to the matter before him. Upon assignment to him and before submission of the case, pursuant to § 216.60, to the Secretary, the administrative law judge shall have authority to

(1) Rule on offers of proof and receive relevant evidence;

(2) Take or cause depositions to be taken whenever the ends of justice would be served thereby;

(3) Regulate the course of the hearing and, if appropriate, exclude from the hearing persons who engage in misconduct, and strike all testimony of witnesses refusing to answer any questions ruled to be proper which are related to such questions;

(4) Hold conferences for the settlement or simplification of the issues by consent of the parties or upon his own motion;

(5) Dispose of procedural requests, motions or similar matters and order hearings reopened prior to issuance of

the administrative law judge's report and recommendations;

(6) Grant requests for appearance of witnesses or production of documents;

(7) Limit lines of questioning or testimony which are immaterial, irrelevant, or unduly repetitious;

(8) Examine and cross-examine witnesses and introduce into the record documentary or other evidence;

(9) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(10) Continue, at his discretion, the hearing from day-to-day, or adjourn it to a later date or to a different place;

(11) Take official notice of any matters not appearing in evidence in the record which are among the traditional matters of judicial notice; or of technical or scientific facts within the general or specialized knowledge of the Department of Commerce as an expert body; or of a document required to be filed with or published by a duly constituted Government body: *Provided*, That the parties shall be given notice, either during the hearing or by reference in the administrative law judge's decision, of the matters so noticed, and shall be given adequate opportunity to show the contrary;

(12) Prepare, serve, and submit his report and recommendations pursuant to § 216.60;

(13) Take any other action necessary and not prohibited by this section.

#### § 216.57 Appearance of the Respondent and the Agency Representative.

The respondent and the agency representative shall have the right to appear at such hearing in person, by counsel, or by other representative, to examine and cross-examine witnesses to the extent required for a full and true disclosure of the facts, to conduct oral argument at the close of testimony and to introduce into the record relevant documentary or other evidence, except that the participation of either party shall be limited to the extent prescribed by the administrative law judge.

#### § 216.58 Evidence.

All evidence which is relevant, material, reliable, and probative, and not unduly repetitious or cumulative, shall be admissible in the hearing.

#### § 216.59 Filing of briefs.

The respondent and the agency representative may submit a brief to the administrative law judge. The original and one copy of such brief shall be filed within 7 days after the close of the hearing, except that the administrative law judge may, for good cause, grant an extension of such time for filing.

#### § 216.60 Decisions.

(a) After the close of the hearing and the receipt of briefs, if any, the administrative law judge shall expeditiously prepare an initial decision. The initial decision shall contain findings of fact, conclusions, and the reasons or basis therefor, upon the material issues presented,

and shall specifically find whether the respondent committed the violations alleged and, if so, the amount of the civil penalty to be assessed.

(b) The administrative law judge shall cause his initial decision to be served on the respondent and the agency representative within 20 days after the close of the hearing or the receipt of all briefs, whichever is later, and shall forthwith transfer the record in the case to the Secretary.

(c) Within 10 days of receipt of the initial decision of the administrative law judge, either the respondent or the agency representative may file with the Secretary an appeal of the initial decision. If no appeal is received within such period, the initial decision shall become the final administrative decision of the Secretary. If an appeal is received within such period, the Secretary shall render a final decision after considering the record and the appeal. Notice of an appeal by either party shall be promptly given in writing to the other party and notice of the Secretary's final decision upon appeal shall be promptly given in writing to both parties.

#### § 216.61 Remission or mitigation.

For good cause shown, the Secretary may at any time remit or mitigate the assessment of a civil penalty made under the provisions of these regulations.

#### § 216.62 Payment of penalty.

The respondent shall have 15 days from receipt of the final assessment decision within which to pay the penalty assessed. Upon a failure to pay the penalty, the Secretary may request the Attorney General to institute a civil action in the appropriate United States District Court to collect the penalty.

#### § 216.63 Forfeiture and return of seized property.

(a) Whenever any cargo or marine mammal or marine mammal product has been seized pursuant to 107 of the Act, the Secretary shall expedite any proceedings commenced under these regulations.

(b) Whenever a civil penalty has been assessed by the Secretary under these regulations, any cargo, marine mammal, or marine mammal product seized pursuant to 107 of the Act shall be subject to forfeiture. If respondent voluntarily forfeits any such seized property or the monetary value thereof without court proceedings, the Secretary may apply the value thereof, if any, as determined by the Secretary, toward payment of the civil penalty.

(c) Whenever a civil penalty has been assessed under these regulations, and whether or not such penalty has been paid, the Secretary may request the Attorney General to institute a civil action in an appropriate United States District Court to compel forfeiture of such seized property or the monetary value thereof to the Secretary for disposition by him in such manner as he deems appropriate. If no judicial action to compel forfeiture is commenced within

30 days after final decision-making assessment of a civil penalty, pursuant to § 216.60, such seized property shall immediately be returned to the respondent.

(d) If the final decision of the Secretary under these regulations is that respondent has committed no violation of the Act or of any permit or regulations issued thereunder, any marine mammal, marine mammal product, or other cargo seized from respondent in connection with the proceedings under these regulations, or the bond or other monetary value substituted therefor, shall immediately be returned to the respondent.

(e) If the Attorney General commences criminal proceedings pursuant to section 105(b) of the Act, and such proceedings result in a finding that the person accused is not guilty of a criminal violation of the Act, the Secretary may institute proceedings for the assessment of a civil penalty under this part: *Provided*, That if no such civil penalty proceedings have been commenced by the Secretary within 30 days following the final disposition of the criminal case, any property seized pursuant to section 107 of the Act shall be returned to the respondent.

(f) If any seized property is to be returned to the respondent, the Regional Director shall issue a letter authorizing such return. This letter shall be dispatched to the respondent by registered mail, return receipt requested, and shall identify the respondent, the seized property, and, if appropriate, the bailee of the seized property. It shall also provide that upon presentation of the letter and proper identification, the seized property is authorized to be released. All charges for storage, care, or handling of the seized property accruing 5 days or more after the date of the return receipt shall be for the account of the respondent: *Provided*, That if it is the final decision of the Secretary under these regulations that the respondent has committed the alleged violation, all charges which have accrued for the storage, care, or handling of the seized property shall be for the account of the respondent.

#### § 216.64 Holding and Bonding.

(a) Any marine mammal, marine mammal product, or other cargo seized pursuant to section 107 of the Act shall be delivered to the appropriate Regional Director of the National Marine Fisheries Service (see § 201.2 of this title) or his designee, who shall either hold such seized property or arrange for the proper handling and care of such seized property.

(b) Any arrangement for the handling and care of seized property shall be in writing and shall state the compensation to be paid. The Regional Director of the National Marine Fisheries Service, or his designee, shall attempt immediately to notify the respondent by telephone, but in any case shall, within 48 hours of the receipt of the seized property, dispatch notice thereof by registered or certified mail, return receipt requested,



to the respondent. Such notice shall describe the property seized, including its declared value, and state the time, place, and reason for the seizure. Such notice shall also give the name and telephone number of a person in the Regional Director's Office who may be contacted regarding such seized property.

(c) The Regional Director of the National Marine Fisheries Service, upon written request of the respondent, may permit the respondent to post a bond or other surety satisfactory to the Regional Director, in lieu of the seized property: *Provided*, That posting of bond or other surety will not be permitted in the case of a living marine mammal seized under the Act. Such bond or other surety shall be in the amount of \$10,000 for each alleged violation, as determined by the Regional Director, or an amount equal to the value of the seized property, whichever is greater. Such posting of bond or other surety will not be permitted unless the Regional Director is convinced that the respondent intends to maintain possession or control of the seized property until all proceedings regarding the seized property are completed; or unless the Regional Director is convinced that release of the seized property will not adversely interfere with such proceedings or with the purposes of the Act.

#### § 216.65 Enforcement Officers.

Enforcement Agents of the National Marine Fisheries Service shall enforce the provisions of the Act and may take any actions authorized by the Act with respect to enforcement. In addition, the Secretary may utilize, by agreement, the personnel, services, and facilities of any other Federal Agency for the purposes of enforcing this Act. Pursuant to the terms of section 107(b) of the Act, the Secretary may also designate officers and employees of any State or of any possession of the United States to enforce the provisions of this Act.

Dated: August 13, 1973.

ROBERT W. SCHONING,  
Director, National Marine  
Fisheries Service.

[FR Doc.73-17013 Filed 8-15-73; 8:45 am]

## DEPARTMENT OF LABOR

Occupational Safety and Health  
Administration

[ 29 CFR Parts 1910, 1927 ]

### EMERGENCY TEMPORARY STANDARD FOR CERTAIN CARCINOGENS

#### Amended Notice of Proposed Rulemaking

On May 3, 1973, an emergency temporary standard on certain carcinogens was published in the Federal Register (38 FR 10929). In accordance with section 6(c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655), a notice of proposed rulemaking was published in the July 16, 1973, issue of the FEDERAL REGISTER (38 FR 18900). The notice proposed (1) the

adoption of the emergency temporary standard on certain carcinogens as a "permanent" standard; (2) the adoption of supplementary rules the substance of which was described; and (3) the adoption of a new Part 1927 on permits for the use of carcinogens. The notice also included an invitation to interested persons to participate in the rulemaking in writing and orally at a hearing scheduled for September 11, 1973.

On July 27, 1973, a revision of the May 3, 1973, emergency temporary standard on the carcinogens involved was published in the FEDERAL REGISTER (38 FR 20074). Accordingly, pursuant to sections 6(b) and (c) of the Williams-Steiger Occupational Safety and Health Act of 1970, the July 16, 1973, notice of proposed rulemaking is amended as follows:

(1) The proposal to adopt 29 CFR 1910.93c, reading as set forth at pages 18901-18902 of the July 16 issue of the FEDERAL REGISTER, is withdrawn. In lieu thereof, it is proposed to adopt 29 CFR 1910.93c as revised on July 27, 1973, and reading as set forth at pages 20074-20076 of the July 27 issue of the FEDERAL REGISTER; and

(2) The informal hearing scheduled for September 11, 1973, will be held in Hearing Room B of the Interstate Commerce Commission, 12th Street and Constitution Avenue, NW., Washington, D.C.

The remaining proposals and terms of the July 16 notice are unchanged, except that references to § 1910.93c shall be deemed to be to § 1910.93c as revised.

Signed at Washington, D.C. this 13th day of August, 1973.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc.73-17090 Filed 8-15-73; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[ 45 CFR Part 205 ]

### PUBLIC ASSISTANCE PROGRAMS

#### Safeguarding Information

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations implement provisions of section 413 of Public Law 92-603 (Social Security Amendments of 1972) which provides for release of case information (adult categories only) to public officials for their purposes.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201, on or before September 17, 1973. Comments received will be available for public inspection in Room 5121

of the Department's offices at 330 C Street, S.W., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202-963-7361).

(Sec. 1102, 49 Stat. 647; 42 U.S.C. 1302)

Dated: June 14, 1973.

FRANCIS D. DEGEORGE,  
Acting Administrator, Social  
and Rehabilitation Service.

Approved: August 6, 1973.

CASPER W. WEINBERGER,  
Secretary.

Section 205.50(a) of Part 205, Chapter II, Title 45 of the Code of Federal Regulations is revised to read as set forth below:

#### § 205.50 Safeguarding information.

(a) *State plan requirements.* A State plan under Title I, IV-A, X, XIV, XVI, or XIX of the Social Security Act, except as provided in paragraph (b) of this section, must meet the requirements specified below:

(1) Pursuant to State statute which imposes legal sanctions:

(i) Provide safeguards which permit the use or disclosure of information concerning applicants or recipients only for purposes directly connected with the administration of the State plan except as provided in paragraph (a)(6) of this section;

(ii) Provide that the State agency has authority to implement and enforce the provisions for safeguarding information about applicants and recipients; and

(iii) Provide that publication of lists or names of applicants and recipients shall be prohibited.

(2) The agency shall publicize provisions governing the confidential nature of information about applicants and recipients, including the legal sanctions imposed for improper disclosure and use, and shall make such provisions available to applicants and recipients and to other persons and agencies to whom information is disclosed.

(3) The agency shall inform applicants and recipients that information may be disclosed to public officials who require it in connection with their official duties as provided in paragraph (a)(6) of this section or to other persons for purposes directly connected with the administration of the State plan.

(4) All materials sent or distributed to applicants, recipients, or medical vendors, including material enclosed in envelopes containing checks, shall be limited to those which are directly related to the administration of the program and do not have political implications. Under this requirement:

(i) Specifically excluded from mailing or distribution are materials such as "holiday" greetings, general public announcements, voting information, alien registration notices;

(ii) Not prohibited from such mailing or distribution are materials in the immediate interest of the health and wel-

fare of applicants and recipients, such as announcements of free medical examinations, availability of surplus food, and consumer protection information;

(iii) Only the names of persons directly connected with the administration of the program are contained in material sent or distributed to applicants, recipients, and vendors, and such persons are identified only in their official capacity with the State or local agency.

(5) The agency shall have clearly defined criteria which govern the types of information that are safeguarded and the conditions under which such information may be released or used. Under this requirement:

(i) Types of information to be safeguarded include but are not limited to:

(a) The names and addresses of applicants and recipients and amounts of assistance provided (unless excepted under paragraph (b) of this section);

(b) Information related to the social and economic conditions or circumstances of a particular individual;

(c) Agency evaluation of information about a particular individual;

(d) Medical data, including diagnosis and past history of disease or disability, concerning a particular individual.

(ii) The release or use of information concerning individuals applying for or receiving financial or medical assistance is restricted to persons or agency representatives who are subject to standards of confidentiality which are comparable to those of the agency administering the financial and medical assistance programs.

(iii) In the event of the issuance of a subpoena for the case record or for any agency representative to testify concerning an applicant or recipient, the court's attention is called, through proper channels to the statutory provisions and the policies or rules and regulations against disclosure of information. Release of information pursuant to a subpoena for the case record or for any agency representative to testify concerning an applicant or recipient in judicial proceedings related to welfare fraud, child support, child custody, conservatorship, guardianship, dependency and appropriate juvenile court matters is directly connected with the administration of the State plan.

(iv) The same policies are applied to requests for information from a governmental authority, the courts, or a law enforcement official as from any other outside source.

(v) Sharing information concerning applicants or recipients with other public or private agencies when the agencies are assisting the State or local agency in determination and verification of eligibility or related matters is directly connected with the administration of the State plan. Such agencies shall not use shared information for any purpose not directly connected with the administration of the State plan.

(6) Applicable to titles I, X, XIV, and XVI only:

(i) Pursuant to State statute which imposes legal sanctions, provide safe-

guards which permit the use or disclosure of information concerning applicants or recipients to public officials who require such information in connection with their official duties;

(ii) Require, as a condition for the disclosure of such information, a written statement by the public official or his designee, specifying the information requested and certifying that the information is required for, and shall be used only in connection with, the performance of his official duties. The statement shall further specify that such information shall not be disclosed to other parties except in connection with the official duties for which the public official was initially provided the information. The use by others of information obtained from the agency is subject to the conditions of the original disclosure. Employees of public agencies who are designated by a public official to request information of the welfare agency must be employed at the level of supervisory or executive staff;

(iii) Provide that the disclosure of information shall in each instance be specifically authorized by the director of the agency or his designee, who must be at the level of supervisory or executive staff. The agency shall not obtain additional information on behalf of the requesting public officials. Location, compilation, and furnishing of information already in the agency's possession remain the responsibility of the agency. The agency may charge a reasonable fee to defray its costs of locating, compiling, and transmitting requested information;

(iv) Provide that the agency shall not disclose to any person, including public officials, information obtained from the Social Security Administration which is subject to limitations imposed pursuant to section 1106 of the Social Security Act and by regulations issued pursuant thereto, unless specifically authorized to the contrary by the Social Security Administration; and

(v) Provide that the agency shall maintain a record of the circumstances under which disclosures are made.

[FR Doc.73-16774 Filed 8-15-73;8:45 am]

## FEDERAL POWER COMMISSION

[ 18 CFR 141 ]

[Docket No. RM74-2]

### STORAGE CAPACITY AND FUEL STORED Monthly Report

AUGUST 6, 1973.

Take notice that, pursuant to 5 U.S.C. § 553 and sections 202, 301, 304(a), 309 and 311 of the Federal Power Act, the Commission proposes to issue a new FPC Form No. 423-Storage, Monthly Report of Fuel Storage Capacity and Fuel Stored, to be designated in 18 CFR § 141.61, prescribing the collection of data on fuel storage capacity and the actual amount of fuel stored on a monthly basis from each steam, gas turbine and internal combustion engine plant of electric utilities subject to Commission jurisdiction. While the information sought

by means of the instant proposal relates to matters separate and distinct from fuel cost and quality data which is the concern of FPC Form No. 423, the Commission in the exercise of its supervisory jurisdiction under the Federal Power Act has chosen to use the reporting criteria under FPC Form No. 423 as a convenient guideline and the monthly filing requirement as an amenable vehicle for the elicitation of this information.

As presently constituted, FPC Form No. 423 requires that a separate form be completed by each electric power producer for each of its steam electric generating plants having a capacity of 25 megawatts or more during the reporting month. The completed form is due on the 45th day after the close of the reference month.<sup>1</sup> On July 19, 1973, the Commission issued a Notice of Proposed Rulemaking in Docket No. R-432(A), which proposes to amend FPC Form No. 423 to expand the types of generating plants of electric utilities subject to the reporting requirements therein to include gas turbine and internal combustion engine plants in addition to the steam generating plants presently required to report. The instant proposal is designed to conform with the scope of the proposed amendment of FPC Form No. 423. The proposal in this Docket will require that all steam, gas turbine and internal combustion engine generating plants of jurisdictional electric utilities file monthly, as an adjunct to their filing of FPC Form No. 423, a copy of proposed FPC Form No. 423-STORAGE.

The general statutory mandate of the Federal Power Commission conveys responsibility to insure the reliability of electric power generation in the United States. In order to effectively supervise both independent and interconnected systems reliability the Commission believes that information on fuel storage capacity at each electric utility generating facility and information with regard to fuel which is in fact in storage at these facilities will provide a basis for a more accurate evaluation of both regional and

<sup>1</sup> On June 7, 1972, the Commission issued Order No. 453 in Docket No. R-432 enacting the new 18 CFR § 141.61 and FPC Form 423. On August 3, 1972, the Commission issued an order denying the application for rehearing in Docket No. R-432 made by the National Coal Association. This denial was appealed to the United States Circuit Court of Appeals for the District of Columbia, National Coal Association v. Federal Power Commission, No. 72-1919, D.C. Cir., filed October 2, 1972. The parties to this appeal filed, on May 14, 1973, a joint motion to withdraw the above appeal, which was approved by the Court *nunc pro tunc*. Subsequently, on the application of Alabama Power Company and other electric utilities, the Commission, on March 2, 1973, issued Order Denying Petition for Amendment of the Commission's regulations with Respect to Form No. 423, in Docket No. R-432. An Order Denying Rehearing in this matter was issued on April 16, 1973, and this denial has been appealed to the Circuit Court of Appeals for the District of Columbia, Alabama Power Company, et al. v. Federal Power Commission, No. 73-1436, D.C. Cir. filed April 25, 1973.

nationwide preparedness with respect to electric power generation. The information proposed to be garnered will also aid in an effective determination on a month-by-month and plant-by-plant basis of each plant's preparedness to meet its generation commitments.

The format of this proposed FPC Form No. 423-STORAGE and the specific information required to be disclosed are set forth in Attachment A.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than August 31, 1973, data, views, comments or suggestions in writing concerning all or part of the amendment proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, NE, Room 1000, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein pro-

posed. An original and 14 conformed copies should be filed with the Secretary of the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed amendment to FPC Form No. 423, pursuant to 44 U.S.C. §§ 3501-3511, may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Policy, Office of Management and Budget, Washington, D.C. 20503. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed amendment. The staff, in its discretion, may grant or deny requests for conference.

By direction of the Commission.

MARY B. KIDD,  
Acting Secretary.

Docket No. B-74-2

ATTACHMENT A

MONTHLY REPORT OF FUEL STORAGE CAPACITY AND FUEL STORED							
1. Supply-Plant code		2. REPORT MONTH	3. Year	4. Reporting company			5. Page number
LINE NO.	FUEL	1000 GALS.	1000 TONS	WATER	WATER	WATER	1000 GALS. OF GAS EQUIVALENT
	(1)	(2)	(3)	NO. 6 (4)	STEAM (5)	STEAM (6)	(7)
1	Maximum available storage capacity—						
2	Quantity in storage at end of reporting month						
3	Normal desired quantity for this time of year (based on past three year averages)						
4	Does this plant receive fuel from a common tank farm or fuel storage area?						
5	If answer to line 4 is yes, list the last four digits of the company-plant code of all plants in your system which receive fuel from this common tank farm or storage area.						
6	If this plant receives fuel from a common tank farm or fuel storage area, list for all plants in the system 2 fuel inventories with one plant only. Show only the last four digits of the plant-code of the plant where this data is reported.						
INSTRUCTIONS: Specities and quantities should be given to the nearest 0.1 in the units specified							
REMARKS							

FPC Form 423 (1-73)

[FR Doc.73-16889 Filed 8-15-73; 8:45 am]

**DEPARTMENT OF THE INTERIOR**  
Fish and Wildlife Service  
[ 50 CFR Part 18 ]  
**MARINE MAMMALS**  
Notice of Proposed Rulemaking

Regulations were published in the FEDERAL REGISTER of December 21, 1972 (37 FR 28173-28177) to implement the Marine Mammal Protection Act of 1972 (86 Stat. 1027). Although these were final rules, comments, suggestions and objections were invited for a sixty day period until February 21, 1973. Twenty-seven comments were received.

It is proposed to amend the regulations to: (i) Reflect comments received, (ii) correct certain technical errors, and

omissions, and (iii) set forth in full, Subpart D—(a) Scientific Research and Public Display Permits, (b) Undue Economic Hardship Exemptions, (c) Procedures for Issuance of Permits, and revocation of Permits.

As a result of continuing consultation with interested parties, including representatives of the U.S. Department of Commerce, (which has jurisdiction over the other marine mammals—seals, sea lions, porpoises and whales), the rules published on December 21, 1972 (37 FR 28173-28177) have been reworded for clarity and for purposes of uniformity. The regulations of the two Departments will now be virtually identical in format and substance.

The procedures to be followed in the assessment of civil penalties will be contained in Part 11 (§§ 11.11 through 11.24) of this subchapter, which will be applicable to the assessment of civil penalties under this Part 18 when the revision of subchapter B, which was proposed in 38 FR 10208 on April 25, 1973, becomes effective.

Comments were received in the following categories: (1) The exemption for Indians, Aleuts and Eskimos—many comments objected to the disallowance of sewing machines in making authentic native handicrafts and clothing; (2) Definition of Pregnant—several comments urged the adoption of the Department of Commerce definition; and (3) several comments requested that § 18.22 be amended to require reports from local governments.

The Comments received and the continuing consultations have resulted in the following changes:

1. Section 18.2—Deletes reference to "other marine mammals and marine mammal products". This has been replaced by listing those families under Department of Commerce jurisdiction.

2. Section 18.3—Authentic native articles of handicraft—Deletes reference to sewing machines as an example of modern implements.

Commercial fishing operation—Adds definition.

Incidental catch—Clarifies the definition and inserts the word "fishing" between commercial and operations in last line.

Marine Mammal—Clarifies the definition and deletes reference to sub-specific names.

Native village or town—New wording to conform with Department of Commerce definition.

Take—Deletes the sentence appearing after the colon and replaces it with new language.

3. Section 18.4—Makes reference to both (a) Federal and (b) State laws.

4. Section 18.14—Adds a new section requiring the importer to show the identity of marine mammal or marine mammal product being imported.

5. Section 18.21—New addition which identifies the specific convention which is considered to be referred to in the statutory exception.

6. Section 18.22(b)—Renumbered subsection (a) and added a new subsection (b) requiring submission of a written report every six months.

7. Section 18.23(c)—Adds a new section which provides for a tannery and other persons to act as registered agents for processing and possession of marine mammal products for Indians, Aleuts or Eskimos.

8. Section 18.24—Rewritten for clarity by inserting after Secretary of Commerce, the sentence "However, any marine mammal taken as an incidental catch may not be retained."

9. Subpart D—§ 18.31—Scientific Research and Public Display Permits, has been drafted to conform with Department of Commerce § 216.31. General information and certification require-

ments required in the permit application are contained in 50 CFR 12.12(a).

10. *Section 18.32*—Undue economic hardship exemption renumbered as scientific research and public display sections have been combined.

11. *Section 18.33*—Waiver of the Moratorium [Reserved]—Renumbered.

12. *Section 18.34*—New section on Procedures for issuance of permits and modification, suspension or revocation conforms with Department of Commerce, § 216.34.

#### Subpart A—Introduction

- Sec.  
18.1 Purpose of regulations.  
18.2 Scope of regulations.  
18.3 Definitions.  
18.4 Other laws and regulations.

#### Subpart B—Prohibitions

- 18.11 Prohibited taking.  
18.12 Prohibited importation.  
18.13 Prohibited uses, possession, transportation, and sales.  
18.14 Proof of compliance.

#### Subpart C—General Exceptions

- 18.21 Actions permitted by international treaty, convention, or agreement.  
18.22 Taking by State or local government officials.  
18.23 Native exceptions.  
18.24 Taking incidental to commercial fishing operations.  
18.25 Exempted marine mammals or marine mammal products.

#### Subpart D—Special Exceptions

- 18.31 Scientific research permits, and Public display permits.  
18.32 Undue economic hardship.  
18.33 Waiver of the Moratorium [Reserved].  
18.34 Procedures for issuance of permits and modification, suspension, or revocation thereof.

#### Subpart E—Depleted Species or Stocks [Reserved]

**AUTHORITY:** Marine Mammal Protection Act of 1972, 86 Stat. 1027, 16 U.S.C. 1361-1407, Public Law 92-522.

#### Subpart A—Introduction

##### § 18.1 Purpose of regulations.

The regulations contained in this part implement the Marine Mammal Protection Act of 1972, 86 Stat. 1027, 16 U.S.C. 1361-1407, Public Law 92-522, which among other things, restricts the taking, possession, transportation, selling, offering for sale, and importing of marine mammals.

##### § 18.2 Scope of regulations.

This Part 18 applies solely to marine mammals and marine mammal products as defined in § 18.3. For regulations under the Act with respect to cetacea (whales and porpoises), pinnipedia, other than walrus (seals and sea lions), see 50 CFR Part 216.

##### § 18.3 Definitions.

In addition to definitions contained in the Act and in Part 10 of this subchapter, and unless the context otherwise requires, in this Part 18:

"Act" means the Marine Mammal Protection Act of 1972, 86 Stat. 1027, 16 U.S.C. 1361-1407; Public Law 92-522.

"Alaskan Native" means a person defined in the Alaska Native Claims Settlement Act [43 U.S.C. section 1603(b) (85 Stat. 588)] as a citizen of the United States who is of one-fourth degree or more Alaska Indian (including Tsimshian Indians enrolled or not enrolled in the Metlakla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native, as so defined, either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or town of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any Native village or Native town. Any citizen enrolled by the Secretary pursuant to section 5 of the Alaska Native Claims Settlement Act shall be conclusively presumed to be an Alaskan Native for purposes of this part.

"Authentic native articles of handicrafts and clothing" means items made by an Indian, Aleut, or Eskimo which (a) were commonly produced on or before December 21, 1972, and (b) are composed wholly or in some significant respect of natural materials, and (c) are significantly altered from their natural form and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass copying devices. Improved methods of production utilizing modern implements such as sewing machines or modern techniques at a tannery registered pursuant to § 18.23(c) may be used so long as no large scale mass production industry results. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting. The formation of traditional native groups, such as cooperatives, is permitted so long as no large scale mass production results.

"Commercial fishing operation" means the lawful harvesting of fish from the marine environment for profit as part of an on-going business enterprise. Such term shall not include sport fishing activities whether or not carried out by charter boat or otherwise, and whether or not the fish so caught are subsequently sold.

"Endangered species" means a species or subspecies of marine mammal listed pursuant to the Endangered Species Conservation Act of 1969 (See Part 17 of this subchapter).

"Incidental catch" means the taking of a marine mammal (a) because it is directly interfering with commercial fishing operations, or (b) as a consequence of the steps used to secure the fish in connection with commercial fishing operations: *Provided, however*, That a marine mammal so taken must immediately be returned to the sea with a minimum of injury; and *Provided, further*, That the taking of a marine mammal which otherwise meets the requirements of this definition shall not be considered as in-

cidental catch of that mammal if it is used subsequently to assist in commercial fishing operations.

"Marine mammal" means specimens of the following species, whether alive or dead, and any part thereof, including but not limited to, any raw, dressed, or dyed fur or skin:

Scientific name:	Common name
<i>Ursus maritimus</i> .....	Polar Bear.
<i>Enhydra lutris</i> .....	Sea Otter.
<i>Odobenus rosmarus</i> .....	Walrus.
<i>Dugong dugong</i> .....	Dugong.
<i>Trichechus manatus</i> .....	West African manatee.
<i>Trichechus inunguis</i> .....	West Indian manatee.
<i>Trichechus senegalensis</i> ...	Amazonian manatee.

**NOTE:** Common names given may be at variance with local usage, they are not required to be provided by the Act, and they have no legal significance.

"Native village or town" means any community, association, tribe, band, clan, or group.

"Pregnant" means pregnant near term.

"Subsistence" means the use by Alaskan Natives of marine mammals taken by Alaskan Natives for food, clothing, shelter, heating, transportation, and other uses necessary to maintain the life of the taker or for those who depend upon the taker to provide them with such subsistence.

"Take" means to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal, including, without limitation, any of the following: The collection of dead animals or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal; or the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional acts which results in the disturbing or molesting of a marine mammal.

"Wasteful manner" means any taking or method of taking which is likely to result in the killing or injuring of marine mammals beyond those needed for subsistence purposes or for the making of authentic native articles of handicrafts and clothing or which results in the waste of a substantial portion of the marine mammal and includes without limitation the employment of a method of taking which is not likely to assure the capture or killing of a marine mammal, or which is not immediately followed by a reasonable effort to retrieve the marine mammal.

##### § 18.4 Other laws and regulations.

(a) (See 50 CFR 10.2 in regards to other Federal laws and regulations).

(b) Section 109 of the Act provides that on or after December 21, 1972, no State may adopt any law or regulation, or enforce any existing law or regulation, which relates to the taking of marine mammals or which in effect nullifies an exemption or exception created by the Act, unless such laws or regulations have been previously reviewed by the Secretary and determined by him to be consistent with the provisions of the Act and

the regulations in this part. In no event, however, will the Secretary approve any State laws or regulations which:

(1) Purport to authorize a State to issue permits in situations which would require a Federal permit under the Act, unless and until appropriate Federal regulations have been issued under section 103 of the Act, and where appropriate, the Secretary has waived the moratorium on such taking or importation under section 101(a)(3) of the Act; or

(2) Purport to authorize a State to issue permits for scientific research or for public display (except that a State may, under authority of a general scientific research permit granted by the Secretary to it, assign individual scientific research permits to State employees or representatives of State universities or other State agencies, subject to the provisions of the general permit); or

(3) Purport to authorize the State to grant exemptions from the Act on the grounds of economic hardship under § 18.32.

(c) Any State may obtain a review and determination of its existing laws and regulations from the Secretary by submitting a written request to that effect to the Director accompanied by the following documents, unless otherwise specified by the Secretary:

(1) A complete set of laws and regulations to be reviewed, certified as complete, true and correct, by the appropriate State official;

(2) A scientific description by species and population stock of the marine mammals to be subjected to such laws and regulations;

(3) A description of the organization, staffing and funding for the administration and enforcement of the laws and regulations to be reviewed;

(4) A description, where such laws and regulations provide for discretionary authority on the part of State officials to issue permits, of the procedures to be used in granting or withholding such permits and otherwise enforcing such laws; and

(5) Such other materials and information as the Secretary may request or which the State may deem necessary or advisable to demonstrate the compatibility of such laws and regulations with the policy and purposes of the Act and the rules and regulations issued thereunder.

(d) In making a determination with respect to any State laws and regulations, the Secretary shall take into account:

(1) Whether such laws and regulations are consistent with the purpose and policies of the Act and the rules and regulations issued thereunder;

(2) The extent to which such laws and regulations are consistent with, or constitute an integrated management or protection program with, the laws and regulations of other jurisdictions whose activities may affect the same species or stocks or marine mammals; and

(3) The existence of or preparations for an overall State program regarding the protection and management of marine mammals to which the laws and regulations under review relate.

(e) (1) To assist States in preparing laws and regulations relating to marine mammals, the Secretary will also, at the written request of any State, make a preliminary review of any such proposed laws or regulations. Such review will be strictly advisory in nature and shall not be binding upon the Secretary. Upon adoption of previously reviewed laws and regulations, the same shall be subject to a complete review for a final determination pursuant to these regulations. To be considered for preliminary review, all legislative and regulatory proposals must be forwarded to the Director and certified by the appropriate State official. In addition, they shall be accompanied to the extent available with the same materials required under paragraph (b) of this section, unless otherwise provided by the Secretary.

(2) All determinations by the Secretary (other than as a result of preliminary reviews of proposed laws and regulations) shall be final.

(f) The implementation and enforcement of all State laws and regulations previously approved by the Secretary pursuant to this section shall be subject to continuous monitoring and review by the Secretary pursuant to such rules and regulations as he may adopt. Any modifications, amendments, deletions or additions to laws or regulations previously approved shall be deemed to be new laws and regulations for the purposes of these regulations and shall require review and approval by the Secretary before their adoption.

(g) Notwithstanding the foregoing, nothing herein shall prevent (1) the taking of a marine mammal by a State or local government official pursuant to § 18.22 of the regulations in this part, or (2) the adoption or enforcement of any law or regulation relating to any marine mammal taken or imported prior to the effective date of the Act.

#### Subpart B—Prohibitions

##### § 18.11 Prohibited taking.

Except as otherwise provided in Subparts C and D of this Part 18, it is unlawful for:

(a) Any person, vessel, or conveyance subject to the jurisdiction of the United States to take any marine mammal on the high seas, or

(b) Any person, vessel, or conveyance to take any marine mammal in waters or on lands under the jurisdiction of the United States.

##### § 18.12 Prohibited importation.

(a) Except as otherwise provided in Subparts C and D of this Part 18, it is unlawful for any person to import any marine mammal or marine mammal product into the United States.

(b) Regardless of whether an importation is otherwise authorized pursuant to Subparts C and D of this Part 18, it is unlawful for any person to import into the United States any:

- (1) Marine mammal;
- (i) Taken in violation of the Act, or
- (ii) Taken in another country in violation of the laws of that country;

(2) Any marine mammal product if (i) The importation into the United States of the marine mammal from which such product is made would be unlawful under subparagraph (1) of this paragraph, or

(ii) The sale in commerce of such product in the country of origin of the product is illegal.

(c) Except in accordance with an exception referred to in Subpart C and §§ 18.31 and 18.33 of this Part 18, it is unlawful to import into the United States any:

(1) Marine mammal which was pregnant at the time of taking,

(2) Marine mammal which was nursing at the time of taking, or less than 8 months old, whichever occurs later,

(3) Specimen of an endangered species or subspecies of marine mammals,

(4) Specimen taken from a depleted species or stock of marine mammals, or

(5) Marine mammal taken in an inhumane manner.

(d) It is unlawful to import into the United States any fish, whether fresh, frozen, or otherwise prepared, if such fish were caught in a manner proscribed by the Secretary of Commerce for persons subject to the jurisdiction of the United States, whether or not any marine mammals were in fact taken incident to the catching of the fish.

##### § 18.13 Prohibited uses, possession, transportation, and sales.

Except as otherwise provided in the Act or these regulations, it is unlawful for:

(a) Any person to use any port, harbor or other place under the jurisdiction of the United States for any purpose in any way connected with a prohibited taking or any unlawful importation of any marine mammal or marine mammal products; or

(b) Any person subject to the jurisdiction of the United States to possess any marine mammal taken in violation of the Act or these regulations, or to transport, sell, or offer for sale any such marine mammal or any marine mammal product made from any such mammal.

(c) Any person subject to the jurisdiction of the United States to use in a commercial fishery, any means or method of fishing in contravention of regulations and limitations issued by the Secretary of Commerce for that fishery to achieve the purposes of this Act.

##### § 18.14 Proof of compliance.

In any case where any marine mammal or any marine mammal product is imported into the United States, the importer may be required to show to the satisfaction of the Director whether the importation in question is in compliance with the requirements of the Act or regulations, and the burden shall be on the importer to prove the identity of the marine mammal or marine mammal products or to show compliance with the regulations. Until such time as the importer can show compliance, the Director, or the Supervisory Customs Inspector, may refuse to clear the marine mammal or marine mammal product prior to final

clearance for entry into the United States for domestic consumption or use.

#### Subpart C—General Exceptions

##### § 18.21 Actions permitted by international treaty, convention, or agreement.

The Act and these regulations shall not apply to the extent that they are inconsistent with the provisions of any international treaty, convention or agreement, or any statute implementing the same, relating to the taking or importation of marine mammals or marine mammal products, which was existing and in force prior to December 21, 1972, and to which the United States was a party. Specifically, the regulations in Subpart B of this part and the provisions of the Act shall not apply to activities carried out pursuant to the Interim Convention on the Conservation of North Pacific Fur Seals signed in Washington on February 9, 1957, and the Fur Seal Act of 1966, 16 U.S.C. 1151-1187, as, in each case, from time to time amended.

##### § 18.22 Taking by State or local government officials.

(a) A State or local government official or employee may take a marine mammal in the course of his duties as an official or employee and no permit shall be required, if such taking:

- (1) Is accomplished in a humane manner;
- (2) Is for the protection or welfare of such mammal or for the protection of the public health or welfare; and
- (3) Includes steps designed to insure return of such mammal, if not killed in the course of such taking, to its natural habitat.

In addition, any such official or employee may, incidental to such taking, possess and transport, but not sell or offer for sale, such mammal and use any port, harbor or other place under the jurisdiction of the United States. All steps reasonably practicable under the circumstances shall be taken by any such employee or official to prevent injury or death to the marine mammal as the result of such taking.

(b) Each taking permitted under this Section should be included in a written report, to be submitted to the Director every six months, beginning December 31, 1973. Unless otherwise permitted by the Secretary, the report shall contain a description of:

- (1) The animal involved;
- (2) The circumstances requiring the taking;
- (3) The method of taking;
- (4) The name and official position of the State official or employee involved;
- (5) The disposition of the animal, including in cases where the animal has been retained in captivity, a description of the place and means of confinement and the measures taken for its maintenance and care; and
- (6) Such other information as the Secretary may require.

The reports shall be mailed to the Director, Bureau of Sport Fisheries and

Wildlife, U.S. Department of the Interior, Washington, D.C. 20240.

##### § 18.23 Native exceptions.

(a) Taking: Notwithstanding the prohibitions of Subpart B of this Part 18, but subject to the restrictions contained in this section, any Indian, Aleut, or Eskimo who resides on the coast of the North Pacific Ocean or the Arctic Ocean may take any marine mammal without a permit, if such taking is:

(1) By Alaskan Natives who reside in Alaska and such taking is for subsistence; or

(2) For purposes of creating and selling authentic native articles of handicraft and clothing; and

(3) In each case, not accomplished in a wasteful manner.

(b) Restrictions: (1) No marine mammal taken for subsistence may be sold or otherwise transferred to any person other than an Alaskan Native or delivered, carried, transported, or shipped in interstate or foreign commerce, unless:

(i) It is being sent by an Alaskan Native directly or through a registered agent to a tannery registered under paragraph (c) of this section for the purpose of processing, and will be returned directly or through a registered agent to the Alaskan Native; or

(ii) It is an edible portion and it is sold in a native village or town in Alaska

(2) No marine mammal taken for purposes of creating and selling authentic native articles of handicraft and clothing may be sold or otherwise transferred to any person other than an Indian, Aleut or Eskimo, or delivered, carried, transported or shipped in interstate or foreign commerce, unless:

(i) It is being sent by an Indian, Aleut or Eskimo directly or through a registered agent to a tannery registered under paragraph (c) of this section for the purpose of processing, and will be returned directly or through a registered agent to the Indian, Aleut or Eskimo; or

(ii) It has been first transformed into an authentic native article of handicraft or clothing; or

(iii) It is an edible portion and it is sold (A) in an Alaskan native village or town or (B) to an Alaskan Native for his consumption.

(c) Any tannery, or person who wishes to act as an agent, within the jurisdiction of the United States may apply to the Director for registration as a tannery or an agent which may possess and process marine mammal products for Indians, Aleuts, or Eskimos. The application shall include the following information:

(1) The name and address of the applicant;

(2) A description of the applicant's procedures for receiving, storing, processing, and shipping materials;

(3) A proposal for a system of book-keeping and/or inventory segregation by which the applicant could maintain accurate records of marine mammals received from Indians, Aleuts, or Eskimos, pursuant to this section;

(4) Such other information as the Secretary may request;

(5) A certification in the following language:

I hereby certify that the foregoing information is complete, true, and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining the benefit of an exception under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1381-1407) and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or to penalties under the Marine Mammal Protection Act of 1972.

(6) The signature of the applicant. The sufficiency of the application shall be determined by the Secretary, and in that require any elaboration or further information deemed necessary. The registration of a tannery shall be subject to such conditions as the Secretary prescribes, which may include, but are not limited to, provisions regarding records, inventory segregation, reports, and inspection. The Secretary may charge a reasonable fee for such applications, including an appropriate apportionment of overhead and administrative expenses of the Department of Interior.

(d) Notwithstanding the preceding provisions of this section, whenever, under the Act, the Secretary determines any species of stock of marine mammals to be depleted, he may prescribe regulations pursuant to sec. 103 of the Act upon the taking of such marine mammals by any Indian, Aleut, or Eskimo and, after promulgation of such regulations, all takings of such marine mammals by such person shall conform to such regulations.

##### § 18.24 Taking incidental to commercial fishing operations.

Persons may take marine mammals incidental to commercial fishing operations until October 21, 1974: *Provided*, That such taking is by means of equipment and techniques prescribed in regulations issued by the Secretary of Commerce. However, any marine mammal taken as an incidental catch may not be retained. It shall be the immediate goal that the incidental kill or incidental serious injury of marine mammals permitted in the course of commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate.

##### § 18.25 Exempted marine mammals or marine mammal products.

(a) The provisions of the Act and these regulations shall not apply:

(1) To any marine mammal taken before December 21, 1972, or

(2) To any marine mammal product if the marine mammal portion of such product consists solely of a marine mammal taken before such date.

(b) The prohibitions contained in § 18.12(c) (3) and (4) shall not apply to marine mammals or marine mammal products imported into the United States before the date on which notice is published in the FEDERAL REGISTER of the proposed rulemaking with respect to the

designation of the species of stock concerned as depleted or endangered:

(c) Section 18.12(b) shall not apply to articles imported into the United States before the effective date of the foreign law making the taking or sale, as the case may be, of such marine mammals or marine mammal products unlawful.

#### Subpart D—Special Exceptions

##### § 18.31 Scientific research permits and public display permits.

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing the taking and importation of marine mammals for scientific research purposes or for public display.

(a) *Application procedures.* Applications for permits to take and import marine mammals for scientific research purposes or for public display shall be submitted by letter of application to the Director. Each such application shall contain the general information and certification required by § 12.12(a) of this Subchapter plus the following additional information:

(1) A statement of the purpose, date, location and manner of the taking or importation;

(2) A description of the marine mammal or the marine mammal products to be taken or imported, including the species or subspecies involved; the population stock, when known, the number of specimens or products (or the weight thereof, where appropriate); and the anticipated age, size, sex, and condition (i.e., whether pregnant or nursing) of the animals involved;

(3) If the marine mammal is to be taken and transported alive, a complete description of the manner of transportation, care and maintenance, including the type, size, and construction of the container or artificial environment; arrangements for feeding and sanitation; a statement of the applicant's qualifications and previous experience in caring for and handling captive marine mammals and a like statement as to the qualifications of any common carrier or agent to be employed to transport the animal; and a written certification of a licensed veterinarian knowledgeable in the field of marine mammals that he has personally reviewed the arrangements for transporting and maintaining the animals and that in his opinion they are adequate to provide for the well-being of the animal;

(4) If the application is for a scientific research permit, a detailed description of the scientific research project or program in which the marine mammal or marine mammal product is to be used including a copy of the research proposal relating to such program or project and the names and addresses of the sponsor or cooperating institution and the scientists involved;

(5) If the application is for a scientific research permit, and if the marine mammal proposed to be taken or imported is listed as an endangered species pursuant to the Endangered Species Conservation Act of 1969, or has been

designated by the Secretary as depleted, a detailed justification of the need for such a marine mammal, including a discussion of possible alternatives, whether or not under the control of the applicant; and

(6) If the application is for a public display permit, a detailed description of the proposed use to which the marine mammal or marine mammal product is to be put, including the manner, location, and times of display, whether such display is for profit, an estimate of the numbers and types of persons who it is anticipated will benefit from such display, and whether and to what extent the display is connected with educational or scientific programs. There shall also be included a complete description of the enterprise seeking the display permit and its educational, and scientific qualifications, if any.

(b) *Review by Marine Mammal Commission.* Upon receipt of an application the Secretary shall forward the application to the Marine Mammal Commission together with a request for the recommendations of the Commission and the Committee of scientific advisors on marine mammals. In order to comply with the time limits provided in these regulations, the Secretary shall request that such recommendation be submitted within 30 days of receipt of the application by the Commission. If the Commission or the Committee, as the case may be, does not respond within 30 days from the receipt of such application by the Commission, the Secretary shall advise the Commission in writing that failure to respond within 45 days from original receipt of the application (or such longer time as the Secretary may establish) shall be considered as a recommendation from the Commission and the Committee that the permit be issued. The Secretary may also consult with any other person, institution or agency concerning the application.

(c) *Issuance criteria.* Permits applied for under this section shall be issued, suspended, modified and revoked pursuant to regulations contained in § 18.34. In determining whether to issue a scientific research permit, the Secretary shall, among other criteria, consider whether the proposed taking or importation will be consistent with the policies and purposes of the Act; and whether the granting of the permit is required to further a bona fide and necessary or desirable scientific purpose, taking into account the benefits anticipated to be derived from the scientific research contemplated and the effect of the proposed taking or importation on the population stock and the marine ecosystem. In determining whether to issue a public display permit, the Secretary shall, among other criteria, consider whether the proposed taking or importation will be consistent with the policies and purposes of the Act whether a substantial public benefit will be gained from the display contemplated, taking into account the manner of the display and the anticipated audience on the one hand, and the effect of the proposed taking or importation on the population stocks of the marine mammal in question

and the marine ecosystem on the other; and the applicant's qualifications for the proper care and maintenance of the marine mammal or the marine mammal product, and the adequacy of his facilities.

(d) *Additional permit conditions.* In addition to the general conditions set forth in Part 12 of this Subchapter B, permits issued under this section shall be subject to the following:

(1) Any permit issued under these regulations must be in the possession of the person to whom it is issued (or an agent of such person) during:

(i) The time of the authorized taking or importation;

(ii) The period of any transit of such person or agent which is incidental to such taking or importation; and

(iii) Any other time while any marine mammal taken or imported under such permit is in the possession of such person or agent.

(2) A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision, or care.

(e) *Tenure of permits.* The tenure of permits for scientific research or public display shall be that as designated on the face of the permit.

##### § 18.32 Undue economic hardship.

(a) Persons other than those engaged in commercial fishing operations referred to in § 18.24 may be exempted by the Secretary from the provisions of the Act through October 20, 1973, if the Secretary determines to his satisfaction, that such person will suffer an undue economic hardship.

(b) Any person desiring to obtain an economic hardship exemption may make application to the Secretary, except that in the case of an application which involves scientific research or public display, such application will only be accepted if made by the person who will actually undertake such scientific research or public display. The application shall be in writing, addressed to the Director and shall contain the following information:

(1) The information required by § 12.12(a) of this subchapter and § 18.31 (b) (1), (2), and (3);

(2) A full statement of the facts, circumstances, and reasons why failure to grant an exemption under this section would lead to undue economic hardship together with all supporting documents, including certified copies of all relevant corporate minutes and resolutions contracts and agreements financial commitments, and current and historical financial data. In particular, copies of all contracts, agreements, or other arrangements entered into prior to the enactment of the Act necessitating the taking or importation of marine mammals or marine mammal products and documents showing the dollar amount of anticipated loss or economic hardship should be enclosed;

(3) If the exemption sought relates to scientific research a detailed description

of the scientific research project or program in which the marine mammal or marine mammal product is to be used, including a copy of the research proposal relating to such program or project and the names and addresses of the sponsoring or cooperating institutions and the scientists involved;

(4) If the exemption sought relates to scientific research and if the marine mammal proposed to be taken or imported is listed as an endangered species pursuant to the Endangered Species Act of 1969, or has been designated by the Secretary as depleted, a detailed justification of the need for such a marine mammal, including a discussion of possible alternatives, whether or not under the control of the applicant;

(5) If the exemption sought relates to public display, a detailed description of the proposed use to which the marine mammal or marine mammal product is to be put, including the manner, location, and times of display, whether such display is for profit, an estimate of the numbers and types of persons who it is anticipated will benefit from such display, and whether and to what extent the display is connected with educational or scientific programs. There shall also be included a complete description of the enterprise seeking the display permit and its educational, and scientific qualifications, if any; and

(6) Such other information as the Director may request.

The sufficiency of the application shall be determined by the Secretary and in that connection he may waive any requirement for information, or may require any elaboration or further information deemed necessary.

(c) In determining whether to issue an economic hardship exemption the Secretary shall consider among other criteria the following:

(1) The effect of granting the exemption on the species or population stock in question and the marine ecosystem;

(2) The degree of economic hardship to be anticipated should the exemption not be granted;

(3) The economic and legal alternatives available to the applicant;

(4) The likelihood of the anticipated economic hardship; and

(5) Such of the criteria relative to the issuance of scientific research permits and/or public display permits as may be applicable to the application.

(d) Exemptions issued under this section shall contain such terms and conditions as the Secretary may deem appropriate, including

(1) The number and kind of marine mammals which are authorized to be taken or imported;

(2) The location and manner in which such marine mammals may be taken or from which they may be imported;

(3) The period during which the exemption is valid;

(4) The methods of transportation, care, and maintenance to be used with live marine mammals;

(5) Any requirements for reports or rights of inspections with respect to any activities carried out pursuant to the exemption;

(6) The transferability or assignability of the exemption;

(7) The sale or other disposition of the marine mammal, its progeny, or the marine mammal product.

(e) Failure to observe any of the terms and conditions of the exemption shall be cause for the revocation, suspension, or modification of the exemption by the Secretary in his sole discretion and may subject the exemption holder to the penalties of the Act.

(f) In no event shall an exemption to take or import a marine mammal or marine mammal product be granted pursuant to this section which continues in effect beyond midnight of October 20, 1973.

(g) The decision of the Secretary regarding the granting or denial of an exemption or the revocation, modification or suspension thereof, shall be final and binding. Upon taking any such action, the Secretary shall notify the applicant or the exemption holder, as the case may be, in writing as soon as practicable of such action. The Secretary may, at his discretion, hold hearings on any applicant's request for an exemption under this section.

#### § 18.33 Waiver of the moratorium [Reserved].

#### § 18.34 Procedures for issuance of permits and modification, suspension or revocation thereof.

(a) Whenever application for a permit is received by the Secretary which the Secretary deems sufficient, he shall, as soon as practicable, publish a notice thereof in the FEDERAL REGISTER. Such notice shall set forth a summary of the information contained in such application. Any interested party may, within 30 days after the date of publication of such notice, submit to the Secretary his written data or views with respect to the taking or importation proposed in such application and may request a hearing in connection with the action to be taken thereon.

(b) If the request for a hearing is made within the 30 day period referred to in paragraph (a) of this section, or if the Secretary determines that a hearing would otherwise be advisable, the Secretary may, within 60 days after the date of publication of the notice referred to in paragraph (a) of this section, afford to such requesting party or parties an opportunity for a hearing. Such hearing shall also be open to participation by any interested members of the public. Notice of the date, time, and place of such hearing shall be published in the FEDERAL REGISTER not less than 15 days in advance of such hearing. Any interested person may appear in person or through representatives at the hearing and may submit any relevant material, data, views, comments, arguments, or exhibits. A summary record of the hearing shall be kept.

(c) As soon as practicable but not later than 30 days after the close of the hearing (or if no hearing is held, as soon as practicable after the end of the 30 day succeeding publication of the notice referred to in paragraph (a) of this section) the Secretary shall issue or deny issuance of the permit. Notice of the decision of the Secretary shall be published in the FEDERAL REGISTER within 10 days after the date of such issuance or denial. Such notice shall include the date of the issuance or denial and indicate where copies of the permit, if issued, may be obtained.

(d) Any permit shall be subject to modification, suspension, or revocation by the Secretary in whole or in part in accordance with these regulations and the terms of such permits. The permittee shall be given written notice by registered mail, return receipt requested, of any proposed modification, suspension, or revocation. Such notice shall specify:

(1) The action proposed to be taken along with a summary of the reasons therefor;

(2) In accordance with 5 U.S.C. 558, the steps which the permittee may take to demonstrate or achieve compliance with all lawful requirements; and

(3) That the permittee is entitled to a hearing thereon, if a written request for such a hearing is received by the Secretary within 10 days after receipt of the aforesaid notice or such other later date as may be specified in the notice to the permittee. The time and place of the hearing, if requested by the permittee, shall be determined by the Secretary and a written notice thereof given to the permittee by registered mail, return receipt requested, not less than 15 days prior to the date of hearing specified. The Secretary may, in his discretion, allow participation at the hearing by interested members of the public. The permittee and other parties participating may submit all relevant material, data, views, comments, arguments, and exhibits at the hearing. A summary record shall be kept of any such hearing.

(e) The Secretary shall make a decision regarding the proposed modification, suspension, or revocation, as soon as practicable after the close of the hearing, or if no hearing is held, as soon as practicable after the close of the 10 day period during which a hearing could have been requested. Notice of the modification, suspension, or revocation shall be published in the FEDERAL REGISTER within 10 days from the date of the Secretary's decision. In no event shall the proposed action take effect until notice of the Secretary's decision is published in the FEDERAL REGISTER.

#### Subpart E—Depleted Species of Stocks [Reserved]

Interested persons are invited to submit written comments, suggestions, or objections, concerning this proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington,



D.C. 20240. Comments received by September 24, 1973, will be considered.

F. V. SCHMIDT,  
Acting Director, Bureau of Sport  
Fisheries and Wildlife.

AUGUST 14, 1973.

[FR Doc.73-17140 Filed 8-15-73;8:45 am]

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 910]

### HANDLING OF LEMONS GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### Proposed Size Regulation

This notice invites written comment relative to a proposal submitted by the Lemon Administrative Committee that the size regulation currently in effect through September 29, 1973, be continued in effect during the period September 30, 1973, through September 28, 1974. The proposal would continue unchanged the current minimum size requirements for lemons at 1.82 inches in diameter (size 235's in cartons). The size requirements are those which have been found to provide consumers with lemons of acceptable maturity and juice content.

Notice is hereby given that the Department is considering a proposed size regulation for lemons grown in Arizona and designated part of California, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in Arizona and designated part of California. This regulatory program is

effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The current size regulation, Lemon Regulation 499, Amendment 1 (36 FR 18636; 37 FR 17542), is effective through September 29, 1973, and the proposed regulation would continue, through September 28, 1974, the same size requirements on the handling of lemons as are currently in effect. The proposed regulation would limit the handling of lemons grown in District 1, District 2, or District 3 to lemons measuring 1.82 inches or larger. The proposal was submitted by the Lemon Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The regulation recommended by the committee reflects its appraisal of the lemon crop and the current and prospective marketing conditions. The size limitations proposed are designed to prevent the handling of lemons, on and after the proposed effective date, of sizes smaller than those herein specified so as to provide consumers with a plentiful supply of lemons of acceptable maturity and juice content consistent with (1) the overall size composition of the crop, and (2) improving returns to growers pursuant to the declared policy of the act. The committee advises there are more than adequate quantities of lemons available in a broad range of sizes to fill all market needs, and lemons smaller than 235's have negligible sales opportunity in fresh form, because they are costly to prepare for market and have lower juice yield than larger lemons.

*Order.* (a) From September 30, 1973, through September 28, 1974, no handler shall handle any lemons grown in District 1, District 2, or District 3, which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the lemons in any type of container may measure smaller than 1.82 inches in diameter.

(b) As used in this section "handle", "handler", and "District 1", "District 2", and "District 3" each shall have the same meaning as when used in the said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulation shall file same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than August 31, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 10, 1973.

D. S. KURYLOSKI,  
Acting Deputy Director, Fruit  
and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-17044 Filed 8-15-73;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.

## INTERSTATE COMMERCE COMMISSION

[Notice No. 320]

### ASSIGNMENT OF HEARINGS

AUGUST 13, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. 35834 Sub 1, Increased Rates, Seatrain Lines, California, No. 35834 Sub 2, Increased Rates, Trans-Continental Freight Bureau, No. 35834 Sub 3, Increased Rates, United States Lines, now assigned September 17, 1973, will be held in Room 13025, 450 Golden Gate Avenue, San Francisco, Calif.

MC 114004 Sub 124, Chandler Trailer Convoy, Inc., now assigned October 10, 1973, at Washington, D.C., is cancelled, and transferred to Modified Procedure.

MC-138297, Central Florida Coach Lines, Inc., now assigned August 27, 1973 at Washington, D.C., is postponed to October 15, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FD 26241, Penn Central Transportation Company Reorganization, now being assigned hearing August 13, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 5623 Sub 22, Arrow Trucking Co., now assigned September 10, 1973, MC 74321 Sub 64, B. F. Walker, Inc., now assigned September 10, 1973, MC 76032 Sub 297, NavaJo Freight Lines, Inc., now assigned September 10, 1973, MC 82841 Sub 104, Hunt Transportation, Inc., now assigned September 10, 1973, MC 83539 Sub 360, C & H Transportation Co., Inc., now assigned September 10, 1973, MC 83835 Sub 96, Wales Transportation, Inc., now assigned September 10, 1973, MC 113855 Sub 262, International Transport, Inc., now assigned September 10, 1973, MC 119493 Sub 100, Monkem Company, Inc., now assigned September 12, 1973, MC 82063 Sub 43, Klipsch Hauling Co., now assigned September 17, 1973, MC 106400 Sub 92, Kaw Transport Company, now assigned September 17, 1973, MC 107496 Sub 873, Ruan Transport Corporation, now assigned September 17, 1973, MC 111401 Sub 376, Groendyke Transport, Inc., now assigned September 17, 1973, MC 115331 Sub 336, Truck Transport, Inc., now assigned Septem-

ber 17, 1973, will be held in Room 609, Federal Office Building, 911 Walnut Street, Kansas City, Missouri.

MC-107912 Sub 17, Reble Motor Freight, Inc., is continued to October 23, 1973, in Room 918 Federal Office Building, 167 North Main Street, Memphis, Tenn.

MC-77972 Sub 19, Merchants Truck Line, Inc., now assigned September 10, 1973, will be held in Room 918, Federal Office Building, 167 North Main Street, Memphis, Tenn.

MC-F-11768, Lee Way Motor Freight, Inc.—Control and Merger—Loving Truck Lines, Inc., DBA Loving Truck Line, & FD-27294 Lee Way Motor Freight, Inc., Notes, now assigned September 10, 1973, will be held in Room 5404, Federal Office Building, 700 West Capital Street, Little Rock, Arkansas. MC 29886 Sub 285, Dallas & Mavis Forwarding Co., Inc., MC 124947 Sub 17, Machinery Transports, Inc., is continued to September 5, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C. I&S No. 8847, Free Time on Export Traffic, U.S. Ports, is continued to September 10, 1973, (1 week), at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 2935 Sub 38, Adirondack Transit Lines, Inc., now being assigned October 15, 1973, at Albany, N.Y., in a hearing room to be later designated.

MC 7840 Sub 4, St. Lawrence Freightways, Inc., now being assigned October 18, 1973, at Albany, N.Y., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 73-17104 Filed 8-15-73; 8:45 am]

[Notice No. 334]

### 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 September 5, 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-74322. By order of August 9, 1973, the Motor Carrier Board, on reconsideration, approved the transfer to Lee Goddard, Inc., Bay City, Mich., of Certificate No. MC-82951 issued to Barney Kosofsky, dba Barney's Cartage Co., Detroit, Mich., authorizing the transportation of: General commodities, usual exceptions, serving Detroit, Mich., and between Detroit, Mich., and the International Boundary line at the port of Entry at Detroit, Mich., and Heavy Machinery, and numerous specified commodities, between points in the lower peninsula of Michigan, and between points therein, on the one hand, and, on the other, points in Indiana, Illinois, Ohio, Kentucky, New York, and Connecticut. Frank J. Kerwin, Jr., Attorney, 1961 Guardian Bldg., Detroit, Mich. 48226. Stanley M. Weingarden, Attorney, 1100 Fisher Bldg., Detroit, Mich. 48202.

No. MC-FC-74470, DUAL OPERATIONS ARE INVOLVED. By order of August 10, 1973, the Motor Carrier Board approved the transfer to Bibey Trucking Company, Inc., Perryville, Md., of Permit No. MC-119337 issued February 2, 1971, to The Whyte Trucking Company, Inc., Havre De Grace, Md., authorizing the transportation of: Sand and gravel, in bulk, from pits at or near North East, Md., to specified points in Delaware, under continuing contracts with Mason-Dixon Sand and Gravel Company. Chester A. Zyblut, Attorney, 1522 K Street, N.W., Washington, D.C. 20005.

No. MC-FC-74502. By order of August 9, 1973, the Motor Carrier Board approved the transfer to Amber Warehouse, Inc., Totowa, N.J., of Certificate No. MC-126173 issued to Booth Freight Lines, Inc., Totowa, N.J., authorizing the transportation of: General commodities, usual exceptions, between New York, N.Y., on the one hand, and, on the other, points in specified counties in New Jersey. Robert B. Pepper, Practitioner, 168 Woodbridge Avenue, Highland Park, N.J. 08904.

No. MC-FC-74529. By order of August 10, 1973, the Motor Carrier Board approved the transfer to Karl B. Hertz, doing business as Karl B. Hertz Transportation, Pomona, Calif., of Certificate No. MC-126565 issued May 3, 1972, to Industrial Heavy Transport, Santa Fe Springs, Calif., authorizing the transportation of sulphur, cottonseed meal, crushed stone, meat and bone scraps, and metallic ore, in bulk, in dump vehicles, from and to specified points in California and Arizona. Mr. Jerry Solomon Berger, Attorney at Law, 9454 Wil-

shire Blvd. (10th Floor), Beverly Hills, Calif. 90212.

No. MC-PC-74614. By order of August 10, 1973, the Motor Carrier Board approved the transfer to Elizabeth Lucera, Philadelphia, Pa., of Certificate No. MC-9975 issued August 16, 1961, to Merle H. Miller, doing business as Miller Moving Company, Perkasie, Pa., authorizing the transportation of household goods between points in the Philadelphia, Pa., Commercial Zone on the one hand, and, on the other, points in Pennsylvania, New Jersey, New York, Delaware, and Maryland, and to Washington, D.C. Mr. Edwin L. Scherlis, Attorney at Law, 1209 Lewis Tower Building, Philadelphia, PA 19144.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 73-17105 Filed 8-15-73; 8:45 am]

[Notice No. 64]

**MAWSON AND MAWSON, INC., ET AL.  
MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER  
APPLICATIONS**

AUGUST 10, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no repre-

sentative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed by October 15, 1973, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.*

No. MC 76 (Sub-No. 4) filed June 26, 1973 Applicant: MAWSON & MAWSON, INC. Old Lincoln Hwy. P.O. Box 125 Langhorne, Pa. 19047 Applicant's representative: Paul F. Sullivan 711 Washington Bldg. Washington, D.C. 20005 Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wheel and axle assemblies, parts and accessories therefor, and articles used in the manufacture of such assemblies*, between the plant site of Foreman Manufacturing Company at Pine Grove, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, New Hampshire, Ohio, Rhode Island, Virginia, Vermont, and West Virginia, restricted to traffic originating at or destined to the named plant site. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 297 (Sub-No. 5) filed July 11, 1973 Applicant: WOODLAND TRUCK LINE, INC. 635 Park Street Woodland, Wash. 98674 Applicant's representative: Lawrence V. Smart, Jr. 419 N.W. 23rd Avenue Portland, Ore. 97210 Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Paper products and door components*, from Woodland, Wash. to points in Oregon and (2) *lumber*, from points in Oregon to Woodland, Wash. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 2229 (Sub-No. 179) filed June 4, 1973 Applicant: RED BALL MOTOR FREIGHT, INC. 3177 Irving Boulevard P.O. Box 47407 Dallas, Tex. 75247 Applicant's representative: Douglas Anderson (same address as applicant) Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, articles requiring special equipment), serving points in Adams, Arapahoe and Jefferson County, Colo., as off-route points in connection with carrier's regular-route operations to and from Denver, Colo. Note: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 3854 (Sub-No. 24) filed May 11, 1973 Applicant: BURTON LINES, INC. P.O. Box 11306 East Durham Station Durham, N.C. 27703 Applicant's representative: Edward G. Villalon 1032 Pennsylvania Building Pennsylvania Ave. & 13th St., N.W. Washington, D.C. 20004 Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles, lumber, panelboard, and composition board*, from Wilmington, N.C., to points in North Carolina, South Carolina, Georgia, Florida, Virginia, Tennessee, Kentucky, Delaware, Maryland, West Virginia, and Indiana south of U.S. Highway 40 and the District of Columbia; (2) *roofing, roofing materials and building materials*, from Morehead City, N.C., to points in North Carolina, South Carolina and Virginia; and (3) *lumber, panelboard and composition board*, from Morehead City, N.C., to points in North Carolina, South Carolina, Virginia and Georgia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wilmington or Raleigh, N.C.

No. MC 4963 (Sub-No. 41) filed July 2, 1973 Applicant: ALLEGHANY CORPORATION, doing business as JONES MOTOR Bridge Street & Schuylkill Road Spring City, Pa. 19475 Applicant's representative: Ronald Rice Suite 618 Perpetual Building 1111 E Street, N.W., Washington, D.C. 20004 Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Flat glass and glazing units*, from Clinton and Laurinburg, N.C., to points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Maine, Michigan (lower peninsula), Pennsylvania, Rhode Island, Tennessee, South Carolina, Virginia, West Virginia, Vermont, New Jersey, New York, New Hampshire, North Carolina, Ohio, and the District of Columbia. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 4963 (Sub-No. 43) filed July 6, 1973 Applicant: ALLEGHANY CORPO-

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

RATION, doing business as JONES MOTOR Bridge Street and Schuylkill Road Spring City, Pa. 19475 Applicant's representative: Roland Rice Suite 618 Perpetual Bldg. 1111 E Street, N.W. Washington, D.C. 20004 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos products, and fittings, materials, and accessories* for the installation or transportation thereof (except in bulk), from St. Louis, Mo., to points in the lower peninsula of Michigan and to points in New York, Ohio, and Pennsylvania, restricted to traffic originating at the facilities of Certain-Teed Products Corporation. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 5470 (Sub-No. 75) filed May 24, 1973 Applicant: TAJON, INC. R.D. # 5, Box 146 Mercer, Pa. 16137 Applicant's representative: Donald E. Cross 918-16th St., N.W., Suite 700 Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys and ores*, in dump vehicles, from Detroit, Mich., to points in Illinois, Indiana, Ohio, Pennsylvania, and Wisconsin. Note: Applicant states that the requested authority can be tacked with its present authority at various points in Ohio and Pennsylvania to enable service from Detroit, Mich., to points in the New England, Middle Atlantic, and Southern regions of the country in MC 5470 and Subs 11, 31, 37, 40, 44, 45, 49, 50, 51, 54, 55, 61, and 62. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 19868 (Sub-No. 2) filed April 13, 1973 Applicant: GALLAGHER TRUCKING CO., a Corporation P.O. Box 134 Bluebell, Pa. 19422 Applicant's representative: Robert B. Einhorn 1540 PSFS Bldg. 12 South 12th Street Philadelphia, Pa. 19107 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers, trailer chassis, cargo containers, trailer convertor dollies, truck bodies, and semi-trailer chassis* (other than those designed to be drawn by passenger automobiles), including *parts, equipment and accessories* therefor, in or attached to the transported trailer, in initial movements, in truckaway or driveaway service, between points in Philadelphia and Montgomery Counties, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Virginia, West Virginia, North Carolina, Indiana, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, appli-

cant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 20366 (Sub-No. 3) filed June 25, 1973 Applicant: CITY TRANSFER & STORAGE CO. a Corporation Big Four Railroad and Crawford Street P.O. Box 219 Troy, Ohio 45373 Applicant's representative: John P. McMahon 100 East Broad Street Columbus, Ohio 43215 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 plantsite of the B. F. Goodrich Company located on Ohio State Highway 235 in Johnson Township (Champaign County), Ohio, as an off-route point in connection with carrier's regular route operations. Note: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 26396 (Sub-No. 78) (ANNOTATION) filed May 21, 1973, published in the FR issue of July 26, 1973, and annotated this issue. Applicant: POPELKA TRUCKING CO., doing business as: THE WAGGONERS, a Corporation P.O. Box 990 Livingston, Mont. 59047 Applicant's representative: Jacob P. Billig Suite 300 1126 16th Street, N.W. Washington, D.C. 20036 Note: The purpose of this republication is to list the correct address of the applicant's representative. The request for authority remains as previously published.

No. MC 26396 (Sub-No. 83) filed June 25, 1973 Applicant: POPELKA TRUCKING CO. doing business as, THE WAGGONERS a Corporation P.O. Box 990 Livingston, Mont. 59047 Applicant's representative: Jacob P. Billig Suite 300 1126 16th Street, N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and wood, and lumber products and forest products*, from Beaver and Yakima, Wash.; Priest River, Troy, Calder, Priest Lake, Mountain Home, Tammarock, Kooskia and Emmet Idaho; and points in Lane, Wasco, Jackson, Josephine, Linn, Tillamook, Multnomah, Douglas, Polk, Coos, Benton, Yamhill and Marion Counties, Oreg., to Kalispell and Columbia Falls, Mont.; Fargo, Corrington, Grand Forks, Monot, Bismark and Jamestown, N. Dak.; Rapid City, Sioux Falls, Rosholt, Belle Fourche, Watertown, Aberdeen and Lemon, S. Dak.; Albany, Windom, New Ulm, Greenwald, Clarks Grove and St. Paul, Minn.; Belleville and Milan, Ill.; Humbolt, Iowa City and Eagle Grove, Iowa; Columbia, Mo.; Massion, Oshkosh, Mercer, Glover, Rhineland, Siren and Shawano, Wis.; Ft. Morgan, Aspen, Glenwood Springs, Lamar, Springfield and Sterling, Colo.; points in Larimer, Boulder, Weld, Denver, El Paso, Pueblo, Routt, Jefferson, Arapahoe and Mesa Counties, Colo.; Casper, Cheyenne, Laramie, Rock Springs, Rawlins, Riverton and Jackson, Wyo.; Albuquerque and Sante Fe,

N. Mex.; and Wichita, Kans.; (2) *charcoal briquettes, charcoal, fireplace logs and related items*; (i.e., lighter fluid, wood chips, barbecue grille base), from Husky Industries, Inc. plant at or near Dickinson, N. Dak., to points in Colorado, Idaho, Montana, Oregon, Washington and Wyoming; and (3) *feed ingredients and additives* in bag, bulk and containerized, from Trenton, Mich.; Lawrence, Kans.; Chicago Chicago Heights and Joliet, Ill., Southgate, Calif.; and Rockwell Rallsiding at Manitowoc, Wis., to points in Big Horn and Yellowstone Counties, Mont. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 29079 (Sub-No. 66) filed June 25, 1973 Applicant: BRADA MILLER FREIGHT SYSTEM, INC. 1210 South Union Street Kokomo, Ind. 46901 Applicant's representative: Carl L. Steiner 39 South La Salle Street Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products*, from the plant site and warehouse facilities of Republic Steel Corporation at or near Buffalo, N.Y., to points in Illinois, Indiana and Michigan. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29120 (Sub-No. 163) filed July 2, 1973 Applicant: ALL-AMERICAN, INC. 900 West Delaware P.O. Box 769 Sioux Falls, S. Dak. 57101. Applicant's representative: Michael J. Ogborn (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay, foundry molding sand treating compounds*, in bags, and *water impedance boards*, from the plant-site of Federal Bentonite Company, at Colony, Wyo., to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, and Tennessee. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak.

No. MC 29886 (Sub-No. 295) filed July 2, 1973 Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pleironi (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles, and motor vehicle chassis*, in initial movements, in driveaway and truckaway service, and *bodies, cabs, and parts of accessories* for such motor vehicles, from the plant site of the White Truck Division of the White Motor Corporation located in Pulaski County, Va., to points in the

United States including Alaska (except Hawaii). Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 31389 (Sub-No. 166), filed June 11, 1973. Applicant: McLEAN TRUCKING COMPANY, a Corporation, 617 Waughtown Street, P.O. Box 213, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street, N.W., Washington, D.C. 20036. 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 Mercer, Pa., as an off-route point in connection with applicant's regular-route operations to and from Youngstown, Ohio and West Middlesex, Pa. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31389 (Sub-No. 169) filed June 18, 1973 Applicant: McLEAN TRUCKING COMPANY a Corporation (P.O. Box 213) Winston-Salem, N.C. 27102 Applicant's representative: Francis W. McInerny 1000 Sixteenth Street, N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Radford, Va., as an off-route point in connection with carrier's regular route operations to and from Roanoke, Va. Note: Common control was approved in MC-F-11666. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Roanoke, Va.

No. MC 31389 (Sub-No. 170) filed June 20, 1973 Applicant: McLEAN TRUCKING COMPANY a Corporation 615 Waughtown Street P.O. Box 213 Winston-Salem, N.C. 27102 Applicant's representative: Francis W. McInerny 1000 Sixteenth Street, N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between St. Paul-Minneapolis, Minn., and Davenport, Iowa: From St. Paul-Minneapolis over U.S. Highway 52 to its junction with U.S. Highway 61 at or near Dubuque, Iowa, thence over U.S. Highway 61 to Davenport, and return over the same route, as an alternate route for operating convenience only serving no intermediate points. Note: Common control may be involved. If a hearing is deemed nec-

essary, applicant requests it be held at Washington, D.C.

No. MC 37127 (Sub-No. 3) filed June 4, 1973 Applicant: MECCA & SON TRUCKING CORP. 25 Fairmount Avenue Jersey City, N.J. 07304 Applicant's representative: Charles W. Singer 2440 E. Commercial Blvd. Fort Lauderdale, Fla. 33308 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum foil containers, aluminum sheet containers, plastic containers, and caps and covers* for aluminum foil containers, aluminum sheet containers and plastic containers; (1) from the facilities of Ekco Products, Inc. at or near Clayton, N.J., to New York, N.Y., and points in its commercial zone; Jersey City, N.J., and points in Nassau, Suffolk and Westchester Counties, N.Y.; (2) from the facilities of Ekco Products, Inc. at or near Clayton, N.J., to Newark, North Bergen, Jersey City, Kearney, Elizabeth and Port Reading, N.J., restricted to traffic having a subsequent movement by rail or water; and (3) from Newark, North Bergen, Jersey City, Kearney, Elizabeth and Port Reading, N.J., to New York, N.Y., and points in its commercial zone, and points in Nassau, Suffolk and Westchester Counties, N.Y., and points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset and Union Counties, N.J., restricted to traffic having a prior movement by motor and/or rail from the facilities of Ekco Products, Inc. at or near Chicago and Wheeling, Ill. Note: Applicant states that the requested authority can be tacked with its present authority at New York, N.Y., to serve points in Essex, Hudson, Somerset, Bergen, Passaic and Union County, N.J. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 44639 (Sub-No. 73) filed July 2, 1973 Applicant: L. & M. EXPRESS CO., INC. 220 Ridge Road Lyndhurst, N.J. 07071 Applicant's representative: Herman B. J. Weckstein 60 Park Place Newark, N.J. 07102 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and materials and supplies*, used in the manufacture of wearing apparel (except commodities in bulk), between New York, N.Y., and Lyndhurst, N.J., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y., restricted to shipments which have a prior or subsequent movement from or to points in Virginia and North Carolina. Note: Applicant states that the requested authority can be tacked with its existing authority at the points named above to provide a through service from or to Virginia and North Carolina. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 47583 (Sub-No. 14) filed June 22, 1973 Applicant: TOLLIE FREIGHTWAYS, INC. 41 Lyons Street Kansas City, Kans. 66118 Applicant's representative: D. S. Hults P. O. Box 225

Lawrence, Kans. 66044 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, insulating products and materials, and materials, supplies and equipment*, used in the production, and distribution thereof, from the plantsite and storage facilities of Johns-Manville Co., at or near McPherson, Kans., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Kansas, Montana, Nebraska, Oklahoma, New Mexico, North Dakota, South Dakota, Tennessee, Texas, Utah, Wisconsin and Wyoming. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans.

No. MC 56679 (Sub-No. 76) filed May 29, 1973 Applicant: BROWN TRANSPORT CORP. 125 Milton Avenue, S. E. Atlanta, Ga. 30315 Applicant's representative: B. K. McClain (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rugs, carpets, carpeting, and tufted textile products*, from Des Moines, Iowa, to Omaha, Nebr. Note: Common control may be involved. Applicant states that tacking would be possible at Des Moines, Iowa with applicant's present authority under Sub 28, from Chattanooga, Tenn., and points in Georgia. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Omaha, Nebr.

No. MC 60066 (Sub-No. 9) filed April 16, 1973 Applicant: BEE LINE MOTOR FREIGHT a Corporation 1804 Paul Street Omaha, Nebr. 68102 Applicant's representative: James E. Ryan 214 Sharp Building Lincoln, Nebr. 68508 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the warehouse site of Western Electric located at or near Underwood, Iowa, as an off-route point in connection with applicant's regular route operations to and from Omaha, Nebr. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 61403 (Sub-No. 221) filed June 6, 1973 Applicant: THE MASON AND DIXON TANK LINES, INC. Highway 11W Kingsport, Tenn. 37662 Applicant's representative: W. C. Mitchell Suite 1201, 370 Lexington Avenue New York, N.Y. 10017 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plant site of Commercial Solvents Corporation at or near Sterlington, La., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana,

Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and West Virginia, restricted to traffic originating at or near the plant site of Commercial Solvents Corporation. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 69116 (Sub-No. 157) filed June 22, 1973 Applicant: SPECTOR FREIGHT SYSTEM, INC. 205 West Wacker Drive Chicago, Ill. 60606 Applicant's representative: Jack Goodman 39 South La Salle Street Chicago, Ill. 60603 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of Colt Industries, Crucible Alloy and Stainless Steel Division, at Midland, Pa., as an off-route point in connection with carrier's authorized regular route operations. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Pittsburgh, Pa.

No. MC 73165 (Sub-No. 328) filed June 11, 1973 Applicant: EAGLE MOTOR LINES, INC. 830 North 33rd Street P.O. Box 11086 Birmingham, Ala. 35202 Applicant's representative: Robert M. Pearce P.O. Box E Bowling Green, Ky. 42101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic or iron fittings and connections, valves, hydrants and gaskets*, (except oilfield commodities as defined in *MERCER-Extension Oil Field Commodities*, 74 M.C.C. 459), from the new plant site and storage facilities of the Clow Corporation at Columbia, Mo., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 83539 (Sub-No. 371) filed May 17, 1973 Applicant: C & H TRANSPORTATION CO., INC. 1936-2010 West Commerce Street P.O. Box 5976 Dallas, Tex. 75222 Applicant's representative: Thomas E. James (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Power transmission materials, equipment and supplies*, from Westboro, Mass. to points in the United States (except Alaska, Hawaii, and Massachusetts), restricted against tacking with any existing authority held by applicant. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 372) filed June 8, 1973 Applicant: C & H TRANSPORTATION CO., INC. 1936-2010 West Commerce Street P.O. Box 5976 Dallas, Tex. 75222 Applicant's representative: Thomas E. James (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cable and wire*, from points in Baldwin County, Ala., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas; and (2) *materials and supplies* used in the manufacture of cable and wire, from the destinations named in (1) above, to points in Baldwin County, Ala., restricted (1) and (2) above against tacking with any existing authority held by applicant. Note: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 83539 (Sub-No. 374) filed July 1, 1973 Applicant: C & H TRANSPORTATION CO., INC. 1936-2010 West Commerce Street P.O. Box 5976 Dallas, Tex. 75222 Applicant's representative: Thomas E. James (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled commodities*, weighing less than 15,000 pounds, from Nunda, N.Y., to points in the United States including Alaska (and excluding Hawaii). Note: Common control was approved in MC-F-9241. Applicant requests this application be restricted against tacking. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 89716 (Sub-No. 49) filed July 2, 1973 Applicant: DICK JONES TRUCKING, a Corporation P.O. Box 965 Powell, Wyo. 82435 Applicant's representative: Stockton and Lewis The 1650 Grant St. Bldg. Denver, Colo. 80203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield submersible motors, pumps, equipment and supplies* when used in connection with submersible motors and pumps, between the plant site of TRW Reda Pump Co. adjacent to Thermopolis, Wyo., on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, and Utah, restricted to traffic originating at and destined to the above named points. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Casper, Wyo. or Billings, Mont.

No. MC 94350 (Sub-No. 337) filed June 22, 1973 Applicant: TRANSIT HOMES, INC. P.O. Box 1628 Haywood Road Greenville, S.C. 29602 Applicant's representative: Mitchell King, Jr. (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobile, in initial ship-

ments, from points in Broome County, N.Y., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 94350 (Sub-No. 338) filed July 2, 1973 Applicant: TRANSIT HOMES, INC. P.O. Box 1628 Haywood Rd. Greenville, S.C. 29602 Applicant's representative: Mitchell King, Jr. (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages, from points of manufacture in Merrimack County, N.H., to points in the United States (except Alaska and Hawaii). Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 105375 (Sub-No. 46) filed June 25, 1973 Applicant: DAHLEN TRANSPORT OF IOWA, INC. 1680 Fourth Avenue Newport, Minn. 55055 Applicant's representative: Leonard A. Jaskiewicz 1730 M St., N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid animal feed and liquid animal feed supplements*, in bulk in tank vehicles, from the plant site of Land O'Lakes, Inc., at or near Dubuque, Iowa, to points in Illinois, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin, (2) *anhydrous ammonia*, in bulk, in tank vehicles, from Bellevue, Iowa, to points in Illinois, Minnesota and Wisconsin, (3) *petroleum products*, in bulk in tank vehicles, from Dubuque, Iowa, to points in Illinois, Minnesota and Wisconsin, (4) *liquid fertilizer*, in bulk in tank vehicles, from Clinton, Iowa, to points in Illinois, Minnesota and Wisconsin, (5) *liquid fertilizer solution*, in bulk in tank vehicles, from Cordova, Ill., to points in Iowa and Minnesota, and (6) *liquefied petroleum gas*, in bulk in tank vehicles, from the pipeline terminal of MAPCO, Inc., located near Dubuque, Iowa, to points in Illinois, Minnesota, and Wisconsin. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 105984 (Sub-No. 13) filed July 1, 1973 Applicant: JOHN B. BARBOUR, JR., doing business as JOHN B.

BARBOUR TRUCKING COMPANY P.O. Box 577 Iowa Park, Tex. 76367 Applicant's representative: James W. Hightower 136 Wynnwood Professional Building Dallas, Tex. 75224 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass/epoxy pipe, and fittings and accessories* used in the installation thereof, from points in Wichita County, Tex., to points in the United States, (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 106194 (Sub-No. 28) filed July 2, 1973 Applicant: HORN TRANSPORTATION, INC. 1117 West 24th Street Kansas City, Mo. 64108 Applicant's representative: James W. Hightower 136 Wynnwood Professional Building Dallas, Tex. 75224 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites and warehouse facilities of Armco Steel Corporation, at or near Sand Springs, Okla., to points in Kansas, Missouri, and New Mexico. Note: Applicant states that the requested authority can be tacked with its existing authority at Hutchinson, Kans., to serve points in South Dakota, North Dakota, Minnesota, Wyoming, Montana, Idaho, Utah, and part of Colorado. If a hearing is deemed necessary applicant requests it be held at Kansas City, Mo., or Dallas, Tex.

No. MC 106398 (Sub-No. 676) filed July 3, 1973 Applicant: NATIONAL TRAILER CONVOY, INC. 1925 National Plaza Tulsa, Okla. 74151 Applicant's representative: Irvin Tull (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Jefferson Parish, La., to points in the United States (except Alaska and Hawaii). Note: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 106644 (Sub 156) filed July 5, 1973 Applicant: SUPERIOR TRUCKING COMPANY, INC. 2770 Peyton Road, N.W. P.O. Box 916 Atlanta, Ga. 30301 Applicant's representative: Archie B. Culbreth Suite 246, 1252 West Peachtree St., N.W. Atlanta, Ga. 30309 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wild animals*, in cages, and (2) *feed, supplied and equipment* used in the care of wild animals, and *personal effects of attendants*, when moving in or on the same vehicle with wild animals, between points in the United States, including Alaska (but excluding Hawaii). Note: Common control may be involved. Applicant states

that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Los Angeles, Calif.

No. MC 107295 (Sub-No. 653) filed July 5, 1973 Applicant: PRE-FAB TRANSIT CO., a Corporation 100 South Main Street Farmer City, Ill. 61842 Applicant's representative: Mack Stephenson (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Enameled steel silos, loading and unloading devices, waste storage tanks, livestock scales, livestock feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems and parts and accessories* for the above named commodities, from the plant site of A. O. Smith Corporation at DeKalb, Ill., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 107515 (Sub-No. 855) filed June 4, 1973 Applicant: REFRIGERATED TRANSPORT CO., INC. P.O. Box 308 Forest Park, Ga. 30050 Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, meats, meat products, and meat by-products*, from points in Ohio, to points in Alabama, Arkansas, California, Colorado, Florida, Georgia, Louisiana, Mississippi, Oklahoma, North Carolina, South Carolina, Tennessee, Texas, Virginia and West Virginia, restricted against tacking with any of applicant's existing authority. Note: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107515 (Sub-No. 863) filed July 5, 1973 Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308 Forest Park, Ga. 30050 Applicant's representative: Paul M. Daniell P.O. Box 872 Atlanta, Ga. 30301 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 packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Chino, Calif., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, the District of Columbia, and Florida, restricted to products originating at the plantsite and storage facilities of Swift Fresh Meats Co., and destined to the above named states. Note: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing

authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 107882 (Sub-No. 30) filed June 20, 1973 Applicant: ARMORED MOTOR SERVICE CORPORATION 160 Ewingville Road Trenton, N.J. 08638 Applicant's representative: Herbert Alan Dubin 1819 H Street, N.W. Washington, D.C. 20006 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food coupons*, between points in the United States (except Alaska and Hawaii), under a continuing contract with General Services Administration. Note: Applicant currently holds common carrier authority in MC 125729, therefore dual operations may be involved. Applicant states that the requested authority duplicates in part, its existing authority in MC 107882 Sub-No. 21. If the instant application is granted, applicant will submit for revocation that portion duplicative of the authority sought herein. If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J., or Washington, D.C.

No. MC 109326 (Sub-No. 106) filed June 14, 1973 Applicant: C & D TRANSPORTATION CO., INC. P.O. Box 10506 New Orleans, La. 70121 Applicant's representative: William P. Jackson, Jr. 919-18th Street, N.W. Washington, D.C. 20006 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 packinghouses as described in Sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 & 766 (except hides and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co., at Shreveport, La., to points in Alabama, Georgia, Florida, Mississippi, North Carolina, South Carolina, and Tennessee. Note: Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New Orleans, La.

No. MC 109584 (Sub-No. 152) filed July 20, 1973 Applicant: ARIZONA-PACIFIC TANK LINES, a Corporation 5773 South Prince Street P.O. Box 192 Littleton, Colo. 80120 Applicant's representative: Mr. Kenneth E. Stolz (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid and liquid sulfur dioxide*, in bulk, in tank vehicles, from points in Arizona to points in California. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 109677 (Sub-No. 45) filed May 15, 1973 Applicant: FORT EDWARD EXPRESS CO., INC. Route 9, Saratoga

Road Fort Edward, N.Y. 12828 Applicant's representative: Harold G. Hernly Wrape and Hernly 118 North St. Asaph Street Alexandria, Va. 22314 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the ports of entry on the International Boundary Line between the United States and Canada at or near Champlain and Trout River, N.Y.; Derby Line, Highgate and Norton, Vt., to points in New Hampshire and Vermont, and points in Clinton, Essex, Franklin, Hamilton, Herkimer, Jefferson, Lewis, Saratoga, St. Lawrence, Warren and Washington Counties, N.Y. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y., or Washington, D.C.

No. MC 109689 (Sub-No. 248) (AMENDMENT) filed April 27, 1973, published in the FR issue of June 28, 1973, and republished, as amended this issue. Applicant: W. S. HATCH CO., a Corporation 643 South 800 West Woods Cross, Utah 84087 Applicant's representative: Mark K. Boyle 345 South State Street Salt Lake City, Utah 84111 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum, and petroleum products*, in bulk, from points in Duchesne County, Utah, to points in Arizona, Colorado, Idaho, Nevada, New Mexico, and Wyoming; (2) *sodium bicarbonates*, from Rock Springs, Wyo., to points in Arizona, California, Oregon, Washington, and Texas; and (3) *tallow*, in bulk, from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Washington, Oregon, California, Nevada, Arizona, New Mexico, Utah, Idaho, Colorado, Wyoming, Montana, Nebraska, North Dakota, South Dakota, Texas, Kansas, and Oklahoma. Note: The purpose of this republication is to indicate that applicant additionally seeks to provide service to points in New Mexico; and to clarify the tacking information. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 110420 (Sub-No. 683) filed July 2, 1973 Applicant: QUALITY CARRIERS, INC. P.O. Box 186 Pleasant Prairie, Wis. 53158 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: (1) *Cleaning, scrubbing and scouring compounds*, in bulk, from Watertown, Wis., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, and Tennessee, and (2) *chemicals and raw materials* used or useful in the production of cleaning, scrubbing and scouring compounds, in bulk, from points in destination territory named in (1) above,

to Watertown, Wis. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 110420 (Sub-No. 684) filed July 2, 1973 Applicant: QUALITY CARRIERS, INC. P.O. Box 186 Pleasant Prairie, Wis. 53158 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: (1) *Foundry facings, liquid mold release products, quenching compounds and hydraulic fluids*, from Howell, Mich., to points in Illinois, Indiana and Ohio, and (2) *cutting oil, rust preventive compounds, soluble oils, metal working petroleum oils and water based metal working lubricant*, in bulk, in tank vehicles, from Howell, Mich., to points in Illinois, Indiana, Kentucky, Missouri, Ohio, and Wisconsin. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111310 (Sub-No. 12) filed July 2, 1973 Applicant: BEER TRANSIT, INC. P.O. Box 338 Hartland, Wis. 53029 Applicant's representative: Michael J. Wynaard 329 West Wilson Street Madison, Wis. 53703 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and advertising equipment, premiums, materials and supplies* when shipped therewith from Milwaukee, Wis., to points in Minnesota, and (2) *empty malt beverage containers and rejected shipments* from points in Minnesota to Milwaukee, Wis. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 111383 (Sub-No. 35) filed June 20, 1973 Applicant: BRASWELL MOTOR FREIGHT LINES, INC. 3925 Singleton Blvd. P.O. Box 4447 Dallas, Tex. 75208 Applicant's representative: Lawrence A. Winkle 4645 North Central Expressway Dallas, Tex. 75205 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between New Orleans, La., and Meridian, Miss., as an alternate route for operating convenience only, serving no intermediate points; From New Orleans, over U.S. Highway 11 to junction Interstate Highway 10, thence over Interstate Highway 10 to junction Interstate Highway 59, thence over Interstate Highway 59 to Meridian; and (2) Between New Orleans, La., and Montgomery, Ala., as an alternate route for operating convenience only, serving

no intermediate points; From New Orleans, La., over U.S. Highway 90 to junction Interstate Highway 10, thence over Interstate Highway 10 to junction Interstate Highway 65, thence over Interstate Highway 65 to Montgomery, and return over the same routes. Note: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 111401 (Sub-No. 391) filed July 5, 1973 Applicant: GROENDYKE TRANSPORT, INC. 2510 Rock Island Boulevard P.O. Box 632 Enid, Okla. 73701 Applicant's representative: Alvin J. Meiklejohn, Jr. Suite 1600 Lincoln Street 1660 Lincoln Street Denver, Colo. 80203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Orange and Jefferson Counties, Tex., to points in Alabama, Arkansas, Louisiana, Mississippi, Georgia, North Carolina, South Carolina, Florida, and Tennessee. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Atlanta, Ga.

No. MC 111545 (Sub-No. 186) filed May 31, 1973 Applicant: HOME TRANSPORTATION COMPANY, INC. 1425 Franklin Road Marietta, Ga. 30062 Applicant's representative: Robert E. Born P.O. Box 6428 Station A Marietta, Ga. 30062 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors) and *parts, implement, attachments, accessories and supplies* for tractors, from Savannah, Ga. and Jacksonville, Fla., to points in Louisiana, Missouri, Illinois, Iowa, Wisconsin, Kentucky, Indiana, Ohio, the Lower Peninsula of Michigan, Virginia, West Virginia, Maryland, Delaware, New Jersey, and Pennsylvania. Note: Applicant states that the requested authority can be tacked: (1) At points in Iowa with its Subs 94 and 98 to serve points in Minnesota, Nebraska, and Kansas; (2) At points in Illinois and Missouri with the authority it presently holds under MC-F-11218, to serve points in Wyoming, Arkansas, Colorado, Kansas and New Mexico; and (3) At points in Missouri with Sub 167, to serve points in Arizona and Utah; limited to "size and weight" articles of those self-propelled weighing 15,000 pounds or more. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga.; Chicago, Ill. or Washington, D.C.

No. MC 112696 (Sub-No. 48) filed June 26, 1973 Applicant: HARTMANS, INCORPORATED P.O. Box 898 Harrisonburg, Va. 22801 Applicant's representative: Edward G. Villalon 1032 Pennsylvania Building Pennsylvania Avenue & 13th Street Washington, D.C. 20004 Authority sought to operate as a *common*



carrier, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Pabst (Houston County), Ga., to Lynchburg, Va., and *empty bottles, containers, kegs, pallets, and skids*, from Lynchburg, Va., to Pabst (Houston County), Ga.; and (2) *shoes*, from Harrisonburg, Va., to the facilities of Consolidated Shoe Company in Campbell County, near Lynchburg, Va. Note: Applicant states that the requested authority in (2) above, can be tacked with its existing authority at Harrisonburg, Va., to provide a through service from Boston, Mass. and Gettysburg, Pa., to Lynchburg, Va. If a hearing is deemed necessary, applicant requests it to be held at Lynchburg, Va. or Washington, D.C.

No. MC 113436 (Sub-No. 4) filed July 5, 1973 Applicant: AUTOMOBILE CARRIERS, INC. 3401 North Dort Highway P.O. Box 128 Flint, Mich. 48501 Applicant's representative: Walter N. Bieneman Suite 1700—One Woodward Avenue Detroit, Mich. 48226 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements in truck-away service, from Janesville, Wis., to points in the Lower Peninsula of Michigan. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it to be held at Washington, D.C., or Detroit, Mich.

No. MC 113651 (Sub-No. 158) filed May 8, 1973 Applicant: INDIANA REFRIGERATOR LINES, INC. 2404 North Broadway Muncie, Ind. 47303 Applicant's representative: Henry A. Dillon (same address as applicant) 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 packinghouses* (except hides and commodities in bulk) and *dressed rabbits* when shipped in mixed shipments with meats, meat products, meat by-products and articles distributed by meat packinghouses; (1) from Denver, Colo., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, the District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Ohio, Michigan, Indiana, Illinois, Louisiana, Mississippi, Iowa, Texas, Arkansas, Oklahoma, and Missouri; and (2) from Denver, Colo., to points in Staten Island, Brooklyn, Manhattan, Queens, Kings, Orange, Putnam, Rockland, Westchester, Suffolk and Nassau Counties, N.Y.; Fairfield County, Conn.; Mercer, Monmouth, Middlesex, Somerset, Hunterdon, Arden, Morris, Sussex, Passaic, Bergen, Hudson, Union, Salem, Rochester, Atlantic, Cape May, Ocean and Burlington Counties, N.J.; Lancaster, Lebanon, Berks, Lehigh, North Hampton,

Bucks, Montgomery, Delaware, Chester, New Castle, York, Adams, and Franklin Counties, Pa., restricted in (1) and (2) above to traffic destined to the named states. Note: Applicant indicates that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it to be held at Denver, Colo., or Washington, D.C.

No. MC 113678 (Sub-No. 504) filed June 25, 1973 Applicant: CURTIS, INC. 4810 Pontiac Street Commerce City, Colo. 80222 Applicant's representative: Richard A. Peterson P.O. Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, and foodstuffs, and advertising equipment, materials and supplies when shipped therewith* (except commodities in bulk), from points in Ohio and points in Boone, Campbell and Kenton Counties, Nebr., to points in Kentucky, Illinois, Indiana, Iowa, Nebraska, Colorado, Kansas, Missouri, Michigan, Minnesota, Wisconsin, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia. Note: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in Subs 90, 92, 99, 111, 133, 149, 157, 190, 257, 262, 284, 330, 331, 350, 376, 387 and 428, however, tacking with these subs is unfeasible because of the circuitry involved and also the duplicative nature of some of the authority makes such tacking unnecessary, therefore applicant has no intention to tack these subs with its existing authority. Tacking, however, is possible with applicant's Subs 38 and 162 at points in Colorado, to serve the additional destination states of Arizona, California, Nevada, New Mexico, Washington, Oregon, Idaho and Montana. Applicant further states that it has no present intention to tack Subs 38 and 162. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it to be held at Columbus, Ohio.

No. MC 114019 (Sub-No. 248) filed June 18, 1973 Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC. 7000 South Pulaski Road Chicago, Ill. 60629 Applicant's representative: Arnold L. Burke 127 North Dearborn Street Chicago, Ill. 60602 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and enclosures* therefor, from Terre Haute, Ind., to points in Illinois, Kentucky, Michigan, Missouri, Ohio and Wisconsin, and *empty pallets* on return, restricted to traffic originating at the above named origin and destined to the above named destinations. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing au-

thority. If a hearing is deemed necessary, applicant requests it to be held at Chicago, Ill.

No. MC 115311 (Sub-No. 154) filed June 13, 1973 Applicant: J & M TRANSPORTATION CO., INC. P.O. Box 488 Milledgeville, Ga. 31001 Applicant's representative: Paul M. Daniell P.O. Box 872 Atlanta, Ga. 30301 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, (a) from the plantsite and warehouse facilities of Georgia Pacific Corporation at or near Dudley, Enfield, and Whiteville, N.C., to points in Alabama, Florida, Georgia, Kentucky, South Carolina, and Tennessee, and (b) from the plantsite and warehouse facilities of Georgia Pacific Corporation at or near Alcolu, Prosperity, Russellville, and Varnville, S.C., to points in Alabama, Florida, Georgia, North Carolina, Kentucky, and Tennessee; (2) *particleboard*, (a) from the plantsite and warehouse facilities of Georgia Pacific Corporation at or near Whiteville, N.C., to points in Alabama, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Missouri, Nebraska, South Dakota, and North Dakota, Tennessee, Mississippi, Colorado, New Mexico, Florida, Georgia, and South Carolina, and (b) from the plantsite and warehouse facilities of Georgia Pacific Corporation at or near Russellville, S.C., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, Tennessee, and Virginia. Note: Applicant states that the requested authority in (2) (a) and (2) (b) above, can be tacked with its pending Sub 120 to provide additional service from the Georgia Pacific Corporation plantsite at Vienna, Ga., to serve the additional destination states of Arkansas, Louisiana, Texas, Oklahoma, Kansas, Missouri, Nebraska, South Dakota, North Dakota, Colorado, and New Mexico; and further indicates that the requested authority in (1) (b) above can be tacked at Cordova, Ala., with its existing authority in its Sub-No. 106, to serve points in Kentucky. Applicant indicates it has no present intention to tack. If a hearing is deemed necessary, applicant requests it to be held at Atlanta, Ga.

No. MC 115311 (Sub-No. 156) filed June 28, 1973 Applicant: J & M TRANSPORTATION CO., INC. Post Office Box 488 Milledgeville, Ga. 31061 Applicant's representative: Paul M. Daniell Post Office Box 872 Atlanta, Ga. 30301 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal wall studs and metal wall studs tracking*, from Monroe, Ga., to points in Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Kentucky, North Carolina, South Carolina, Virginia, West Virginia and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it to be held at Atlanta, Ga.

No. MC 115975 (Sub-No. 19) filed June 6, 1973 Applicant: C.B.W. TRANSPORT SERVICE, INC. P.O. Box 48 Wood River, Ill. 62095 Applicant's represent-

ative: Earnest A. Brooks, II 1301 Ambassador Building St. Louis, Mo. 63101 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating grease and lubricating oils*, in bulk, in tube trailers, in tank vehicles and in carrier-owned containers of not less than 300 gallons capacity, from the plantsite of International Lubricant Corporation at New Orleans, La., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, Missouri, New Jersey, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia and West Virginia, under a continuing contract with Shell Oil Company, Houston, Tex. Note: Applicant currently holds common carrier authority in MC 127910 Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or St. Louis, Mo.

No. MC 116763 (Sub-No. 260) filed June 25, 1973 Applicant: CARL SUBLER TRUCKING, INC. North West Street Versailles, Ohio 45380 Applicant's representative: H. M. Richters (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and clay tile, and materials and supplies* used in the manufacture, installation and distribution of carpet and clay tile (except commodities in bulk), (1) from Bristow, Okla., to points in the United States (except Alaska and Hawaii), and (2) from points in the United States (except Alaska and Hawaii) to Bristow, Okla. Note: Applicant states that the requested authority can be tacked with its existing authority, but is willing to accept a no tacking restriction. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 116763 (Sub-No. 261) (AMENDMENT) filed June 22, 1973, published in the FR issue of August 9, 1973, and republished as amended this issue. Applicant: CARL SUBLER TRUCKING, INC. North West Street Versailles, Ohio 45380 Applicant's representative: H. M. Richters (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruits and vegetables, fruit and vegetable products, concentrates, beverages, and beverage preparations*, from points in Florida, to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, the Lower Peninsula of Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Note: Applicant states that the requested authority can be tacked with its existing authority held in MC 116763, Sub-No. 58 to originate traffic at Martinsburg, W. Va., destined to points in Louisiana, Mississippi, and Missouri, but it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an

unrestricted grant of authority. The purpose of this republication is to correctly reflect the tacking information. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117565 (Sub-No. 90) filed July 5, 1973 Applicant: MOTOR SERVICE COMPANY INC. Route 3 P.O. Box 448 Coshocton, Ohio 43812 Applicant's representative: John R. Hafner (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* used in the manufacture, processing and distribution of bathroom and plumbing fixtures and parts, attachments, and accessories for bathroom and plumbing fixtures, plastic products, shower stalls, china and earthenware goods, and counter tops, from points in the United States (except Alaska and Hawaii), to points in Spencer and Vanderburgh Counties, Ind. Note: Dual operations may be involved. Applicant states that the requested authority cannot be tacked with its present authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 118202 (Sub-No. 13) filed July 2, 1973 Applicant: SCHULTZ TRANSIT, INCORPORATED Box 406 323 Bridge Street Winona, Minn. 55987 Applicant's representative: Eugene A. Schultz (Same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles as are dealt in by retail gift specialty stores*, from Laredo, Tex., to points in North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Missouri, Illinois (except Chicago and the Commercial zone thereof), Kentucky, Indiana, Ohio, Michigan, and Wisconsin. Note: Applicant holds contract carrier authority in MC 134631 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 118806 (Sub-No. 29) filed June 25, 1973 Applicant: ARNOLD BROS. TRANSPORT, LTD. 739 Lagimodiere Boulevard Winnipeg, Manitoba, Canada Applicant's representative: Daniel C. Sullivan 327 South La Salle Street Chicago, Ill. 60604 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles and plastic products*, from ports of entry on the International Boundary line between United States and Canada in Montana, North Dakota, and Minnesota, to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118936 (Sub-No. 3) filed May 18, 1973 Applicant: JAMES A. MARINARI AND JOSEPH A. MARI-

NARI, doing business as MARINARI BROTHERS 9 Colwell Lane Conshohocken, Pa. 19428 Applicant's representative: V. Baker Smith 2107 The Fidelity Building Philadelphia, Pa. 19109 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap materials*, between points in New York, New Jersey, Pennsylvania, Delaware, and Maryland, on the one hand, and, on the other, points in Burlington County, N.J., restricted against service between points in Burlington County, N.J. on the one hand, and, on the other, Lewistown, Pa., and points in Decatur and Derry Township (Mifflin County), Pa. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 119547 (Sub-No. 36) filed July 3, 1973 Applicant: EDGAR W. LONG, INC. Route 4 Zanesville, Ohio 43701 Applicant's representative: Richard H. Brandon 79 East State Street Columbus, Ohio 43215 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products*, (except commodities in bulk), from points in Noble County, Ohio, to points in the United States (except Alaska and Hawaii) and (2) *materials and supplies* used in the manufacture and shipping of clay products, (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to points in Noble County, Ohio. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119789 (Sub-No. 168), filed July 2, 1973 Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 E. Irving Blvd., Dallas, Tex. 75222 Applicant's representative: James K. Newbold, Jr. (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery and related products* (except in bulk), and *advertising matter, premium and display materials* when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from the plant site and warehouse facilities of M & M/Mars, Division of Mars, Incorporated located in Georgia, to points in Arizona, Arkansas, California, Colorado, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Texas, Utah, Washington, and Wisconsin, restricted to the transportation of traffic originating at the plant site and warehouse facilities of M & M/Mars, Division of Mars, Incorporated. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Dallas, Tex.

No. MC 120981 (Sub-No. 16) filed June 5, 1973 Applicant: BESTWAY EXPRESS, INC. 415—5th Avenue, South Nashville, Tenn. 37203 Applicant's representative: George M. Catlett Suite 703-706 McClure Building Frankfort, Ky. 40601 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Jackson, Miss., and Baton Rouge, La.: From Jackson, Miss. over Interstate Highway 55 to junction Interstate Highway 12, thence over Interstate Highway 12 to Baton Rouge, La., and return over the same route serving no intermediate points, serving all points in Hinds County, Miss., as off-route points, and serving the junction of Interstate Highway 55 and Interstate Highway 12 for purposes of joinder only; (2) Between New Orleans, La., and the junction of Interstate Highway 12 and Interstate Highway 55: From New Orleans, La., over U.S. Highway 61 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction Interstate Highway 12, and return over the same route, serving no intermediate points, and serving the junction of Interstate Highway 12 and Interstate Highway 55 for purposes of joinder only. **RESTRICTION:** Restricted against the transportation of shipments between points in Hinds County, Miss., on the one hand, and, on the other, New Orleans, La., and points in the commercial zone thereof. Note: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or New Orleans, La.

No. MC 123048 (Sub-No. 271) filed June 11, 1973 Applicant: DIAMOND TRANSPORTATION SYSTEM, INC. 1919 Hamilton Avenue Racine, Wis. 53401 Applicant's representative: Paul C. Gartzke 121 W. Doty Street Madison, Wis. 53703 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames and fifth wheels), and *attachments and parts* thereof, when moving in mixed loads with such commodities, from Chicago, Ill., Duluth, Minn., and Milwaukee, Wis., to points in the upper peninsula of Michigan, Illinois, Iowa, Minnesota, Montana, North Dakota, South Dakota, Wisconsin, and Wyoming, restricted to the transportation of shipments having an immediately prior movement by water and to traffic destined to the plantsites, warehouses and dealer facilities of Deere and Company. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123067 (Sub-No. 119) filed June 14, 1973 Applicant: M & M TANK LINES, INC. P.O. Box 30006 Washington, D.C. 20014 Applicant's representative:

William P. Sullivan Federal Bar Building West 1819 H Street, N.W. Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, from Savannah, Ga. (except those points in the Savannah, Ga. Commercial Zone in South Carolina), to points in Florida. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123233 (Sub-No. 49) filed June 19, 1973 Applicant: PROVOST CARTAGE, INC. 7887 - Second Avenue Ville d'Anjou 437 Quebec, Canada Applicant's representative: J. P. Vermette (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice*, in bulk, in tank vehicles, from Westfield, N.Y., to the ports of entry on the International Boundary line between the United States and Canada located at or near Trout River and Champlain, N.Y., restricted to traffic in foreign commerce destined to Canada. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Albany, N.Y.

No. MC 123255 (Sub-No. 39) filed June 29, 1973 Applicant: B & L MOTOR FREIGHT, INC. 140 Everert Ave. Newark, Ohio 43055 Applicant's representative: A. Charles Tell 100 East Broad St. Columbus, Ohio 43215 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Ceramic foam, plastics, and plastic products* (except in bulk), from points in Lawrence and Scioto Counties, Ohio, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois (except points in the Chicago, Ill., Commercial Zone as defined by the Commission), Iowa, Kansas, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin, and that part of Pennsylvania east of U.S. Highway 219, and the District of Columbia, and (b) from the plants and warehouses of Dow Chemical Company at Plaquemine, La., Cape Girardeau and Pevely, Mo., Royersford, Pa.; and Freeport, Tex., to points in Lawrence and Scioto Counties, Ohio; (2) *plastic and plastic products* (except in bulk), from the plants and warehouses of Dow Chemical Company at or near Royersford, Pa., to points in Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, South Carolina, Tennessee, and West Virginia; (3) *plastics, plastic products, and plastic coated aluminum* (except in bulk), from the plants and warehouses of Dow Chemical Company at or near Findlay, Ohio, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana,

Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin; (4) *plastics and plastic products* (except in bulk), from the plants and warehouses of Dolco Packing Corporation at or near Red Hill, Pa., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and West Virginia (except points on and south of U.S. Highway 33); (5) *plastic foam containers*, from the plants and warehouses of Dolco Packing Corporation at or near Lawrenceville, Ga., to points in Delaware, Illinois, Indiana, Kentucky, Maryland, New Jersey, Ohio, Pennsylvania, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; and (6) *plastic foam products*, from Decatur, Ind., to points in the United States on and east of U.S. Highway 85, restricted in (1) thru (6) above to traffic originating at the named origins and destined to the named destinations. Note: Applicant presently is authorized to perform all of the foregoing service as a contract carrier pursuant to authority granted in Docket MC-F-11722. By this application applicant seeks to convert said contract carrier authority to common carrier authority. Applicant also holds contract carrier authority in MC 81968 and Subs thereunder, therefore dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123407 (Sub-No. 132) filed July 2, 1973 Applicant: SAWYER TRANSPORT, INC. South Haven Square, U.S. Highway 6 Valparaiso, Ind. 46383 Applicant's representative: Richard L. Loftus (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic or iron fittings and connections, valves, hydrants, and gaskets* (except Oil Field Commodities as defined in *Mercer-Extension Oil Field Commodities*, 74 M.C.C. 459), from the plantsite and storage facilities of the Clow Corporation at Columbia, Mo., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, restricted to traffic originating at the plantsite and storage facilities of the Clow Corporation at Columbia, Mo., and further restricted to traffic destined to points in the above described destination territory. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 123640 (Sub-No. 10) (CLARIFICATION) filed May 4, 1973, published in the FR issue June 28, 1973, and republished as clarified, this issue. Applicant: SUMMIT CITY ENTERPRISES,

INC. 3200 Maunee Avenue Fort Wayne, Indiana 46803 Applicant's representative: Irving Klein 280 Broadway New York, N.Y. 10007 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold and dealt in by wholesale hardware houses, between Cape Girardeau, Mo., on the one hand, and, on the other, those points in Texas in a territory beginning at the Texas-Oklahoma State Boundary line and extending southerly along Interstate Highway 35 to its intersection with Interstate 35W at Denton, Tex., thence along Interstate Highway 35W to its intersection with Interstate Highway 35, thence along Interstate Highway 35 to its intersection with U.S. Highway 84, thence easterly along U.S. Highway 84 to the Texas-Louisiana State Boundary line, including all points and commercial zones on and along the above described territorial boundaries, under a continuing contract with Hardware Wholesalers, Inc. Note: The purpose of this republication is to indicate that applicant can serve all points and commercial zones on and along the above described territorial boundaries in lieu of serving only those points located within the territorial boundaries described above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124813 (Sub-No. 105) filed June 25, 1973 Applicant: UMTHUN TRUCKING CO., a Corporation 910 South Jackson Street Eagle Grove, Iowa 50533 Applicant's representative: William L. Fairbank 900 Hubbell Bldg. Des Moines, Iowa 50309 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, (1) from Green Bay and points in Fond du Lac and Dodge Counties, Wis., to points in Iowa, Minnesota and Missouri; (2) from points in Manitowac County, Wis., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota and Wyoming; and (3) from the facilities of Linwood Stone Products Company, Inc., at or near Davenport, Iowa, to points in Wisconsin, and those in Minnesota on and south of U.S. Highway 12. Note: Applicant also holds contract authority in MC 118468 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Milwaukee, Wis., St. Paul, Minn., or Chicago, Ill.

No. MC 125551 (Sub-No. 4) filed June 22, 1973 Applicant: K & W TRUCKING CO., INC. 701 Fifteenth Avenue Southeast St. Cloud, Minn. 56301 Applicant's representative: Donald A. Morken 1000 First National Bank Bldg. Minneapolis, Minn. 55402 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore and ore concentrates*, from points in Alaska to White Pine, Mich., Butte, Mont., and Takoma, Wash. Note: Com-

mon control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 126899 (Sub-No. 64) filed June 8, 1973 Applicant: USHER TRANSPORT, INC. 3925 Old Benton Road Paducah, Ky. 42001 Applicant's representative: George M. Catlett 703-706 McClure Building Frankfort, Ky. 40601 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising material*, and *empty malt beverage containers* on return, from Detroit, Mich. and Memphis, Tenn., to Evansville, Ind. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind. or Louisville, Ky.

No. MC 127042 (Sub-No. 120) filed May 29, 1973 Applicant: HAGEN, INC. 4120 Floyd Blvd. P.O. Box 98—Leeds Station Sioux City, Iowa 51108 Applicant's representative: Joseph W. Harvey (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen, from points in California, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Ohio and Wisconsin. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 127625 (Sub-No. 14) filed October 4, 1972 Applicant: SANTEE CEMENT CARRIERS, INC. P.O. Box 638 Holly Hill, S.C. 22601 Applicant's representative: Frank B. Hand, Jr. P.O. Box 446 Winchester, Va. 22601 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, between points in Georgia, North Carolina, and South Carolina. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C. or Washington, D.C.

No. MC 128659 (Sub-No. 4) filed June 27, 1973 Applicant: ORBITAL TRANSPORT, INC. 2647 Karen Street Bellmore, Long Island, N.Y. Applicant's representative: Arthur J. Piken One Lefrak City Plaza Flushing, N.Y. 11368 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, from North Bergen, Millville, Freehold and Wharton, N.J., and Orangeburg, N.Y., to Garden City and Patchogue, N.Y., under contract with Pepcom Industries, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128677 (Sub-No. 2) filed June 25, 1973 Applicant: PORTLAND EXPRESS, INC. P.O. Box 183, Russell St. Portland, Tenn. 37148 Applicant's representative: Walter Harwood 1822 Parkway Towers Nashville, Tenn. 37219 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Mitchell, Tenn., and Louisville, Ky., from Mitchell over U.S. Highway 31-W to junction Interstate Highway 65, thence over Interstate Highway 65 to Louisville and return over the same route, serving no intermediate points, and (2) between Mitchell, Tenn., and Nashville, Tenn., from Mitchell over U.S. Highway 31-W to junction Tennessee Highway 52, thence over Tennessee Highway 52 to junction Interstate Highway 65, thence over Interstate Highway 65 to Nashville, and return over the same route, serving no intermediate points, and serving the junctions of Interstate Highway 65 with Tennessee Highway 52 and 25 for the purpose of joinder only. RESTRICTION: Restricted against the handling of traffic which originates at, is destined to, or interlined at points in Davidson County, Tenn., on the one hand, and, on the other, that which originates at, is destined, or interlined at Louisville, Ky., and points in its Commercial Zone.

Note: Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 129529 (Sub-No. 5) filed June 5, 1973 Applicant: THRUWAY MESSENGER SERVICE, INC. 4 Bobby Road West Nyack, N.Y. 10994 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in specialized delivery service, between points in Rockland, Orange, Dutchess, Putnam, Ulster, Westchester, Sullivan Counties, N.Y. and points in New Jersey on the one hand, and, on the other, New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., and New Jersey. RESTRICTION: Service requested herein is subject to the following conditions: Said operations are restricted against the transportation of packages or articles weighing in the aggregate more than 500 pounds from one consignor at any one location on any one day; against the transportation of commercial papers, documents, written instruments and business records as are used in the business of banks and banking institutions between Rockland County, N.Y., on the one hand, and, on the other, New York, N.Y., and Passaic, N.J.; and against the transportation of exposed and processed film and

prints between Fair Lawn, N.J. on the one hand, and, on the other, points in Rockland County, N.Y. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Orangeburg, N.Y.

No. MC 129809 (Sub-No. 8) filed June 4, 1973 Applicant: A & H, INC. 324 Old Highway #11 Box 346 Footville, Wis. 53537 Applicant's representative: David J. MacDougall One East Milwaukee Street Janesville, Wis. 53545 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from points in Wisconsin, to points in Massachusetts, New York, Pennsylvania, Connecticut, New Jersey, and Rhode Island, under a continuing contract, or contracts, with S. & R. Cheese Corp. of Plymouth, Wis. Note: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, or Madison, Wis.

No. MC 133391 (Sub-No. 1) filed June 27, 1973 Applicant: SCHWERMAN TRUCKING CO. OF VA., INC. 611 South 28 Street Milwaukee, Wis. 53246 Applicant's representative: Richard H. Prevette (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt cake*, in bulk, from Norfolk, Va., to points in Virginia and North Carolina. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133966 (Sub-No. 26) filed July 11, 1973 Applicant: NORTH EAST EXPRESS, INC. P.O. Box 61 Mountaintop, Pa. 18707 Applicant's representative: Edward G. Villalon 1032 Pennsylvania Bldg. Pennsylvania Ave. & 13th St., N.W. Washington, D.C. 20004 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiber glass, fiber glass products, mineral wool, mineral wool products, insulating materials and insulated air duct*, from Shelbyville and Indianapolis, Ind., to points in Pennsylvania, Maryland, Delaware, New Jersey, New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134145 (Sub-No. 36) filed June 27, 1973 Applicant: NORTH STAR TRANSPORT, INC. Route 1 Thief River Falls, Minn. 56701 Applicant's representative: Robert P. Sack P.O. Box 6010 West St. Paul, Minn. 55118 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sound reproducing equipment*, from Rochester, Minn., to points in Arizona, Connecticut, Delaware, Idaho, Iowa, Kentucky, Louisiana, Maine, Maryland, Montana, Nebraska, Nevada,

New Hampshire, New Mexico, North Carolina, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, and Wyoming, and (2) *parts, materials, and supplies* used in the manufacture of the commodities described in (1) above, from points in Alabama, Arizona, Colorado, Delaware, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maine, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, and West Virginia, to Rochester, Minn., under contract with Waters Conley Company. Note: If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 134599 (Sub-No. 84) filed July 2, 1973 Applicant: INTERSTATE CONTRACT CARRIER CORPORATION P.O. Box 748 Salt Lake City, Utah 84110 Applicant's representative: Richard A. Peterson P.O. Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles and materials, parts and supplies used in assembling motorcycles*, between Milwaukee, Wis., on the one hand, and, on the other, York, Pa., under contract with AMP Incorporated. Note: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah or Lincoln, Nebr.

No. MC 134922 (Sub-No. 47) filed July 2, 1973 Applicant: B. J. McADAMS, INC. Route 6, Box 15 North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionary and related products* (except in bulk) and (2) *advertising matter, premium and display materials* when shipped in the same vehicle with commodities described in (1), above in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of M & M/MARS, Division of Mars, Incorporated, located in Georgia, to points in Alabama, Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of M & M/MARS Division of Mars, Incorporated. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or Little Rock, Ark.

No. MC 134925 (Sub-No. 2) filed July 3, 1973 Applicant: CUMMINGS TRUCKING COMPANY, INC P.O. Box 10492 Birmingham, Ala. 35401 Applicant's representative: William P. Jackson, Jr. 919-18th Street, N.W. Suite 425 Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Waste or scrap paper, and metals*, from points in Mississippi, Tennessee, North Carolina, South Carolina, Georgia, and Florida, to the facilities of Charles Temerson & Sons and Tererson Steel Warehouse, Inc., at or near Tuscaloosa, Ala. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham or Tuscaloosa, Ala.

No. MC 135797 (Sub-No. 11) filed July 5, 1973 Applicant: J. B. HUNT TRANSPORT, INC. 833 Warner Street, S.W. Atlanta, Ga. 30310 Applicant's representative: Virgil H. Smith 1587 Phoenix Boulevard, Suite 12 Atlanta, Ga. 30349 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Games and toys, foodstuffs, plastic articles, feed and feed supplements, rice hulls, sporting goods, pulpboard and fiberboard, castings and forgings, and electrical generators and motors and parts thereof*, from the plantsite and warehouse of J. B. Hunt Co. at Lowell, Ark., to points in the United States (except Alaska, Arkansas, and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 136646 (Sub-No. 5) filed July 11, 1973 Applicant: DYKSTRA TRANSPORT, INC. 317 Fourth Ave., S.E. Sioux Center, Iowa 51250 Applicant's representative: Patrick E. Quinn 605 South 14th Street P.O. Box 82028 Lincoln, Nebr. 68501 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the facilities of Farmland Industries, Inc., at or near Sergeant Bluff, Iowa, and from Fort Dodge, Iowa to points in North Dakota, South Dakota, Minnesota and Nebraska. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 138090 (Sub-No. 2) filed June 27, 1973 Applicant: LOUIS MOLNAR, doing business as L & M PRODUCE AND TRUCK LINES 51 Luverne Avenue Downsview, Ontario, Canada Applicant's representative: Robert D. Gunderman 710 Statler Hilton Buffalo, N.Y. 14202 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Office and stacking chairs, crated and uncrated, and replacement parts*, in mixed loads, from the ports of entry on the International Boundary line between the United States and Canada at the Detroit and Niagara Rivers to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 138192 (Sub-No. 3) filed July 3, 1973 Applicant: JAMISON MOTOR LINES, INC. 516 Warren Avenue Dade City, Fla. 33525 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lighting fixtures, and materials and supplies* used in the installation thereof, from Scottsboro, Ala. to points in Arizona, California, New Mexico, Washington, Oregon, Utah, Montana, Wyoming, Idaho, Nevada, and Colorado, and (2) *materials and supplies* used in the manufacture of lighting fixtures, from points in the above named destination states to Scottsboro, Ala. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Atlanta, Ga.

No. MC 138271 (Sub-No. 2) filed June 20, 1973 Applicant: LOWDER'S HORSE TRANSPORT, INC. P.O. Box 28652 Atlanta, Ga. 30328 Applicant's representative: Bill R. Davis 1208 Gas Light Tower Atlanta, Ga. 30303 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock*, other than ordinary, and *mascoots, tack and supplies and equipment attendants and personal effects of attendants, and supplies and equipment* used in the care and maintenance and showing of such livestock, between points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Arkansas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 138313 (Sub-No. 6) filed June 20, 1973 Applicant: MACK E. BURGESS doing business as, BUILDERS' TRANSPORT 409 14th Street, S.W. Great Falls, Mont. 59404 Applicant's representative: Irene Warr 430 Judge Building Salt Lake City, Utah 84111 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, millwork, wooden poles, wooden posts, wooden beams, particle board, plywood and hardboard*, (1) from points in Montana, to those ports of entry on the International Boundary Line between the United States and Canada which intersect the Alberta and Saskatchewan provincial boundary lines; and (2) from points in Montana, to points in North Dakota. Note: Applicant currently holds contract carrier authority in MC 126780 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont.

No. MC 138409 (Sub-No. 2) filed July 5, 1973 Applicant: BILLY C. ALBRITTON Route 2 2005 Eastwood Drive Kinston, N.C. 28501 Applicant's representative: Vaughan S. Winborne 1108 Capital Club Building Raleigh, N.C. 27601 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry in bags, and in bulk,

in dump and flat bed equipment, from Hartsville, S.C. and Norfolk, Va., to points in North Carolina. Note: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C. or Norfolk, Va.

No. MC 138442 (Sub-No. 2) filed June 18, 1973 Applicant: GORDON M. EBBERT doing business as: JADE AIR CARGO Bldg. 429 P.O. Box 866, Grant County Airport Moses Lake, Wash. 98837 Applicant's representative: Robert G. Gleason 5403 Rainier Avenue South Seattle, Wash. 98118 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), restricted to traffic having a prior or subsequent movement by air, 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, Ephrate, Moses Lake, Othello, Cashmere, Chelan, Waterville and Oroville, Wash., on the one hand, and on the other, points in 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 State Highway 21, at or near Wilbur, Wash., and those points lying east of Washington State Highway 21, as it extends from said junction to the United States-Canadian International Boundary). Note: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 138471 (Sub-No. 1) filed July 5, 1973 Applicant: DANIEL J. LEONARD, doing business as LEONARD TRUCKING 1878 Delameter Road Castle Rock, Wash. 98611 Applicant's representative: David C. White 2400 S.W. Fourth Avenue Portland, Ore. 97201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden shakes and shingles*, from points in Washington on and west of U.S. Highway 97, to points in California, and (2) *wine and malt beverages*, from Azusa, Los Angeles, Madera, Modesto, San Francisco, and Van Nuys, Calif., to Chehalis and Longview, Wash. Note: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 138626 filed April 9, 1973 Applicant: LESLIE OAKLEY JR. AND BARRY OAKLEY doing business as: OAKLEY BROTHERS TRUCKING Fairfield, Mont. 59436 Applicant's representative: L. D. Nybo 529 Great Falls National Bank Bldg. Great Falls, Mont. 59401 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, aluminum, and steel irrigation pipe* of various sizes and dimensions and *fittings*

used incident thereto; *wheel line sprinklers, sprinkler components and materials and equipment* used incident to wheel line sprinkler devices, from Eugene, Portland, and Clackamas, Ore.; Tacoma, Seattle, and Spokane, Wash.; and Boise, Idaho, to points in Montana, under a continuing contract, or contracts, with Mountain Supply Co., Inc. and distributors and manufacturers of the named commodities. Note: If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont. or Spokane or Seattle, Wash.

No. MC 138691 (Sub-No. 1) filed July 2, 1973 Applicant: EVERGREEN DISTRIBUTING COMPANY, INC. 1610 W. Markle Avenue Vancouver, Wash. 98660 Applicant's representative: Russell M. Allen 1200 Jackson Tower Portland, Ore. 97205 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shakes and trim*, from the mill of Longview Booming Co., Inc. at or near Longview, Wash., to points in California, under contract with Longview Booming Co., Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Portland, Ore. or Longview, Wash.

No. MC 138808 filed June 11, 1973 Applicant: A. M. TRUCKING, INC. Box 345 Oak Ridge, N.J. 07438. Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags, paper boxes, wrapping paper, plastic bags, and materials, equipment and supplies* used or useful in the manufacture and sale of the foregoing commodities, between points in Connecticut, Delaware, Kentucky, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, under a continuing contract with Equitable Bag Co., Inc. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 138846 (Sub-No. 2) filed July 3, 1973 Applicant: A. C. WHITE STORAGE COMPANY, INC. 660 Edgewood Ave., N.E. Atlanta, Ga. 30312 Applicant's representative: J. Michael May 1000 Fulton Federal Bldg. Atlanta, Ga. 30303 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ranges, ovens, range tops, range hoods, refrigerators, disposal units, trash compactors, dish washers, vacuum systems, air conditioners, kitchen cabinets, and attachments, and accessories* for the above named commodities, from points in Fulton County, Ga., to points in Alabama, and those in Florida in and north of the southern boundaries of Dixie, Gilchrist, Alachua, Putnam and Flagler Counties, Fla., under a continuing contract, or contracts, with Tappan, Division of The Tappan Company. Note: Applicant holds common carrier authority in MC 120606 (Sub-No. 1), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed

necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 138870 (Sub-No. 1) filed July 2, 1973 Applicant: MOBILE TRUCK CONTROL, INC. P.O. Box 2525 Mobile, Ala. 36601 Applicant's representative: Alice M. Meadows 804 First Federal Towers Mobile, Ala. 36616 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized* (intermodal) *freight*, all kinds, with prior or subsequent move via water, and *empty containers*, between any port in Mobile County, Ala., on the one hand, and, on the other, points in Alabama, Georgia, Tennessee, Kentucky, and those in Mississippi north of a line extending from the intersection of the eastern boundary of Mississippi and U.S. Highway 98, westwardly along U.S. Highway 98 to its intersection with Mississippi Highway 26, westwardly along Mississippi Highway 26 to the western boundary of Mississippi, and points in that portion of Florida west of the Suwannee River, and to include the city limits of all cities contiguous to all of the aforementioned boundaries. Note: If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 138874 filed June 20, 1973 Applicant: PACKARD, INC. P.O. Drawer "H" Buras, La. 70041 Applicant's representative: Henry O'Connor, Jr. 1440 Oil & Gas Bldg. New Orleans, La. 70112 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield equipment and materials, timbers, machinery, pipe, cement, lumber and materials, supplies and equipment* to be used in the construction, development, operation and maintenance of facilities for the discovery and development of natural gas and petroleum and *fertilizer and building materials*, used in excavating and construction of dirt work, between points in Louisiana. Note: The purpose of the instant application is to convert applicant's Certificate of Registration to a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at New Orleans, or Baton Rouge, La.

No. MC 138875 filed June 18, 1973 Applicant: SHOEMAKER TRUCKING COMPANY 8624 Franklin Road Boise, Idaho 83705 Applicant's representative: F. L. Sigloh P.O. Box 7651 Boise, Idaho 83707 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *wood and steel trusses and component parts and laminated wooden beams*, from plantsites of Trus-Joist Corporation, located at points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundary of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, to points in the United States in the territory described above.

Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 138877 filed April 26, 1973 Applicant: SOUTHERN IDAHO DISTRIBUTING COMPANY OF BOISE, INC. P.O. Box 525 Eagle, Idaho 83616 Applicant's representative: Larry D. Ripley P.O. Box 1559 1010 Bank of Idaho Building Boise, Idaho 83701 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine and beer*, from points in California, Oregon and Washington, to points in Idaho south of the Salmon River; and (2) *beer*, from points in Arizona, to points in Idaho south of the Salmon River. Note: If a hearing is deemed necessary, applicant requests it be held at Boise, Twin Falls, or Pocatello, Idaho.

No. MC 138908 filed January 22, 1973 Applicant: ROGER GARRIS Route 115 Saylorburg, Pa. 18353 Applicant's representative: Michael J. Wetmore 401 Prospect Street E. Stroudsburg, Pa. 18301 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone and stone products, slate and slate products*, between points in Northampton, Monroe, Carbon, Pike, Wayne, Luzerne, Wyoming, Lehigh and Lackawanna Counties, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (2) *granite and granite products, marble and marble products, stone and stone products, and wollastonite*, between points in Clinton, Franklin, St. Lawrence, Jefferson, Lewis, Oswego, Oneida, Herkimer, Hamilton, Fulton, Montgomery, Saratoga, Washington, Warren, and Essex Counties, N.Y., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (3) *stone and stone products, granite and granite products, marble and marble products, slate and slate products, wollastonite and mineral pigments*, between Lemolle, Caledonia, Chittenden, Washington, Addison, Orange, Rutland, Windsor, Bennington and Windham Counties, Vt., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Note: If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa.

No. MC 138918 filed July 5, 1973 Applicant: LIONEL L. GUMM, doing business as GUMM TRUCKING CO. 1816 Dunkirk Drive Lexington, Ky. 40504 Applicant's representative: Richard E. Vimont 139 Market Street P.O. Box 2086 Lexington, Ky. 40501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated and fiber boxes and containers, and materials and supplies* used in the manufacture of corrugated and fiber boxes and containers, (a) between the plant site of Alton Box Board Co., at Lexington, Ky., on the one hand, and, on the other, points in New Albany and Jeffersonville, Ind., and (b)

between the plant site of Alton Box Board Co., at Aurora, Ind., on the one hand, and, on the other, the plant site of Alton Box Board Co., at Lexington, Ky., under contract with Alton Box Board Co. Note: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

#### MOTOR CARRIER OF PASSENGERS

No. MC 28339 (Sub-No. 8) filed July 11, 1973 Applicant: BREMERTON-TACOMA STAGES, INC. 1936 Westlake Avenue Seattle, Wash. 98101 Applicant's representative: James E. Wilson 1032 Pennsylvania Bldg. Pennsylvania Avenue & 13th St., N.W. Washington, D.C. 20004 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing or pleasure tours, beginning and ending at points in Mason, Thurston, Pierce, and Kitsap Counties, Wash., and extending to points in the United States including Alaska, (but excluding Hawaii). Note: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 58915 (Sub-No. 56) filed May 21, 1973 Applicant LINCOLN TRANSIT CO., INC. Route 46 East Paterson, N.J. 07407 Applicant's representative: Robert E. Goldstein 8 West 40th Street New York, N.Y. 10018 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, (1) Between junction Monmouth County Highway 524 and Stillwells Corner Road, and Monmouth County Highway 537 in Monmouth County, N.J.: From junction Monmouth County Highway 524 and Stillwells Corner Road over Monmouth County Highway 524 to junction Iron Bridge Road, thence over Iron Bridge Road to junction Monmouth County Highway 537, and return over the same route, serving all intermediate points; (2) Between junction Ocean County Road 549 and Garden State Parkway Interchange Road 91, and junction Burnt Tavern Road and Ocean County Road 549 in Ocean County, N.J.: From junction Ocean County Road 549 and Garden State Parkway Interchange Road 91 over Ocean County Road 549 to junction Herbertsville Road, thence over Herbertsville Road to junction Maple Avenue, thence over Maple Avenue to junction Burnt Tavern Road, thence over Burnt Tavern Road to junction Ocean County Road 549, and return over the same route, serving all intermediate points; and (3) Between junction Ocean County Road 526 and U.S. Highway 9, and Ocean County Road 549 in Ocean County, N.J.: From junction Ocean County Road 526 and U.S. Highway 9 over Ocean County Road 526 to junction Ocean County Road 549, and return over the same route, serving all intermediate points. Note: Common control may be involved. Applicant states that the requested authority will be joined with its existing authority to provide service to and from New York, N.Y.

If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 114755 (Sub-No. 2) filed June 29, 1973 Applicant: NEWBURGH BEACON BUS CORP. Windsor Highway Route 32—Box 2628 Newburgh, N.Y. 12550 Applicant's representative: Clyde E. Herring Suite 501 1111 E Street, N.W. Washington, D.C. 20004 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle as passengers, in special operations, in round trip sight-seeing and pleasure tours, beginning and ending at points in Dutchess, Orange, Putnam and Ulster Counties, N.Y., and extending to points in the United States including Alaska (but excluding Hawaii). Note: If a hearing is deemed necessary, applicant requests it be held at either Newburgh, Albany, or New York City, N.Y.

APPLICATION FOR BROKERAGE LICENSES  
PROPERTY

No. MC 130204 filed May 21, 1973 Applicant: GREAT LAKES TRUCK BROKERS COMPANY, INC. 15115 Nebraska Avenue Tampa, Fla. 33605 Applicant's representative: Gary P. Gormin 1212 So. Highland Avenue Clearwater, Fla. 33516 Authority sought to engage in operation, in interstate or foreign commerce as a *broker* at Tampa, Fla., Chicago, Ill., and Green Bay and Milwaukee, Wis., to sell or offer to sell the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require special handling), in truck load or less than truck load lots, between points in the United States (except Alaska and Hawaii). Note: If a hearing is deemed necessary, applicant requests it be held at either Tampa, Orlando, or Miami, Fla.

APPLICATION FOR BROKERAGE LICENSES  
PASSENGER

No. MC 130202 filed April 23, 1973 Applicant: COLONIAL BANK, doing business as, COLONIAL BANK TRAVEL AGENCY 2714 Canal St. P. O. Box 19044 New Orleans, La. 70179 For a license (BMC-5) to engage in operations as a *broker* at New Orleans, La., in arranging for the transportation, by motor vehicle, in interstate or foreign commerce, of *passengers and groups of passengers and their baggage*, in pleasure tour operations, between points in Louisiana, Mississippi and Texas.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.73-16940 Filed 8-15-73;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 73-216]

FOREIGN CURRENCIES

Certification of Rates

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 73-190 for the Malaysian dollar. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Malaysian dollar:	
July 30, 1973	\$0.4440
July 31, 1973	.4440
August 1, 1973	.4440

[SEAL] NEIL J. MARSH,  
Acting Director, Appraisal  
and Collections Division.

[FR Doc.73-17109 Filed 8-15-73;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

SCIENTIFIC ADVISORY BOARD OF THE  
ARMED FORCES INSTITUTE OF  
PATHOLOGY

Establishment, Organization and Functions

In accordance with the provisions of Public Law 92-463, Federal Advisory Committee Act, notice is hereby given that the Scientific Advisory Board of the Armed Forces Institute of Pathology has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its establishment.

The charter for the Scientific Advisory Board of the Armed Forces Institute of Pathology is as follows:

*Designation.* The official designation of this committee is the Scientific Advisory Board of the Armed Forces Institute of Pathology (hereinafter referred to as "the Board").

*Objectives and scope.* The Board serves as a scientific advisory body to the Director, Armed Forces Institute of Pathology, to provide him and his staff with scientific and professional advice and guidance in matters pertaining to operational programs, policies and procedures of the AFIP central laboratory of pathology for the Department of Defense and other federal agencies with responsibilities for consultation, education and research in the field of pathology.

*Duration.* The period of time necessary for the Board to carry out its activities is continuing. However, the Director, Armed Forces Institute of Pathology, shall review the necessity for the Board biennially. He shall apply for continuation in accordance with the provisions of Public Law 92-463, Federal Advisory Committee Act, October 6, 1972 and applicable implementing directives, if it is deemed that the Board is still required.

*Responsible agency.* The Board shall report to the Director, Armed Forces Institute of Pathology.

*Composition.* The Board shall be composed of not more than 24 members, 20 selected from the civilian community on the basis of their national or international prominence in major specialties in medicine and science allied to the functions of the Institute and one representing the Professional Directorate of each military service and the Veterans Administration. Each member will be appointed upon the advice of the Director, Armed Forces Institute of Pathology, and concurrence of the Armed Forces Institute of Pathology's Board of Governors (Surgeons General of the Army, Navy and Air Force) by the Secretary of the Army.

Term of office shall be five years, with the initial terms staggered so that the appointments of one fifth of the Board shall expire each year. No member may serve two terms in succession. A former member may be reappointed to the Board after an interval of not less than one five-year term following completion of his last previous term.

*Support.* The agency responsible for providing necessary support to the Board is the Armed Forces Institute of Pathology.

*Executive Secretary.* The Board shall be assisted by an Executive Secretary and such other qualified civilian and military personnel as may be required in the administration of the activities of the board. The Executive Secretary shall be ex-officio the Executive Officer of the AFIP (as an additional duty). He is a full-time, salaried government employee who has the authority to adjourn any meeting which he considers not to be in the public interest.

The Executive Secretary shall be assisted by appropriate administrative and clerical staff of the Institute performing these functions in addition to their regularly assigned duties. The Director, Armed Forces Institute of Pathology, shall provide office space and funds for salaries, travel, office supplies and related expenses.

*Duties.* The duties of the Board are to advise the Director, Armed Forces Institute of Pathology, on matters pertaining to:

The character, scope, and adequacy of educational and experimental, statistical, and morphological research programs



undertaken by the Institute to include their correlations with other medical specialties.

The correlation of education and research conducted in the Institute with that of other institutions to avoid unnecessary duplication and to facilitate the work of the Institute.

The utilization for educational and research purposes of the vast accumulation of pathologic material in the Institute to include their use in the Medical Museum.

The character, scope, and adequacy of the technical and professional training programs of the Institute for Medical Department personnel and others.

The use of new techniques, equipment, and scientific apparatus in consultation, education and research.

The character, size and adequacy of consultation services to include the development and evaluation of new pathologic tests and diagnostic procedures.

The continuation of review for quality control of pathologic diagnoses for the medical services.

Such other matters as are deemed of benefit to the Institute.

**Estimated cost.** The estimated annual operating cost of the Board is:

Office of the Executive Secretary:  
Man-years: Military less than 1/2 man-year total, Civilian less than 1/2 man-year total.

Budget: \$1,100 (civilians only).  
The Board: Budget \$10,000 (one 2-day meeting annually and 2 three-member subcommittees inclusive of travel and (honorarium)).

**Meetings.** The Board shall meet at least once annually for a two-day period. Subcommittees (Study Teams) shall meet as required.

**Operation.** The Board shall operate in accordance with Public Law 92-463, Executive Order 11686, and implementing OMB and DoD regulations for Federal Advisory Committees.

**Committee's termination date.** Two years from the date of filing or when its mission is completed, whichever is sooner, or unless prior approval for its continuation is obtained.

#### Date Charter Filed.

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

AUGUST 13, 1973.

[FR Doc. 73-17082 Filed 8-15-73; 8:45 am]

### DEPARTMENT OF DEFENSE HIGH-ENERGY LASER REVIEW GROUP

#### Establishment, Organization and Functions

In accordance with the provisions of Public Law 92-463, Federal Advisory Committee Act, notice is hereby given that the DoD High-Energy Laser Review Group has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of

Management and Budget has also reviewed the justification for this advisory committee and concurs with its establishment.

The charter for the DoD High-Energy Laser Review Group is as follows:

**Purpose.** The purpose of the Department of Defense High-Energy Laser Review Group (HELRLG) is to advise the Director of Defense Research and Engineering (DDR&E), on a continuing basis, regarding economical and effective research, development, test and evaluation efforts in the field of high-energy laser weapon systems that are conducted within the DoD and to relate them to other national laser research programs.

**Scope.** The HELRLG will provide a focal point for periodic and detailed review of all DoD plans and programs directed toward the research, development, and testing of high-energy laser weapon systems. The Group will periodically advise the DDR&E on current progress in high-energy laser technology, significant technological advances, and promising areas of new research worthy of additional support. Further, it will periodically analyze the level of coordination of DoD activities in high-energy laser RDT&E and make recommendations for improvement. It will provide a forum for exchange of program information between the DoD and other national laser programs.

**Membership.** The membership of the HELRLG shall consist of nine members, designated alternates, and associate members as may be required to carry out the responsibilities of the Group.

**Members.** The DDR&E will appoint four members of the Group from qualified persons within the scientific community recognized for their preeminence in the fields of research and engineering. These members may include officials of other agencies or departments of the government who possess the expertise desired by the DDR&E. These members will serve for a renewable term of two years.

Members from the DoD will consist of the high-energy laser program manager, and a designated alternate each from the Army, Navy, and Air Force, and Defense Advanced Research Projects Agency; and one member from the staff of the DDR&E, the Assistant Director (Space and Advanced Systems). These members will serve for an indefinite term.

**Associate Members.** As set forth in Operations, the HELRLG may establish formal subgroups and ad hoc study groups. Upon nomination by the HELRLG and approval of the DDR&E, each member of the subgroups and ad hoc study groups shall be appointed to Associate Membership of the HELRLG.

**Chairman.** The chairman of the HELRLG will be the Assistant Director (Space and Advanced Systems), ODDR&E, a full-time, salaried employee of the U.S. Government, who will have authority to adjourn any meeting of the HELRLG which is not considered to be in the public interest.

**Functions.** The functions of the HELRLG include:

Review and consideration of all aspects of the high-energy laser RDT&E requirements, projects, and programs of the military departments and Defense Agencies.

Analysis and consideration of the high-energy laser programs of other executive departments and agencies of the government in order to assure appropriate consideration of these efforts in all of the Group's recommendations to the DDR&E.

Review, analysis, and consideration of Independent Research and Development (IR&D) expenditures by U.S. industry in the development of high-energy laser technology and components of equipment applicable to weapon system development.

Preparation of reports and analyses for presentation to the DDR&E summarizing the Group's activities, accomplishments and objectives and recommendations concerning the discharge of its functions.

Such other functions as are compatible with this charter and are considered appropriate by the DDR&E.

**Operations.** The HELRLG will operate in accordance with provisions of Public Law 92-463, Executive Order 11686, and implementing Office of Management and Budget and Department of Defense regulations for Federal Advisory Committees.

In the execution of its functions the HELRLG will operate under the supervision, administration, and control of the Assistant Director (Space and Advanced Systems), ODDR&E, and in accordance with established ODDR&E policies.

The HELRLG shall meet regularly four times each year and at such other times as may be called by the Chairman or the DDR&E.

The procedures for developing the advice and recommendations of the HELRLG shall be as flexible as is consistent with its purpose. The Group is authorized to establish, subject to the approval of the Assistant Director (Space and Advanced Systems), ODDR&E:

Formal subgroups to conduct continuing in-depth reviews of all major subdivisions of high-energy laser technology and to review and advise on other problems that may arise.

Informal ad hoc study teams to advise on immediate problems of a crisis or urgent nature. Such ad hoc study groups shall terminate when no longer required but in no case longer than twelve months.

The subgroups and study groups will carry out their work as a charge from the HELRLG, and will report their findings to the Group for approval and consideration for further dissemination.

The HELRLG will prepare for the DDR&E, not less frequently than once a year, a report summarizing its activities during the period covered and making program recommendations for the next period.

The Assistant Director (Space and Advanced Systems), ODDR&E, will arrange for the necessary support for the HELRLG and its formal subpanels and ad hoc study groups.

**Liaison.** The HELRG shall maintain liaison with other groups and agencies both within and outside the Department of Defense, that have related interests.

**Funding.** The estimated total annual operating costs will be approximately \$100,000. The time expended by government employees who are members of the HELRG is estimated as one man-year annually.

**Termination.** The HELRG shall terminate two years from the date the charter is filed or on completion of its mission, unless prior to that time its continuation is approved for another period of two years.

**Date charter filed:**

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

AUGUST 13, 1973.

[FR Doc.73-17091 Filed 8-15-73; 8:45 am]

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### HONOKOHAU STUDY ADVISORY COMMISSION

##### Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that meetings of the Honokohau Study Advisory Commission will be held on August 24, 25, and 26 on the Island of Hawaii.

The Commission was established by Public Law 92-346 to provide advice to the Secretary of the Interior on matters relating to the making of a study of the feasibility and desirability of establishing as a part of the National Park System an area comprising the site of Honokohau National Historic Landmark.

Members of the Commission are as follows:

Colonel Arthur Chun, Kailua-Kona (Chairman); Rev. Henry K. Boshard, Kailua-Kona; Ms. Nani Mary Bowman, Honolulu; Mr. Fred Cachola, Waianae; Mr. Aika Cooper, Hilo; Dr. Kenneth P. Emory, Honolulu; Mr. Homer A. Hayes, Honolulu; Mr. Kwai Wah Lee, Hilo; Ms. Iolani Luahine, Kailua-Kona; Mr. George Naope, Hilo; Mrs. Abbie Napeahi, Hilo; Mr. George Pinehaka, Honaunau, Kona; Mr. David K. Roy, Kailua-Kona; Mr. Pilipo Springer, Holualoa; and Mrs. Emily Kaal Thomas, Honolulu.

The matters to be considered at the meeting are:

1. Review of basic data gathered to date;
2. Review of outline of report;
3. Gathering of supplemental data and ideas from interested persons, agencies, and organizations;
4. Inspection of comparative areas which afford insight into Hawaiian cultural practices and resource uses, and park plans.

On August 24, the Commission will visit the City of Refuge National Historical Park. The morning of August 25, the Commission will visit the Puukohola Heiau National Historic Site. A formal meeting of the Commission will be held from 1:00 p.m. to 5:00 p.m. in the Kulana

Naauao, 14 Keawe Street, Hilo, Hawaii. The Commission will visit the Kalapana District of Hawaii Volcanoes National Park on August 26.

The meeting will be open to the public, and participation is encouraged. Transportation will not be provided for members of the public for the field inspections. However, members of the public may participate in these inspections by providing their own transportation. Any person may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Robert L. Barrel, State Director, Hawaii, National Park Service, 877 Ala Moana Blvd., Suite 512, Honolulu, Hawaii 96813.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the Office of the State Director, Hawaii, and the Director, Western Region, National Park Service, 450 Golden Gate Avenue, San Francisco, California 94102.

Dated: August 10, 1973.

STANLEY W. HULETT,  
Associate Director,  
National Park Service.

[FR Doc.73-17019 Filed 8-15-73; 8:45 am]

#### NATURAL SCIENCES ADVISORY COMMITTEE

##### Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Natural Sciences Advisory Committee will be held at 9 a.m., August 22, 1973, in Room 5546, Interior Building, 18th and C Streets, NW., Washington, D.C.

The Committee was established to render advice to the Director of the National Park Service regarding the management of natural resources within the National Park System, and the scientific information required to accomplish that task.

Members of the Committee are as follows:

Dr. Stanley A. Cain  
University of California  
Santa Cruz, California

Dr. A. Starker Leopold  
University of California  
Berkeley, California

Dr. Charles E. Olmsted  
University of Chicago  
Chicago, Illinois

Dr. Sigurd F. Olson  
Ely, Minnesota

Dr. Alvin L. Bertrand  
Louisiana State University  
Baton Rouge, Louisiana

Dr. Durward L. Allen  
Purdue University  
Lafayette, Indiana

The meeting will be closed to the public. The Director of the National Park Service has made a determination

in accordance with section 10(d) of the Federal Advisory Committee Act that the meeting will involve matters exempt from public disclosure under the provisions of 5 U.S.C. 552(b). However, any member of the public may file with the Advisory Committee a statement in writing concerning any of the matters to be discussed.

The purpose of the meeting is to consider individuals for the position of Chief Scientist of the National Park Service, and will involve the review of personnel files of various individuals. The meeting will also involve discussion of the internal personnel rules and practices of the National Park Service and the Department of the Interior.

Persons desiring further information concerning this meeting or who wish to file written statements may contact Dr. Theodore W. Sudia, Office of Natural Science, National Park Service, at 202 343-4011.

A report of the meeting will be prepared in accordance with the provisions of the Federal Advisory Committee Act.

Dated: August 9, 1973.

STANLEY W. HULETT,  
Associate Director,  
National Park Service.

[FR Doc.73-17020 Filed 8-15-73; 8:45 am]

#### PROPOSED WILDERNESS CLASSIFICATION FOR GUADALUPE MOUNTAINS NATIONAL PARK, TEXAS

##### Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for Proposed Wilderness Classification for Guadalupe Mountains National Park, Texas.

The final environmental statement considers the designation of 46,850 acres of Guadalupe Mountains National Park as wilderness.

Copies are available from or for inspection at the following locations:

Southwest Regional Office  
National Park Service  
Old Santa Fe Trail  
P.O. Box 728  
Santa Fe, New Mexico 87501  
Carlsbad Caverns National Park  
P.O. Box 1598  
Carlsbad, New Mexico 88220

Dated: August 8, 1973.

JOHN M. SEIDL,  
Deputy Assistant  
Secretary of the Interior.

[FR Doc.73-17045 Filed 8-15-73; 8:45 am]

#### Office of the Secretary

##### E. E. WALL

#### 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 six months:

- (1) No change.
- (2) Change: Sold 300 shares of Honeywell, Inc. stock. Purchased an unknown number of Standard Oil Company of California shares of common stock under the company plan. These purchases are made automatically by means of payroll deduction and I do not have information as yet regarding the total number of shares purchased since the last financial interest statement.
- (3) No change.
- (4) No change.

This statement is made as of August 23, 1973.

Dated: August 1, 1973.

E. E. WALL.

[FR Doc.73-17037 Filed 8-15-73;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Farmers Home Administration

#### EMERGENCY LOANS

##### Designation of Areas

It has been determined that a general need for agricultural credit which temporarily cannot be met by private, cooperative, or other responsible sources exists in certain counties in Washington as a result of a natural disaster caused by extremely low temperatures during the winter of 1972-73, associated with the lack of snow coverage and drought conditions developing from January through June 1973. Governor Daniel J. Evans, Governor of the State of Washington, has requested that the Secretary of Agriculture declare these areas as disaster areas. The incidence period for this disaster is December 1, 1972, through July 1, 1973. The following counties in Washington are affected by such natural disasters:

Ferry	Spokane
Pend Oreille	Stevens

Therefore, these counties are designated eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-24. Applications for Emergency loans must be received by this Department prior to October 9, 1973, for physical losses and prior to May 7, 1974, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 9th day of August, 1973.

FRANK B. ELLIOTT,  
Administrator,

Farmers Home Administration.

[FR Doc.73-17043 Filed 8-15-73;8:45 am]

## Forest Service

### MULTIPLE USE PLAN ON THE PORCUPINE/BUFFALO HORN PLANNING UNIT

#### Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Multiple Use Plan on the Porcupine/Buffalo Horn Planning Unit, Forest Service report number USDA-FS-DES (Adm) 73-94.

The environmental statement concerns a proposed implementation of a revised Multiple Use Plan for the Porcupine/Buffalo Horn Planning Unit, Gallatin Ranger District, Gallatin National Forest in Gallatin County, Montana. Forty-six thousand one hundred and sixty-seven acres are affected. Inventory analysis was done to the most intense level used by the Forest Service. The plan provides the District Ranger with detailed management prescriptions for the Unit. The Unit is broken into four sub-units (management units) which contain similar resource problems, opportunities, and capabilities.

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

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

USDA, Forest Service  
South Agriculture Bldg., Room 3230  
12th St. & Independence Ave., S.W.  
Washington, D.C. 20250

USDA, Forest Service  
Northern Region  
Federal Building  
Missoula, Montana 59801

USDA, Forest Service  
Gallatin National Forest  
P.O. Box 130  
Federal Bldg.  
Bozeman, Montana 59715

A limited number of single copies are available upon request to Forest Supervisor Paul D. Weingart, Gallatin National Forest, P.O. Box 130, Federal Bldg., Bozeman, Montana 59715.

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

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

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

Comments concerning the proposed action and requests for additional information should be addressed to Forest

Supervisor Paul D. Weingart, Gallatin National Forest, P.O. Box 130, Federal Bldg., Bozeman, Montana 59715. Comments must be received by September 23, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,  
Deputy Chief,  
Forest Service.

[FR Doc.73-17042 Filed 8-15-73;8:45 am]

## DEPARTMENT OF COMMERCE

### Domestic and International Business Administration

[Case No. 432]

ARTUR W. EVEN

#### Notice of Appeal

Statement. On August 4, 1972, the Bureau of International Commerce, Department of Commerce, issued an order, effective August 11, 1972, suspending for four years the US export privileges of Mr. Artur W. Even, Am Forsthaus Gravenbruch 53, 6078 Neu Isenburg 2, of the Federal Republic of Germany. The order was based on charges that Even made false and misleading statements to said Bureau's Office of Export Control and other offices of the U.S. Government in the course of pre-licensing and post-licensing investigations conducted under the Export Control Act of 1949, as amended; and (b) through such misrepresentations caused commodities to be exported from the U.S. and disposed of contrary to prior representations. The misrepresentations were made and the exports and dispositions were effected between 1967 and 1969.

Based on the same charges, the Bureau's order also suspended the US export privileges of Even's then employer, Otavi Minen und Eisenbahn Gesellschaft, of Frankfurt, F.R.G., for three years, of which all save the first five months, however, were subject to probationary terms. By a separate order of the same date, based on charges of a similar and related nature, the Bureau suspended for four years the export privileges of Dr. H. O. W. Brenner, then managing director of Otavi, and Even's top superior.

The Bureau's two orders were not published in the FEDERAL REGISTER at the time of their issuance, because of stays granted in connection with appeals to this Appeals Board, which were filed by all of the parties. On December 4, 1972, however, Otavi withdrew its appeal and the stay of the Even-Otavi order was vacated as to it. Such order was then put into effect by the Bureau, rewritten as a separate order, December 8, 1972 (37 FR 26444). The stay of the Even part of the original order remained in effect pending his appeal. Thereafter, Brenner's appeal was considered by the Board, and was denied on February 15, 1973. On February 27, the Bureau's separate order against Brenner was put into effect (38 FR 2573).

By letter dated February 12, the Board notified Even that considering (1) the exceptional nature of stays pending appeals of export denial orders, (2) the consequent obligation of an appellant to pursue his appeal promptly after a stay has been granted, and (3) Even's failure to attend the oral hearing before the Board that was requested by him, under time arrangements that had twice been made to accommodate him, the stay of the Bureau's order of August 4, 1972 was terminated. This was, of course, without prejudice to the oral hearing of Even's appeal at a later date, as he requested. The denial order against Even, therefore, went into effect on February 27, 1973 (38 FR 5271). This order omitted, however, the portions concerning Otavi which were covered by the separate order referred to above.

At Even's request, his appeal was reset for April 13, 1973, when he appeared in person at Washington, D.C. The Board permitted him to offer written and oral evidence as well as arguments. In addition to dealing with the merits, Even disclosed that while the original order was stayed he had been hired by the West German affiliate of an American company to handle the receipt and on forwarding of U.S. origin goods to the firm's customers. Noting the impact on him and his new employer of the order of February 27, Even urged that it be reversed on the merits, or at least modified to enable him to retain his position pending the appeal.

Thereafter, on May 30 and June 5, the American company, for its West German affiliate, also requested an exception to the Bureau's order, for the same purpose. Assurance was given that Even's work would be supervised by the management, who would not permit him to determine the destination of any consignments. On June 15, the West German affiliate was given permission to continue to allow Even to handle U.S. origin goods, pending this appeal, conditioned on effective management supervision.

#### SUMMARY OF BUREAU'S ORDER AND EVEN'S DEFENSE

Following is a summary of the key findings of the Bureau on which its order was based. To the extent contested by Even, each such finding is followed by a parenthetical summary of his rebuttal evidence offered to the Appeals Board.

1. According to the Bureau, during 1966-1969, Even was the manager of the metals trading department, and Brenner was the General Manager of Otavi, a large West Germany company engaged in the production and sale of rare metals and ceramics, for structural use and insulating material. It also had mining subsidiaries in South Africa. Its West German office, where Even and Brenner were located, was in Frankfurt, and it had plants in two nearby towns.

(a) In addition to his metals trading duties, Even (under Brenner's supervision) also purchased machinery and equipment for the plants.

(Even testified that at the beginning of this period he had only worked for Otavi about a year. Trained as a forwarder, he had

to learn the metals business on the job. Throughout, instead of being a manager, Even was a specialist or clerk in the metals (raw materials and refractories) department, one of nine people under a Mr. Menthol. Even's duties concerned (a) selling products of the Neu Isenburg plant, i.e., germanium oxide and metal, and some special metals used in electronics; and (b) purchasing raw materials for that plant. In addition, directly on instructions from Brenner, the general manager, Even purchased machinery. He visited the plant at Neu Isenburg about once a month, but only visited the other plant twice in the whole period).

2. According to the Bureau, Even and Brenner, in Otavi's name, bought from a US firm and its Swiss subsidiary \$450,000 of strategic US origin equipment and machinery for use in the manufacture and testing of semi-conductors (transistors and diodes). The US export licenses were granted, naming Otavi as ultimate consignee. In June 1967, before the equipment and machinery were exported by air freight from the US to Frankfurt, Even came to the US to expedite the shipment. At that time, in response to questions from one of the Bureau's investigators, Even said the equipment and machinery were to be used at the Neu Isenburg plant.

(a) However, as early as December 1966, Even and Brenner had negotiated a contract for Otavi to sell the same equipment and machinery to FIMORCO, a Munich trading firm. On arrival by air freight at Frankfurt, in June 1967, Otavi delivered the equipment and machinery to FIMORCO, which redelivered it to a Stuttgart firm. The machinery and equipment are believed to have been afterward re-exported to East Germany, to which they would not have been licensed by the Bureau.

(b) In October 1967, Even was involved in another similar transaction concerning a US-origin oscilloscope. Even told a Bureau investigator that this instrument was also to be used by Otavi, with the already installed machinery and equipment, in manufacturing semi-conductors, although Even knew Otavi was not engaged in and had no intention of engaging that business.

(Even says that in 1967 he accompanied Brenner for the first time on a visit to FIMORCO, at Munich. During this conference, lasting four hours, he was called in by Brenner only when transportation questions were discussed. He also attended later meetings with Brenner, and telephoned FIMORCO, to advise it when a shipment arrived. On some transactions with FIMORCO he arranged to engage as the forwarder a firm for whom he had previously worked. He did not feel he could ask Brenner about FIMORCO's role in the transactions, and in view of his subordinate status did not think Brenner would tell him. He knew FIMORCO was an import-export trading firm and had no plant at which the equipment and machinery could be used. Only Brenner was involved in bringing FIMORCO into the deal. Even did not know of the execution of the contract in question between FIMORCO and Otavi until a year later, and then thought it had been made as a "straw" transaction only, for financing or tax reasons. Even thought the transistor-making and testing equipment was actually for an Otavi plant, as Brenner or another Otavi official had asked

him to arrange with the plant manager to provide space for it, and no one told him later that this intention had been abandoned. He understood Otavi's use of the equipment was being kept secret because Otavi sold raw materials to other West German semiconductor manufacturers and did not want them to know it planned to go into competition with them).

3. According to the Bureau, between December 1968 and March 1969, Even falsely told representatives of the US Consulate General, in Frankfurt, in response to their questions, that: (a) Otavi originally ordered the equipment and machinery for use in one of its own plants, and only sold it to FIMORCO about July 1967, after the original intent failed. (b) Technicians who had accompanied him to US supplier for training purposes had been from FIMORCO.

(Even says that he made these representations in good faith, based on his then understandings from Brenner and other officials, and his own surmises).

(With respect to the two technicians Even had represented to be from FIMORCO, Even said they so introduced to him by Brenner and a man named Beyer, who had "started the whole thing." Even said he had no reason to doubt this introduction, and came to the US with those technicians on two occasions. Afterward, he talked to them several times, calling them at Beyer's place, at Garmisch. Much later he learned they were East Germans, who travelled on West German passports).

In addition to thus answering the findings in the Bureau's order, Even responded orally and in writing, as follows, to questions that arose during his appeal hearing:

1. Even contradicted certain testimony which had been furnished in the Bureau's hearing on the Otavi case. This testimony was to the effect that Even and Brenner had entered into these transactions for their personal gain, and not for the benefit of Otavi. Two individuals involved in the transactions were said to have paid them, i.e., Gaertner, an old friend of Even, who was at the time representing a Swiss firm, and Beyer, purportedly an official of the Swiss firm. Even denied they had paid him anything, and said he had not been a partner of Gaertner. He produced statements from them to confirm his denials.

2. However, Even admitted that Beyer "is the guy that did the actual transactions and started the whole thing. This was the guy that phoned me and came to me with that business. Then I turned him over to Brenner because I didn't know anything about that and gave it to Brenner because I heard how much money was involved. This was without my limits that I had in doing transactions on my own." (Tr. p. 30).

3. Even also admitted that Gaertner was an old personal friend, and was known to him to be a representative of a Swiss firm. Even said that at one time he had been instructed by Brenner to turn over to Gaertner certain equipment which had been on exhibition at the U.S. Trade Center in Frankfurt. Even said he had arranged for issuance of a West German import certificate on that

equipment, but did not know whether his friend had exported it to Switzerland or obtained a West German export license. Even claimed that his friend later told him that he had handed over the equipment to the responsibility of the Swiss people, as his role was only to arrange for payment in West Germany. Even added that he later learned that Beyer had acted for the Swiss firm and hired his friend as sales and purchasing representative. Following his appeal hearing, Even modified his explanation of this transaction in a letter to the Board, saying that Brenner had asked him to check on transporting the equipment from the Frankfurt Trade Center to Vienna. He obtained information on routes and freight costs from a local forwarder and reported to Brenner, who later told him the equipment would remain in West Germany and would be picked up by Otavi's customer by truck.

4. Even admitted visiting Otavi's Neu Isenburg plant several times between June and October 1967, when he had represented to a Bureau investigator that the machinery and equipment were already installed there. However, he conceded that he never looked to see if the equipment and machinery were there, and only talked with the plant manager about raw materials for its inventory.

5. Even admitted being called into Brenner's office when a representative of the US Consulate General was there, but denied that the representative had asked anything about the US origin machinery and equipment or oscilloscope when he was present, only about how the operations were running. Even claimed that he had learned only after the Consul's visit that the equipment and machinery had been definitely sold to FIMORCO, and that he had then been instructed by Brenner to tell this to the Consul, in case the latter should call again. Even said he accordingly so told the Consular representative, when the latter phoned again a few days afterward.

6. Even several times particularly emphasized that he was never in a position to authorize any of the transactions in question, such power being at all times retained by Brenner.

#### DECISION

From its review of the record on which the Bureau's order against Even was based, together with the oral and written evidence and arguments on this appeal, the Appeals Board hereby concludes as follows:

1. The Bureau's order is well founded on the facts and law, with the following limited exceptions to the findings and conclusions of that order:

(a) Even was not the manager of Otavi's metals trading department, but was instead one of the subordinates to the manager, and Even was concerned with buying raw materials for and selling metal products of an Otavi plant. In addition, directly under Brenner, he was responsible for purchases of machinery and equipment.

(b) Even had no personal economic interest in any of the transactions involved in this case by way of commission, partnership arrangements, or otherwise.

These exceptions appear to result from the circumstances that: (a) although duly notified, neither Even nor Brenner appeared in person (and submitted only written answers) for the Bureau's hearing, and (b) Otavi there offered evidence only by Brodersen, the official who had succeeded Brenner as general manager, but who was not with Otavi at the time of the acts and transactions covered by such order.

2. These exceptions, while relevant to the nature and duration of the sanction to be imposed, are not deemed to affect the validity of the Bureau's order. The important basis of the Bureau's order concerns Even's representations to U.S. officials. This element of the case is sought to be answered by Even's claim that his representations to the U.S. officials were made in good faith, in reliance on information given him by Brenner and other Otavi personnel, whom he was not in a position to question. It is the Board's conclusion, however, based on all the evidence, that Even either knew or had information available to him from which he could have had timely knowledge that his representations to the officials would be and were misleading to the U.S. Government.

3. The determination in the Bureau's order, to deny Even U.S. export privileges for four years, was not unreasonable, arbitrary or capricious, on the basis of the then existing record. However, since then information has come forth which, in the opinion of this Board, warrants modification of the sanction of the Bureau's order, by reducing its term. This new information is additional to the foregoing, and is as follows: Brenner, who was the general manager of Otavi, and Even's direct superior in the purchases of machinery, was also denied U.S. export privileges for four years, by the separate Bureau order referred to above. Brenner did not elect to appear at either the Bureau's or the Board's hearings, and submitted answers to the Bureau and Board in which he merely sought to excuse the misrepresentations directly made by him to U.S. Consular officials as an intended joke. Even, however, at his own expense, appeared in person before the Board, to which he candidly offered his evidence, although he knew that not all of it was favorable to his cause. Also, it appears that Brenner is a Doctor of Jurisprudence, whereas Even is trained only as a forwarder. These factors, in the Board's opinion, warrant imposing a sanction of lesser duration on Even than on Brenner.

4. Giving due recognition to these differences between the Even and Brenner cases, it is the judgment of the Board that the Bureau's order against Even should be and hereby is modified:

(a) By reducing the duration of Even's denial of export privileges to a term of two years from February 27, 1973, the effective date of the Bureau's order; and

(b) By maintaining in effect the aforementioned exception previously granted pending his appeal, to allow Even to continue to be employed by the West German affiliate of the U.S. company, in the handling and on-forwarding of its U.S. origin goods, subject to effective management supervision, for the duration of this modified order, and provided Even continues to comply with U.S. export controls.

THEODORE L. THAU,  
Acting Chairman,  
NATHAN OSTROFF,  
Board Member.

AUGUST 9, 1973.

[FR Doc. 73-17010 Filed 8-15-73; 8:45 am]

#### Maritime Administration

[Docket No. S-381]

#### OPERATING-DIFFERENTIAL SUBSIDY FOR CARRIAGE OF BULK CARGO PRINCIPALLY BETWEEN THE U.S. AND U.S.S.R.

##### Notice of Multiple Applications

Notice is hereby given that the corporations listed in Appendix A have filed applications for extension of operating-differential subsidy contracts to carry bulk cargoes to expire, unless extended, on December 31, 1973 (except for subsidized voyages in progress on that date). The bulk cargo carrying vessels proposed to be subsidized and a description of each of such vessels are also presented in Appendix A.

Said applications may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C., during regular working hours.

These vessels are to engage in the carriage of export bulk, raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the United States to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk, raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk, raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the Federal Register on August 3, 1973 (38 F.R. 20807).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that each vessel named will engage in the trades described on a full-time basis through December 31, 1973 (with extension to termination of approved subsidized voyages in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the individual operating-differ-

ential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

The Board has previously found during fiscal year 1973, that section 605(c) was no bar to the grant of operating-differential subsidy to each of the applicants listed in Appendix A.

Any person having an interest in the granting of one or any of such applications and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before August 23, 1973, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event requests for hearing and petitions regarding the relevant section 605(c) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled commencing at 10 a.m., August 24, 1973, and continuing on succeeding business days if required, in Room 4896, Department of Commerce Building, 14th and E Streets, N.W., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence relevant to (1) whether the application(s) hereinabove described is one with respect to vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon. Evidence concerning each application will be heard in the order in which applicants are listed in Appendix A.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: August 10, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,  
Secretary.

## APPENDIX A

Name of applicant	Vessel names	Type of ship
Eagle Terminal Tankers, Inc.	88 Eagle Charger.....	Tanker
	88 Eagle Leader.....	Do.
	88 Eagle Courier.....	Do.
	88 Eagle Transporter.....	Do.
Sea Transport Corporation.	88 Eagle Traveler.....	Tanker
	88 Eagle Voyager.....	Do.
Academy Tankers, Inc.	88 Thomas A.....	Tanker
	88 Thomas Q.....	Do.
	88 Thomas M.....	Do.

[FR Doc.73-16945 Filed 8-15-73;8:45 am]

[Docket No. S-382]

**OPERATING-DIFFERENTIAL SUBSIDY FOR CARRIAGE OF BULK CARGO PRINCIPALLY BETWEEN THE U.S. AND U.S.S.R.**  
**Intent To Extend Existing Agreements**

Notice is hereby given that the corporations listed in Appendix A have filed applications for extension of operating-differential subsidy contracts to carry bulk cargoes to expire, unless extended, on December 31, 1973 (except for subsidized voyages in progress on that date). The bulk cargo carrying vessels proposed to be subsidized and a description of each of such vessels are also presented in Appendix A.

Said applications may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C., during regular working hours.

These vessels are to engage in the carriage of export bulk, raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the United States to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk, raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk, raw and processed agricultural commodities subsidy program, including terms, conditions, and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the Federal Register on August 3, 1973 (38 FR 20807).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that each vessel named will engage in the trades described on a full-time basis through December 31, 1973, unless the relevant operating-differential subsidy contract is extended (except for approved subsidized voyages in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the individual operating-differential subsidy contract for which there is

no requirement for further notices under section 605(c) of the Act.

The Board has previously found during fiscal year 1973, that section 605(c) was no bar to the grant of operating-differential subsidy to each of the applicants listed in Appendix A.

Any person having an interest in the granting of one or any of such applications and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before August 23, 1973, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event requests for hearing and petitions regarding the relevant section 605(c) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled commencing at 10 a.m., August 24, 1973, and continuing on succeeding business days if required, in Room 4896, Department of Commerce Building, 14th and E Streets, N.W., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence relevant to (1) whether the application(s) hereinabove described is one with respect to vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon. Evidence concerning each application will be heard in the order in which applicants are listed in Appendix A.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: August 10, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,  
Secretary.

APPENDIX A

DEPARTMENT OF COMMERCE

ADDRESS

Name of applicant	Name of vessels	Type of ships
Amerada Hess Corporation.	Hess Bunker..... Hess Petrol..... Hess Trader..... Hess Voyager.....	Tanker. Do. Do. Do.
American Eagle Tanker Corp.	American Eagle.....	Tanker.
American Trading Transportation Company, Inc.	Virginia Trader..... Maryland Trader..... Washington Trader.....	Tanker. Do. Do.
Cities Service Tankers Corporation.	Canighy..... Cities Service Baltimore..... Bradford Island..... Fort Hoskins..... Cities Service Norfolk..... Cities Service Miami.....	Tanker. Do. Do. Do. Do. Do.
Freighters, Inc.	American Wheat.....	Bulk Carrier.
Globe Seaways, Inc.	Overseas Anchorage.....	Tanker.
Intercontinental Bulk Tank Corporation.	Overseas Alaska..... Overseas Alice.....	Tanker. Do.
Intercontinental Carriers, Inc.	Overseas Carrier.....	Bulk Carrier.
Interseas Bulk Carriers, Inc.	Overseas Bulker.....	Bulk Carrier.
Keystone Shipping Co.	Perryville.....	Tanker.
Keystone Tankship Corporation.	Keytanker..... Keytrader..... Ticonderoga.....	Tanker. Do. Do.
Mahlisen's Tanker Industries.	Prairie Grove..... Joseph D. Potts..... Sohio Intrepid..... Sohio Resolute.....	Tanker. Do. Do. Do.
Monticello Tanker Company.	Monticello Victory.....	Tanker.
Montpelier Tanker Company.	Montpelier Victory.....	Tanker.
Mount Vernon Tanker Company.	Mount Vernon Victory.....	Tanker.
Mount Washington Tanker Company.	Mount Washington.....	Tanker.
National Transport Corp.	National Defender.....	Tanker.
Nautilus Petroleum Carriers Corp.	Sister Katigo.....	Tanker.
Newport Tankers Corporation.	Achilles.....	Tanker.
Ocean Clippers Inc.	Overseas Traveler.....	Bulk Carrier.
Ocean Tankships Corporation.	Overseas Vivian..... Overseas Natalie.....	Tanker. Do.
Ocean Transportation Company, Inc.	Overseas Aleutian..... Overseas Ulla.....	Tanker. Do.
Overseas Bulk Tank Corporation.	Overseas Arctic..... Overseas Valdez.....	Tanker. Do.
Overseas Oil Carriers, Inc.	Overseas Joyce..... Overseas Progress.....	Tanker. Bulk Carrier.
Plaza Shipping, Inc.	Julie.....	Tanker.
Rye Marine Corporation.	Thetis.....	Tanker.
Texas City Tankers Corporation.	William J. Fields..... William T. Steele.....	Tanker. Do.
Vancouver Steamship Corp.	Vantage Horizon.....	Tanker.
World Wide Tankers, Inc.	Barbara Jane.....	Tanker.

[FR Doc.73-16946 Filed 8-15-73;8:45 am]

National Oceanic and Atmospheric Administration

EARTH RESOURCES SURVEY PROGRAM DATA

Notice of Availability

Commerce Department's list of sites open for public inspection of Earth Resources Survey Program Data appearing in the FEDERAL REGISTER of December 9, 1972 (37 FR 26353) is amended to read as follows:

Earth Resources Survey Program Sites Open for Public Inspection of Data:

National Environmental Satellite Service Environmental Sciences Group Suite 300 3737 Branch Avenue Hillcrest Heights, Maryland 20031
National Ocean Survey—C3415 Room 526, Bldg. #1 6001 Executive Blvd. Rockville, Maryland 20852
Atmospheric Sciences Library—D821 Room 816, Gramax Bldg. 8000 13th Street Silver Spring, Maryland 20910
National Oceanographic Data Center—D722 Room 310, Bldg. 160 3rd and Tingley Street Washington Navy Yard Mailing Address: 6001 Executive Blvd. Rockville, Maryland 20852
Atlantic Oceanographic & Meteorological Laboratories. 15 Rickenbacker Causeway, Virginia Key Miami, Florida 33149
Atlantic Marine Center—CAM02 439 West York Street Norfolk, Virginia 23510
National Weather Service Eastern Region— WFEX4 585 Stewart Avenue Garden City, New York 11530
Director, Northeast Fisheries Center P.O. Box 6 Woods Hole, Massachusetts 02543
National Climatic Center Federal Building Asheville, North Carolina 28801
Lake Survey Center—CLx13 630 Federal Building and U.S. Courthouse Detroit, Michigan 48226
Office of Sea Grant University of Wisconsin Room 658, Warf Bldg. 610 North Walnut Street Madison, Wisconsin 53705
National Weather Service Central Region— WFC3 601 East 12th Street Room 1836 Kansas City, Missouri 64106
National Severe Storms Laboratory 1313 Halley Circle Norman, Oklahoma 73089
National Weather Service Southern Region— WFS3x1 819 Taylor Street Room 10E09 Fort Worth, Texas 76102
Remote Sensing Center Texas A&M University College Station, Texas 77843
World Data Center A for Solar-Terrestrial Physics National Oceanic & Atmospheric Admin. Boulder, Colorado 80302
National Weather Service Western Region WFW1 Box 11188 125 South State Street Salt Lake City, Utah 84111
Northwest Marine Fisheries Center 2725 Montlake Blvd. East Seattle, Washington 98112
Director, Southwest Fisheries Center Library 8604 La Jolla Shores La Jolla, California 92037

Arctic Environmental Information & Data Center  
University of Alaska  
142 East Third Avenue  
Anchorage, AK 99501

T. P. GLEITER,  
Acting Assistant Administrator  
for Administration.

[FR Doc.73-17011 Filed 8-15-73;8:45 am]

National Technical Information Service  
FEDERALLY-SPONSORED BUSINESS, ECONOMIC AND TECHNICAL REPORTS

Notice of Pricing Policy

Notice is hereby given of the following pricing schedule adopted by the National Technical Information Service (NTIS). The NTIS provides government and public availability of federally-sponsored business, economic and technical reports. Change to the NTIS price schedule follows:

REPORT PUBLICATIONS

NTIS provides publications on an ad hoc basis in microform, printed and machine form. The following price changes supersede the paper copy and microfiche prices announced in the February 11, 1971, and July 8, 1972, issues of the FEDERAL REGISTER.

STOCKED REPORTS (PAPER COPY)

Effective August 13, 1973, the price listing for *Stocked Reports* consolidates schedules entitled *Wide Interest Reports*, *Medium Interest Reports* and *Computer Products Reports*. The price change will have the effect of reducing current prices for *Wide Interest* and *Computer Products Reports* while providing cost recovery on *Medium Interest Reports*. The price change for *Stocked Reports* will not be retroactive.

Exceptions to this schedule will be made where unusual reproduction requirements exist.

Schedule is as follows:

Page range	Domestic selling price	Foreign selling price
001-025	\$2.75	\$5.25
026-050	3.00	5.50
051-075	3.50	6.00
076-100	3.75	6.25
101-125	4.25	6.75
126-150	4.50	7.00
151-175	4.75	7.25
176-200	5.25	7.75
201-225	5.50	8.00
226-250	5.75	8.25
251-275	6.25	8.75
276-300	6.50	9.00
301-325	7.00	9.50
326-350	7.25	9.75
351-375	7.75	10.25
376-400	8.00	10.50
401-425	8.25	10.75
426-450	8.75	11.25
451-475	9.00	11.50
476-500	9.50	12.00
501-525	9.75	12.25
526-550	10.00	12.50
551-575	10.50	13.00
576-600	10.75	13.25
601 up	\$2.00 for each additional 100 page increments plus \$2.50 per document for foreign surcharge.	

Certain special reports previously specially priced will continue to be treated as exceptions to this price schedule.

#### MICROFICHE REPORTS

Effective August 13, 1973, the price for individual orders for microfiche reports will be \$1.45 domestic and \$2.95 foreign, retroactive, regardless of announcement date.

Documents in excess of 1,000 printed pages will be specially priced.

Certain special reports previously specially priced will continue to be treated as exceptions to this price schedule.

WILLIAM T. KNOX,  
*Director.*

[FR Doc.73-17012 Filed 8-15-73; 8:45 am]

#### Office of Textiles

### MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

#### Notice of Public Meeting

AUGUST 14, 1973.

The Management-Labor Textile Advisory Committee will meet at 2 p.m. on August 23, 1973 in Room 6802, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

The Committee, which is comprised of 40 members representing the industry, trade associations, and trade unions, advises Department officials on conditions in the textile industry and on trade in textiles and apparel.

The agenda for the meeting is as follows:

1. Review of Import Trends
2. Report on Conditions in the Domestic Market
3. Implementation of Textile Agreements
4. Other Business

A limited number of seats will be available to the public. The public will be permitted to file written statements with the committee before or after the meeting. To the extent time is available at the end of the meeting the presentation of oral statements will be allowed.

Portions of future meetings which concern subjects not listed above will be open to public participation unless it is determined, in accord with §10(d) of the Federal Advisory Committee Act and the OMB-Justice memorandum on Advisory Committee Management, that specifically identified portions will be closed.

Further information concerning the Committee may be obtained from Arthur Gare, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

ARTHUR GARE,  
*Director,*  
*Office of Textiles.*

[FR Doc.73-17096 Filed 8-15-73; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

#### E. I. DU PONT DE NEMOURS & CO.

#### Notice 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 3B2902) has been filed by E. I. du Pont de Nemours & Co., 1007 Market St., Wilmington, DE 19898, proposing that § 121.2562 *Rubber articles intended for repeated use* (21 CFR 121.2562) be amended in paragraph (c) (4) (i) to provide for the safe use of ethylene polymer chlorosulfonylated in the manufacture of films or coatings intended for use in contact with food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report are available in the Office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the Office of the Hearing Clerk, Food and Drug Administration, Rm. 6-88, 5600 Fishers Lane, Rockville, MD 20852.

Dated: August 2, 1973.

VIRGIL O. WODICKA,  
*Director, Bureau of Foods.*

[FR Doc.73-17033 Filed 8-15-73; 8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Secretary

[Docket No. N-73-160]

### MODEL LEASE AND GRIEVANCE PROCEDURE

#### Notice of Hearing

On February 22, 1971, the Department of Housing and Urban Development issued to all local housing authorities Circulars Nos. RHM 7465.8, "Requirements and Recommendations to be Reflected in Tenant Dwelling Leases for Low-Rent Public Housing Projects," and RHM 7465.9, "Grievance Procedure in Low-Rent Public Housing Projects."

On June 19, 1973 (38 FR 15988), the Department gave notice that HUD is conducting a review and evaluation of the provisions of these Circulars and requested any comments or information from all interested organizations and individuals in writing on or before August 15, 1973.

In addition to this invitation for comments, the Department has decided to conduct a public hearing on the model lease and grievance procedure. The hearing which will be of record will discuss the following:

1. The effect of the implementation of these Circulars by local housing authorities on project management and operations.
2. What changes, if any, are necessary to achieve the objectives of these Circulars in promoting better tenant-management relations and in protecting the interests of the local housing authorities, the tenants, and HUD.

The hearing will be held as follows:

Date: September 17, 1973

Place: Auditorium, Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Time: 9:00 a.m.—12:00 noon; 1:00 p.m.—4:00 p.m.

Arrangements for time to make oral presentations or any other communications regarding this hearing should be filed with the Director, Office of Housing Programs, Room 9112, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, on or before Sept. 11, 1973. The Department reserves the right to limit the time of presentation and the number of appearances, if necessary.

Subsequent to the public hearing, a further notice of proposed rulemaking will be published in the FEDERAL REGISTER for written comment prior to final adoption by the Department of Housing and Urban Development.

Date: August 13, 1973.

JAMES T. LYNN,  
*Secretary of Housing and Urban Development.*

[FR Doc.73-17143 Filed 8-15-73; 8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[FRA E.O. No. 3, Amdt. 1]

### EMERGENCY ORDER REGARDING USE OF CARS TRANSPORTING CLASS A EXPLOSIVES

#### Exception Regarding Cars Equipped With Cast Iron Brakeshoes

On August 9, 1973, the Federal Railroad Administration (FRA) issued an emergency order under the authority of section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432) which prohibited the further transportation of Class A explosives (49 C.F.R. 173.53) by any railroad except under the conditions contained in the order (38 FR 21952). It was concluded through investigations of recent railroad accidents involving explosions of Tritonal and other bombs that an emergency situation involving a hazard of death or injury to persons existed which necessitated issuance of the order.

The emergency order requires, among other things, that each car used to transport Class A explosives must be equipped with one of three types of brake shoes listed in subdivision (a) of the order. The use of cast iron brake shoes, except those



which are characterized as "high phosphorous", is not permitted by the order because cast iron shoes are high sparking in nature.

Nevertheless, it has come to the attention of the FRA that since cast iron shoes are in common usage, railroads must be given some time within which to equip their cars with the requisite brake shoes, or else discontinue the transportation of Class A explosives on a regular schedule. Railroads will also need time to distribute an adequate supply of the requisite brake shoes to repair points.

The FRA believes that it is in the public interest to give the railroads an opportunity to adequately equip their cars with brake shoes required by the order so as not to unduly disrupt transportation service. At the same time, control must still be exercised over the emergency situation that is apparent from the recent accidents. Therefore, effective immediately, the emergency order concerning the transportation of Class A explosives issued on August 9, 1973, (FRA E. O. No. 3), is amended by adding the following exception:

Until September 16, 1973, a railroad may transport Class A explosives in a car equipped with cast iron brake shoes if—

(1) all brake shoes on the car are cast iron;

(2) the car has a continuous steel sub-floor; and

(3) the railroad complies with the provisions of subdivision (c) (1)-(3) of the emergency order governing inspection of the car and each car coupled to that car in a train.

A civil penalty of not less than \$250 nor more than \$2500 will be assessed for each violation of this amendment to the emergency order, and each day of such violation will constitute a separate offense.

(Sec. 203, 84 Stat. 972, 45 U.S.C. 432; and §1.49(n) of the regulations of the Office of Secretary of Transportation, 49 C.F.R. 1.49(n)).

Issued in Washington, D.C. on August 14, 1973.

JOHN W. INGRAM,  
Administrator,

[FR Doc.73-17151 Filed 8-15-73;8:45 am]

## ATOMIC ENERGY COMMISSION

### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON ATLANTIC GENERATING STATION

#### Notice of Meeting

AUGUST 14, 1973.

In accordance with the purposes of sec. 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Subcommittee on Atlantic Generating Station will hold a meeting on August 29, 1973 in Room 1046 at 1717 H Street, N.W., Washington, D.C. The purpose of this meeting will be to continue the review of the Preliminary Site Description Report for the Atlantic Generating Station, proposed as a barge mounted nuclear generating station to be located approxi-

mately 3 miles offshore of the Southeast coast of New Jersey, and approximately 11 miles Northeast of Atlantic City, New Jersey.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

*Wednesday, August 29, 9:30 a.m.-3:30 p.m.* Review of Preliminary Site Description Report, Atlantic Generating Station Units 1 and 2. (Presentations by Regulatory Staff and representatives of Public Service Electric and Gas Company of New Jersey and their representatives and discussions with these groups.)

In connection with the above agenda item, the Subcommittee will hold an executive session beginning at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members present and internal deliberations and formulation of recommendations to the ACRS. I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive session at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than August 23, 1973 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Preliminary Site Description Report and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545 and the Wallace R. Host Community Library, North School, Lafayette and Evans Avenue, Brigantine, New Jersey 08203.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statements and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period

of not more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3 p.m. on the day of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on August 28, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545 and within approximately nine days at the Wallace R. Host Community Library, North School, Lafayette and Evans Avenue, Brigantine, New Jersey 08203. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545 on or after October 29, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,  
Advisory Committee  
Management Officer.

[FR Doc.73-17171 Filed 8-15-73;8:45 am]

### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WESTINGHOUSE SUBCOMMITTEE

#### Notice of Meeting

AUGUST 14, 1973.

In accordance with the purposes of secs. 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Westinghouse Subcommittee will hold a meeting on August 30 and 31, 1973 at the Westinghouse Monroeville Nuclear Center, Haymaker and Northern Pike Roads, Monroeville, Pennsylvania. The purpose of this meeting will be to review various topics applicable to Westinghouse Electric Corporation designed pressurized water reactors.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

*Thursday, August 30, 1973, 9:30-5:00 p.m.* Review of various topics generic to boiling water reactors (presentations by the AEC Regulatory Staff and Westing-

house will be made and discussions with these groups will be held). If it becomes necessary to carry over the public session to August 31, an announcement will be made at the close of the public session on August 30, 1973.

In connection with the above agenda item, the Subcommittee will hold an executive session at 8:30 a.m., on August 30, 1973, which will involve a discussion of its preliminary views, an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS.

In addition on August 31, the Subcommittee will hold a closed session with the Regulatory Staff and Westinghouse to discuss privileged information relating to plant design and corporate research.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive session at the beginning of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that a closed session will be held to discuss certain privileged information which comes within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule. If a portion of the meeting to be held on August 31 is to be open to the public, an announcement to that effect will be made at the close of the public session on August 30.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than August 23, 1973 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon Westinghouse topical reports and various other documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate

time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3 p.m. on August 30, 1973.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on August 29, 1973 to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545. On request, copies of the minutes of the meeting will be available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545 on or after October 31, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,  
Advisory Committee  
Management Officer.

[FR Doc. 73-17172 Filed 8-15-73; 8:45 am]

[Docket No. 50-295]

**COMMONWEALTH EDISON COMPANY**  
**Notice of Issuance of Amendment to**  
**Facility Operating License**

Notice is hereby given that, pursuant to an Order by the Atomic Safety and Licensing Board, dated July 24, 1973, the Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR-39 to Commonwealth Edison Company (Commonwealth Edison) for Zion Nuclear Power Station, Unit 1 (the facility). The facility is a pressurized, light water moderated and cooled reactor located at Commonwealth Edison's 250 acre site on the west shore of Lake Michigan in Zion, Lake County, Illinois. The facility is designed for operation at approximately 3250 megawatts thermal.

In accordance with the provisions of the amended license and the Technical Specifications appended thereto, Commonwealth Edison is authorized to perform operations at core power levels up to 1700 megawatts thermal (about 52% of rated power). Commonwealth Edison is further authorized to perform testing operations at core power levels exceeding 1700 megawatts thermal for

not more than 480 hours to conduct tests described in Section VIII of Appendix A to the Stipulation in Commonwealth Edison's May 16, 1973 Motion to the Atomic Safety and Licensing Board. Such testing operations shall not exceed core power levels of 2440 megawatts thermal (about 75% of rated power).

The Director of Regulation has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter 1, which are set forth in the license. The application for the license complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter 1.

The amended license is effective as of the date of issuance and shall expire eighteen (18) months from said date unless extended for good cause shown or upon earlier issuance of a superseding licensing action. However, operation of the facility is authorized for not more than 37 days following the date on which intervenors file their proposed findings of fact; thereafter, the reactor shall be placed in the cold shutdown operating mode.

Copies of Commonwealth Edison's Motion dated May 16, 1973, (2) the Board's Order dated July 24, 1973, (3) Amendment No. 1 to Facility Operating License No. DPR-39, and other relevant documents are available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Waukegan Public Library, 128 N. County Street, Waukegan, Illinois. Copies of the amended license may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 9th day of August 1973.

For the Atomic Energy Commission.

KARL R. GOLLER,  
Chief Pressurized Water Reactors Branch No. 3, Directorate  
of Licensing.

[FR Doc. 73-17003 Filed 8-15-73; 8:45 am]

[Docket No. 50-247]

**CONSOLIDATED EDISON COMPANY OF**  
**NEW YORK, INC.**

**Notice of Issuance of Amendment to**  
**Facility Operating License**

Notice is hereby given that pursuant to a supplemental Initial Decision of the Atomic Safety and Licensing Board dated August 9, 1973, the Atomic Energy Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-26 to Consolidated Edison Company of New York, Inc. authorizing continued testing and operation of the Indian Point Nuclear Generating Unit No. 2 at steady state reactor core power levels not in excess of 1379 megawatts thermal, in accordance with the provisions of the license and the Technical Specifications. This authority

shall expire at midnight September 30, 1973, or upon the earlier issuance of a subsequent licensing action. The Indian Point Nuclear Generation Unit No. 2 is a pressurized water nuclear reactor located at the licensee's site in Westchester County, New York.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

A copy of (1) the supplemental Initial Decision dated August 9, 1973; (2) Amendment No. 3 to Facility Operating License No. DPR-26; (3) the report of the Advisory Committee on Reactor Safeguards dated September 23, 1970; (4) the Directorate of Licensing's Safety Evaluation dated November 16, 1970, and Supplements 1, 2, and 3 thereto, dated November 20, 1970; July 1971; and September 3, 1971; respectively; (5) The Final Facility Description and Safety Analysis Report and amendments thereto; (6) the applicant's Environmental Report dated August 6, 1970 and supplements thereto; (7) the Draft Environmental Statement dated April 13, 1973; and (8) the Final Environmental Statement dated September 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548. A copy of the license and the Safety Evaluation may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 9th day of August 1973.

For The Atomic Energy Commission,

KARL KNIEL,

Chief, Pressurized Water Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.73-17005 Filed 8-15-73; 8:45 am]

[Docket No. 50-366A]

#### GEORGIA POWER CO.

#### Change Notice for Prehearing Conference

In the matter of Georgia Power Company, Hatch Nuclear Plant—Unit 2.

By reason of the unavailability of the hearing room previously scheduled, *It is ordered*, That the hearing previously noticed will be held at the Veterans Administration building, 811 Vermont Avenue, NW, Room 115, Washington, D.C. 20545, on September 6, 1973, at 9:00 a.m.

Issued at Washington, D.C., August 13, 1973.

For the Atomic Safety and Licensing Board.

WALTER W. K. BENNETT,  
Chairman.

[FR Doc.73-17077 Filed 8-15-73; 8:45 am]

[Docket No. 50-219]

#### JERSEY CENTRAL POWER AND LIGHT COMPANY

#### Notice and Order Scheduling Prehearing Conference

Notice is hereby given that, in accordance with the Atomic Safety and Licensing Board's "Notice of Hearing on a Facility Operating License", dated March 2, 1973, and published in the Federal Register on March 8, 1973 (38 FR 6311), a prehearing conference will be held in the above-captioned proceeding on Tuesday, September 18, 1973, at 10:00 a.m., local time in the Township Meeting Room, Ocean Township Municipal Building, corner of Railroad Avenue and Corliss Street, Waretown, New Jersey.

The Prehearing Conference shall deal with the following matters:

1. Further identification and clarification of the issues.
2. The status of any discovery initiated by the parties.
3. The need for further discovery, and the time required to complete preparation for the Evidentiary Hearing.
4. Any pending motions.
5. Scheduling of the Evidentiary Hearing.

The attorneys for the respective parties are directed to confer in advance of the prehearing conference, in such manner as they deem appropriate, and to report to the Licensing Board at said Conference on any stipulations regarding matters in controversy, on any informal discovery that can be arranged between the parties, and on any other mutually agreeable procedures to expedite this proceeding.

Members of the public are welcome to attend the prehearing conference. However, no evidence will be received at the prehearing conference on September 18, 1973, which will consist of a Conference of Counsel for the various parties with the Board to develop procedures for the Evidentiary Hearing will be scheduled for a later date. Members of the public are invited to attend the evidentiary hearing, at which time statements of persons making limited appearances will be received. Notice of the date of the commencement of the Evidentiary Hearing will be given, both by publication in the FEDERAL REGISTER and by notice sent by mail directly to all members of the public who have requested to be so notified.

Issued at Washington, D.C., this 10th day of August, 1973.

It is so ordered.

ATOMIC SAFETY AND  
LICENSING BOARD,  
ROBERT M. LAZO,  
Chairman.

[FR Doc.73-17006 Filed 8-15-73; 8:45 am]

#### KERR-McGEE CORP.

#### Prehearing Conference Order and Notice of Extension of Time To Intervene

In the matter of Kerr-McGee Corp., Kerr-McGee Building, Oklahoma City, Oklahoma, amendment to source material license SUB-1010.

Pursuant to Notice, a Prehearing Conference was held on August 14, 1973, in preparation for the Evidentiary Hearing on the above captioned matter relating to the request by the Kerr-McGee Corporation for amendment of its license authorizing the use of source material, which would permit subsurface disposal of certain liquid radioactive wastes. Counsel for the Applicant and for the Staff participated. Counsel for the Natural Resources Defense Council (NRDC) also appeared with respect to its "Petition to Require Publication of Proper Notice of Hearing", filed with the Commission and the Board on August 7, 1973.

Counsel for the NRDC presented argument with respect to its motion. The Staff and the Applicant responded. After discussion among the parties and the Board, the parties appeared to be in agreement that the essence of the issue raised by NRDC in its petition could be satisfactorily resolved with no objection from the parties if the Board would give notice and permit an extension of time within which petitions to intervene may be filed in the above captioned matter. After consideration of the petition filed and arguments made thereto, the Board agrees, and hereby gives:

Notice that by September 17, 1973, any person whose interest may be affected by this proceeding may file a petition for leave to intervene with respect to the above captioned matter. Such petition shall be filed in accordance with the requirements of § 2.714 of the AEC's rules of practice (10 CFR 2.714).

As required by § 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors:

- (1) The nature of the petitioner's right under the Atomic Energy Act of 1954, as amended, to be made a party to the proceeding; (2) the nature and extent

of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene.

Any person who does not wish to, or is not qualified to, become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Persons desiring to make a limited appearance will so advise the Board not later than September 17, 1973.

Counsel for the Applicant and the Staff agreed to prepare a joint statement of the issues in this proceeding and to submit this to the Board.

In view of requests made by the Board for additional documentation and the need of the Applicant and the Staff for additional time to respond thereto, and in view of our holding in paragraph 2 above, the evidentiary hearing now scheduled to commence on August 27, 1973, is hereby canceled.

Issued at Washington, D.C., this 14th day of August 1973.

It is so ordered.

**ATOMIC SAFETY AND LICENSING BOARD.**

DALE F. BABCOCK,  
*Member.*

LESTER KORNB�ITH, JR.,  
*Member.*

JOHN B. FARMAKIDES,  
*Chairman.*

[FR Doc.73-17167 Filed 8-15-73;8:45 am]

[Docket No. 50-282]

**NORTHERN STATES POWER CO.**

**Notice of Issuance of a Facility Operating License**

Notice is hereby given that pursuant to an order of the Atomic Safety and Licensing Board dated June 15, 1973, and memorandum and order dated July 11, 1973, the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-42 to Northern States Power Company which authorizes operation of the Prairie Island Nuclear Generating Plant, Unit 1, for testing purposes at reactor core power levels not in excess of 1485 megawatts thermal (90 percent of rated capacity), and for power generation at steady state reactor core power levels not in excess of 330 megawatts thermal (20 percent of rated capacity), in accordance with the provisions of the license and the Technical Specifications. The Prairie Island Nuclear Generating Plant, Unit 1, is a

pressurized water nuclear reactor located at the licensee's site in Goodhue County, Minnesota.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license is effective as of its date of issuance and shall expire on August 9, 1974, unless extended for good cause shown or upon the earlier issuance of a superseding operating license.

A copy of (1) order dated June 15, 1973, and memorandum and order dated July 11, 1973; (2) Facility Operating License No. DPR-42, complete with Technical Specifications (Appendices "A" and "B"); (3) the report of the Advisory Committee on Reactor Safeguards dated April 18, 1973; (4) the Directorate of Licensing's Safety Evaluation dated September 28, 1972, and supplements thereto; (5) the Final Safety Analysis Report and amendments thereto; (6) the applicant's Environmental Report dated November 5, 1971, and supplements thereto; (7) the Draft Environmental Statement dated January 1973; and (8) the Final Environmental Statement dated May 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and the Environmental Library of Minnesota, 1222 S.E. 4th Street, Minneapolis, Minnesota 55414. A copy of the license and the Safety Evaluation may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 9th day of August 1973.

For the Atomic Energy Commission.

KARL KNIEL,  
*Chief, Pressurized Water Reactors Branch No. 2, Directorate of Licensing.*

[FR Doc.73-17078 Filed 8-15-73;8:45 am]

[Docket No. 50-285]

**OMAHA PUBLIC POWER DISTRICT**

**Notice of Issuance of Amendment to Facility Operating License**

Notice is hereby given that, pursuant to an Initial Decision by the Atomic Safety and Licensing Board, dated August 9, 1973, the Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR-40 to the Omaha Public Power District for the Fort Calhoun Station, Unit 1 (the facility). The facility is a pressurized water nuclear reactor located at Omaha Public Power District's site in Washington County, Nebraska. The facility is designed for operation at 1420 megawatts thermal.

The amended license authorizes operation of the Fort Calhoun facility at

steady state reactor core power levels not to exceed 1420 megawatts thermal (rated power), in accordance with the Technical Specifications.

The Director of Regulation has made the appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter 1, which are set forth in the amended license. The application for license complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter 1.

The amended license is effective as of the date of issuance, and shall expire at midnight on June 7, 2008.

Copies of (1) the Board's Initial Decision, (2) Amendment No. 1 to Facility Operating License No. DPR-40, complete with Technical Specifications, and other relevant documents are available for public inspection in the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and in the Blair Public Library, 1665 Lincoln Street, Blair, Nebraska. Copies of the amended license may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland this 9th day of August 1973.

For the Atomic Energy Commission.

KARL R. GOLLER,  
*Chief, Pressurized Water Reactors Branch No. 3, Directorate of Licensing.*

[FR Doc.73-17004 Filed 8-15-73;8:45 am]

[Docket Nos. 50-443 and 50-444]

**PUBLIC SERVICE CO. OF NEW HAMPSHIRE, ET AL.**

**Receipt of Application for Construction Permits and Facility Licenses; Availability of Applicants' Environmental Report; Time for Submission of Views on Anti-trust Matter**

Public Service Company of New Hampshire, The United Illuminating Company, Central Maine Power Company, The Connecticut Light and Power Company, Fitchburg Gas and Electric Light Company, Montaup Electric Company, New Bedford Gas and Edison Light Company, New England Power Company, Vermont Electric Power Company, Inc., Ashburnham Municipal Light Plant, Burlington Electric Light Department, Eastern Maine Electric Cooperative, Inc., Holyoke Gas and Electric Department, Hudson Light and Power Department, Hull Municipal Light Plant, Marblehead Municipal Light Department, Middleborough Gas and Electric Cooperative, Inc., North Attleborough Electric Department, South Norwalk Electric Works, and Templeton Municipal Light Plant (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, have filed an application dated June 29, 1973, which was docketed on July 9, 1973, for authorization to construct and operate two electric generating units utilizing pressurized water

reactors. The application was initially tendered on March 25, 1973. Following a preliminary review for completeness, it was rejected on May 7, 1973 for lack of sufficient information. The applicants submitted additional information on June 15, 1973 and the application was found acceptable for docketing.

The proposed nuclear facilities, designated by the applicants as the Seabrook Station, Units 1 and 2, are to be located at the applicants' site in Rockingham County, in the township of Seabrook, New Hampshire. Each unit is to be designed for initial operation at approximately 3411 megawatts thermal, with a net electrical output of approximately 1194 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 8, 1973. The submittal should reference Docket Nos. 50-443-A and 50-444-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Exeter Public Library, Front Street, Exeter, New Hampshire 03833.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated June 29, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the Seabrook Station is also being made available at the Office of Comprehensive Planning, Office of the Governor, State House, Concord, New Hampshire 03301, and at the Southeastern New Hampshire Regional Planning Commission, 10 Front Street, Exeter, New Hampshire 03833.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Maryland, this 26th day of July 1973.

For the Atomic Energy Commission.

KARL R. GOLLER,  
Chief, Pressurized Water Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.73-16347 Filed 8-8-73; 8:45 am]

## REGULATORY GUIDES

### Notice of Issuance and Availability

The Atomic Energy Commission has issued a new guide in its Regulatory Guide series. The Regulatory Guide series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guide is in Division 3, "Fuels and Material Facilities Guides." Regulatory Guide 3.12, "General Design Guide for Ventilation Systems of Plutonium Processing and Fuel Fabrication Plants," describes acceptable general design guidelines for ventilation systems of plutonium processing and fuel fabrication plants.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated.

Other Division 3 Regulatory Guides currently being developed include the following:

Seismic Design Classification for Plutonium Processing and Fuel Fabrication Plants  
General Fire Protection Guide for Plutonium Processing and Fuel Fabrication Plants  
Guide for Acceptable Waste Storage Methods at UF<sub>6</sub> Production Plants  
Decommissioning of Uranium Milling Facilities  
Fuel Reprocessing Plant Process Off Gas Waste Treatment Systems  
Fuel Reprocessing Plant Confinement Barriers and Systems  
Fuel Reprocessing Plant Reporting of Operating Information  
Periodic Testing of Fuel Reprocessing Plant Protection System Actuation Functions  
General Design Guide for Ventilation Systems of Fuel Reprocessing Plants  
Earthquake Instrumentation for Fuel Reprocessing Plants  
Standard Format and Content of License Applications for Storage only of Unirradiated Reactor Fuel

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

Dated at Bethesda, Maryland this 9th day of August 1973.

For the Atomic Energy Commission.

LESTER ROGERS,  
Director of Regulatory Standards.

[FR Doc.73-17076 Filed 8-15-73; 8:45 am]

[Docket No. PRM-70-4]

## TEXAS NUCLEAR CORP.

### Filing of Petition for Rulemaking

Notice is hereby given that Texas Nuclear Corporation, 9101 Research Blvd., Austin, Texas, by letter dated July 17, 1973, has filed with the Atomic Energy Commission a petition for rulemaking.

The petitioner requests that the Commission amend its regulation 10 CFR Part 70 to authorize export under a general license of not more than 3 milligrams of contained plutonium-238 in a solid, encapsulated form as the component part of an instrument.

The petitioner states that Texas Nuclear Corporation manufactures a small, portable instrument which uses the technique of X-ray fluorescence to perform quantitative elemental analysis. The petitioner states also that the instrument can be used for onsite assay of rock or core samples, ore sorting, scrap sorting, alloy identification, analysis of additives and impurities, and a wide variety of other applications, and one of the most desirable isotope sources for sample excitation is plutonium-238.

A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, DC. A copy of the petition may be obtained by writing the Rules and Proceedings Branch at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rulemaking should send their comments to the Rules and Proceedings Branch, Office of Administration—Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before October 15, 1973.

Dated at Germantown, Maryland this 9th day of August 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,  
Acting Secretary  
of the Commission.

[FR Doc.73-17079 Filed 8-15-73; 8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 25772]

### AERLINTE EIREANN TEORANTA

Notice of Prehearing Conference and Hearing Regarding Amendment of Foreign Air Carrier Permit, Service to Boston as Intermediate Point

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 11, 1973, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Ross I. Newmann.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before September 4, 1973.

Dated at Washington, D.C., August 10, 1973.

[SEAL] RALPH L. WISER,  
Chief Administrative Law Judge.  
[FR Doc.73-17098 Filed 8-15-73;8:45 am]

[Docket No. 25373]

#### AIR WINDSOR LTD

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit Application—Canada-United States—Casual, Occasional or Infrequent Service

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 12, 1973, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Hyman Goldberg.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before September 5, 1973.

Dated at Washington, D.C., August 10, 1973.

[SEAL] RALPH L. WISER,  
Chief Administrative Law Judge.  
[FR Doc.73-17099 Filed 8-15-73;8:45 am]

[Docket No. 22908]

#### AMERICAN AIRLINES, INC., ET AL.

Notice of Prehearing Conference Regarding Capacity Reduction Agreement

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 4, 1973, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge E. Robert Seaver.

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 issue; (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 September 14, 1973, and the other parties on or before September 25, 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., August 10, 1973.

[SEAL] RALPH L. WISER,  
Chief Administrative Law Judge.  
[FR Doc.73-17101 Filed 8-15-73;8:45 am]

[Docket No. 25756; Order 73-8-52]

#### FLYING TIGER LINE INC.

##### Order Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of August 1973.

On August 1, 1973, The Flying Tiger Line Inc. (Flying Tiger) filed an application for an exemption from sections 401 and 403 of the Act to the extent necessary to allow it to serve Indianapolis, Indiana on two scheduled nonstop flights between Detroit, Michigan and Los Angeles, California.<sup>1</sup> Flying Tiger proposes to stop a DC-8-63F Detroit-Los Angeles flight in Indianapolis on August 13, 1973, and similarly, route a Los Angeles-Detroit DC-8-63F nonstop through Indianapolis on August 22, 1973.<sup>2</sup>

In support of its application, Flying Tiger alleges, *inter alia*, that the City of Indianapolis requires air transportation for the equipment of its police department's motorcycle drill team from Indianapolis to Los Angeles and return,<sup>3</sup> but that TWA, which provides the only Indianapolis-Los Angeles freighter service, has advised the City that it cannot accommodate the shipments on the dates requested. Flying Tiger also alleges that there would be no circuitry involved in stopping in Indianapolis and argues that, in view of the lack of objection from TWA and the public need of the City of Indianapolis for the proposed service, the enforcement of sections 401 and 403 of the Act would be an undue burden on Flying Tiger by reason of the limited extent of, and unusual circumstances affecting, the proposed operation.

In light of the usual circumstances raised by the instant application, we are taking action pursuant to Rule 410 of the Board's rules of practice without awaiting the filing of answers or replies thereto.<sup>4</sup>

Upon consideration of the application and all the relevant facts, we have decided to exempt Flying Tiger from sec-

<sup>1</sup> Flying Tiger is not presently certificated to serve Indianapolis, Indiana, nor does it publish rates for such service. Trans World Airlines (TWA), the only certificated carrier providing freighter service between Indianapolis and Los Angeles, has advised Flying Tiger that it has no objection to the grant of the instant application.

<sup>2</sup> Inasmuch as Flying Tiger does not have an Indianapolis-Los Angeles tariff, Flying Tiger proposes to charge the TWA general commodity container rate currently effective in the markets.

<sup>3</sup> The members of the team will be transported via scheduled passenger service.

<sup>4</sup> Pursuant to Rule 410(c) of the Board's Rules of Practice it is found that the public interest requires that the Board act without notice to other persons or the filing of answers.

tion 401 of the Act and the terms, conditions, and limitations of its certificate to the extent necessary to enable it to stop at Indianapolis on the Detroit-Los Angeles round-trip flight contemplated by its application. We will also exempt Flying Tiger from the tariff filing provisions of section 403 of the Act and permit it to provide the transportation in question at the rates set forth in the tariffs of TWA for comparable service in the market.

Considerations taken into account which warrant use of the exemption power of the Board are that this application is for 1 round-trip flight; that this operation will not adversely affect any other air carrier; that the expense of a certification proceeding would be disproportionate to the size of the operation, unduly burdensome on the carrier, and not in the public interest; and that to require a certification proceeding would have the practical effect of precluding the operation of the proposed flight.

Under all these circumstances, the Board finds that the enforcement of sections 401 and 403 of the Act, and the terms, and conditions of Flying Tiger's certificate for route 100, insofar as they would otherwise prohibit the operations authorized herein, would be an undue burden on Flying Tiger by reason of the limited extent of, and unusual circumstances affecting, the carrier's operations and would not be in the public interest.

Accordingly, it is ordered, That:

1. The Flying Tiger Line, Inc. be and it hereby is temporarily exempted from the provisions of section 401 of the Act and the terms, conditions, and limitations of its certificate of public convenience and necessity insofar as they would otherwise prevent it from performing one one-stop round trip between Detroit, Michigan, and Los Angeles, California, via Indianapolis, Indiana, departing on or about August 13, 1973, and returning on or about August 22, 1973;

2. The Flying Tiger Line Inc. be and it hereby is exempted from section 403 of the Act insofar as that section would require filing of a tariff for the carriage of the equipment of the Indianapolis Police Department's Motorcycle Drill Team on the flights authorized herein; and

3. This order may be amended or revoked at any time in the discretion of the Board without hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,  
Acting Secretary.

[FR Doc.73-17094 Filed 8-15-73;8:45 am]

[Docket No. 25424]

## GATEWAY AVIATION LTD.

**Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit Application—Canada-United States—Casual, Occasional, or Infrequent Service**

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 13, 1973, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before September 6, 1973.

Dated at Washington, D.C., August 10, 1973.

[SEAL] RALPH L. WISER,  
Chief Administrative Law Judge.  
[FR Doc.73-17100 Filed 8-15-73; 8:45 am]

[Docket No. 24488; Order 73-8-60]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

## Order Regarding Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of August 1973.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 3 of the International Air Transport Association (IATA). The agreements, which were adopted by mail vote, have been assigned the above-designated C.A.B. agreement numbers.

The agreements now before the Board would reduce by one U.K. pound, certain fares between Singapore/Malacca/Kuala Lumpur/Penang, on the one hand, and various other points in Traffic Conference 3, on the other hand. Insofar as fares to and from U.S. territories and possessions are concerned, the fares being amended were previously disapproved by the Board in Order 73-7-54, and the level which results from the agreements here would remain above that of fares presently approved and in effect. Accordingly, the fares here proposed will be disapproved for the same reasons we disapproved the earlier filed increases.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions, incorporated in Agreements C.A.B. 23820 and 23846 as indicated, are adverse to the public interest or in violation of the Act to the extent they do not directly apply in air transportation as defined by the Act:

Agreement C.A.B. 23820	IATA Resolutions
R-1-----	300(Mail 407)053
R-2-----	300(Mail 407)063
R-3-----	300(Mail 407)070a
Agreement C.A.B. 23846-----	IATA Resolution 300(Mail 412)080e

2. It is found that the following resolutions, incorporated in Agreements C.A.B. 23820 and 23846 as indicated, are adverse to the public interest and in violation of the Act to the extent they apply directly in air transportation as defined by the Act:

Agreement C.A.B. 23820	IATA Resolutions
R-1-----	300(Mail 407)053
R-2-----	300(Mail 407)063
R-3-----	300(Mail 407)070a
Agreement C.A.B. 23846-----	IATA Resolution 300(Mail 412)080e

Accordingly, it is ordered, That:

1. Agreement C.A.B. 23820, R-1 through R-3, and Agreement C.A.B. 23846 be and hereby are approved insofar as they do not directly apply in air transportation as defined by the Act; and

2. Agreement C.A.B. 23820, R-1 through R-3, and Agreement C.A.B. 23846 be and hereby are disapproved insofar as they directly apply in air transportation as defined by the Act.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,  
Acting Secretary.  
[FR Doc.73-17095 Filed 8-15-73; 8:45 am]

[Docket No. 25425]

## STARLINE AVIATION LTD.

**Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit Application—Canada-United States—Casual, Occasional, or Infrequent Service**

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 14, 1973, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Thomas P. Sheehan.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before September 7, 1973.

Dated at Washington, D.C., August 10, 1973.

[SEAL] RALPH L. WISER,  
Chief Administrative Law Judge.  
[FR Doc.73-17097 Filed 8-15-73; 8:45 am]

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

## COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN SPAIN

## Entry or Withdrawal From Warehouse for Consumption

AUGUST 8, 1973.

On February 12, 1971, there was published in the FEDERAL REGISTER (36 FR 2944) a letter dated February 5, 1971 from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in Spain, and exported from Spain on and after the date of said publication, for which Spain had not issued a visa. One of the visa requirements is that the visa include the signature of a Spanish official authorized to issue visas. The requirements were previously amended by directives of April 26, 1971 and May 19, 1971. (See 36 FR 8472 and 9805, respectively).

On July 12, 1973, the Government of Spain requested, and the Government of the United States acceded to the request, that Mr. Mariano Payá Vizcaino be authorized to issue visas, replacing Mr. José Ramón Borrell, who will cease to sign.

Accordingly, there is published below a letter of August 8, 1973 from the Chairman, Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amending the directive of February 5, 1971 to authorize Mr. Mariano Payá Vizcaino to issue visas, replacing Mr. José Ramón Borrell, effective as soon as possible. A facsimile of Mr. Payá's signature is published as an enclosure to that letter.

SETH M. BODNER,  
Chairman, Committee for the  
Implementation of Textile  
Agreements, and Deputy As-  
sistant Secretary for Re-  
sources and Trade Assistance.

COMMISSIONER OF CUSTOMS  
Department of the Treasury,  
Washington, D.C. 20229.

AUGUST 8, 1973.

DEAR MR. COMMISSIONER: This letter further amends the directive of February 5, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee that directed you to prohibit, effective upon publication of the notice in the Federal Register, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in Spain and exported from Spain on and after the date of said publication, for which Spain had not issued a visa. One of the visa requirements is that the visa include the signature of a Spanish official authorized to issue visas. This directive was previously amended by directives of April 26, 1971 and May 19, 1971.

Pursuant to the authorities set forth in the aforementioned letter of February 5, 1971, that directive is further amended, effective as soon as possible, to authorize Mr.

Mariano Payá Vizcaino to issue visas, replacing Mr. Jose Ramon Borrell. A facsimile of Mr. Payá's signature is enclosed for your information.

The actions taken with respect to the Government of Spain and with respect to imports of cotton textiles and cotton textile products from Spain have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore the directives to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,  
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

ADDITIONAL LIST OF AUTHORIZED VISA SIGNATURES IN THE DOCUMENTS OF CONTROL OF SPANISH EXPORTS OF COTTON TEXTILE MANUFACTURERS SUBJECT TO THE TERMS OF THE BILATERAL AGREEMENT BETWEEN SPAIN AND THE UNITED STATES OF AMERICA.

Signature of Mr. Mariano Payá Vizcaino (Subdelegado Regional de Comercio de Barcelona).



[FR Doc.73-17117 Filed 8-15-73; 8:45 am]

### COST OF LIVING COUNCIL

[Cost of Living Council Order No. 38]

#### GENERAL SERVICES ADMINISTRATOR

#### Delegation of Authority to Renegotiate Government Construction Contracts

For the purpose of (i) preventing windfall profits resulting from a reduction in the wage and salary level of employees of firms in the construction industry by action of the Construction Industry Stabilization Committee (CISC) or the Cost of Living Council (CLC), (ii) implementing § 150.453 of the Cost of Living Council regulations, (or any subsequent republication thereof, however designated), and acting pursuant to the Economic Stabilization Act of 1970, as amended, and the authority delegated to me by Executive Order 11695 and Cost of Living Council Order No. 14, I hereby delegate to the Administrator of the General Services Administration with respect to civilian executive agencies, and the Secretaries of the military departments and the Secretary of Defense with respect to the Department of Defense authority to:

(1) Require price redetermination of each fixed price construction contract of more than \$500,000 which is affected by a wage and salary reduction caused by action of the CISC or CLC;

(2) Require that, after August 12, 1973, each successful offeror on a fixed

price construction contract of more than \$500,000 provide the government with such information during the life of that contract as is necessary to determine whether windfall profits have or will accrue from a wage or salary reduction caused by the CISC or CLC, and to make such arrangements with his subcontractors, regardless of tier, as may be necessary to insure that the information is provided;

(3) Prescribe in the Federal procurement regulations, and applicable regulations of the Department of Defense such rules and procedures as are necessary to carry out the purpose of this delegation; and

(4) Redesignate to any Federal agency of the United States any authority under this delegation.

Issued in Washington, D.C. on August 10, 1973.

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

[FR Doc.73-17030 Filed 8-13-73; 8:45 am]

### FOOD INDUSTRY WAGE AND SALARY COMMITTEE

#### Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet at 10 a.m., Wednesday, August 22, 1973, at 2025 M Street, N.W., Washington, D.C.

The agenda will consist of discussions leading to recommendations on specific Phase II and Phase III wage cases in the food area, and future wage policy.

Since the above stated meeting will consist of discussions of future food wage policy and Phase II and III cases for decision, pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

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

HENRY H. PERRITT, Jr.,  
Executive Secretary,  
Cost of Living Council.

[FR Doc.73-17242 Filed 8-15-73; 11:27 am]

### COUNCIL ON ENVIRONMENTAL QUALITY

#### ENVIRONMENTAL IMPACT STATEMENTS

#### Notice of Availability

Environmental Impact Statements Received from August 6 through August 10, 1973.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

#### DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley  
Acting Coordinator  
Environmental Quality Activities  
Office of the Secretary  
U.S. Department of Agriculture  
Room 331-E, Administration Building  
Washington, D.C. 20250  
(202) 447-3965

#### FOREST SERVICE

Draft Pleasant Valley Planning Unit, Kootenai N.F. Date 08/06

Montana

County: Lincoln, Sanders, Flathead

The statement refers to a proposed multiple use plan for the Pleasant Valley Planning Unit, Kootenai National Forest. The 41,000 acre Unit has been stratified into six management areas, which will be managed for such values as timber production, recreation, big game winter range production, and livestock forage. There will be road construction, with adverse impact to the natural conditions of the Forest. Other adverse effects will include soil and vegetative disturbance, and air and noise pollution. (121 pages)

(ELR ORDER # 31300) (NTIS ORDER # EIS 73 1300D)

Porcupine/Bufalo Horn Unit, Gallatin N.F. 08/09

Montana

County: Gallatin

The statement refers to the proposed implementation of a revised multiple use plan for the Porcupine/Bufalo Horn Planning Unit of the Gallatin National Forest. The 46,167 acre Unit is broken into four subunits; the majority of the Unit will be maintained in a roadless state, with some road construction on two drainages. There will be aerial logging, one highly developed campground, and three minimum-developed end-of-road facilities. Two trails will be constructed, and one will be reconstructed. Impact will be to elk and other wildlife, and to watersheds. (approximately 180 pages)

(ELR ORDER # 31311) (NTIS ORDER # EIS 73 1311D)

#### ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters:  
Mr. Robert J. Catlin, Director,  
Division of Environmental Affairs  
Washington, D.C. 20545  
(202) 973-5391  
For Regulatory Matters:  
Mr. A. Giambusso, Deputy Director  
for Reactor Projects, Directorate  
of Licensing  
(202) 973-7773  
Washington, D.C. 20545

Draft Alvin W. Vogtle Nuclear Plant Date 08/07

Georgia

The statement refers to the proposed issuance of a construction permit to the Georgia Power Company. Each of the Plant's two units will use a pressurized reactor to produce 3,425 MWt, from which 1,100 MWe will be generated. Future output levels of 3,579 MWt and 1,159 MWe are anticipated. Cooling will be by natural draft towers, with water being drawn from the Savannah River at a consumptive rate of 14,990 gpm per unit. Construction of the Plant, a railroad spur,



and transmission lines will require 13,916 acres. About 0.03% of the State's timber acreage will be removed for transmission line construction. Potentially significant archeological sites will be affected. (290 pages) (ELR ORDER #31305) (NTIS ORDER #EIS 73 1305D)

*Final* *Date*  
Donald C. Cook Station 08/08  
Michigan  
County: Berrien

The statement refers to the proposed continuation of construction permits and the issuance of operating licenses to the Indiana and Michigan Electric Co., and the Indiana and Michigan Power Co., for the start-up and operation of the station. The station consists of two units, each employing a pressurized water reactor to produce 3250 MWt and 1100 MWe. Heat will be discharged to Lake Michigan by a 1,645,000 gpm capacity once-through system. Approximately 650 acres of lakeshore duneland have been committed to the Station, precluding possible recreational use. Construction of the Station has started industrialization of an ecologically unique area which should be preserved. (approx. 300 pages)

COMMENTS MADE BY: COE DOC AHP USDA DOT EPA HUD FPC DOI agencies of Michigan and Illinois, and concerned citizens (ELR ORDER #31306) (NTIS ORDER #EIS 73 1306F)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Mr. Francis X. Kelly  
Director, Office of Public Affairs  
Attn: DAEN-PAP  
Office of the Chief of Engineers  
U.S. Army Corps of Engineers  
1000 Independence Avenue, S.W.  
Washington, D.C. 20314  
(202) 693-7168

*Draft* *Date*  
Unit 4, Brayton Point Generating Station 08/02  
Massachusetts

The statement refers to the proposed addition of a 465 MW generating unit to the present capacity of 1025 MW at the three unit station. Modifications of the sea water intake and discharge facilities will be made. Plant additions will consist of a boiler building, a turbine building, a stack, and substation additions. There will be dredging of tidal waters; 14.4 million additional gallons of bay water will be used in condenser cooling. There will be entrainment of planktonic organisms, and entrapment of finfish and invertebrate species. Tanker arrivals will increase from five to seven ships per month. (Waltham District) (ELR ORDER # 31288) (NTIS ORDER # EIS 73 1288D)

Mystic Power Station, Unit 7 08/03  
Massachusetts

The statement refers to the proposed construction of a 600 MW oil fueled electric generating unit at the Station, along with modifications to existing sea water intake and discharge facilities. There will be dredging of 45,000 cu. yds. of spoil, to be disposed of in the ocean. Unit 7 will consume 646 cfs of Mystic River sea water for cooling. There will be entrainment or entrapment of marine organisms, and discharge to the Mystic River of chemicals used in plant cleaning. (Waltham District) (two volumes) (ELR ORDER # 31291) (NTIS ORDER # EIS 73 1291D)

*Final* *Date*  
Blount Island Development 08/03  
Florida

County: Duval  
The statement refers to the proposed granting of a dredge and fill permit, pursuant to Section 10 of the River and Harbor Act of 1899, to the Jacksonville Port Authority. The project contemplated under authority of the permit involves the construction of a bulkhead in the Back River at Blount Island, behind which dredged spoil from both the Back and St. John's River would be deposited in the construction of an Offshore Power Systems (OPS) facility for the production of Floating Nuclear Plants (FNP). Modification of 950 acres will occur. A total of 275 acres of the Back River, with its present and future biological contribution to the St. John's ecosystem, will be committed to the project.

COMMENTS MADE BY: AEC USDA DOC DOI DOT EPA HUD OEO (ELR ORDER # 31292) (NTIS ORDER # EIS 72 5494D)

Rays Town Lake 08/03  
Pennsylvania  
County: Huntingdon

The statement considers the construction of a 1,700' long, 266' high earthfill dam on the Raystown Branch of the Juniata River, and an 8,300 acre lake. Purposes of the project are flood control, fish and wildlife enhancement, recreation, and lowflowregulate. In addition to the 8300 acres permanently inundated, 2,500 acres will be periodically inundated; 29,314 acres will be acquired for the project. Displacements will number 1,320 residences. (135 pages)

COMMENTS MADE BY: AEC USDA DOI DOT EPA HEW state agencies. (ELR ORDER # 31293) (NTIS ORDER # EIS 73 1293F)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill  
Acting Advisor on Environmental Quality  
441 G Street, N.W.  
Washington, D.C. 20426  
(202) 386-6084

*Final* *Date*  
Chippewa Reservoir, Project No. 108 08/03  
Wisconsin

County: Sawyer  
The proposal is the approval of an application by Northern States Power Co. for a new license for the project. The project consists of a 1,290' long, 45' high dam, and 223,000 acre-foot reservoir. The project is a storage reservoir, with no power generating facilities. Eutrophication could increase with further recreational development. (190 pages)

COMMENTS MADE BY: EPA, COE, DOI, USDA, state, regional, and local agencies (ELR ORDER # 31295) (NTIS ORDER # EIS 73 1295F)

NATIONAL CAPITAL PLANNING COMMISSION

Contact: Mr. Donald F. Bozarth  
Director of Current Planning and Programming  
Washington, D.C. 20576  
(202) 382-1471

*Draft* *Date*  
Dwight D. Eisenhower Civic Center 08/03  
District of Columbia

The statement refers to the proposed development of the Dwight D. Eisenhower Memorial Bicentennial Civic Center, and related modifications to the Comprehensive Plan for the National Capital to reflect the development. The center will contain 560,000 sq. ft. on a 10.31 acre site bounded by H, Eighth,

Tenth, and K Streets, and New York Avenue. The facility will serve regional and national conventions, trade fairs, and public admission shows. There will be physical, social, historic, and aesthetic impact. (238 pages) (ELR ORDER # 31290) (NTIS ORDER # EIS 73 1290F)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director  
Office of Environmental Quality  
400 7th Street, S.W.  
Washington, D.C. 20590  
(202) 466-4357

FEDERAL HIGHWAY ADMINISTRATION

*Draft* *Date*  
Clay-Herron Street Eextension, Supplement 08/06  
Alabama

County: Montgomery  
The document supplements the draft environmental impact statement which was filed in March, 1973 (ELR Order # 3032; NTIS Order # PB 207 438D). A 4(f) determination for parkland is provided. (17 pages) (ELR ORDER # 31297) (NTIS ORDER # EIS 73 1297D)

Winfield Bypass Southeast, US 78 08/06  
Alabama

County: Marion, Fayette  
The proposed project is the construction of 2.3 miles of the Winfield Bypass Southeast. The facility will require 42 acres of land and will displace 6 or 7 families. Adverse effects will also include the loss of wildlife, and increased air and noise pollution levels. (15 pages) (ELR ORDER # 31302) (NTIS ORDER # EIS 73 1302D)

I 80N, Caldwell, Idaho 08/06  
Idaho

County: Canyon  
The proposed project is the construction of I 80, in the vicinity of Caldwell. The facility will require an unspecified amount of land for right-of-way, and will have an unspecified number of displacements. Adverse impact will also include loss of wildlife, and an increase in noise pollution levels. (114 pages) (ELR ORDER # 31301) (NTIS ORDER # EIS 73 1301D)

US 641, Murray-Benton Road 08/06  
Kentucky

County: Calloway, Marshaid  
Proposed is the relocation of 11 miles of U.S. 641. The project will require 465 acres of land for right-of-way, and will displace 9 families and one business. The facility will cross Rockhouse and Wades Creeks, requiring their channelization. Increases in water, air, and noise pollution will occur. (54 pages) (ELR ORDER # 31299) (NTIS ORDER # EIS 73 1299D)

Routes 7 and 65, Missouri 08/06  
Missouri

County: Benton  
Proposed is the construction of Rt. 65 for a length of 7.5 miles. The facility will require 250 acres for right-of-way, and will displace 9 families and 1 business. Several streams will be traversed, causing erosion and increased water pollution. (ELR ORDER # 31298) (NTIS ORDER # EIS 73 1298D)

L.R. 1131 (Second Avenue Bypass) 08/03  
Pennsylvania

County: Allegheny  
The project, the Second Avenue Bypass, is proposed to connect the northern approach of the Glenwood Bridge to the intersection of Greenfield Avenue and Second Avenue.

Project length is 2 miles. The amount of land required for right-of-way, and the number of displacements will depend upon the alignment selected. (56 pages)  
(ELR ORDER # 31296) (NTIS ORDER # EIS 73 1296D)

## U.S. COAST GUARD

*Draft* Date  
Hillsborough River Bridges, Tampa 08/01  
Florida

County: Hillsborough  
The statement refers to the proposed Coast Guard approval of location and plans for dual fixed highway bridges and approaches across the Hillsborough River. The bridge project, which includes the construction of 5.2 miles of highway, will be part of the South Crosstown Expressway in Tampa. Adverse impact will include the displacement of 184 residences 63 businesses, and 40 trailer dwelling sites. Land piers will encroach upon a public park, necessitating a 4(f) determination. (approximately 350 pages)  
(ELR ORDER # 31282) (NTIS ORDER # EIS 73 1282D)

New York Vessel Traffic System 08/09  
New York

County: several  
The statement refers to a proposed system which will cover the geographic areas comprising the Port of New York, the Hudson River to Albany, and Long Island Sound to the west of Block Island, Rhode Island. The system will consist of a combination of vessel traffic system levels which will include VHF/FM communications, radar surveillance, a Traffic Separation System, and a Vessel Movement Reporting System. Radar and communications sites, and a vessel traffic operations center will be constructed. There will be adverse impact from construction disruption. (67 pages)  
(ELR ORDER #31312) (NXIS ORDER #EIS 73 1312D)

International Bridge, Laredo 08/01  
Texas

County: Webb  
The statement refers to the proposed approval of the location and plans for a fixed highway bridge to be constructed across the Rio Grande between Laredo and Nuevo Laredo, Tamaulipas, Mexico. The proposed span will supplement the existing Laredo International Bridge. The new bridge will strongly influence construction plans for causally related highway improvements in Laredo, and new border station facilities. Impact will include the acquisition of 18 city blocks and the displacement of 26 businesses and 146 residences. The taking of historical sites will necessitate a 4(f) determination. (166 pages)  
(ELR ORDER #31283) (NTIS ORDER #EIS 73 1283D)

TIMOTHY ATKESON,  
General Counsel.

[FR Doc.73-17093 Filed 8-15-73;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

E.I. DU PONT DE NEMOURS & CO., INC.

### Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 4F1421) has been filed by E.I. du Pont de Nemours & Co., Inc., Wilmington, DE 19896, proposing establishment of tolerances (40 CFR Part 180) for combined residues of the fungicide benomyl

(methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodities bean vine forage at 50 parts per million and beans at 2 parts per million.

The analytical method proposed in the petition for determining residues of the fungicide is that of H. L. Pease and R. F. Holt, "Journal of the Association of Official Analytical Chemists", vol. 54, pp. 1399-1402 (1971).

Dated: August 13, 1973.

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

[FR Doc.73-17112 Filed 8-15-73;8:45 am]

## NOR-AM AGRICULTURAL PRODUCTS, INC.

### Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 4F1419) has been filed by NOR-AM Agricultural Products, Inc., 1275 Lake Avenue, Woodstock, IL 60098, proposing establishment of tolerances (40 CFR Part 180) for combined residues of the insecticide formetanate hydrochloride (*m*-[[[(dimethylamino) methylene] amino] phenyl methylcarbamate hydrochloride) and its metabolites containing the *m*-aminophenol moiety (calculated as formetanate hydrochloride) in or on the raw agricultural commodities almond hulls at 35 parts per million; almonds at 0.5 part per million; and liver and kidney of cattle, goats, hogs, horses, sheep, and poultry at 0.3 part per million.

The analytical methods proposed in the pesticide petition for determining residues of the insecticide are procedures in which residues are hydrolyzed to 3-aminophenol. For residues in plant tissues, the 3-aminophenol is analyzed colorimetrically by diazotization and coupling with *N*-1-naphthylethylenediamine dihydrochloride. For residues in kidney or liver, the 3-aminophenol is brominated to 2,4,6-tribromo-3-aminophenol and determined using a gas chromatograph equipped with an electron-capture detector.

Dated: August 13, 1973.

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

[FR Doc.73-17115 Filed 8-15-73;8:45 am]

## FEDERAL MARITIME COMMISSION

[Docket Nos. 69-23, 71-49, 73-14]

### GULF-PUERTO RICO LINES, INC.

#### First Supplemental Order of Investigation and Suspension

On April 5, 1973, the Commission ordered an investigation into the lawfulness of an ILA surcharge proposed by the Gulf-Puerto Rico Lines (GPRL) in the trade between the U.S. Gulf ports and

ports in Puerto Rico.<sup>1</sup> The proposed 9 percent surcharge was suspended; the Commission, however, allowed GPRL a 4.9 percent interim surcharge. The entire 9 percent surcharge was to become effective on August 8, 1973.

On August 8, 1973, GPRL cancelled the surcharge and in its place proposed a general rate increase. The general increase is in the amount of 11 percent on all ocean freight rates and charges southbound and 4.9 percent northbound. Although the effective date of the general rate increase was shown as August 8, 1973, pursuant to Executive Order No. 11723 dated June 13, 1973 the full amount of increase was postponed to August 13, 1973.

The net effect of the general increase filing will (1) replace a 9 percent ILA surcharge with a general rate increase; (2) increase the rates paid by southbound shippers by 2 percent (9 percent surcharge replaced by an 11 percent general rate increase); and (3) reduce the rates paid by northbound shippers by 4.1 percent (9 percent surcharge replaced by a 4.9 percent general rate increase).

In support of the proposed increases, GPRL has submitted financial data pursuant to Amendment 1 to General Order 11 (46 CFR 512.3(d)). To date, no protests have been filed.

Upon consideration of the data, the Commission is of the view that the proposed increases should be suspended and incorporated into these consolidated proceedings and made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or section 4 of the Intercoastal Shipping Act, 1933. Good cause appearing:

*It is ordered.* That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916 and section 4 of the Intercoastal Shipping Act of 1933, an investigation is hereby instituted into the lawfulness of the proposed increases contained in Exhibit A, with a view to making such findings and orders as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended, or reissued, such matter will be included in this investigation;

*It is further ordered.* That pursuant to section 3, Intercoastal Shipping Act, 1933, the tariff matter listed in Appendix A is suspended and the use thereof deferred to and including December 8, 1973, unless otherwise ordered by this Commission;

*It is further ordered.* That there shall be filed immediately with the Commission by Gulf Puerto Rico Lines, Inc., a consecutively numbered supplement to the tariffs identified in Appendix A, which supplements shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until December 9, 1973, un-

<sup>1</sup> This order, No. 73-14, was consolidated with Docket Nos. 69-23 and 71-49 by Commission Order served May 25, 1973.

less otherwise authorized by the Commission; and the rates and charges for the other provisions heretofore, in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

*It is further ordered,* That copies of this order shall be filed with said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

*It is Further Ordered,* That this matter be joined with the matter previously set for investigation and hearing in Docket No. 69-23, *General Increases in Rates in the U.S. Gulf/Puerto Rico Trade*, Docket No. 71-49, *Gulf Puerto Rico Lines, Inc.—General Increases in Rates in the U.S. Gulf/Puerto Rico Trade*, and Docket No. 73-14, *Gulf Puerto Rico Lines, Inc.—Proposed ILA Surcharge Between U.S. Gulf Ports and Puerto Rico*, and that its lawfulness be determined by the same proceeding, by the same Administrative Law Judge of the Commission's Office of Administrative Law Judges;

*It is Further Ordered,* That (I) a copy of this order be forthwith served upon the respondent herein and upon the Commission's Bureau of Hearing Counsel and published in the FEDERAL REGISTER; and (II) the respondent and Hearing Counsel be served with notice of time and place of the hearing;

All persons (including individuals, corporations, associations, firms, partnerships, public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

APPENDIX A

*Gulf-Puerto Rico Lines, Inc.—FMC-F No. 1,*  
4th Revised Title Page 1.

[FR Doc.73-17086 Filed 8-15-73;8:45 am]

[Docket No. 73-52]

OCEAN TRAILER TRANSPORT CORP.

Order of Investigation and Suspension Regarding Proposed Reduced Rates Between Miami, Florida and San Juan, Puerto Rico

On July 11, 1973, Ocean Trailer Transport Corporation (OTTC) filed second revised page number 48, third revised page number 51, and third revised page number 54 to its Tariff F.M.C.-F #1, involving rates for cargo moving between Miami, Florida and San Juan, Puerto Rico. The revisions will become effective on August 13, 1973.

Second revised page number 48 contains proposed increases and reductions in OTTC's southbound *Freight, All Kinds* rates. Third revised page number 51 contains, *inter alia*, proposed reductions on various Southbound rates on "Paper and Paper Articles," as well as the addition to OTTC's tariff of a southbound rate on "Personal Effects and/or Household Goods N.O.S." Third revised page number 54 contains, *inter alia*, proposed reductions on OTTC's northbound *Freight, All Kinds* rates as well as proposed reductions on "Fruit and Vegetables," and "Refrigerated or Controlled Temperature Cargo, N.O.S." [previously OTTC had a rate only for "Refrigerated or Controlled Temperature Cargo, N.O.S.," the "Fruits and Vegetables" rate is new, but is also a reduction from the previous refrigerated N.O.S. rate.]

Sea-Land Service, Inc. (Sea-Land), and TMT Traller Ferry, Inc. (TMT) on July 31, 1973, filed protests to OTTC's proposed revisions to its Tariff F.M.C.-F #1, asking that the revisions in question be suspended and that an investigation be instituted to determine their lawfulness.

The protests of both parties are substantially the same, i.e. that the proposed revisions:

1. Will cause large scale diversions of cargo from "normal" ports of discharge to the port of Miami;
2. Will reduce rate levels to an unreasonably low level in violation of section 18(a) of the Shipping Act, 1916; and
3. That OTTC's continued use of its current *Freight, All Kinds*, commodity description lends itself to discrimination, and will inevitably result in the complete breakdown of the current individual commodity rate structure.

No reply to the protests of Sea-Land and TMT has been forthcoming from OTTC.

OTTC, a relative newcomer to the trade in question (its tariff first became effective on March 8, 1973), does not have a General Order 11 submission on file with the Commission at the present time. OTTC did file, pursuant to 46 CFR 512.3(c) (5), a certificate stating that the revisions in question did not constitute a general rate reduction which would have necessitated filing of financial and operating data. The staff has no other current data regarding OTTC available upon which a determination could be made regarding the allegations of the protestants.

Upon consideration of the issues raised in the aforementioned protests, and realizing that the Commission is hampered by its lack of information regarding OTTC's finances and operations, the Commission is of the opinion that the aforementioned rate revisions should be suspended and made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and sections 3 and 4, Intercoastal Shipping Act, 1933, or whether they subject any particular person, locality, or description of traffic to any undue or un-

reasonable prejudice or disadvantage in any respect whatsoever in violation of section 16 First, Shipping Act, 1916. Good cause appearing, Therefore:

*It is ordered,* That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said revised rates for the purpose of making such findings and orders as the facts and circumstances warrant. In the event that the tariff matters hereby placed under investigation are further changed, amended or reissued, such changes are hereby ordered to be made a part of this investigation.

*It is further ordered,* That pursuant to section 3, Intercoastal Shipping Act, 1933, all rates contained on second revised page #48, the rates on "Paper and Paper Articles" and "Personal Effects and/or Household Goods N.O.S." on Third revised page number 51, and the rates on "Freight, All Kinds," "Fruits and Vegetables," and "Refrigerated and Controlled Temperature Cargo, N.O.S." on Third revised page number 54 of Ocean Trailer Transport Corporation Tariff F.M.C.-F #1 are hereby suspended and the use thereof deferred to and including December 12, 1973, unless otherwise ordered by this Commission.

*It is further ordered,* That there shall be filed immediately with the Commission by Ocean Trailer Transport Corporation consecutively numbered supplements to the aforesaid tariff, which supplements shall bear no effective date, shall reproduce the portion of this order wherein the suspended matters are described and shall state that the aforesaid matters are suspended and may not be used until December 13, 1973, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matters shall remain in effect during the period of suspension, and neither the matters suspended nor the matters which are continued in effect as a result of such suspension may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

*It is further ordered,* That copies of this order shall be filed with the appropriate tariff schedules in the Bureau of Compliance of the Federal Maritime Commission.

*It is further ordered,* That Ocean Trailer Transport Corporation be named as respondent in this proceeding.

*It is further ordered,* That Sea-Land Service, Inc. and TMT Traller Ferry, Inc. be named as complainants in this proceeding.

*It is further ordered,* That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious con-

duct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of this proceeding, is similarly waived.

*It is further ordered.* That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge.

*It is further ordered.* That (I) a copy of this order be forthwith served upon the respondent and complainants herein and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER; and (II) the respondent, complainants and Hearing Counsel be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-17088 Filed 8-15-73;8:45 am]

[Docket No. 73-17]

**SEA-LAND SERVICE, INC., AND GULF  
PUERTO RICO LINES, INC.**

**First Supplemental Order of Investigation  
Regarding Proposed Rules on Containers**

On April 13, 1973, this Commission issued an Order of Investigation and Hearing on tariff amendments proposed by Sea-Land Service, Inc. (Sea-Land) and Gulf Puerto Rico Lines, Inc. (GPRL) relating to the handling of consolidated and less-than-trailer-load cargo. Sea-Land has now filed with the Federal Maritime Commission, 9th Revised Page 344 and 6th Revised Page 345A to its Tariff F.M.C.-F No. 21, to become effective August 20, 1973.<sup>1</sup> The amendments would add the following note to Sea-Land's Freight-All-Kinds (FAK) tariff provision:

Note 22—where an effective collective bargaining agreement requires stripping and stuffing at carrier marine terminal, loading by shipper must be in other-than-carriers equipment subject to, (A) (B) and (C) below:

- (A) Expires November 1, 1973;
- (B) At time of booking, shipper must specify the size of carriers trailer required; and
- (C) Carrier will perform the transfer at carriers marine terminal from other than car-

<sup>1</sup> It has also filed a special permission application to advance the effective date of these pages to the earliest possible date or alternatively August 14, 1973.

riers equipment including full unloading, subject to a charge of \$150.00 for a 35 foot trailer; \$172.00 for a 40 foot standard and \$194.00 for a 40 foot high cube trailer.

The FAK provision is also subject to the ILA container rules which are already under investigation in this proceeding and have been suspended to August 14, 1973. Under the proposed provisions an NVOCC or Consolidator will be able to use Sea-Land's FAK rate, providing it tenders the cargo to Sea-Land in a non-Sea-Land container and pays the additional charges specified in Note 22. The proposed service and manner of handling is substantially different from the handling of containers moving under the FAK description which have been loaded by the "beneficial owner" of the cargo. Cargo satisfying this definition is not subject to the ILA container rules and neither stripped and stuffed nor subject to additional charges.

The proposed changes were protested by the Commonwealth of Puerto Rico (Commonwealth) and the International Association of NVOCC's. The Commonwealth alleges that the changes are unjust and unreasonable in violation of section 18(a) of the Shipping Act, 1916, and do not meet the filing requirements of section 2 of the Intercoastal Shipping Act, 1933. The International Association of NVOCC's alleges that the charges set forth in Note 22 are discriminatory to the small shipper.

Upon consideration of the said tariff pages, and the protests filed thereto, the Commission is of the opinion that the above designated tariff matter should be made part of the public investigation and hearing in this proceeding to determine whether it is in violation of sections 16 First and 18(a) of the Shipping Act, 1916, and section 4 of the Intercoastal Shipping Act, 1933, by subjecting a particular description of traffic, person or locality to an undue or unreasonable prejudice or disadvantage. Good cause appearing, therefore:

*It is ordered.* That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said rule and charges published on 9th Revised Page 344 and 6th Revised Page 345A of Sea-Land's Tariff F.M.C.-F No. 21, with a view toward making such findings and orders as the law, the facts and the circumstances warrant.

*It is further ordered.* That as a part of this investigation a determination shall be made as to whether Sea-Land's said rule and charges are in violation of sections 16 First and 18(a) of the Shipping Act, 1916, and section 4 of the Intercoastal Shipping Act, 1933.

*It is further ordered.* That this matter be joined with the matters set for investigation and hearing in Docket No. 73-17 and that the lawfulness of said rule be determined in the same proceeding, by the same Administrative Law Judge of the Commission's Office of Administrative Law Judges.

*It is further ordered.* That a copy of this order shall forthwith be served on all persons previously made parties in Docket No. 73-17 and published in the FEDERAL REGISTER.

*It is further ordered.* That the provisions of Rule 12 of the Commission's Rules of Practice and Procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived.

All persons, (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene therein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-17089 Filed 8-15-73;8:45 am]

[Docket No. 73-12]

**SEA-LAND SERVICE, INC., ET AL.**

**First Supplemental Order of Investigation  
and Suspension Regarding Proposed ILA  
Surcharges in U.S. Atlantic and Gulf/  
Puerto Rico Trade**

By an order dated March 16, 1973, this Commission instituted an investigation and hearing to determine the lawfulness of a 15.2 percent surcharge proposed by Sea-Land Service, Inc. (Sea-Land), Seatrain Lines, Inc. (Seatrain), and Trans-American Trailer Transport, Inc. (TAT) to allegedly offset increased labor costs resulting from their contract with the International Longshoremen's Association (ILA). The Commission suspended the proposed surcharges but allowed the carriers to file an interim surcharge of 5.2 percent. Pursuant to Executive Order 11723, dated June 13, 1973, the application of the full amount of the surcharge was postponed to August 13, 1973.

On August 7, 1973, respondent carriers proposed to place into effect a general rate increase in the trade between the U.S. Atlantic Coast and Puerto Rico amounting to 17.2 percent southbound and 5.2 percent northbound.<sup>1</sup> These increases will cancel and replace the proposed surcharges which are the subject of Commission investigation in this proceeding.

<sup>1</sup> The full amount of these increases may not be charged until August 13, 1973, in accordance with Executive Order 11723, dated June 13, 1973.

In support of the proposed increases, each of the carriers file data in compliance with the requirements of amendment 1 to General Order 11 (46 CFR 512.3(d)).

Numerous protests to the increase were filed alleging generally that the increases are unreasonably large, will adversely affect the Puerto Rico economy, and are contrary to Government efforts to curb inflation.

Upon consideration of the data submitted, and the protests filed, the Commission is of the opinion that the proposed increases should be suspended and made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under sections 16 and 18 (a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933. In view of the fact that the general increases are projected to generate approximately the same amount of additional revenues as the proposed surcharges, and of the fact that the surcharges are being cancelled without any alleged change in the labor contracts which prompted them, the Commission is of the further belief that the matter should be included in the public investigation and hearing now designated as Docket No. 73-12, *Sea-Land Service, Inc., Seatrain Lines, and Transamerican Trailer Transport, Inc. Proposed ILA Surcharges in the U.S. Atlantic and Gulf/Puerto Rico Trade*. Good cause appearing:

*Therefore, it is ordered*, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the tariff matter listed in Appendix A to make such findings and orders as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended, or reissued, such matter will be included in this investigation;

*It is further ordered*, That pursuant to section 3, Intercoastal Shipping Act, 1933, the tariff matter shown in Appendix A is hereby suspended and the use thereof deferred to and including December 8, 1973, unless otherwise ordered by this Commission;

*It is further ordered*, That there shall be filed immediately by Sea-Land Service, Inc., Seatrain Lines, Inc. and Transamerican Trailer Transport Inc., consecutively numbered supplements to the tariffs listed in Appendix A, which supplements shall bear no effective date, shall reproduce the portion of this order wherein the suspended matters are described and shall state that the matters are suspended and may not be used until December 9, 1973, unless otherwise au-

thorized by the Commission and that the suspended matters may not be changed, except as ordered herein until this proceeding has been disposed of, or until the period of suspension has expired, whichever comes first, unless otherwise ordered by the Commission;

*It is further ordered*, That as a part of this investigation, a determination shall be made as to whether any portion of the proposed increases is designed to recover costs applicable to only one port and, if so, whether the application of the increase to all ports gives any undue or unreasonable preference or advantage to the one port, or subjects the remaining ports to any undue or unreasonable prejudice or disadvantage, pursuant to section 16 First of the Shipping Act, 1916.

*It is further ordered*, That as a part of this investigation, a determination shall be made as to whether the proposed increases listed in Appendix A are violative of section 18(a) of the Shipping Act, 1916;

*It is further ordered*, That this matter be joined with the matter previously set for investigation and hearing in Docket No. 73-12, *Sea-Land Service, Inc., Seatrain Lines, Inc., Transamerican Trailer Transport, Inc. Proposed ILA Surcharges in the U.S. Atlantic and Gulf/Puerto Rico Trade*, and that their lawfulness be determined in the same proceeding by the same Administrative Law Judge of the Commission's Office of Administrative Law Judges;

*It is further ordered*, That copies of this order shall be filed with the appropriate tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

*It is further ordered*, That the following persons be designated as complainants in accordance with the Commission's rules of practice and procedure:

The Commonwealth of Puerto Rico;  
Anibal L. Arsua, Inc.;  
The Chamber of Commerce of Puerto Rico;  
Fibres International Corporation;  
Glamorgan Pipe & Foundry Company, Inc.;  
Glen Alden Corporation;  
International Playtex Corporation;  
The B.V.C. Company;  
Schenley Distillers, Inc.;  
Geo. A. Hormel, & Co.;  
Oscar Mayer & Co.;  
John Morrell & Co.;  
Metal Litho International, Inc.;  
Metal Litho Corp.;  
Tinplate Lithograph Co.; and  
Metal Litho West Virginia Corp.

*It is further ordered*, That these proceedings be scheduled for public hearing to be held at a date and place to be determined by the Presiding Administrative Law Judge;

*It is further ordered*, That (1) a copy of this order be forthwith served upon respondents and complainants herein and upon the Commission's Bureau of

Hearing Counsel and published in the FEDERAL REGISTER; and (II) the respondents, complainants, and Hearing Counsel be duly served with notice of time and place of hearing.

*It is further ordered*, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or written interrogatory if notice thereof is served within 20 days within commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within ten days of commencement of the proceeding, is similarly waived.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

#### APPENDIX A

Sea-Land Service, Inc. Tariff FMC-F No. 21, 2nd Revised Page 65-A 7th Revised Title Page 1.

Seatrain Lines, Inc. Tariff FMC-F No. 1, Supplement No. 77.

Seatrain Lines, Inc. Tariff FMC-F No. 3, Supplement No. 54.

Transamerican Trailer Transport, Inc. Tariff FMC-F No. 1, 9th Revised Page 10A.

[FR Doc.73-17087 Filed 8-15-73;8:45 am]

### FEDERAL POWER COMMISSION

[Docket Nos. R174-17, et al.]

#### RATE CHANGES

Order Providing for Hearing and Suspension<sup>1</sup>

AUGUST 7, 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

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

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, Chapter 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 Nat-

ural 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.

## 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 Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI74-17...	Skelly Oil Co.....	258	4	Natural Gas Pipeline Company of America, (Ewetta Field, Loving and Winkler Counties, Tex., Permian Basin).	\$783	7- 5-73		9- 5-73	17.5656	18.5694	RI69-457.
RI74-18...	Amoco Production Co.....	518	4	Natural Gas Pipeline Company of America (Lochridge Field, Ward County, Tex., Permian Basin).	726	7- 9-73		9- 9-73	* 18.1453	* 19.1822	RI70-781.
RI74-19...	Mobil Oil Corp.....	17	28	Northern Natural Gas Company (Blinberry and Tubb Fields, Lea County, N. Mex., Permian Basin).	207,320	7-13-73		1-13-74	1 20.8	1 35.0	
RI74-20...	Phillips Petroleum Co.....	374	9	Transwestern Pipeline Co., (Bell Lake Area, Lea County, N. Mex., Permian Basin).	5,074	7- 6-73		2- 1-74	21.1011	23.6131	RI71-90.
RI74-21...	Sun Oil Co.....	343	6	El Paso Natural Gas Co. (Mesencero Field, Lea County, N. Mex., Permian Basin).	( <sup>1</sup> )	7-10-73		9-10-73	15.96	17.9023	
RI70-243.....	do.....	432	8	El Paso Natural Gas Co. (Big Lake Area, Reagan County, Tex. Permian Basin).	114	7-10-73		† Accepted	19.2565	19.3278	RI70-243.
RI74-22.....	do.....	516	1	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex., Permian Basin).	8,640	7-10-73		1-10-74	27.0	35.0	

\* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.

<sup>1</sup> Applicable to wells involved in the reworking and recompletion program as provided by Supplement No. 26.

<sup>2</sup> Suspended in docket No. RI73-320 until Aug. 7, 1973.

<sup>3</sup> Currently no deliveries.

<sup>4</sup> Reflects partial reimbursement for the 0.5 percent increase in the Texas Production Tax which became effective Oct. 1, 1969.

<sup>5</sup> Pursuant to Order No. 390.

<sup>6</sup> Includes B.I.U. adjustment.

<sup>7</sup> Accepted subject to refund in Docket No. RI70-243 as of July 10, 1973.

The proposed tax reimbursement increase of Sun Oil Co. under FPC Gas Rate Schedule No. 432 reflects the 0.5 percent increase in the Texas Production Tax which became effective October 1, 1969. Pursuant to Order No. 390 the proposed increase is accepted subject to the existing suspension in Docket No. RI70-243 to become effective July 10, 1973, the date of filing.

The proposed increases of Mobil, Phillips Petroleum Co., and Sun Oil Co. under FPC Gas Rate Schedule No. 516 exceed the rate limit for a one day suspension, and, are, therefore, suspended for five months from the expiration of the 30 day statutory notice period or the contractual effective date, whichever is later.

The remaining proposed increases do not exceed the rate limit for a one day suspension and are therefore suspended for one day from the expiration of the 60 day notice period or the contractual effective 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, Chapter I, Part 2, § 2.56).

Nothing contained in this order shall relieve the respondents of any responsibility imposed by the Economic Stabilization Act of 1970, (Pub. L. 91-379, 84 Stat. 799, as amended by Pub. L. 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

[FR Doc.73-16891 Filed 8-15-73;8:45 am]

## FEDERAL RESERVE SYSTEM BARNETT BANKS OF FLORIDA, INC.

### Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Edison National Bank in Fort Myers, Fort Myers, Florida ("Edison Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 43 banks with total deposits of \$1.3 billion, representing approximately 7 per cent of the total deposits of commercial banks in the State, and is the second largest banking organization in Florida. (All banking data are as of December 31, 1972, and reflect holding company acquisitions approved as of July 31, 1973, including seven new

acquisitions since January 1, 1973.) The acquisition of Bank (\$61 million in deposits) would increase Applicant's share of the total State deposits by 0.31 per cent, and it would remain the second largest banking organization in Florida.

Edison Bank is the third largest bank in the Lee County banking market (the relevant market) where it controls 14.5 per cent of market deposits. The proposed acquisition would represent Applicant's initial entry into this market. Upon consummation of the proposal, Applicant is committed to sever the affiliation (through director interlocks) between Edison Bank and Security National Bank, Fort Myers (deposits of \$11.4 million).

Applicant's banking subsidiary nearest to Bank is approximately 85 miles away. In view of this distance and the prohibitive branch banking laws of Florida, competition between Edison Bank and any banking subsidiary of Applicant does not exist at present and is unlikely to develop in the future.

There are 11 banks in the Lee County market, and the two largest control over 50 per cent of the market deposits. Although Applicant has the capability and expertise to enter this market *de novo*, there are three remaining independent

banks which offer holding company access to the market as well as seven proposals for new banks. In addition, through this transaction Security National Bank will lose its affiliation with Edison Bank and will offer an additional independent bank in the market. The loss of Applicant as a potential entrant into the market is not considered adverse in view of the relatively large number of potential entrants with *de novo* capability. The Board concludes that the acquisition would have no significant adverse effects on the competitive situation or the concentration of banking resources in the area.

Applicant has recently injected capital into certain of its subsidiary banks and has increased its own equity capital by converting debentures to common stock. It has also completed a public stock offering. In addition, Applicant has committed itself to improve the capital position of Edison Bank through an injection of equity capital. In light of these actions, the Board finds the financial condition and managerial resources of the Applicant, its subsidiaries, and Edison Bank as satisfactory; and prospects for each are favorable.

There is no evidence that the 11 banks in the market are failing to meet the banking needs of the community, and Applicant does not intend any immediate change in services offered by the proposed subsidiary. Edison Bank, however, will be able to benefit from larger lending limits and the expertise of specialized personnel in the holding company organization. Accordingly, considerations relating to convenience and needs of the communities to be served are consistent with approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup> effective August 8, 1973.

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

[FR Doc.73-17014 Filed 8-15-73;8:45 am]

<sup>1</sup> Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns and Governors Daane and Brimmer.

## ELLIS BANKING CORP.

### Acquisition of Bank

Ellis Banking Corporation, Bradenton, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Commercial Bank of Sarasota, Sarasota, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 5, 1973.

Board of Governors of the Federal Reserve System, August 9, 1973.

[SEAL] THEODORE E. ALLISON,  
*Assistant Secretary  
of the Board.*

[FR Doc.73-17071 Filed 8-15-73;8:45 am]

## FIRST WISCONSIN BANKSHARES CORP.

### Acquisition of Bank

First Wisconsin Bankshares Corp., Milwaukee, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of First Wisconsin Bank of West Green Bay, Ashwaubenon, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 4, 1973.

Board of Governors of the Federal Reserve System, August 8, 1973.

[SEAL] THEODORE E. ALLISON,  
*Assistant Secretary  
of the Board.*

[FR Doc.73-17015 Filed 8-15-73;8:45 am]

## MOUNTAIN BANK

### Merger of Banks

Mountain Bank, Roanoke, Virginia, a nonoperating proposed State member bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with Mountain Trust Bank, Roanoke, Virginia

under the charter of Applicant and the name of Mountain Trust Bank.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application in light of factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's Order of July 24, 1973 relating to the application of First & Merchants Corporation, Richmond, Virginia, to acquire all of the voting shares of the successor by merger to The Mountain Trust Bank, Roanoke, Virginia, provided that said transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond, pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup> effective August 8, 1973.

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

[FR Doc.73-17016 Filed 8-15-73;8:45 am]

## NORBANK, INC.

### Formation of Bank Holding Company

Norbank, Inc., Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 98.9 per cent or more of the voting shares of Northbrook Trust & Savings Bank, Northbrook, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 4, 1973.

Board of Governors of the Federal Reserve System, August 8, 1973.

[SEAL] THEODORE E. ALLISON,  
*Assistant Secretary  
of the Board.*

[FR Doc.73-17018 Filed 8-15-73;8:45 am]

<sup>1</sup> Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns.

## PHILADELPHIA NATIONAL CORP.

## Acquisition of Hartzler Mortgage Company

Philadelphia National Corporation, Philadelphia, Pa., has applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y, for permission to acquire voting shares of Hartzler Mortgage Company, Columbus, Ohio. Notice of the application was published on May 16, 1973 in *The Columbus Dispatch*, a newspaper circulated in Franklin County, Ohio and on May 18, 1973 in the *Mansfield News-Journal*, a newspaper circulated in Richland County, Ohio.

Applicant states that the proposed subsidiary would engage in the activities or originating and servicing real estate mortgage loans. 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 Philadelphia.

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 September 3, 1973.

Board of Governors of the Federal Reserve System, August 7, 1973.

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary  
of the Board.

[FR Doc.73-17017 Filed 8-15-73; 8:45 am]

TEXAS COMMERCE BANCSHARES, INC.  
Order Approving Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a) (3) of the Act (12 U.S.C. 1842(a) (3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to Irving Bank and Trust Company, Irving, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate

the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been timely received.

Applicant controls fourteen banks with deposits of \$1,796.4 million, representing 5.18 percent of total deposits in commercial banks in the State of Texas, and Applicant is the fourth largest banking organization in the state.<sup>1</sup> Approval of the proposed acquisition would not result in any significant increase in the concentration of banking resources in Texas.

Bank is situated in Irving, Texas, a suburban community with a population of approximately 97,000 bordering Dallas, and is located within the Dallas RMA. Bank has \$59.1 million in deposits, a .79 percent share of market deposits, and ranks 13th of 110 banks in the market. Applicant does not have a subsidiary bank in the Dallas market; its closest banking subsidiary is located in San Angelo, Texas, approximately 228 miles to the southwest. The distances separating the institutions, the number of banks in the intervening area, and Texas' prohibition of branch banking effectively eliminate the possibility of significant present competition between any of Applicant's existing subsidiary banks and the proposed subsidiary and make it unlikely that such conditions will develop in the future. Although the market appears attractive for *de novo* entry, the transaction would have no adverse effect on potential competition. Any such possible anticompetitive impact is effectively negated by Applicant's record of refraining from *de novo* entry outside the market area of its corporate headquarters in Houston, by Applicant's being only one of many potential entrants, and by Bank's suburban location and relatively small size preventing any reasonable consideration of Bank as the potential lead bank of a newly formed holding company and characterizing the acquisition as a "foot-hold" entry into the market. To the extent that Applicant could provide greater services to Bank, the proposed transaction would enhance Bank's ability to compete effectively with larger banking organizations presently in the market.

The financial and managerial resources and future prospects of Applicant, its existing subsidiary banks, and Bank are regarded as satisfactory and consistent with approval.

Considerations related to the convenience and needs of the community to be served lend weight to approval of the application. The already rapid rate of

<sup>1</sup> All deposit figures are as of December 31, 1972, and bank holding company statistics reflect acquisitions and formations approved by the Board of Governors to the date of July 15, 1973.

growth in the Irving community is projected to experience sharper acceleration due to the new Dallas-Fort Worth Regional Airport; the new and expanded services for Bank proposed and to be supported in development by Applicant, as well as Applicant's considerable resources, should enable Bank to more readily keep pace with the greater credit needs and the demand for a wider range of services that such development in the area will require. It is the judgment of the Federal Reserve Bank of Dallas that the balance of the statutory factors favors approval and that the transaction is in the public interest.

On the basis of the record as summarized above, the Federal Reserve Bank of Dallas approves the application, provided that the transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority, and further provided that the transaction shall be in compliance with the provisions of Section 3(e) of the Act (12 U.S.C. 1842(e)) regarding status as an insured bank as defined in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)).

By order of the Federal Reserve Bank of Dallas, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective August 7, 1973.

[SEAL] ROBERT H. BOYKIN,  
Secretary.

[FR Doc.73-17072 Filed 8-15-73; 8:45 am]

GENERAL SERVICES  
ADMINISTRATION

## ARCHIVES ADVISORY COUNCIL

## Notice of Meeting

Notice is hereby given that the Region 10 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 10

Meeting date: September 20, 1973  
Time: 8:00 a.m.-12 noon  
Place: Salem Public Library  
585 Liberty SE  
Salem, OR 97301

Agenda: Archives intern program; microfilm publication program; genealogical reference service; plans for observance of the Bicentennial of the American Revolution.

For further information contact:

Paul A. Kohl  
NARS Regional Commissioner  
1000 Commodore Drive  
San Bruno, CA 94066  
415-556-3425

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

JAMES B. RHOADS,  
Archivist of the United States.

[FR Doc.73-17074 Filed 8-15-73; 8:45 am]



**NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION**

[Notice 73-60]

**FINAL ENVIRONMENTAL IMPACT  
STATEMENT**

**Public Notice Regarding Availability**

Notice is hereby given of the public availability of the final Environmental Impact Statement for NASA Launch Vehicle and Propulsion Programs.

Comments on the draft Environmental Statement were previously solicited from State and local agencies and members of the public through a notice in the FEDERAL REGISTER of August 4, 1972.

Copies of the draft and final statement have been furnished to the Council on Environmental Quality, the Office of Management and Budget, the Environmental Protection Agency, the Atomic Energy Commission, the Department of Defense, the Department of State, the Department of Commerce, the Department of Transportation, and the Department of the Interior.

Copies of the final statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Ave, SW, Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, CA 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, TX 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23365.

(h) Lewis Research Center, NASA (Building—Administration, Room 120), 21000 Brookpark Rd., Cleveland, OH 44135.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, AL 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A-213), Bay St. Louis, MS 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Dr., Pasadena, CA 91103.

(l) Wallops Station, NASA (Library Building, Room E-105), Wallops Island, VA 23337.

Done at Washington, DC this 7th day of August 1973.

By direction of the Administrator.

HOMER E. NEWELL,  
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.73-17029 Filed 8-15-73; 8:45 am]

**OFFICE OF MANAGEMENT AND  
BUDGET**

**BUSINESS ADVISORY COUNCIL ON  
FEDERAL REPORTS**

**Notice of Public Meeting**

Pursuant to Public Law 92-463, notice is hereby given of a meeting of an *ad hoc* panel of the Business Advisory Council on Federal Reports to be held in Room 2008, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C., on Wednesday, September 19, 1973, at 9:30 a.m.

The purpose of the meeting is to obtain advice on reporting problems involved in a proposed public use report of the Federal Trade Commission entitled "Annual Line of Business Report." The meeting will be open to public observation and participation.

Anyone wishing to participate should contact Mr. David T. Hulett, Statistical Policy Division, Room 10208, New Executive Office Building, Washington, D.C. 20503, Telephone (202) 395-4730.

VELMA N. BALDWIN,  
Assistant to the Director  
for Administration.

[FR Doc.73-17041 Filed 8-15-73; 8:45 am]

**SECURITIES AND EXCHANGE  
COMMISSION**

[File No. 500-1]

**AZTEC PRODUCTS, INC.**

**Order Suspending Trading**

AUGUST 10, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$.05 par value, and all other securities of Aztec 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 sec. 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 August 12, 1973 through August 21, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Recording Secretary.

[FR Doc.73-17060 Filed 8-15-73; 8:45 am]

[File No. 500-1]

**BBI, INC.**

**Order Suspending Trading**

AUGUST 10, 1973.

The common stock, \$0.10 par value, of BBI, Inc. being traded on the American Stock Exchange and the PBW Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

*It appearing to the Securities and Exchange Commission that the summary*

suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to sections 19 (a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 12, 1973 through August 21, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Recording Secretary.

[FR Doc.73-17061 Filed 8-15-73; 8:45 am]

[File No. 500-1]

**BENEFICIAL LABORATORIES, INC.**

**Order Suspending Trading**

AUGUST 10, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, units and all other securities of Beneficial Laboratories, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, pursuant to sec. 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 August 12, 1973 through August 21, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Recording Secretary.

[FR Doc.73-17059 Filed 8-15-73; 8:45 am]

**BUNKER RAMO CORP.**

**Application for Unlisted Trading Privileges  
and of Opportunity for Hearing**

AUGUST 10, 1973.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Sec. 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

(Bunker Ramo Corp., File No. 7-4438)

Upon receipt of a request, on or before August 26, 1973 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views

or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,  
Recording Secretary.

[FR Doc.73-17048 Filed 8-15-73;8:45 am]

[File 500-1]

#### COASTAL STATES GAS PRODUCING CO.

##### Order Suspending Trading

AUGUST 8, 1973.

First Mortgage Bonds Series E 7¼ percent due 1991 of Coastal States Gas Producing Company being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and First Mortgage Bonds Series A 5 percent due 1983, Series B 5 percent due 1985, Series C 6½ percent due 1986, Series D 7½ percent due 1989, and Series E 7¼ percent due 1991; 5½ percent Sinking Fund Debentures due 1977; and 6 percent Sinking Fund Debentures due March 1980 of Coastal States Gas Producing Company being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to secs. 19 (a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:45 A.M. (EDT) August 8, 1973 through midnight (EDT) August 13, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Recording Secretary.

[FR Doc.73-17063 Filed 8-15-73;8:45 am]

[File 500-1]

#### COLORADO INTERSTATE CORP.

##### Order Suspending Trading

AUGUST 8, 1973.

Debentures, 8½ percent due April 1991, of Colorado Interstate Corporation being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and 8½ percent Debentures due April 1991, First Mortgage 7½ percent Pipeline Bonds due

June 1992 and First Mortgage 8 percent Pipeline Bonds due June 1989 of Colorado Interstate Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to secs. 19 (a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:45 A.M. (EDT) August 8, 1973 through midnight (EDT) August 13, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Recording Secretary.

[FR Doc.73-17064 Filed 8-15-73;8:45 am]

[File 500-1]

#### COLORADO INTERSTATE CORP.

##### Order Suspending Trading

AUGUST 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Preferred 5 percent Cum., Preferred 5.35 percent Cum., and Preferred 5.50 percent Cum of Colorado Interstate Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2:30 P.M. (EDT) August 8, 1973 through August 13, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Recording Secretary.

[FR Doc.73-17065 Filed 8-15-73;8:45 am]

[File 500-1]

#### COLORADO INTERSTATE GAS CO.

##### Order Suspending Trading

AUGUST 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the First Mortgage 3.3 percent Pipeline Bonds due July 1974, First Mortgage 4.70 percent Pipeline Bonds due March 1979, and 4¾ percent Debentures due April 1984 of Colorado Interstate Gas Company 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 sec. 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 10:45 A.M. (EDT) August 8, 1973 through midnight (EDT) August 13, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Recording Secretary.

[FR Doc.73-17062 Filed 8-15-73;8:45 am]

[File No. 7-4439]

#### ESMARK, INC.

##### Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 10, 1973.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to sec. 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Esmark, Inc., File No. 7-4439

Upon receipt of a request, on or before August 26, 1973 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,  
Recording Secretary.

[FR Doc.73-17047 Filed 8-15-73;8:45 am]

[File No. 811-1468]

#### INDEX FUND, INC.

##### Filing of Application

AUGUST 10, 1973.

Notice is hereby given that Index Fund, Inc., c/o Charles E. McGuinness, Suite 1115, 36 West 44th Street, New York, New York 10036 ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to sec. 8(f) of the Act, for an

order of the Commission declaring that Applicant has ceased to be an investment company. 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 application states, among other things, that Applicant and the Pilgrim Fund, Inc., a Maryland corporation, also a registered investment company under the Act, entered into an Agreement and Plan of Reorganization ("Plan") on November 8, 1972; that the shareholders of Applicant approved the Plan on December 15, 1972; and that pursuant to the Plan, Applicant sold substantially all of its assets to Pilgrim in exchange for shares of its \$1.00 par value capital stock, which stock was then distributed to Applicant's shareholders. As a result of the consummation of the Plan, Applicant has no assets other than sufficient cash to prosecute claims Applicant has pending in the United States District Court for the Southern District of New York. Such claims arose, according to the application, from actions taken by Mr. Robert R. Hagopian while he was President of both Applicant and its investment adviser, Meridian Management Corporation. A special bank account will be established for any net proceeds from these actions, which will then be distributed to Applicant's shareholders.

The application further states that Applicant has ceased engaging in any business activity; that it has no plans to engage in any business activity in the future; and that it is effecting its dissolution pursuant to the corporation laws of Massachusetts.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 4, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail 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 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in

said application, unless an order for a 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] SHIRLEY E. HOLLIS,  
Recording Secretary.  
[FR Doc.73-17046 Filed 8-15-73; 8:45 am]

[Release Nos. 33-5411 and 34-10296]

**LITIGATION AND ADMINISTRATIVE PROCEEDINGS AFFECTING PROFESSIONALS PRACTICING BEFORE THE COMMISSION**

**Notice of Inquiry**

In recent years there has been a significant increase in the amount of civil and criminal litigation and of administrative disciplinary proceedings involving professionals such as accountants and attorneys who practice before the Commission. The disclosure rules and forms adopted by the Commission under the Securities Act of 1933 and the Securities Exchange Act of 1934 do not contain provisions expressly requiring disclosure relating to such litigation. However, several judicial proceedings have been instituted recently which include allegations that the failure of issuers to disclose litigation involving accounting firms in proxy statements subject to the Commission's proxy rules resulted in omissions of material facts. Approval or ratification by shareholders of selections of the firms as auditors for the next year was being sought in each case.

The Commission believes that these cases also raise questions with respect to disclosure of litigation affecting other types of professionals who practice before the Commission, such as attorneys, engineers and appraisers. Accordingly, the Commission has authorized an inquiry by its Division of Corporation Finance in conjunction with the Office of the Chief Accountant to obtain information from and ascertain views of interested persons relating to these issues. The Commission's staff will be contacting certain professional organizations in this regard. However, the Commission solicits information and comments from other interested persons as well. Those submitting comments should consider and address themselves particularly to the following:

1. What standard of materiality, if any, should be applied?
2. Are the type of professional involved in the litigation including the nature of his connection with the filing and whether an individual professional or a firm are involved in the litigation relevant considerations?
3. Is the identity of other parties to the litigation, e.g., the issuer, a relevant consideration?

4. Should any requirement for disclosure vary depending on the nature (criminal, civil, injunctive action, administrative proceeding) and status of the litigation (whether the litigation is pending or final order or judgment entered)?

5. Should litigation other than that arising under the federal securities laws be considered?

6. Is the nature of the filing in which such disclosure, if any, might be required (e.g., 1933 Act registration statement or 1934 Act registration statement, proxy statement or report) a relevant consideration?

7. What would be the appropriate form of disclosure, if any?

8. What would be the appropriate period of time during which such disclosure, if any, should be required?

It should be emphasized that the Commission has reached no determination with respect to these matters. After consideration of the views and comments obtained as the result of this inquiry, the Commission will consider whether appropriate rules or guidelines should be adopted (after appropriate opportunity for comment) to set standards for disclosure of litigation or proceedings relating to professionals practicing before the Commission. Until this inquiry is completed the staff will not suggest such disclosure except under unusual circumstances. In the interim, it is the responsibility of issuers filing with the Commission to determine whether disclosure of litigation relating to professionals who participate in the preparation of or report on some aspect of a filing is required under the securities laws.

Persons desiring to comment on this subject should submit their comments in writing to Ronald F. Hunt, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 prior to September 15, 1973. All such communications will be placed in the public files of the Commission and should refer to File No. S7-488.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Recording Secretary.

JULY 25, 1973.

[FR Doc.73-17052 Filed 8-15-73; 8:45 am]

[File No. 500-1]

**ORECRAFT, INC.**

**Order Suspending Trading**

**AUGUST 10, 1973.**

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$.04 par value, and all other securities of Orecraft, 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 sec. 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 August 13, 1973 through August 22, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Recording Secretary.

[FR Doc.73-17057 Filed 8-15-73; 8:45 am]

[File No. 500-1]

PACER CORP.

Order Suspending Trading

AUGUST 9, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$.01 par value, and all other securities of Pacer Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sec. 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 August 10, 1973 through August 19, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Recording Secretary.

[FR Doc.73-17049 Filed 8-15-73; 8:45 am]

[File No. 811-1174]

PROFESSIONAL PORTFOLIO FUND, INC.

Filing of Application

AUGUST 10, 1973.

Notice is hereby given that Professional Portfolio Fund, Inc. ("PPF"), 1600 Kapiolani Boulevard, Honolulu, Hawaii 96814, formerly a Hawaii corporation registered as an open-end, non-diversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to sec. 8(f) of the Act for an order of the Commission declaring that PPF has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

PPF stated that on May 11, 1973, its shareholders approved the sale of substantially all of its assets in exchange for shares of common stock of The Pegasus Fund, Inc. ("Pegasus"), a Maryland corporation registered under the Act as an open-end, diversified management investment company, and that such sale and exchange took place as of the close of business on such date. PPF further states that pursuant to the Agreement and Plan of Reorganization with Pegasus, the common stock received by PPF has been distributed to PPF's shareholders. PPF represents that all liabilities in connection with the sale and dissolution of PPF have been paid or assumed by Financial Advisors, Inc., its

former investment advisor; that the Investment Advisory Agreement pursuant to which PPF's assets were managed by Financial Advisors, Inc. has been terminated; that on May 11, 1973 a Certificate of Dissolution was filed by PPF with the Department of Regulatory Agencies of the State of Hawaii and that the dissolution of PPF was effective upon such filing under the laws of the State of Hawaii; and that as a result of the distribution of the shares of Pegasus received by PPF, PPF has no security holders. PPF further represents that as a result of the distribution of said Pegasus shares, PPF has no assets.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 5, 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, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail 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 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal 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] SHIRLEY E. HOLLIS,  
Recording Secretary.

[FR Doc.73-17050 Filed 8-15-73; 8:45 am]

[File No. 500-1]

ROYAL PROPERTIES, INC.

Order Suspending Trading

AUGUST 10, 1973.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in the common stock, \$.01 par value and all other securities of Royal Properties Incorporated, 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 sec. 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 August 11, 1973 through August 20, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Recording Secretary.

[FR Doc.73-17066 Filed 8-15-73; 8:45 am]

[File No. 811-2343]

STRUTHERS CAPITAL CORP.

Filing of Application

AUGUST 10, 1973.

Notice is hereby given that Struthers Capital Corporation ("Applicant"), 630 Fifth Avenue, New York, New York 10020, a New York corporation, has filed an application pursuant to sec. 6(c) of the Investment Company Act of 1940 ("Act") for an amended order exempting it from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provisions of the Act, 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.

Applicant, all of the capital stock of which consists of 1,000 shares of Common Stock having a par value of \$1.00 per share, is presently owned by Struthers Wells Corporation ("Struthers"). Applicant was formed by Struthers in April 1968 and has operated as a small business investment company ("SBIC") licensed by the Small Business Administration ("SBA") under the Small Business Investment Act of 1958, as amended ("SBIA"), since August 9, 1968 when Applicant acquired all of the business and assets of Developers Small Business Investment Corporation, a New Jersey corporation licensed under the SBIA. Applicant has previously received from the Commission an Order pursuant to Section 6(c) of the Act exempting Applicant from all provisions of the Act and the rules and regulations thereunder, subject to certain conditions (Investment Company Act Release No. 5461, August 9, 1968) (the "Order").

Applicant's business consists of furnishing equity capital and making long-term loans to small businesses, and through a wholly owned subsidiary supplying management, financial and other

services on a fee basis to such small businesses. The major portion of revenues are derived from interest received on account of outstanding investments and certificates of deposit. At November 30, 1972, Applicant and its subsidiary had total assets of \$2,677,118 (exclusive of \$1,992,516 of cash items), of which its investments (net of allowances for possible losses) amounted to \$2,559,645. At May 31, 1973, such total assets aggregated \$2,700,482 (exclusive of \$1,839,000 of cash items), of which investments (net of allowances for possible losses) amounted to \$2,592,380. At that date, Applicant had no debt securities, other than amounts payable to Struthers or to the Small Business Administration. For the year ended November 30, 1972, Applicant had total revenues of \$278,788 and incurred a net loss of \$17,162. For the six month period ended May 31, 1973, Applicant had total revenues of \$135,000 and operated on a break-even basis.

Pursuant to a Stock Purchase Agreement, dated July 26, 1973 (the "Agreement"), between Struthers and Prudential Funds, Inc. ("Prudential"), a Delaware corporation Struthers has agreed to sell and Prudential has agreed to buy all of the authorized, issued and outstanding shares of Applicant's Common Stock for a cash consideration of \$2,100,000. The Agreement provides that simultaneously with the sale of Applicant's Common Stock, Struthers will purchase from Applicant the interest of Applicant in certain real property and related stock investments and advances for the amount of \$636,335.50, which interests represent approximately 15 percent of the assets of Applicant. The Agreement has been approved by the Boards of Directors of Applicant, Struthers and Prudential and is subject to certain conditions, including the granting by the Commission of an amendment to the Order to permit the ownership of the shares of Applicant by Prudential under the same terms and conditions as specified in the Order.

The transfer of all the outstanding stock of Applicant from Struthers to Prudential will leave Applicant in its present status as a wholly owned subsidiary of an operating parent whose shares are traded on the American Stock Exchange. Section 3(b)(3) of the Act excepts from the definition of investment company any issuer all of the outstanding securities of which (other than short-term paper and director's qualifying shares) are owned by a company primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities. Applicant represents that Prudential is engaged, and intends to engage, primarily in businesses other than investing, reinvesting, owning, holding or trading in securities and that Applicant upon consummation of the proposed transaction would continue to be excepted from status as an investment company, pursuant to sec. 3(b)(3), except for indebtedness of Applicant represented by subordinated notes and debentures held

by the SBA. Applicant asserts that there is no public interest in regulating Applicant under the Act solely on the basis of such debt not held by Prudential, since the SBA is in a position under the provisions of the SBIA amply to protect itself with respect to this investment.

Applicant has agreed that an amended order granting the application may be based upon conditions providing that no person other than Prudential or the SBA shall at any time own any security of Applicant (other than short-term paper) and providing for the periodic filing with the Commission of certain financial and other information concerning Applicant and Prudential, and that such amended Order be applicable to permit the change in control of Applicant from Struthers to Prudential and shall not apply to any other or further change of control, directly or indirectly.

Prudential was incorporated in Delaware on December 21, 1965, under the name of Prudential Drilling Funds, Inc., and effective July 1, 1966, it took over the oil and gas management business of Prudential Oil Corporation which had been the manager of previous Prudential oil and gas programs since its original incorporation in Connecticut in 1959. Since 1960, Prudential and its predecessor have publicly offered unit participations in and administered oil and gas exploration programs known as the Prudential Drilling Fund Programs (the "Programs"), which provide facilities for unit participation by individuals in high income tax brackets in a number of oil and gas drilling ventures. Prudential also owns interests in oil and gas properties which have been acquired from time to time through the purchase of unit participations in certain of the Programs for its own account, and in certain instances by purchase from others.

Prudential presently has three wholly-owned subsidiaries: Prudential Ventures Corp., a Delaware corporation which is registered as broker-dealer under the Securities Exchange Act of 1934 and participates in the offering and sale of units in the Programs; Battery Park Resources Corp., a Delaware corporation, which owns certain real estate interests; and Connecticut Exploration Corp., a Connecticut corporation which holds title to certain Canadian leasehold interests and properties as nominee for participants in prior Programs administered by Prudential.

Prudential employs approximately 50 persons, of which approximately 25 persons, including petroleum engineers and landmen, perform services in connection with the Programs and are located in Prudential's oil and gas offices in Houston, Texas. Prudential's principal executive offices are located at One New York Plaza, New York, New York 10004.

Total consolidated revenues of Prudential and its subsidiaries for the fiscal year ended May 31, 1972 and for the nine months ended February 28, 1973, amounted to \$3,567,000 and \$3,514,000, respectively. Revenues attributable to Prudential's oil and gas interests, net of

operating expenses, amounted to approximately 45 percent of total consolidated revenues of Prudential and its subsidiaries for the fiscal year ended May 31, 1972 and approximately 55 percent of such total consolidated revenues for the nine months period ended February 28, 1973. Commission income earned by Prudential and its subsidiaries from subscriptions to the Programs (from which revenues commission payments are made to N.A.S.D. members assisting in the offering and sale of unit participations in the Programs) amounted to approximately 36 percent of consolidated total revenues for the fiscal year ended May 31, 1972 and approximately 35 percent of consolidated revenues for the nine months ended February 28, 1973.

Total assets of Prudential and its subsidiaries at May 31, 1972 and February 28, 1973 aggregated \$16,729,654 and \$14,603,686, respectively, of which oil and gas interests (net of depreciation, depletion and amortization) aggregated \$6,346,517 and \$5,181,969, respectively. For the year ended May 31, 1972, Prudential and its subsidiaries incurred a consolidated net loss of \$4,558,739 and for the nine months period ended February 28, 1973, a consolidated net loss of \$207,000 was realized.

Prudential has concluded that diversification into the SBIC field, as an adjunct to its present operations, would allow it to use certain of its existing management and technical resources to assist Applicant in the infusion of venture capital into new businesses.

Notice is further given that any interested person may, not later than August 29, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail 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 0-5 of the rules and regulations promulgated under the Act, an amended 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] SHIRLEY E. HOLLIS,  
Recording Secretary.

[FR Doc.73-17051 Filed 8-15-73;8:45 am]

[File No. 500-1]

**U.S. FINANCIAL, INC.**  
Order Suspending Trading

AUGUST 10, 1973.

The common stock, \$2.50 par value, of U.S. Financial Incorporated being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to secs. 15(c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 12, 1973 through August 21, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Recording Secretary.

[FR Doc.73-17058 Filed 8-15-73;8:45 am]

[File No. 500-1]

**TEXTURED PRODUCTS, INC.**  
Order Suspending Trading

AUGUST 10, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$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 sec. 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 August 13, 1973 through August 22, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Recording Secretary.

[FR Doc.73-17056 Filed 8-15-73;8:45 am]

[File No. 500-1]

**TRIEX INTERNATIONAL CORP.**

Order Suspending Trading

AUGUST 10, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$.01 par value, of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sec. 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 August 12, 1973 through August 21, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Recording Secretary.

[FR Doc.73-17055 Filed 8-15-73;8:45 am]

[File No. 811-1915]

**WISCONSIN LIFE INSURANCE CO.**  
VARIABLE ACCOUNT A

Filing of Application

AUGUST 10, 1973.

Notice is hereby given that The Wisconsin Life Insurance Company Variable Account A ("Applicant"), 709 North Segoe Road, Madison, Wisconsin 53705, registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, has filed an application pursuant to sec. 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the 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.

Applicant has requested withdrawal of its registration statement on Form S-6 under the Securities Act of 1933 which it filed in 1969 and which has never become effective. Applicant represents that none of its securities have ever been offered or sold to the public, and that current business conditions do not warrant offering its securities at this time. Applicant further represents that it is a dormant trust engaging in no business activities.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to

be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 5, 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, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail 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 the 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 may be issued by the Commission upon the basis of the information stated in said application, unless an order for a 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] SHIRLEY E. HOLLIS,  
Recording Secretary.

[FR Doc.73-17054 Filed 8-15-73;8:45 am]

**DEPARTMENT OF LABOR**

Occupational Safety and Health  
Administration

**STANDARDS ADVISORY COMMITTEE ON  
CARCINOGENS**

Notice of Meeting

Notice is hereby given that the Standards Advisory Committee on Carcinogens, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on the following dates: Tuesday, August 21, 1973, at 9:30 a.m. in conference Room 216 A, B, C, and D of the Main Labor Building, 14th Street and Constitution Avenue, NW., Washington, D.C.; Wednesday, August 22, 1973, at 9:00 a.m., and Thursday, August 23, 1973, at 9 a.m., in Conference

Room 107 A, B, and C of the Main Labor Building; and Friday, August 24, 1973, at 8:30 a.m., in Conference Room 216 A, B, C, and D of the Main Labor Building.

The agenda provides for further discussion by the committee of the development of recommendations for a standard on carcinogens.

The meetings shall be open to the public. Written data, views, or arguments

concerning the subject to be considered may be filed, together with 25 copies thereof, with the Committee's Executive Secretary up to the close of business on August 21, 1973. Submissions timely received will be provided to the members of the Committee and will be included in the record of the meetings.

All written communications should be addressed as follows:

Milton W. Umbenhouer, Acting Executive Secretary, Standards Advisory Committee, OSHA-OSMC Railway Labor Building, Room 509 U.S. Department of Labor Washington, D.C. 20210

Signed at Washington, D.C. this 14th day of August 1973.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc.73-17168 Filed 8-15-73;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Mexican List No. 270]

### MEXICAN STANDARD BROADCAST STATIONS

#### Notification List

JULY 15, 1973.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941

Call Letters	Location	Power Watts	Antenna Radiation mv/m/kw	Schedule	Class	Antenna Height (ft)	GROUND SYSTEM		Proposed date of change or commencement of operation
							No. Radials	Length (ft)	
XEEL	Fresnillo, Zacatecas. (PO 1000-D, 250-N, ND, U)	5,000-D/1,000-N	610 kHz	DA-2	U				1-1-74 (probable)
(New)	Carrillo, Quintana Roo	1,000-D/250-N	620 kHz	ND-190	U	397	120	397	1-1-74 (probable)
XEACA	Acapulco, Guerrero. N 16 50 30 W 99 50 43 (correction of an error)	5,000-D/250-N	630 kHz	ND-181.5	U	390	120	328	
XERK	Tepe, Nayarit. N 21 31 27 W 104 55 00 (in operation)	1,000-D/175-N	710 kHz	ND-175	U	285	120	285	2-1-73
XEON	Tuxtla, Chiapas Gutierrez, Chiapas N 16 45 36 W 93 06 45 (PO 2000-D, 1,000-N, ND, U)	3,000-D/1,000-N	710 kHz	ND-197	U	427	120	345	1-1-74 (probable)
(New)	Miahuatlan, Oaxaca	250	780 kHz	ND-150	D	190	120	190	1-1-74 (probable)
XEROK	Cd. Juarez, Chihuahua, N 31 44 15.8 W 105 29 08.5 (Change in call letters—previously XELO)	150,000	800 kHz	ND-225	U	490	180	427	
XERI	Reynosa, Tamaulipas, N 26 05 27 W 98 16 20 (PO 250 W, ND, D)	500	810 kHz	ND-100	D	218	60	218	10-1-73 (probable)
XEOE	Tapachula, Chiapas, N 14 54 34 W 92 15 39 (PO 1,000-D, 150-N)	1,000-D/350-N	810 kHz	ND-175	U	246	90	292	10-1-73 (probable)
XEUA	Zacatecas, Zacatecas (New)	1,000	830 kHz	ND-190	D	206	120	206	1-1-74 (probable)
XEVQ	Culiacan, Sinaloa (PO Navo- lato, Sin.)	1,000	880 kHz	ND	D				1-1-74 (probable)
XETZ	Tequila, Jalisco, (PO 1,000 W, ND, D)	10,000	880 kHz	ND-181	D	266	90	271	12-1-73 (probable)
XEUG	Guanajuato, Guanajuato (PO 500 W, ND-D)	1,000-D/250-N	970 kHz	DA-2	U				1-1-74 (probable)

Call Letters	Location	Power Watts	Antenna Radiation mv/m/kw	Schedule	Class	Antenna Height (ft)	GROUND SYSTEM		Proposed date of change or commencement of operation
							No. Radials	Length (ft)	
XETG	Tuxtla Gutierrez, Chiapas	990 kHz 10,000	DA-N	U	II				10-1-73 (probable)
XEUM	Valladolid, Yucatan, N 20 40 40 W 88 18 22 (Previously notified 250 W, ND, U).	990 kHz 500-D/250-N	ND	U	II				9-1-73 (probable)
XEER	Cd. Cuauhtemoc, Chihuahua N 28 24 43 W 106 51 00 (PO 500-D, 200-N)	990 kHz 1,000-D/200-N	ND-176	U	II	251	100	148-246	8-1-73 (probable)
XEXK	Poza Rica, Veracruz, N 20 22 05 W 97 28 20 (In operation)	1080 kHz 250	ND-160	D	II	197	90	194	1-1-73
XEXF	Leon, Guanajuato N 21 08 50 W 101 43 22 (In operation)	1120 kHz 5,000	ND-184	D	II	220	90	220	12-1-72
(New)	Cosolapa, Oaxaca	1200 kHz 250	ND-190	D	II	205	120	205	1-1-74 (probable)
XEITC	Celaya, Guanajuato (new)	1200 kHz 250	ND-175	D	II	185	90	185	1-1-74 (probable)
(New)	Zacatecas, Zacatecas	1240 kHz 1,000-D/150-N	ND-175	U	IV	179	90	179	1-1-74 (probable)
XECG	Nogales, Sonora N 31 19 10 W 110 58 15 (Correction of an error)	1240 kHz 1,000-D/250-N	ND	U	IV				
XEZT	Puebla, Puebla N 19 02 30 W 98 11 52 (PO 250 W, ND, D)	1250 kHz 500	ND-175	D	III	177	90	177	9-1-73 (probable)
XEIX	Jiquilpan, Michoacan N 19 59 31 W 102 43 16 (PO 1000 W, ND, D)	1290 kHz 1,000-D/100-N	ND-192	U	III	203	120	197	11-1-73 (probable)
XESX	Tuxtla Gutierrez, Chiapas (new)	1290 kHz 5,000	ND-190	D	III	117	120	177	1-1-74 (probable)
XEFS	Inzua de Matamoros, Puebla (new)	1400 kHz 250	ND-150	D	IV	105	90	105	1-1-74 (probable)
XENAY	Abuacatlan, Nayarit (new)	1400 kHz 250-D/200-N	ND-175	U	IV	158	90	158	1-1-74 (probable)
XEHW	Rosario, Sinaloa N 23 03 53 W 105 5046 (PO 250W, ND, U)	1450 kHz 1,000-D/250-N	ND-216	U	III	300	90	180	10-1-73 (probable)
XEPY	Merida, Yucatan N 20 28 30 W 89 37 20 (PO 250 W, ND, U)	1480 kHz 500-D/250-N	ND-174	U	IV	151	90	151	11-1-73 (probable)
XEOLag	Altamira, Tamaulipas N 22 30 40 W 97 55 47 (Previously XEJT, PO 1,000 W, ND, U)	1490 kHz 5,000-D/1,000-N	DA-D ND-190	U	III	169	120	197	
XEME	Valladolid, Yucatan N 20 41 55 W 88 12 24 (In operation)	1490 kHz 500	ND-175	U	IV	148	90	148	1-1-73
XEPOP	Puebla, Puebla (Change in call letters—previously XEZV)	1490 kHz 250	ND-175	U	IV	148	90	148	1-1-74 (probable)
XELW	Cd. Guzman, Jalisco N 19 42 13 W 103 27 53 (PO 500 W, ND, D)	1510 kHz 1,000	ND-178	D	II	141	90	135	10-1-73 (probable)
XEEH	San Luis Rio Colorado, Sonora N 32 29 00 W 114 46 16	1520 kHz 1,000	ND-190	D	II	162	120	162	1-1-74 (probable)
XEQL	Zamora, Michoacan N 19 59 14 W 102 16 12 (PO 1000-D, 100- N, ND, U)	1580 kHz 1,000-D/250-N	ND-192.5	U	II	167	120	164	10-1-73 (probable)
XEQT	Veracruz, Veracruz N 19 11 13 W 96 07 58 (PO 250 W, ND, U)	1600 kHz 500-D/250-N	ND-175	U	III	154	90	126	11-1-73 (probable)
XEZA	Topolobampo, Sinaloa	1600 kHz 1,000-D/200-N	ND-175	U	III	138	90	138	1-1-74 (probable)

[SEAL]

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau,  
Federal Communications Commission.

[FR Doc.73-16910 Filed 8-15-73;8:45 am]



CUMULATIVE LISTS OF PARTS AFFECTED—AUGUST

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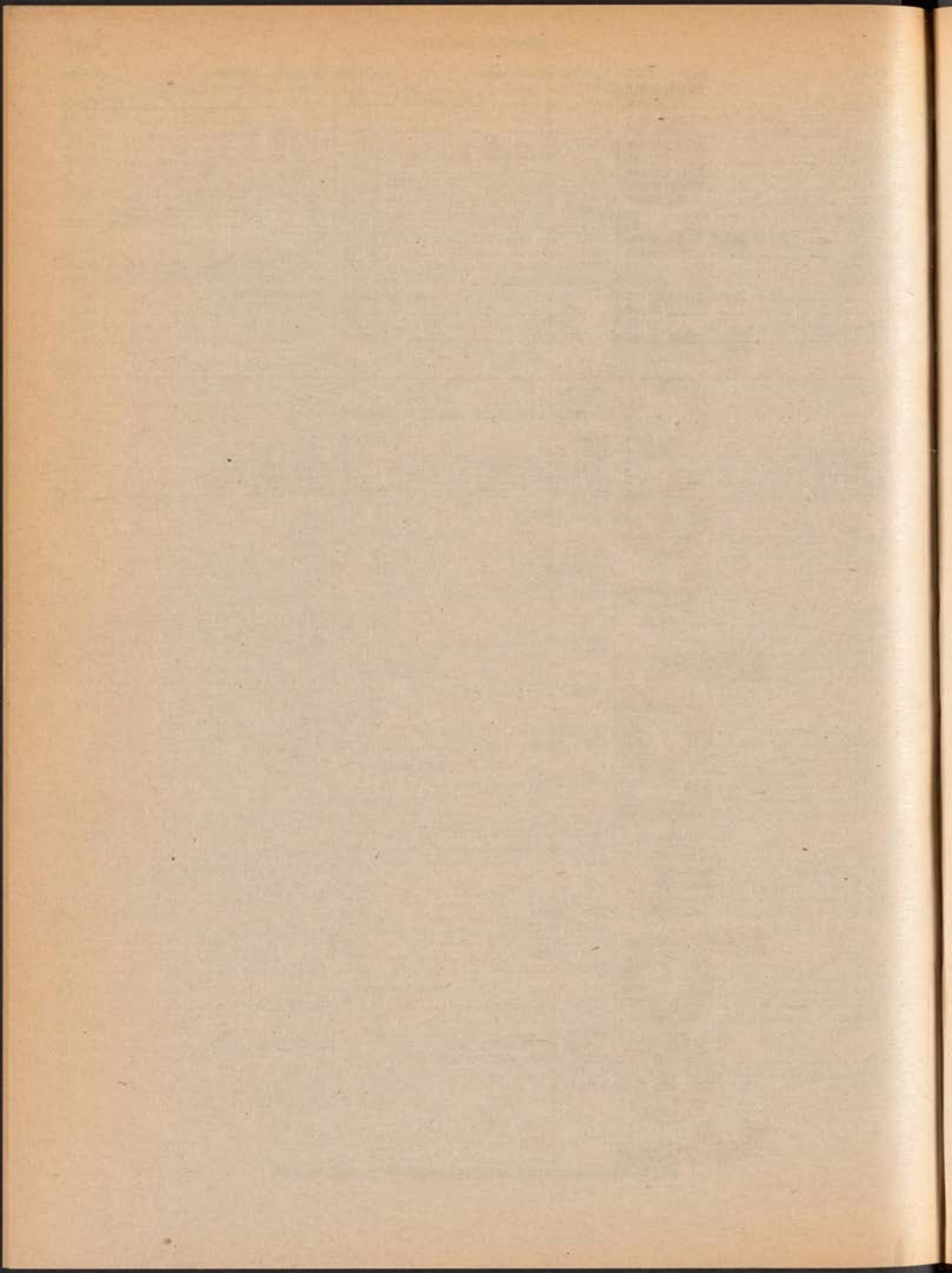
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# federal register

THURSDAY, AUGUST 16, 1973  
WASHINGTON, D.C.

Volume 38 ■ Number 158

PART II



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## COMPTROLLER GENERAL

■

Federal Campaign Funds

## Title 11—Federal Elections

## CHAPTER I—COMPTROLLER GENERAL

## SUBCHAPTER B—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

## EARMARKED CONTRIBUTIONS OR EXPENDITURES

Parts 11 and 14 are amended to require complete disclosure under title III of the Act of all transactions pertaining to contributions or expenditures (including transfers of funds) which have been "earmarked" by the original donor or some other person for ultimate delivery to, or for the benefit of, a specific Federal candidate or political committee. The amendment to part 19 makes clear that the prohibition of contributions in the name of another does not preclude the making or acceptance of any "earmarked" contribution which is properly reported under these amendments to the regulations.

The detailed disclosure procedures required under these amendments are illustrated by examples printed at page — of this issue of the FEDERAL REGISTER.

These amendments are effective on August 16, 1973.

## PART 11—SCOPE AND DEFINITIONS

1. A new § 11.25 is added as follows:

## § 11.25 Earmark, earmarked or earmarking.

"Earmark," "earmarked," and "earmarking" mean any and all designations, instructions or encumbrances (including but not limited to those which are direct or indirect, express or implied, oral or written) which cause or result in all or any portion of a contribution or expenditure being made to or expended for the benefit of a specific candidate or political committee.

(Sec. 308(a)(13), 86 Stat. 17, 2 U.S.C. 438. Interpret or apply section 301, 86 Stat. 11, 2 U.S.C. 431)

## PART 14—REPORTS BY POLITICAL COMMITTEES AND CANDIDATES TO THE COMPTROLLER GENERAL

2. Section 14.2 is amended by revising paragraph (b) (4) to read as follows:

## § 14.2 Form and contents.

(b) Each report by such committee or candidate under this part (except subparagraph (12) of this paragraph) shall disclose—

(4) The name and mailing address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds in any amount during the reporting period, together with the amounts and dates of all transfers and complete identification, under the provisions of § 14.12 of this subchapter, for each transfer of earmarked funds.

(Sec. 308(a)(13), 86 Stat. 17, 2 U.S.C. 438. Interpret or apply section 304, 86 Stat. 14, 2 U.S.C. 434)

## PART 19—PROHIBITION OF CONTRIBUTIONS IN THE NAME OF ANOTHER

3. A new § 14.12 is added as follows:

## § 14.12 Disclosure of earmarked contributions and expenditures.

(a) Each candidate, political committee, and other person required to file reports under the Act who receives an earmarked (see definition in § 11.25 of this subchapter) contribution or makes an earmarked expenditure (including any transfer of funds) that is subject to the reporting requirements of the Act and this subchapter shall report the full name and mailing address, occupation and principal place of business, if any, of the donor or any other person who originally earmarked the contribution or expenditure; the name and address of each political committee or candidate for whom the contribution or expenditure is earmarked; and the amount of such contribution or expenditure earmarked for each such candidate or political committee and the aggregate amount earmarked for each during the calendar year.

(b) The reporting required by this section shall be in addition to all other reporting of such contribution or expenditure required by the Act and this subchapter; shall be performed by all candidates, political committees and other persons receiving, expending, or transferring earmarked funds; and shall be reported together with all other required information on the appropriate Schedules A-D supplementing C.G. Election Forms 2 or 3.

(Sec. 308(a)(13), 86 Stat. 17, 2 U.S.C. 438. Interpret or apply section 304, 86 Stat. 14, 2 U.S.C. 434)

4. Section 19.1 is amended by designating the first paragraph thereof as (a) and adding a new paragraph (b) as follows:

## § 19.1 Prohibition.

(a) No person shall make a contribution (as defined in Part 11 of this subchapter) in the name of another person or in any other name than his own in connection with any candidate's campaign for nomination or election to the office of President or Vice President, and no person shall knowingly accept such a contribution made by one person in the name of another person or in any other name than the contributor's in connection with any such campaign. The foregoing sentence applies to any contributor, as well as to any candidate, or any officer or employee of a political committee, or any other person.

(b) Nothing in this section prohibits the making or acceptance of any earmarked contribution which is properly reported under this subchapter (see § 14.12 of this subchapter).

(Sec. 308(a)(13), 86 Stat. 17, 2 U.S.C. 438. Interpret or apply section 310, 86 Stat. 19, 2 U.S.C. 440)

[SEAL]

ELMER B. STAATS,  
Comptroller General  
of the United States.

[FR Doc.73-16883 Filed 8-14-73; 8:45 am]

**COMPTROLLER GENERAL  
FEDERAL CAMPAIGN FUNDS**

**Reporting Procedures for Earmarked Funds**

Under section 308(a)(13) of the Federal Election Campaign Act of 1971, the Comptroller General has today issued revised regulations pertaining to the disclosure of "earmarked" contributions and expenditures. To illustrate the application of the newly issued amendment to the regulations and the related reporting requirements, sample reports based upon the following hypothetical example of "earmarking" are attached.

*Example.* On August 21, 1972, John Doe, 1500 Central Avenue, Boise, Idaho, 83702, an Executive Vice-President of the XYZ Corporation in Boise, contributed \$5,000 to the Durango County Democratic Committee with instructions that the entire amount be transmitted to the Idaho State Central Democratic Committee and in turn transferred by that committee to "Democrats for Nixon," a national political committee supporting the re-election of President Nixon. On August 26, 1972, the Durango County

Committee transferred \$25,000 to the State Committee which included the \$5,000 donated by John Doe and earmarked by him for Democrats for Nixon. The State Committee received the transfer on August 28 and transferred the \$5,000 earmarked by John Doe to Democrats for Nixon on August 29. Democrats for Nixon received the transfer on the next day, August 30, 1972. In a previous reporting period John Doe had contributed \$1,500 directly to the Idaho State Central Democratic Committee with instructions that \$1,000 of that sum be conveyed to Democrats for Nixon.

The appendix illustrates the detail in which each of the foregoing transactions should be reported by all committees on their September 10 reports.

Forms and further information on this revision, or any other provision of our regulations, may be obtained from the Office of Federal Elections, U.S. General Accounting Office, 441 G Street, NW., Washington, D.C. 20548.

[SEAL] **ELMER B. STAATS,**  
*Comptroller General  
of the United States.*

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APPENDIX

SCHEDULE A

**ITEMIZED RECEIPTS—CONTRIBUTIONS, TICKET PURCHASES, LOANS, AND TRANSFERS**

Durango County Democratic Committee

Part No. 1

(Full Name of Candidate or Committee)

(Use for itemizing Part 1, 2, 3, 4, or 5)

SEE REVERSE SIDE FOR INSTRUCTIONS

(Use separate page(s) for each numbered Part)

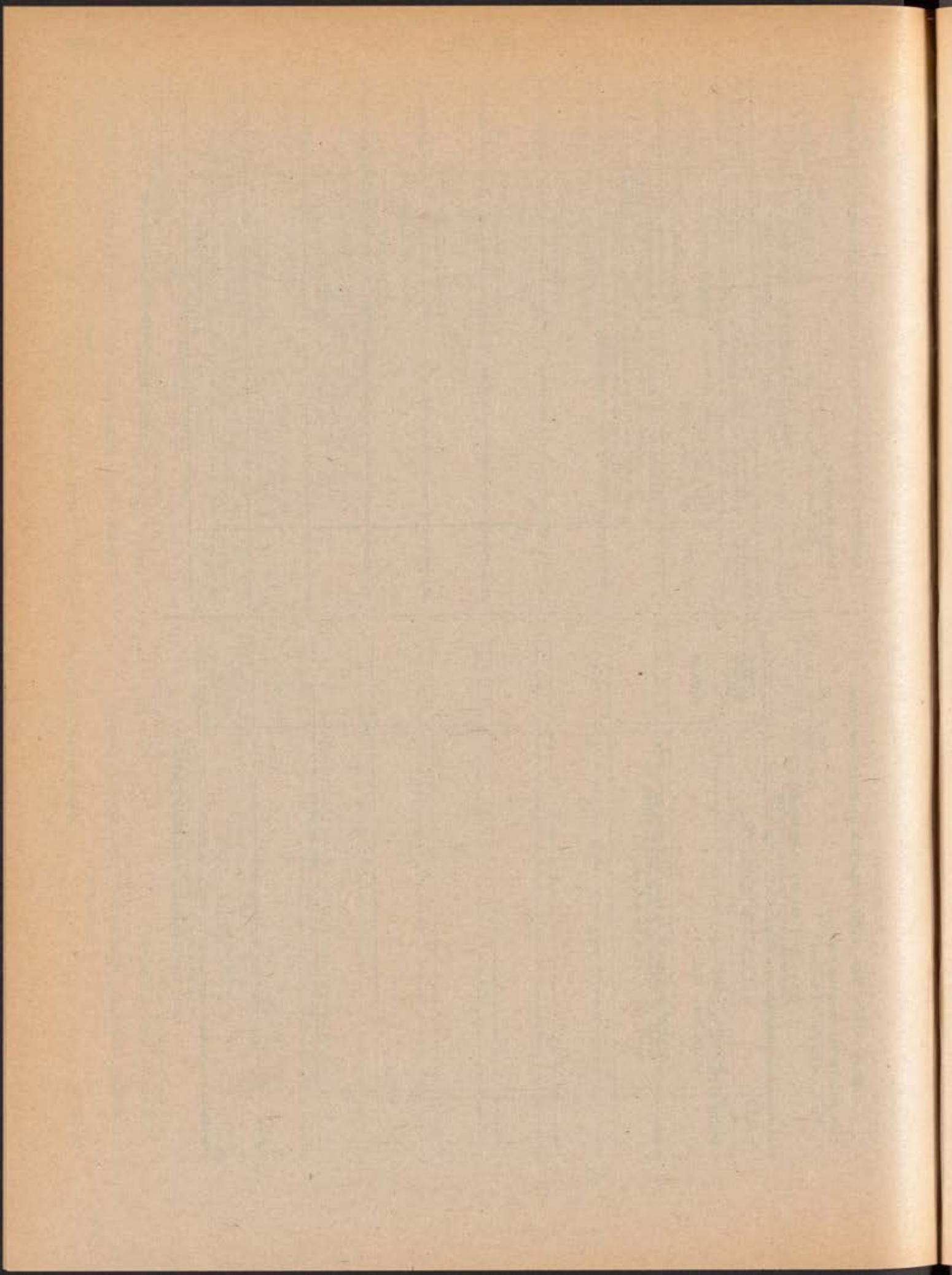
Date (month, day, year)	Full Name, Mailing Address, and ZIP Code (occupation and principal place of business, if any)	Aggregate Year-to-date (complete if applicable)	Amount of Receipt This Period
		\$	
8/21/72	John Doe 1500 Central Avenue Boise, Idaho 83702 Executive Vice President XYZ Corporation in Boise	Aggregate Year-to-date \$ 5,000.00	\$5,000.00
	[ This contribution is earmarked by Mr. Doe for transmittal to the Idaho State Central Democratic Committee and then to Democrats for Nixon, Dallas, Texas; aggregate year-to-date earmarked funds \$5,000.00 ]	Aggregate Year-to-date \$	
		Aggregate Year-to-date \$	
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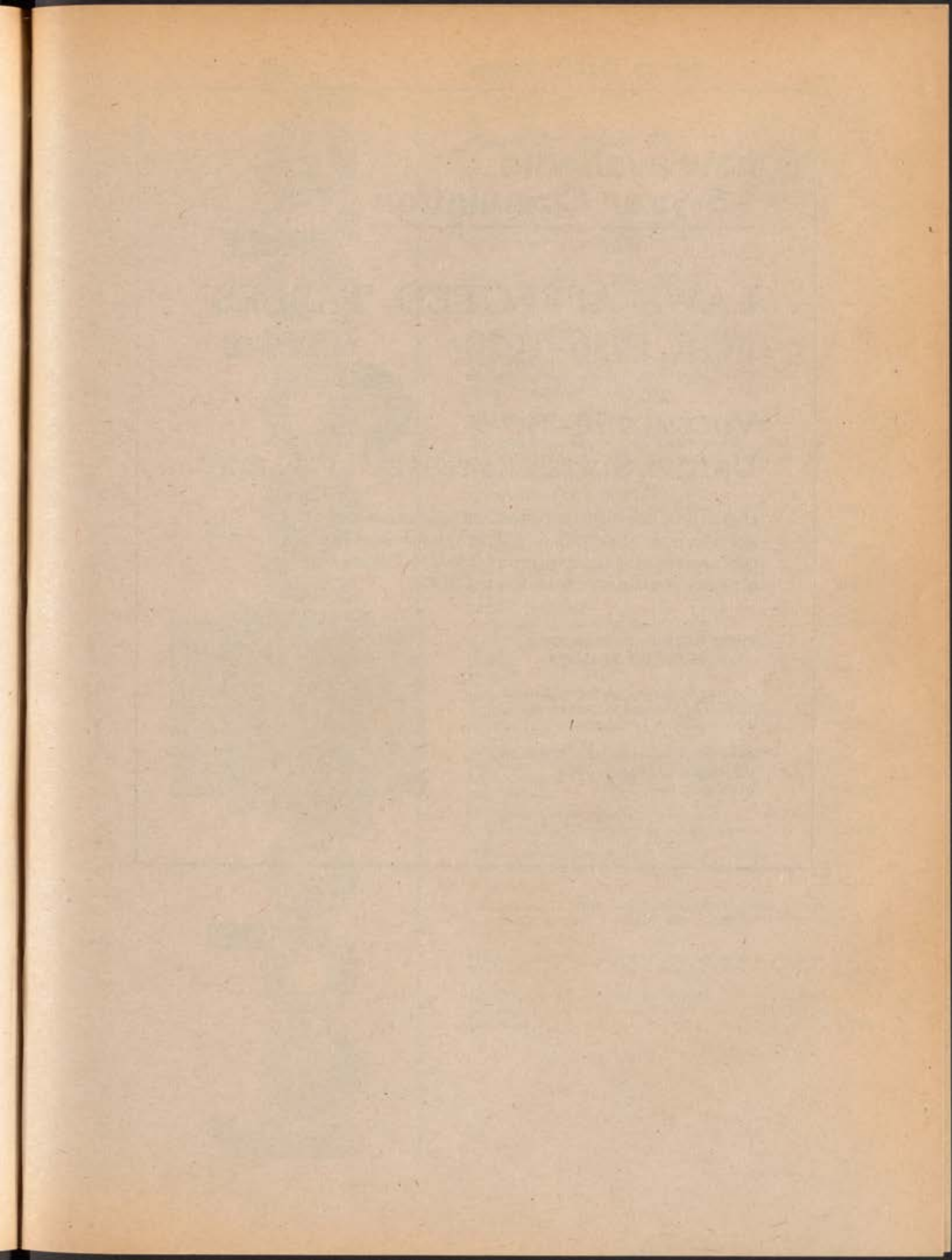
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