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FISH AND WILDLIFE SERVICE—Desirability of including a portion of the National Elk Refuge within the National Wilderness Preservation System, to be held in Wyoming. 21506; 8–9–73

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H.J. Res. 695 ..... Pub. Law 93–108
Johnny Horizon '76 Clean Up America Month, designation (Sept. 19, 1973; 87 Stat. 351)

S. 1165 ..... Pub. Law 93–109
Little Cigar Act of 1973 (Sept. 21, 1973; 87 Stat. 352)

H.R. 6912 ..... Pub. Law 93–110
To amend the Par Value Modification Act, and for other purposes (Sept. 21, 1973; 87 Stat. 352)

S. 1385 ..... Pub. Law 93–111
Trust Territory of the Pacific Islands, continuance of civil government, provision (Sept. 21, 1973; 87 Stat. 354)

The President vetoed S. 1672, Small Business Act amendments. Message dated Sept. 22, 1973; Weekly Compilation of Presidential Documents, Vol. 9. No. 38.

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CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one additional position of Confidential Assistant to the Commissioner, Federal Supply Service, is excepted under Schedule C.

Effective on September 26, 1973, § 213.3337(c)(2) is amended as set out below.

§ 213.3337 General Services Administration.

* * * * *

(c) *Federal Supply Service.*

* * * * *

(2) Two Confidential Assistants to the Commissioner.

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-20437 Filed 9-21-73;8:45 am]

PART 213—EXCEPTED SERVICE

National Labor Relations Board

Section 213.3341 is amended to show that one additional position of Confidential Assistant to the General Counsel is excepted under Schedule C.

Effective on September 26, 1973, § 213.3341(d) is amended as set out below.

§ 213.3341 National Labor Relations Board.

* * * * *

(d) Two Confidential Assistants to the General Counsel.

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-20658 Filed 9-25-73;8:45 am]

Title 7—Agriculture

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

PART 56—VOLUNTARY GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

Miscellaneous Amendments

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 of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56).

STATEMENT OF CONSIDERATIONS

On August 3, 1973, a rulemaking proposal was published in the FEDERAL REGISTER (38 FR 20896) which would eliminate air cell movement as a quality factor in shell egg grading, provide a definition for "Nest run eggs," make some adjustments in the tolerances in the consumer and procurement grades, and require equipment to reduce excessive iron content in water used to wash eggs.

Thirty-six letters were received by the Hearing Clerk on the proposal. Thirty-two comments favored the proposal and only four comments were in opposition. One comment opposed all of the adjustments in tolerances as confusing and a lowering of the grade standards, while another cited the slight increase in the tolerance for checks as a health hazard. It is impossible to market eggs without tolerances. The Department has found that due to mechanization and rapid handling of eggs after lay, some adjustments are now necessary. For example, the more rapid handling of higher quality eggs makes 100 percent detection of some types of spots impossible at time of initial grading. Consequently, a slight change is being made to overcome this situation. The slight increase in checks in the procurement grades is consistent with a long-standing tolerance in the consumer grades which has caused no problems over the years.

Another comment opposed deletion of air cell movement on the basis that this indicates eggs had been handled roughly and that such movement may be caused by disease. Disease in flocks is reflected in factors other than the air cell, such as weak albumen and shell deformities, which would automatically downgrade the eggs. The Department is not aware of any disease that only affects the air cell. As mentioned in the proposed rulemaking, studies have shown that air cell movement is not indicative of quality.

Another comment opposed the definition of "Nest run eggs" based upon the belief that certain types of undergrade eggs, such as soft shells, could not be removed from the pack. This was a misunderstanding. The definition of "Nest run eggs" does permit the removal of obvious undergrade eggs at time of gathering.

There were other letters which supported the proposed changes and also asked for additional changes to be made in the regulations. These additional changes will not be considered at this time because they were not included as proposed rulemaking. However, the Department will make use of such recommendations in future rulemaking considerations.

In view of the widespread support for and the desirability of the amendments, the Department has decided to promulgate them as proposed, with the exception that wording is added to § 56.76(e)(8) to provide that the frequency of testing for water potability and iron content shall be at the discretion of the Administrator, and new testing is required when there is a change in the water source. This provision was suggested in several of the comments received by the Hearing Clerk.

The amendments are as follows:

1. In § 56.1, immediately following the definition for "National supervisor," a new definition for "Nest run eggs" is inserted to read:

§ 56.1 Meaning of words and terms defined.

* * * * *

"Nest run eggs" means eggs which are packed as they come from the production facilities without having been washed, sized and/or candled for quality, with the exception that some Checks, Dirties, or other obvious undergrades may have been removed at the time of gathering.

* * * * *

2. In § 56.3, the present text is designated paragraph (a) and a new paragraph (b) is added to read:

§ 56.3 Administration.

* * * * *

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

3. In § 56.42, paragraph (b)(10) is amended to read:

§ 56.42 Requirements for eggs packaged under Fresh Fancy Quality grade mark or AA grade mark as shown in figures 4 and 5 of § 56.36.

* * * * *

(b) Minimum requirements at packaging plant.

* * * * *

(10) Graders shall examine samples of packaged product in accordance with the provisions of § 56.4 or as determined by the National supervisor. A tolerance of 15 percent is permitted in eggs that are of B quality with respect to shell. Within the 15 percent tolerance, 5 percent in any combination may be C quality due to shell, or meat or blood spots and Checks. In addition, 0.30 percent may be Leakers and Loss (due to meat or blood spots) in any combination. No Dirties or Loss other than as specified are permitted.

4. In § 56.43, paragraph (e) is amended to read:

§ 56.43 Requirements for eggs packaged under the U.S. grade A mark as shown in Figure 7 of § 56.36.

* * * * *

(e) A tolerance of 5 percent is permitted in any combination for C quality with respect to shell, meat or blood spots, and Checks. In addition, 0.30 percent may be Leakers and Loss (due to meat or blood spots) in any combination. No Dirties or Loss other than as specified are permitted.

5. In § 56.76, paragraph (e)(8) is amended to read:

§ 56.76 Minimum facility and operating requirements for shell egg grading and packing plants.

* * * * *

(e) *Shell egg cleaning operations.* * * *

(8) Only potable water may be used to wash eggs and each official plant shall submit certification to the National Office stating that their water supply is potable. An analysis of the iron content of the water supply, stated in parts per million, is also required and when the iron content exceeds 2 parts per million, equipment shall be provided to correct the excess iron content. Frequency of testing shall be determined by the Administrator, and when the water source is changed, new tests are required.

* * * * *

6. Section 56.201 is amended to read:

§ 56.201 AA Quality.

The shell must be clean, unbroken, and practically normal. The air cell must not exceed 1/8 inch in depth, may show unlimited movement, and may be free or bubbly. The white must be clear and firm so that the yolk is only slightly defined when the egg is twirled before the candling light. The yolk must be practically free from apparent defects.

7. Section 56.202 is amended to read:

§ 56.202 A Quality.

The shell must be clean, unbroken, and practically normal. The air cell must not exceed 3/16 inch in depth, may show unlimited movement, and may be free or bubbly. The white must be clear and at least reasonably firm so that the yolk outline is only fairly well defined when the egg is twirled before the candling light. The yolk must be practically free from apparent defects.

8. Section 56.204 is amended to read:

§ 56.204 C Quality.

The shell must be unbroken, may be abnormal and may have slightly stained areas. Moderately stained areas are permitted if they do not cover more than 1/4 of the shell surface. Eggs having shells with prominent stains or adhering dirt are not permitted. The air cell may be over 3/8 inch in depth, may show unlimited movement and may be free or bubbly. The white may be weak and watery so that the yolk outline is plainly visible when the egg is twirled before the candling light. The yolk may appear dark, enlarged, and flattened, and may show clearly visible germ development but no blood due to such development. It may show other serious defects that do not render the egg inedible. Small blood clots or spots (aggregating not more than 1/8 inch in diameter) may be present.

9. Section 56.209 is amended to read:

§ 56.209 Terms descriptive of the air cell.

(a) *Depth of air cell (air space between shell membranes, normally in the large end of the egg).* The depth of the air cell is the distance from its top to its bottom when the egg is held air cell upward.

(b) *Free air cell.* An air cell that moves freely toward the uppermost point in the egg as the egg is rotated slowly.

(c) *Bubbly air cell.* A ruptured air cell resulting in one or more small separate air bubbles usually floating beneath the main air cell.

10. In § 56.216, paragraphs (b), (c), and (d) are amended to read:

§ 56.216 Grades.

* * * * *

(b) *U.S. Grade AA.* (1) U.S. Consumer Grade AA (at origin) shall consist of eggs which are 85 percent AA quality. The maximum tolerance of 15 percent which may be below AA quality may consist of A or B quality in any combination, with not more than 5 percent C quality or Checks in any combination and not more than 0.30 percent Leakers or Loss (due to meat or blood spots) in any combination. No Dirties or Loss other than as specified are permitted. This grade is also applicable when the lot consists of eggs meeting the requirements set forth in § 56.42.

(2) U.S. Consumer Grade AA (destination) shall consist of eggs which are 80 percent AA quality. The maximum tolerance of 20 percent which may be below AA quality may consist of A or B quality in any combination with not more than 5 percent C quality or Checks in any combination and not more than 0.50 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted. This grade is also applicable when the lot consists of eggs meeting the requirements set forth in § 56.42.

(c) *U.S. Grade A.* (1) U.S. Consumer Grade A (at origin) shall consist of eggs which are 85 percent A quality or better. Within the maximum tolerance of 15 percent which may be below A quality, not more than 5 percent may be C quality or Checks in any combination, and not more than 0.30 percent Leakers or Loss (due to meat or blood spots) in any combination. No Dirties or Loss other than as specified are permitted. This grade is also applicable when the lot consists of eggs meeting the requirements set forth in § 56.43.

(2) U.S. Consumer Grade A (destination) shall consist of eggs which are 80 percent A quality or better. Within the maximum tolerance of 20 percent which may be below A quality, not more than 5 percent may be C quality or Checks in any combination, and not more than 0.50 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted. This grade is also applicable when the lot consists of eggs meeting the requirements set forth in § 56.43.

(d) *U.S. Grade B.* (1) U.S. Consumer Grade B (at origin) shall consist of eggs which are 85 percent B quality or better. Within the maximum tolerance of 15 percent which may be below B quality, not more than 10 percent may be Checks and not more than 0.30 percent Leakers or Loss (due to meat or blood spots) in any combination. No Dirties or Loss other than as specified are permitted.

(2) U.S. Consumer Grade B (destination) shall consist of eggs which are 80 percent B quality or better. Within the maximum tolerance of 20 percent which may be below B quality, not more than 10 percent may be Checks and not more than 0.50 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

* * * * *

11. In § 56.217, Table I is amended to read:

§ 56.217 Summary of grades.

* * * * *

TABLE I.—*Summary of Consumer Grades for Shell Eggs*

U.S. Consumer grade (origin)	Quality required [1]	Tolerance permitted [2]	
		Percent	Quality
Grade AA or Fresh Fancy Quality	85 percent AA	Up to 15	A or B.
		Not over 5	C or check.
Grade A	85 percent A or better	Up to 15	B.
		Not over 5	C or Check.
Grade B	85 percent B or better	Up to 15	C.
		Not over 10	Checks.

U.S. Consumer grade (destination)	Quality required [1]	Tolerance permitted [3]	
		Percent	Quality
Grade AA or Fresh Fancy Quality	80 percent AA	Up to 20	A or B.
		Not over 5	C or Check.
Grade A	80 percent A or better	Up to 20	B.
		Not over 5	C or Check.
Grade B	80 percent or better	Up to 20	C.
		Not over 10	Checks.

[1] In lots of two or more cases or cartons, see Table II of this section for tolerances for an individual case or carton within a lot.
[2] For the U.S. Consumer grades (at origin), a tolerance of 0.30 percent Leakers or Loss (due to meat or blood spots) in any combination is permitted. No Dirties or other type Loss are permitted.
[3] For the U.S. Consumer grades (destination), a tolerance of 0.50 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination is permitted, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

12. In § 56.221, paragraphs (a) and (b) are amended to read:

§ 56.221 Grades.

(a) *U.S. Procurement Grade I.* (1) U.S. Procurement Grade I (at origin) shall consist of eggs which are 85 percent A quality or better. Within the maximum tolerance of 15 percent which may be below A quality, not more than 5 percent may be C quality or Checks in any combination and not more than 0.30 percent may be Dirties, Leakers, and Loss combined. Loss, other than meat or blood spots, shall not exceed 0.15 percent.

(2) U.S. Procurement Grade I (destination) shall consist of eggs which are 80 percent A quality or better. Within the maximum of 20 percent which may be below A quality not more than 5 percent may be C quality or Checks, in any combination and not more than 0.50 percent may be Dirties, Leakers, and Loss combined. Loss, other than meat and blood spots shall not exceed 0.20 percent.

(b) *U.S. Procurement Grade II.* (1) U.S. Procurement Grade II (at origin) shall consist of eggs which are 65 percent A quality or better. Within the maximum tolerance of 35 percent which may be below A quality, not more than 10 percent may be C quality or Checks in any combination, except that Checks may not exceed 5 percent and not more than 0.30 percent may be Dirties, Leakers, and Loss combined. Loss, other than meat and blood spots shall not exceed 0.15 percent.

(2) U.S. Procurement Grade II (destination) shall consist of eggs which are 60 percent A quality or better. Within the maximum tolerance of 40 percent which may be below A quality, not more than 10 percent may be C quality or Checks, in any combination, except that Checks may not exceed 5 percent and not more than 0.50 percent may be Dirties, Leakers, and Loss combined. Loss, other than meat and blood spots, shall not exceed 0.20 percent.

* * * * *

13. In § 56.522, Table I is amended to read:

§ 56.522 Summary of grades.

* * * * *

TABLE I.—*Summary of U.S. Procurement Grades for Shell Eggs*

U.S. procurement grade (origin)	A quality or better (lot average) at least [1] (percent)	Maximum tolerance permitted (lot average) [1]	
		Percent	Quality
I	85	Up to 15	B.
		Not over 5	C, Check.
II	65	Up to 35	B.
		Not over 10	C, Check.

U.S. procurement grade (destination)	A quality or better (lot average) at least [1] (percent)	Maximum tolerance permitted (lot average) [2]	
		Percent	Quality
I	80	Up to 20	B.
		Not over 5	C, Check.
II	60	Up to 40	B.
		Not over 10	C, Check.

[1] Individual cases may not exceed 10 percent less A quality eggs than permitted for the lot average.
[2] For U.S. Procurement Grades (at origin), a maximum of 5 percent Checks is permitted and not more than 0.30 percent may be Dirties, Leakers, and Loss combined. Loss other than meat and blood spots shall not exceed 0.15 percent.
[3] For U.S. Procurement Grades (destination), a maximum of 5 percent Checks is permitted and not more than 0.50 percent may be Dirties, Leakers, and Loss combined. Loss, other than meat and blood spots, shall not exceed 0.20 percent.

Done at Washington, D.C., this 20th day of September 1973.

To become effective October 29, 1973.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.73-20432 Filed 9-25-73;8:45 am]

PART 201—FEDERAL SEED ACT REGULATIONS

Certifying Agency Standards and Procedures To Assure Genetic Purity and Identity of Certified Seed

Correction

In FR Doc. 73-19355 appearing at page 25661 of the issue for Friday, September 14, 1973, make the following changes:

1. The last line of § 201.2(ii) reading "cross, a three-way, inbred lines." should read "cross, a three-way, or a top cross."

2. In the title of § 201.70, the word "certified" should be "Certified".

3. In the second line of § 201.75(a) insert "of" between the words "classes" and "certified".

4. In Table 5 of § 201.76 make the following changes:

a. The entry for "Clover (all kinds)" under "Registered Land", reading "3", should be preceded by footnotes 1 and 9.

b. The entry for "Flax" under "Foundation Land", reading "1", should be preceded by a footnote 7.

c. The following entry should be inserted between "Lespedeza" and "Millet":

Crop kind	Foundation				Registered				Certified			
	Land	Isolation	Field	Seed	Land	Isolation	Field	Seed	Land	Isolation	Field	Seed
* * *	*		*		*		*		*		*	
Milk vetch	[1] 5	[41] 600	2,000	0.05	[1] 3	[41] 300	1,000	0.1	[1] 2	[41] 165	200	0.5
* * *	*		*		*		*		*		*	

d. The entries for "Millet" under "Foundation isolation", "Registered isolation", and "Certified Isolation", reading 1,320, 1,320, and 660, respectively, should each be preceded by a footnote 41.

5. On page 25664, the following changes should be made to the footnotes to table 5:

a. In the first line of footnote 29, the parenthesis preceding "genetically" should be deleted.

b. The second line of footnote 32, now reading "pollinator rows in inter-planted blocks.", should read "pollinator plants in inter-planted blocks."

c. The word "seeds" at the end of the first sentence of footnote 38 should be "seed".

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION

DEPARTMENT OF TRANSPORTATION

[Docket No. 73-EA-73; Amdt. 39-1725]

PART 39—AIRWORTHINESS DIRECTIVE

DeHavilland Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to deHavilland DHC-6 type floatplane class airplane.

There has been a report of a failure of a float to fuselage attachment bolt on the subject airplane which is believed to result from improper torquing. Since this deficiency can exist or develop on other airplanes of similar type and class design, an airworthiness directive is being issued which will require a replacement of the attachment bolts.

Since this deficiency poses a hazard to air safety requiring expeditious adoption of the amendment, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

DEHAVILLAND MODEL DHC-6: applies to deHavilland Model DHC-6 Twin Otter Floatplanes, all Series, certificated in all categories, equipped with Canadian Aircraft Products Model 12000A or 12000B Floats installed prior to Float Serial No. 71.

1. Compliance is required within the next ten hours in service from the effective date of this Airworthiness Directive, unless already accomplished.

To prevent loosening and subsequent pull-out failure of certain float to fuselage bolts, comply with accomplishment instruction of deHavilland Service Bulletin 6/296, Revision A, dated May 11, 1973, or an equivalent alteration approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

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

This amendment is effective October 3, 1973.

Issued in Jamaica, N.Y., on September 18, 1973.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.73-20462 Filed 9-25-73;8:45 am]

[Airworthiness Docket No. 73-WE-17-AD; Amdt. 39-1724]

PART 39—AIRWORTHINESS DIRECTIVES

Hiller Model UH-12 and 12A, B, C, D, and E Helicopters

There have been cracks and failures of the main rotor hub on Hiller Model UH-12B, C, D, and E Helicopters that could result in separation of the main rotor from the helicopter. Since this condition is likely to exist or develop on other helicopters of the same type designs, an airworthiness directive was adopted by telegram on September 5, 1973, and made effective immediately by airmail letter, dated September 6, 1973, as to all known operators of Hiller Model UH-12B, C, D, and E Helicopters. This directive requires initial and repetitive dye penetrant inspection of the main rotor hub and replacement if necessary.

Since it was found that immediate action was required, notice and public procedure thereon was impracticable and contrary to public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Hiller Model UH-12B, C, D, and E Helicopters by individual airmail letter dated September 6, 1973. Subsequent to the issuance of the telegraphic AD, the agency has determined that Models 12 and 12A should be added to the applicability of the AD; that additional dash numbers identifying the hub are in service; and that the inspection required may be limited to the inside of the main rotor hub. The AD, as published in the FEDERAL REGISTER, reflects these substantive changes.

The conditions which necessitated issuance of the telegraphic AD still exist and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following airworthiness directive to make it effective to all persons.

HILLER AVIATION. Applies to Hiller Model UH-12, UH-12A, UH-12B, UH-12C, UH-12D, and UH-12E Helicopters certificated in all categories.

Compliance required within the next 5 hours time in service after the effective date of this AD, unless already accomplished on

receipt of the telegraphic AD dated September 6, 1973, and thereafter at intervals not to exceed 50 hours time in service from the last inspection.

To detect cracks in the main rotor hub P/N's 51437, 51437-6, 51437-7, 51437-8, 51437-9, 51437-11, 51437-901, and 51437-11-911, accomplish the following: Conduct dye penetrant inspection of the main rotor hubs P/N's 51437, 51437-6, 51437-7, 51437-8, 51437-9, 51437-11, 51437-901, 51437-11-911, inside the hub in the area opposite the control rotor trunnion attachments. If cracks are found, replace with a new part before further flight and continue the 50 hour interval dye penetrant inspections. Report cracks found, model and serial number, and total time in service on the main rotor hub, to Chief, Aircraft Engineering Division, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. (Reporting approved by the Bureau of the Budget under B.O.B. No. 04-R0174).

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

This amendment is effective on October 30, 1973.

Issued in Los Angeles, California on September 18, 1973.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.73-20461 Filed 9-25-73;8:45 am]

[Airspace Docket No. 73-GL-30]

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

Designation of Transition Area

On pages 18470 and 18471 of the FEDERAL REGISTER dated July 11, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Wilmington, Ohio.

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

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

This amendment shall be effective 0901 G.m.t., November 8, 1973.

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

Issued in Des Plaines, Illinois, on September 5, 1973.

LYLE K. BROWN,
Director, Great Lakes Region.

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

WILMINGTON, OHIO

That airspace extending upward from 700 feet above the surface within a 10 mile radius of the Wilmington Industrial Airport (latitude 30°25'45" N., longitude 83°48'00" W.).

[FR Doc.73-20463 Filed 9-25-73;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER B—SALES AND SERVICES

PART 818b—LEGAL ASSISTANCE PROGRAM

Provision of Services

Subchapter B of Chapter VII of Title 32 of the Code of Federal Regulations is amended by adding a new Part 818b. This part describes services provided by the Air Force legal assistance program and specifies who is entitled to them. Part 818b is added to read as follows:

Sec.

818b.0 Purpose.
818b.1 Program responsibilities.
818b.2 Persons entitled to legal assistance.
818b.3 Legal assistance services provided.
818b.4 Limitation on services.

AUTHORITY: 10 U.S.C. 8012.

§ 818b.0 Purpose.

(a) This part prescribes an Air Force-wide legal assistance program whereby all military personnel, their dependents, and certain civilian personnel may obtain competent advice and assistance in resolving personal civil legal problems.

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

§ 818b.1 Program responsibilities.

(a) Responsibility for the efficient and proper functioning of the legal assistance program within the Air Force extends to all commands.

(b) Under the Chief of Staff, United States Air Force, staff supervision of the legal assistance program is assigned to The Judge Advocate General of the Air Force. He maintains liaison with the American Bar Association and other civilian bar organizations that he deems advisable.

§ 818b.2 Persons entitled to legal assistance.

(a) Services provided for in this part are given to the following personnel and their dependents:

(1) All members (including those confined in foreign penal institutions) on active duty with the Armed Forces of the United States, including the United States Coast Guard.

(2) Members of Allied Armed Forces serving in the United States, or its possessions. (The Judge Advocates General of the United States and the Canadian Forces have informally agreed that personnel of their respective establishments will render legal assistance to the members of the other's forces while such members are performing military duties in their country.)

(b) To the extent personnel and facilities are available, extend legal assistance to:

(1) Retired Regular and retired Career Reserve personnel of the United States forces and their dependents.

(2) Dependent survivors of military personnel, including those retired.

(3) Civilian employees of United States Armed Forces at an isolated installation or an installation in a foreign area.

§ 818b.3 Legal assistance services provided.

Personnel rendering legal assistance under the program will do the following:

(a) After proper consultation with their client, they will give advice, assistance, and counsel on all person civil legal problems.

(b) Normally, they will refer cases involving specialized areas of law—such as trusts, deeds, complicated wills, estate planning, mortgages, etc.—as provided in paragraph (d) of this section. Such cases will only be handled by legal assistance personnel when the staff judge advocate determines that workload and experience level permit.

(c) Due to the severe difficulty in locating witnesses to wills, all wills executed should have the name of the witness printed or typed below his signature, along with his social security number and the most permanent mailing address possible.

(d) When proper, a client seeking legal assistance on legal matters beyond the scope and availability of activities of the legal assistance program will be referred to a lawyer of the client's choice, or to such bar organizations as may be available and appropriate, for advice and action.

(1) Insofar as practicable, the client will be advised to consult his usual civilian attorney.

(i) If, for any reason, this is impracticable or not desired by the client, he may be referred to a cooperating bar organization for assistance in retaining competent counsel.

(ii) As a temporary measure in the absence of an organized local bar, or upon failure of the local bar association to set up a committee or designate an individual to accept referrals, the legal assistance officer will prepare a list to be used for referral of local attorneys who have evidenced through their previous handling of servicemen's cases a willingness to give prompt and careful attention to such cases. Except under the most unusual circumstances, and then only with advance permission of his staff judge advocate, will a legal assistance officer refer clients to a list of less than three civilian attorneys or to a named civilian attorney.

(iii) In overseas commands, the senior staff judge advocate serving in a foreign country, if deemed appropriate after consultation with appropriate consular officials and any cooperating local or national bar association or similar agency, will prepare a list of local civilian attorneys which may be used as set out in this section.

(2) Indigent clients needing civilian counsel are referred to the appropriate legal aid organization or representative of the local bar designated to handle such referrals.

NOTE.—Once a civilian attorney has been retained, the legal assistance officer, as required by professional ethics, will refrain from advising the client on that particular matter.

(e) In domestic relations cases, the problem should be fully explored, with the objective of preventing separation and divorce. With the knowledge and consent of both parties, both parties may be consulted without impropriety and advised of their legal rights and obligations to each other, their children, and society.

(f) On complaints of discrimination, complainant should be advised concerning:

(1) Application of the Civil Rights Act of 1964;

(2) Procedures as set forth in pertinent Air Force regulations for processing such complaints; and

(3) Rights of individuals to pursue remedies through civilian channels without recourse to procedures prescribed in Air Force regulations.

§ 818b.4 Limitation on services.

Legal assistance is limited to services furnished to the client, such as advice, preparation of documents, etc. Legal assistance personnel, in such capacity, will not:

(a) Appear in person or by pleadings before domestic or foreign civil courts, tribunals, or Government agencies, unless authorized pursuant to AFR 110-3 (Taxation, Legal and Administrative Actions, and Legal Process) or by the Office of The Judge Advocate General, nor before courts-martial or military board proceedings.

(b) Sign letters on his client's behalf without the express permission of the client concerned and the staff judge advocate.

(c) Receive confidences in any case in which the person requesting assistance is or probably will be the subject of civilian criminal action (except minor traffic violations), nor offer him any assistance regarding such case other than to advise him that:

(1) As the legal assistance program is limited to civil (as distinguished from criminal) legal problems, legal assistance personnel (as such) may not receive confidences relating to such matters.

(2) He has a right to consult civilian counsel.

(3) He will follow § 818b.3(d) of this part, in the event referral assistance is requested.

(e) Receive confidences in any case in which the person requesting assistance is or probably will be the subject to court-martial investigation or charges, other disciplinary action, or administrative board proceedings, unless the staff judge advocate has determined that the legal assistance officer is available to enter into an attorney-client relationship with and to serve as military counsel for the individual seeking assistance. As soon as a legal assistance officer ascertains that the request for assistance involves a matter within the scope of this section, he advises the individual in accordance with § 818b.3(d)(1) through (d)(3) of this part and, further, that he may receive advice as to his rights to military counsel from the staff judge advocate. With the concurrence of the staff judge advocate, the legal assistance officer himself may furnish the individual with the appropriate advice concerning his rights to military counsel. An individual who is entitled to military counsel and who requests that such counsel be appointed for him will be assisted in establishing contact with a lawyer whom the staff judge advocate determines is available to serve as counsel.

(f) Receive confidences nor assist in regard to official or military problems since they are not within the scope of the Legal Assistance Program. Such problems are generally within the jurisdiction of other staff offices or Federal agencies, and the individual will be referred to the appropriate staff office or agency, or given such information or advice as the staff judge advocate determines appropriate as a staff function.

(g) Make available, on matters arising from or connected with business endeavors or outside employment, any legal assistance services other than advice on relief afforded by the Soldiers' and Sailors' Civil Relief Act and referral to a civilian attorney, as provided herein.

(h) Act as a collection agency or lend aid to defeat the fair collection of any just debt or obligation. However, he may advise clients as to their legal liability for a debt or legal remedies for the collection of a debt, or refer them to civilian counsel for such advice. If appropriate, he should also counsel clients as to the Air Force's policy with regard to private indebtedness (Part 818 of this chapter) and the conditions under which the Air Force may extend assistance to creditors in the collection of debts from its members. All official correspondence is handled outside the legal assistance program as a command function in accordance with prescribed Air Force directives.

NOTE.—With express consent of the client, complaints of unfair business practices which appear to be valid will be referred to the local commander for processing.

By order of the Secretary of the Air Force.

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

[FR Doc.73-20445 Filed 9-25-73;8:45 am]

SUBCHAPTER I—MILITARY PERSONNEL

PART 883—MILITARY JUSTICE

Court Martial Manual; Partial Implementation

Subchapter I, Chapter VII of Title 32 of the Code of Federal Regulations is amended by adding a new Part 883. This part implements a portion of the Manual for Courts-Martial, 1969 (Revised Edition) within the Department of the Air Force. Part 883 is added to read as follows:

Sec.
883.1 Purpose.
883.2 Suspension of counsel.
883.3 Application of relief under Article 69.
883.4 Petitions for new trial.

AUTHORITY: 10 U.S.C. 836, 869, 940, 8012; E.O. 11476, 3 CFR, 1966-1967 Comp., p. 787; paragraphs 43 and 110A, MCM US 1969 (Rev.).

§ 883.1 Purpose.

(a) This part contains Department of the Air Force implementation of a portion of the Manual for Courts-Martial, 1969 (Revised Edition). NOTE.—The complete text of the "Manual for Courts-Martial, United States, 1969 (Revised Edition)" appears at 34 FR 10503, June 28, 1969. The Manual was also published by the Department of Defense and may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

§ 883.2 Suspension of counsel.

(a) *General.* This section implements the provisions of paragraph 43, Manual for Courts-Martial (MCM), 1969 (Rev.). When a person, military or civilian, has, pursuant to paragraph 43, MCM, 1969 (Rev.), and this section, has been suspended from acting as counsel before Air Force courts-martial and the Air Force Court of Military Review, he shall not, during the period of the suspension, be eligible to so act. Such suspension is separate and distinct from any matter involving contempt, discussed in paragraphs 10 and 118, MCM, 1969 (Rev.), and from withdrawal of certification made pursuant to Articles 26 and 27, Uniform Code of Military Justice (UCMJ) (10 U.S.C. 826, 827).

(b) *Grounds for suspension.* Suspension action may be initiated when a person has demonstrated by his personal or professional conduct that he is so lacking in competency, integrity, or ethical or moral character as to be unacceptable as counsel before an Air Force court-martial or the Air Force Court of Military Review. Specific grounds for suspension include, but are not limited to:

(1) Demonstrated incompetence while acting as counsel during pretrial, trial, or post-trial stages of a court-martial;

(2) Preventing or obstructing justice, including the deliberate use of frivolous or unwarranted dilatory tactics;

(3) Using, at trial, any papers or evidence which are known to be fabrications, or otherwise practicing fraud upon an Air Force court-martial or the Air Force Court of Military Review;

(4) Tampering with a witness or court member;

(5) Abusive conduct toward the court-martial, the Court of Military Review, the military judge, or opposing counsel;

(6) Flagrant or repeated violations of any specific rules of conduct prescribed for counsel (see paragraphs 42, 44, 46, and 48, MCM 1969 (Rev.));

(7) Conviction of an offense involving moral turpitude or conviction of a violation of Article 48, UCMJ; or

(8) Mental incompetency as declared by appropriate authorities.

(c) *Automatic suspension.* When a person has been disbarred by a Federal or State court, or suspended from acting as counsel before courts-martial and Courts of Military Review by another service, The Judge Advocate General, United States Air Force, may, upon receipt of evidence of such disbarment or suspension, take suspension action by notifying the disbarred or suspended person, in writing, that he is ineligible to act before courts-martial or administrative boards in the Air Force, or before the Air Force Court of Military Review during the period of the disbarment or suspension. Under this procedure the disbarred or suspended person is not entitled to a hearing as hereinafter prescribed.

(d) *Standards of professional ethics.* Action to suspend should not be initiated because of personal prejudice or hostility toward counsel, nor should such action be initiated because counsel has presented an aggressive, zealous, or novel defense, or when his conduct stems from inexperience in the performance of legal duties. The Code of Professional Responsibility of the American Bar Association is considered to be generally applicable as the criterion of professional conduct for persons acting as counsel before Air Force courts-martial and the Air Force Court of Military Review.

(e) *Action to suspend.*—(1) *General.* Action to suspend a person from acting as counsel before Air Force courts-martial and the Air Force Court of Military Review will be initiated only when other remedial measures, including punitive action, have failed to induce proper behavior or are inappropriate. Full consideration will be given at each stage of the proceedings toward the effectiveness and appropriateness of other measures such as warnings, admonition instructions, proceedings in contempt or other punitive action, before suspension action is processed.

(2) *Report of grounds of suspension.* When information as to the occurrence or existence of any ground for suspension comes to the attention of a member of an Air Force court-martial, a military judge, staff judge advocate, appointed counsel, a commander, or member of the Air Force Court of Military Review, such information shall be reported, together with supporting information, to the officer exercising general court-martial jurisdiction over the command of such reporting officer. Upon receipt of such report, the officer exercising general court-martial jurisdiction will refer it to his staff judge advocate for review and recommended action. He will then forward the report with his recommendation through the major commander, if any, to The Judge Advocate General. The major commander will likewise refer the matter to his staff judge advocate for review and recommendations before forwarding it with his recommendations. If the alleged disqualifying conduct occurs during trial of a particular case and involves counsel for the accused, action may be deferred pending completion of the trial.

(3) *Hearing.* If The Judge Advocate General is of the opinion that there is probable cause to believe that a ground for suspension exists, and that other remedial measures are not appropriate or will not be effective, he shall appoint a Board of Officers consisting of not less than three Air Force officers who are designated as military judge or certified counsel (competent to act before general courts-martial pursuant to Article 26 or 27, UCMJ), and who are, if practical, senior in grade to the person being considered for suspension if that person is a member of the military. He shall also appoint a judge advocate as a non-voting recorder. The Board shall cause notice to be given to the lawyer involved, informing him of the misconduct or other disqualifying matters alleged and affording him the opportunity to appear before it for a hearing. The lawyer involved may be represented by counsel. If the lawyer involved is a member of the Air Force, he may have military counsel appointed for him or he may obtain civilian counsel at his own expense. If the lawyer involved is not a member of the Air Force, military counsel will not be provided him; however, he may obtain other civilian counsel at his own expense. The lawyer involved shall be permitted at least 5 days subsequent to notice to prepare for the hearing. Failure to appear on a set date subsequent to notice will constitute a waiver of appearance. Upon ascertaining the facts relevant to the alleged disqualifying measures, after notice and hearing, the Board will report its findings and recommendations based thereon to The Judge Advocate General. If the Board recommends suspension, it will also recommend whether the suspension will be indefinite or temporary. The procedures of Part 866 will be used as a guide in the conduct of hearings for suspension of counsel.

(4) *Action by The Judge Advocate General.* Upon receipt of the report of a Board, The Judge Advocate General shall determine whether the person involved shall be suspended as counsel and whether such suspension shall be for a stated term or indefinite, and he shall issue an appropriate order implementing such determination, a copy of which will be furnished the person involved. The Judge Advocate General may, upon petition of the person who has been suspended, and upon good cause shown, or upon his own motion, modify or revoke any prior order of suspension.

(5) *Effect upon other action.* Notwithstanding this part, The Judge Advocate General may in his discretion withdraw any certification of qualification to act as military judge or as counsel before general courts-martial made pursuant to Article 26 or 27, UCMJ.

§ 883.3 Application for relief under Article 69.

(a) Article 69 of the UCMJ (10 U.S.C. 869) permits The Judge Advocate General to vacate of to modify, in whole or in part, the findings or sentence or both in a court-martial case which has been finally reviewed, but has not been reviewed by the Court of Military Review (see MCM, 1969 (Rev.), paragraph 110A). An application for action under Article 69 will be made in writing, will be under oath or affirmation, and will be signed by the accused or his legal representative. The application will contain:

(1) The name, social security account number, and present mailing address of the accused.

(2) The date and place of trial and kind of court.

(3) The sentence of the court of approved or affirmed and any subsequent reduction by clemency or otherwise.

(4) A statement of the specific grounds on which relief is requested and the specific relief requested.

(5) Any documentary or other evidence which the applicant believes pertinent to the facts asserted under the specific grounds alleged, including copies of court-martial orders, if available.

(b) Applications will be submitted to the general court-martial authority when the case was tried by summary court-martial or by a special court-martial where the approved sentence did not include a bad conduct discharge and the applicant is still in the command in which the case was tried. All other applications will be forwarded directly to HQ USAF/JAJ. When an application is received by an officer exercising general court-martial jurisdiction, he will forward the application, together with the original record of trial and copies of all relevant orders and other documents, to HQ USAF/JAJ. In forwarding an application, neither the officer exercising general court-martial jurisdiction nor his staff judge advocate is required to make any recommendation as to the disposition of the case; however, either is permitted to include such comments or recommendations as may be appropriate in the particular case.

§ 883.4 Petitions for new trial.

Petitions for new trial will be prepared and processed in accordance with MCM, 1969 (Rev.), paragraph 109. A petition for new trial may be submitted on the grounds of newly discovered evidence or fraud on the court in any kind of court-martial (general, special, or summary) within 2 years after approval of the sentence by the convening authority.

By order of the Secretary of the Air Force.

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

[FR Doc.73-20446 Filed 9-25-73;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

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

ANNUAL INCOME; SUPPLEMENTAL SECURITY INCOME

On page 21188 of the FEDERAL REGISTER of August 6, 1973, there was published a notice of proposed regulatory development to amend §§ 3.261 and 3.262 to exclude the new supplemental security income benefit in the computation of income for determining entitlement to benefits under programs administered by the Veterans Administration. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

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

Effective date. These VA regulations are effective January 1, 1974.

Approved September 20, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

1. In § 3.261(a), subparagraph (17) is amended to read as follows:

§ 3.261 Character of income; exclusions and estates.

* * * * *

	Dependency (parents)	Dependency and Indemnity compensation (parents)	Pension; protected (veterans, widows and children)	Pension; Public Law 86-211 (veterans, widows and children)	See
(a) *Income:*					
* * *	* * *	* * *	* * *	* * *	
(17) Social security benefits:					§ 3.262(f).
Old age and survivors, and disability insurance.	Included	Included	Included	Included	
Charitable programs	Excluded	Excluded	do	Excluded	
Lump sum death payments	Included	do	do	do	
Supplemental security income	Excluded	Excluded	do	do	
* * *	* * *	* * *	* * *	* * *	

2. In § 3.262, paragraph (f) is amended to read as follows:

§ 3.262 Evaluation of income.

* * * * *

(f) *Social security benefits.* Old age and survivor's insurance and disability insurance under title II of the Social Security Act will be considered income as a retirement benefit under the rules contained in paragraph (e) of this section. Benefits received under noncontributory programs, such as old age assistance, aid to dependent children, and supplemental security income are subject to the rules contained in paragraph (d) of this section applicable to charitable donations. The lumpsum death payment under title II of the Social Security Act will be considered as income except in claims for dependency and indemnity compensation and for pension under Public Law 86-211 (73 Stat. 432).

* * * * *

[FR Doc.73-20473 Filed 9-25-73;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

Cost Allocation Plans

Notice of proposed regulations was published in the FEDERAL REGISTER on June 15, 1973 (38 FR 15738), for the programs administered under Titles I, IV-A, X, XIV, XVI and XIX of the Social Security Act with respect to required submittal of cost allocation plans whenever requested by the Regional offices, Social and Rehabilitation Service, and submittal of cost data and other information necessary for evaluation of allocation methods. Title IV-B, omitted in error, is now included. Both IV-A as well as IV-B are included in a State's cost allocation plan.

The major concerns expressed in public comments were the delegation of authority to the Regional Commissioners to approve the effective date of the cost allocation plans, 3 months requirement to submit cost allocation plans, use of estimated costs to determine the validity of allocation methods and cost allocation plan requirements are too detailed.

The authority of the Regional Commissioner to request, approve and determine the effective date of a cost allocation plan relieves the State of an undue burden of an annual submission. The availability of technical assistance from the Regional Office will help States prepare their cost allocation plans within the specified period. The use of estimated costs in evaluating methods of allocating indirect cost pools or elements allows the use of an allocation method which departs from strict equity where dollar impact is not significant.

The purpose of a cost allocation plan is to describe a method of allocating costs of administering various State programs or activities among those programs or activities on an equitable basis. The detail required is necessary to determine the validity of the allocation methods used by the State.

Section 205.150 of Part 205, Chapter II, Title 45, of the Code of Federal Regulations is revised to read as set forth below:

§ 205.150 Cost allocation.

(a) *State plan requirements.* A State plan under title I, IV-A, IV-B, X, XIV, XVI, or XIX of the Social Security Act must provide that the single State agency will establish and maintain methods and procedures for properly charging the costs of administration, services (excluding those purchased), and training activities under the plan in accordance with Federal requirements (Office of Management and Budget Circular No. A-87 and Department and Social and Rehabilitation Service regulations and instructions). Such methods and procedures must include those for:

(1) Allocating all such administrative costs of the State department in which the State agency is located between Federal and non-Federal programs;

(2) Identifying, of the costs applicable to more than one of the Federal programs, those applicable to each of the separate programs, in accordance with program classifications specified by the Secretary; and

(3) Segregating costs in paragraph (a)(2) of this section by service and income maintenance functions, where applicable, and by such other classifications as are found necessary by the Secretary.

(b) *Federal financial participation.* As a condition for receipt of Federal financial Participation, a State must submit for approval a revised cost allocation plan within 3 months after being requested by the SRS Regional Commissioner. These requests will be made by the Regional Commissioner when it has been determined that the existing cost allocation plan is outdated due to significant organizational changes within the State agency, changes in Federal regulations, and other similar factors.

(1) The cost allocation plan shall include descriptions of the methods referred to in paragraph (a) of this section; the functions and activities by organizational units; estimated costs for the fiscal year by organizational unit (unless specifically waived by the Regional Commissioner); the basis used for allocating the various pools of costs to programs or activities (with justification for each); and such other information as may be necessary to document the validity of the cost allocation method. The estimated costs are included solely to permit evaluation of the methods of allocation. Approval of the cost allocation plan shall not be considered as approval of these estimated costs for use in calculating claims for FFP.

(2) Where a revised cost allocation plan is received within the 3 month period the State will continue to receive Federal financial participation under the old plan subject to any adjustments based on the revised cost allocation plan using the effective date designated by the SRS Regional Commissioner. Adjustments will be made when the revised plan is approved by the SRS Regional Commissioner.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302)) (Catalog of Federal Domestic Assistance Program Nos. 13.707, Child Welfare Services; 13.714, Medical Assistance Program; 13.724, Public Assistance—State and Local Training; 13.748, Work Incentive Program—Child Care; 13.754, Public Assistance—Social Services; 13.761, Public Assistance—Maintenance Assistance (State Aid))

Effective date. This regulation is effective on November 26, 1973.

Dated August 21, 1973.

JAMES S. DWIGHT, JR.,
Administrator, Social and Rehabilitation Service.

Approved: September 21, 1973.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.73-20498 Filed 9-25-73;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-79]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Miscellaneous Amendment

The purpose of this amendment is to delete from 49 CFR 1.48(b)(1) reference to Chapter 5 of 23 U.S.C., since Chapter 5, Highway Relocation Assistance, was repealed January 2, 1971, Public Law 91-646, § 220(a)(10), 84 Stat. 1903. The subject matter of Chapter 5 is now covered by Chapter 61 of Title 42, The Public Health and Welfare (42 U.S.C. 4601 et seq.).

Since this amendment relates to Departmental management, practices, and procedures, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, subparagraph (1) of paragraph (b) of section 1.48 of Part 1 of Title 49, Code of Federal Regulations, is revised to read as follows:

§ 1.48 **Delegations to Federal Highway Administrator.**

* * * * *

(b) * * *

(1) Chapters 1 (except sections 134 (b) and 138), 2 and 3 of Title 23, United States Code, including the apportionment of funds for Federal-Aid Highways once Congress approves estimates submitted by the Secretary.

(Section 9(e), Department of Transportation Act, 49 U.S.C. 1657(e); sec. 1.59(m), Regulations of the Office of the Secretary of Transportation, 49 CFR 1.59(m).)

Effective date. This amendment is effective September 26, 1973.

Issued in Washington, D.C., on September 21, 1973.

J. THOMAS TIDD,
Acting General Counsel.

[FR Doc.73-20501 Filed 9-25-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Corrected 3rd Revised S.O. 1121; Amdt. 1]

PART 1033—CAR SERVICE

Demurrage and Free Time at Ports

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 18th day of September 1973.

Upon further consideration of Corrected Third Revised Service Order No. 1121 (38 FR 18660), and good cause appearing therefor:

It is ordered, That: § 1033.1121 *Service Order No. 1121* (Demurrage and free time at ports) corrected Third Revised Service Order No. 1121 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 6:59 a.m., April 1, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 6:59 a.m., October 1, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, and 17(2)); Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10-17), 15(4), and 17(2)))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-20520 Filed 9-25-73;8:45 am]

[2nd Rev. S.O. 1124; Amdt. 1]

PART 1033—CAR SERVICE

Demurrage and Free Time on Freight Cars

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 19th day of September 1973.

Upon further consideration of Second Revised Service Order No. 1124 (38 FR 18251), and good cause appearing therefor:

It is ordered, That: § 1033.1124 *Service Order No. 1124,* (Demurrage and free time on freight cars).

Second Revised Service Order No. 1124 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 6:59 a.m., April 1, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 6:59 a.m., October 1, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, and 17(2)); Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10-17), 15(4), and 17(2).))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-20521 Filed 9-25-73;8:45 am]

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Ex Parte 272]

C.O.D. AND FREIGHT-COLLECT SHIPMENTS

Limitations of Carrier Service; Correction

In a report and order (reported at 343 I.C.C. 692), decided July 16, 1973, and served August 9, 1973, the Interstate Commerce Commission prescribed certain regulations to become effective at a later date. Notice of the Commission's order appeared in the FEDERAL REGISTER on August 14, 1973 (38 FR 21931-21933). It has come to the Commission's attention that certain inadvertent errors appear in its report at pages 784, 891, and 892. Consequently, appropriate corrections should be made on those pages of its report and in the references to the Code of Federal Regulations which appear on page 21933 of the FEDERAL REGISTER:

PART 1304—EXPRESS COMPANIES SCHEDULES AND CLASSIFICATIONS

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

(1) The last sentence in the paragraph designated § 1304.4(k)(3), which sentence reads "Such service includes service on c.o.d., freight-collect, and order-notify shipments, including such services on shipments transported under combinations of rates," should be deleted. That same sentence should be in-

serted at the end of the paragraph designated § 1307.27(k)(3) on that same page; and

PART 1309—TARIFFS AND CLASSIFICATIONS OF FREIGHT FORWARDERS

(2) The three paragraphs designated §§ 1309.6(k) (1), (2), and (3) should be modified by deleting the words "(k) *Operating authority.*" and redesignating those paragraphs §§ 1309.6 (a), (b), and (c), respectively. The reference in paragraph (2) to "§ 1309.6(k)(1)" should be corrected to read "§ 1309.6(a)."

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-20522 Filed 9-25-73;8:45 am]

Title 20—Employees' Benefits

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

[Reg. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950–.....)

Subpart H—Evidence

Certification of Evidence

The amendment to Regulations No. 4 of the Social Security Administration set forth below provides that a copy of a record, document, or other evidence, or an excerpt of information therefrom will be accepted as evidence in lieu of the original if certified as a true and exact copy or excerpt by an authorized employee of the Department of State where the original records of such evidence originates from outside the United States. The purpose of the amendments is to facilitate the submission of evidence in support of claims under title II of the Social Security Act (42 U.S.C. 401 et seq.).

In as much as this revision is merely technical in nature and further relieves individuals from hardships resulting from permanent surrender of original records or documents in support of claims, it should be made effective promptly to accomplish its purpose in the public interest. Accordingly, under the rulemaking provisions of the Administrative Procedure Act, 5 U.S.C. 553, notice and other public proceedings with respect to this revision are unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(Catalog of Federal Domestic Assistance Program Nos. 13.802, Social Security—Disability Insurance; 13.803, Social security—Retirement Insurance; 13.804, Social Security—Special Benefits for Persons Aged 72 and Over; 13.805, Social Security—Survivors Insurance.)

Dated September 6, 1973.

ARTHUR E. HESS,
Acting Commissioner of Social Security.

Approved: September 21, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Subparagraph (g)(4) of § 404.701 is revised to read as follows:

§ 404.701 Evidence as to right to receive monthly benefits and lump-sum death payments, and to establishment of period of disability.

* * * * *

(g) *Certification of evidence by authorized individual.* In cases where a copy of a record, document, or other evidence, or an excerpt of information therefrom, is acceptable as evidence in lieu of the original, such copy or excerpt shall, except as may otherwise clearly be indicated, be certified as a true and exact copy or excerpt by:

* * * * *

(4) A U.S. Consular Officer or authorized employee of the Department of State where such evidence originates from outside the United States.

(Secs. 205 and 1102 of the Social Security Act, as amended, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; 67 Stat. 18, 631; 42 U.S.C. 405 and 1302.)

Effective date. This amendment shall become effective September 26, 1973.

[FR Doc.73-20499 Filed 9-25-73;8:45 am]

Proposed Rules

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

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Parts 270, 271]

GEOTHERMAL RESOURCES

Operations on Public, Acquired and Withdrawn Lands and Unit Plan Regulations; Extension of Comment Period

The purpose of this notice is to extend the time for public comment on proposed geothermal regulations published on pages 19765–19779 of the July 23, 1973 FEDERAL REGISTER.

The period for submitting written comments, suggestions, or objections, is hereby extended to a date 24 days after the final environmental impact statement regarding the development of the geothermal resource is filed with the Council on Environmental Quality in accordance with section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). Notice of the availability of the statement and final date for receipt of comments on the proposed regulations will be published in the FEDERAL REGISTER. It is anticipated that the statement will become available in early October.

Interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Geothermal Coordinator, Department of the Interior, Washington, D.C. 20240.

LAURENCE E. LYNN, Jr.,
Assistant Secretary of the Interior.

SEPTEMBER 21, 1973.

[FR Doc.73-20524 Filed 9-25-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 944]

GRAPEFRUIT IMPORT REGULATIONS

Notice of Proposed Rule Making

This proposal would continue, after October 14, 1973, current grade and size restrictions applicable to imported grapefruit as follows: imported seeded grapefruit—U.S. No. 1: $3^{14}/_{16}$ inches in diameter; seedless grapefruit—Improved No. 2: $3^{9}/_{16}$ inches in diameter. The requirements are the same as those applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

Notice is hereby given that the Department is considering a proposal, as hereinafter set forth, which would limit the importation of any grapefruit into the United States, pursuant to Part 944 —Fruits, Import Regulations (7 CFR Part 944).

The proposal is as follows:

Order. In § 944.110 (Grapefruit Regulation 14; 38 FR 26108) the provisions of paragraph (a) preceding subparagraph (1) thereof are amended to read as follows: (The provisions of paragraph (a)(1) and (a)(2) are included for purposes of clarity.)

§ 944.110 Grapefruit Regulation 14.

(a) On and after October 15, 1973, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than $3^{14}/_{16}$ inches in diameter, except that a tolerance for seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in § 51.761 of the United States Standards for Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least Improved No. 2 and be of a size not smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in § 51.761 of the United States Standards for Florida Grapefruit. ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.)

* * * * *

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 2, 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: September 19, 1973.

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

[FR Doc.73-20505 Filed 9-25-73;8:45 am]

[7 CFR Part 944]

ORANGE IMPORT REGULATIONS

Notice of Proposed Rule Making

This notice proposes the issuance of an import regulation for oranges on October 16, 1973, similar to the one currently in effect. It would require imported oranges to grade U.S. No. 2 or better, and be $2^{6}/_{16}$ inches in diameter or larger. The proposed requirements are the same as those proposed for oranges grown in Texas.

The proposed regulation would be issued pursuant to section 8e of the Agricultural Marketing Agreement Act, as amended (7 U.S.C. 601–674). The act requires that whenever specified commodities, including oranges, are regulated under a Federal Marketing Order the imports of that commodity must meet the same or comparable requirements as those in effect for the domestically produced commodity. This proposed import regulation is the same as the proposed domestic grade and size regulation for oranges, issued pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906) regulating the handling of oranges and grapefruit grown in Texas.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 1, 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)). Such proposal reads as follows:

§ 944.308 Orange Regulation 9.

(a) On and after October 16, 1973, the importation into the United States of any oranges is prohibited unless such oranges are inspected and grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination with not less than 60 percent, by count, of the oranges in any lot thereof grading at least U.S. No. 1 grade; or U.S. No. 2; and be of a size not smaller than $2^{6}/_{16}$ inches in diameter, except that a tolerance for oranges smaller than such minimum size shall be applied in accordance with the provisions of § 51.689 *Tolerances* of the United States Standards for Grades of Oranges (Texas and States other than Florida, California, and Arizona).

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Di-

vision, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of oranges that are imported into the United States. Inspection by the Federal or Federal-State Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of oranges, is required on all imports of oranges. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of oranges should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the oranges will be imported:

Ports	Office	Advance Notice
All Texas points.	L. M. Denbo, 506 S. Nebraska St., San Juan, Tex. 78589 (Phone—512-787-4091)	1 day.
	or	
	Charles E. Parragon, Room 516, U.S. Courthouse, El Paso, Tex. 79901 (Phone—915-543-7723).	Do.
All New York points.	Frank J. McNeal, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone—212-991-7668 and 7669)	Do.
	or	
	Charles D. Renick, 176 Niagara Frontier Food Terminal, Room 8, Buffalo, N.Y. 14206 (Phone—716-824-1585).	Do.
All Arizona points.	B. O. Morgan, 225 Terrace Ave., Nogales, Ariz. 85621 (Phone—602-287-2902).	Do.
All Florida points.	Lloyd W. Boney, 1350 Northwest 12th Ave., Room 538, Miami, Fla. 33136 (Phone—305-371-2617)	Do.
	or	
	Hubert S. Flynt, 775 Warner Lane, Orlando, Fla. 32814 (Phone—305-894-0511)	Do.
	or	
	Johnnie E. Corbitt, Unit 46, 3335 North Edgewood Ave., Jacksonville, Fla. 32206 (Phone—904-354-5063).	Do.
All California points.	Daniel P. Thompson, 784 South Central Ave., 266 Wholesale Terminal Bldg., Los Angeles, Calif. 90021 (Phone—213-622-8756).	3 days.
All Louisiana points.	Pascal J. Lamarca, 8027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone—504-527-6741 and 6742).	1 day.
All other points.	D. S. Matheson, Fruit and Vegetable Division, AMS—U.S. Department of Agriculture, Washington, D.C. 20250 (Phone—202-447-5870).	3 days.

(c) Inspection certificates shall cover only the quantity of oranges that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any oranges to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provision of this regulation, any importation of oranges which, in the aggregate does not exceed five 1⅗ bushel boxes, or equivalent quantity, may be imported without regard to the restrictions specified herein.

(g) It is hereby determined that imports of oranges, during the effective time of this regulation, are in most direct competition with oranges grown in the State of Texas. The requirements set forth in this section are the same as those being made effective for oranges grown in Texas.

(h) No provisions of this section shall supersede the restrictions or prohibitions on oranges under the Plant Quarantine Act of 1912.

(i) Nothing contained in this regulation shall be deemed to preclude any importer from reconditioning prior to importation any shipment of oranges for the purpose of making it eligible for importation.

(j) The terms used herein relating to grade and diameter shall have the same meaning as when used in the United States Standards for Oranges (Texas and States other than Florida, California and Arizona) (7 CFR 51.680–51.714). Importation means release from custody of the United States Bureau of Customs.

(k) Orange Regulation 8 (§ 944.307) is hereby terminated at the effective time hereof.

Dated: September 20, 1973.

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

[FR Doc.73-20506 Filed 9-25-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 92]

COMMERCIAL BIRD IMPORT QUARANTINE FACILITIES

Notice of Meeting

A meeting to further consider the Department's proposals of January 26, 1973 (38 FR 2463–2464) and March 2, 1973 (38 FR 5641–5642) with respect to the construction of quarantine facilities and the circumstances under which they will be used by the commercial bird importing industry will be held October 9, 1973, in Room 218–A, Administration Building, United States Department of Agriculture, from 10 a.m. to 2 p.m.

Persons wishing to present oral views should notify the Administrator, United States Department of Agriculture, Animal and Plant Health Inspection Service, Washington, D.C. 20250 by c.o.b. October 5, 1973.

Dated September 24, 1973.

H. C. MUSSMAN,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-20665 Filed 9-25-73;11:03 am]

[7 CFR Part 301]

CITRUS BLACKFLY

Notice of Hearing and Proposed Federal Quarantine

Under the administrative procedure provisions of 5 U.S.C. 553, sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), notice is hereby given of a public hearing and proposed rulemaking proceeding to determine whether to establish a Federal quarantine on account of the citrus blackfly. The Administrator of the Animal and Plant Health Inspection Service has information that dangerous infestations of the citrus blackfly, *Aleurocanthus woglumi* Ashby, an insect, not widely prevalent or distributed within and throughout the United States, have been found in portions of Hidalgo and Cameron Counties, Texas. The citrus blackfly inflicts serious damage on citrus trees causing nonproductivity. An infestation was discovered in a limited portion of Brownsville, Texas, on April 7, 1971. It became necessary to adopt emergency plant pest regulations (7 CFR 331.2), effective April 21, 1971, governing interstate movement of certain products and articles in an effort to prevent the spread of the infestation to noninfested areas. It is now proposed to quarantine the State of Texas and to establish regulations to prevent the spread of the citrus blackfly infestation. The proposed quarantine and regulations would be applied to the interstate movement of the following products, articles, or means of conveyance from areas regulated within the State of Texas:

(1) Leaves, attached or unattached, of citrus, mango, persimmon, Japanese per-

simmon, pear, quince, coffee, myrtle, cherimoya, black sapote, and sweet-sop;

(2) Any other products, articles, or means of conveyance, of any character whatsoever, not covered by paragraph (1) above, when it is determined by an inspector that they present a hazard of spread of the citrus blackfly infestation and the person in possession thereof has been so notified.

If it is decided that a Federal quarantine and regulations should be established, it is further proposed that, with the exceptions noted below, restrictions would apply to the regulated articles from regulated areas only if they would be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, transported, moved, or allowed to be moved by any means, interstate. Regulated areas would be restricted to portions of the State in which infestations have been found or in which there is reason to believe that infestations are present or which it is deemed necessary to regulate because of their proximity to infestation. Less than the entire State would be designated as a regulated area only if the State is undertaking sufficient quarantine action to prevent the intrastate spread of the citrus blackfly infestation and if the regulation of less than the entire State would otherwise be sufficient to prevent the interstate spread of the pest. Effective and practical treatments or other procedures have been developed to allow the interstate movement of regulated articles from regulated areas. The only restriction which would apply to the interstate movement of regulated articles from nonregulated portions of the quarantined State would relate to proof of origin of the regulated articles and to safeguarding the articles from infestation if they traverse a regulated area.

In the event it is determined in the best interest of the public to establish a Federal quarantine, the emergency regulations would be terminated.

The public hearing to consider the above proposal will be held before a representative of the Animal and Plant Health Inspection Service on October 30, 1973, at 10 a.m. in Room 591, San Antonio Federal Building, 615 East Houston Street, San Antonio, Texas. Any interested person may appear and be heard either in person or by attorney.

Any interested person who desires to submit written data, views, or arguments on the proposal may do so by filing the same with the Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Maryland 20782, on or before October 29, 1973, or with the presiding officer at the hearing. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business, unless the person making the submission requests that it be held confidential and the Administrator determines that there is a basis for such confidential treatment under the provisions in 7 CFR 1.27(c). If such a determination is made, the material will be held confidential; otherwise, notice will be given of denial of such a request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential as provided in 7 CFR 1.27(c).

After consideration of all information presented at the hearing or otherwise available to the Department, a determination will be made as to whether to establish a citrus blackfly quarantine.

Done at Washington, D.C., this 21st day of September 1973.

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

[FR Doc.73-20507 Filed 9-25-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

DIETHYLSTILBESTROL

Use as Postcoital Contraceptive; Patient Labeling

The Commissioner of Food and Drugs has concluded that the information now available supports the effectiveness of diethylstilbestrol for use as a postcoital contraceptive. The agency considers this use of the drug to be safe as an emergency treatment only, and not as a routine method of birth control. Repeated courses of therapy are to be avoided. Because of the nature of the circumstances surrounding such use, the possible adverse effects on the fetus should the patient be pregnant, possible side effects of the drug, and alternative measures available and their hazards, the physician is the proper person to fully discuss such aspects with the patient so that she may participate in an informed way in the decision to use the drug. To further assure that the patient is fully informed, it is concluded that each package of the drug should contain only the number of tablets required for that one occasion, and should contain a printed leaflet, directed to the patient, describing specifically how to use the drug, limitations on its use, precautions, contraindications, and possible adverse effects.

Diethylstilbestrol intended for this use is regarded as a new drug requiring an approved new drug application for marketing. At present there are no approved new drug applications for this use. The Food and Drug Administration will entertain new drug applications under the conditions described in the proposal below.

Diethylstilbestrol for this indication was not reviewed in the Drug Efficacy Study. Appearing elsewhere in this issue of the FEDERAL REGISTER are notices concerning the indications for diethylstilbestrol and other estrogen preparations which were reviewed in the Drug Efficacy Study and for which the initial Drug Efficacy Study Implementation announcement was published in the FEDERAL REGISTER of November 10, 1971 (36 FR 21537).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 502 (a) and (f), 505, 701(a), 52 Stat. 1050–1053, as amended, 1055, as amended; 21 U.S.C. 352 (a) and (f), 355, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to amend Part 130 in § 130.45 by revising the section heading; redesignating paragraph (a) as subparagraph (1) and adding a new paragraph heading for paragraph (a); redesignating paragraph (b) as subparagraph (2) and adding a new paragraph (b); and redesignating the remainder of the existing paragraphs, subparagraphs, and subdivisions with no change in the existing text. Section 130.45 is revised to read as follows:

§ 130.45 Preparations for contraception; labeling directed to the patient.

(a) *Oral contraceptives.* (1) The Food and Drug Administration is charged with assuring both physicians and patients that drugs are safe and effective for their intended uses. The full disclosure of information to physicians concerning such things as the effectiveness, contraindications, warnings, precautions and adverse reactions is an important element in the discharge of this responsibility. In view of this, the Administration has reviewed the oral contraceptive products, taking into account the following factors: The products contain potent steroid hormones which affect many organ systems; they are used for long periods of time by large numbers of women who, for the most part, are healthy and take them as a matter of choice for prophylaxis against pregnancy, in full knowledge of other means of contraception; and there is no present assurance that persons for whom the drugs are prescibed or dispensed are uniformly being provided the necessary information for safe and effective use of the drugs.

(2) In view of the foregoing, it is deemed in the public interest to present to users of the oral contraceptives a brief notice of the nature of the drugs, the fact that continued medical supervision is needed for safe and effective use, that the drugs may cause side effects and are contraindicated in some cases, that the most important complication is abnormal blood clotting which can have a fatal outcome, that the physician recognizes an obligation to discuss the potential hazards of taking the drugs with the patient, that he has available for the patient written material discussing the effectiveness and the hazards of the drugs, and that users of the oral contraceptives should notify their physicians if they notice any unusual physical disturbance or discomfort.

(3) The Commissioner agrees that the physician is the proper person for providing use information to his patients,

and these regulations will provide him a balanced discussion of the effectiveness and the risks attendant upon the use of oral contraceptives for his use in discussing the drugs with his patients.

(4) The oral contraceptives are restricted to prescription sale, and their labeling is required to bear information under which practitioners licensed to administer the drugs can use them safely and for the purpose for which they are intended. In addition, in the case of oral contraceptive drugs, the Commissioner conclude that it is necessary in the best interests of users that the following printed information for patients be included in or with the package dispensed to the patient:

(Patient Package Information)

ORAL CONTRACEPTIVES

(Birth Control Pills)

Do Not Take This Drug Without Your Doctor's Continued Supervision

The oral contraceptives are powerful and effective drugs which can cause side effects in some users and should not be used at all by some women. The most serious known side effect is abnormal blood clotting which can be fatal.

Safe use of this drug requires a careful discussion with your doctor. To assist him in providing you with the necessary information, ---------- has pre-
(Firm name)
pared a booklet (or other form) written in a style understandable to you as the drug user. This provides information on the effectiveness and known hazards of the drug including warnings, side effects and who should not use it. Your doctor will give you this booklet (or other form) if you ask for it and he can answer any questions you may have about the use of this drug.

Notify your doctor if you notice any unusual physical disturbance or discomfort.

(5) Providing the patient package information to users may be accomplished by including it in each package of the type intended for the user as follows:

(i) If such package includes additional printed materials for the patient (e.g., dosage schedules), the text of the information in subparagraph (4) of this paragraph shall be an integral part of the printed material and be in boldface type set out in a box, preceding all other printed text.

(ii) If such package does not include other printed material for the patient, the text of the information in subparagraph (1) of this paragraph shall be provided as a printed leaflet in boldface type.

(iii) Include in each bulk package intended for multiple dispensing, a sufficient number of the patient package information leaflet, with instructions to the pharmacist to include one with each prescription dispensed.

(6) Written, printed, or graphic materials on the use of a drug that are disseminated by or on behalf of the manufacturer, packager, or distributor and are intended to be made available to the patient, are regarded as labeling. The commissioner also concludes that it is necessary that information in lay language, concerning effectiveness, contraindications, warnings, precautions, and adverse reactions be incorporated prominently in the beginning of any such materials, and that such labeling must be made available to physicians for all patients who may request it. Such labeling shall be substantially as follows, based on the approved package insert for prescribers of the oral contraceptives, and shall include the following points:

(i) A statement that the drug should be taken only under continued supervision of a physician.

(ii) A statement regarding the effectiveness of the product.

(iii) A warning regarding the serious side effects with special attention to thromboembolic disorders and stating the estimated morbidity and mortality in users vs nonusers. Other serious side effects to be mentioned include mental depression, edema, rash, and jaundice. The possibility of infertility following discontinuation of the drug should be mentioned.

(iv) A statement of contraindications.

(v) A statement of the need for special supervision of some patients including those with heart or kidney disease, asthma, high blood pressure, diabetes, epilepsy, fibroids of the uterus, migraine, mental depression or history thereof.

(vi) A statement of the most frequently encountered side effects such as spotting, breast changes, weight changes, skin changes, and nausea and vomiting.

(vii) A statement of the side effects frequently reported in association with the use of oral contraceptives, but not proved to be directly related such as nervousness, dizziness, changes in appetite, loss of scalp hair, increase in body hair, and increased or decreased libido.

(viii) A statement regarding metabolic effects such as on blood sugar and cholesterol setting forth our current lack of knowledge regarding the long term significance of these effects.

(ix) Instructions in the event of missed menstrual periods.

(x) A statement cautioning the patient to consult her physician before resuming the use of the drug after childbirth, especially if she intends to breastfeed the baby, pointing out that the hormones in the drug are known to appear in the milk and may decrease the flow.

(xi) A statement regarding production of cancer in certain animals. This may be coupled with a statement that there is no proof of such effect in human beings.

(xii) A reminder to the patient to report promptly to her physician any unusual change in her general physical condition and to have regular examinations.

Optionally, the booklet may also contain factual information on family planning, the usefulness and hazards of other available methods of contraception, and the hazards of pregnancy. This material shall be neither false nor misleading in any particular and shall follow the material presented above.

(7) The marketing of oral contraceptives may be continued if all the following conditions are met within 90 days of the date of publication of this section in the FEDERAL REGISTER.

(i) The labeling of such preparations shipped within the jurisdiction of the Act is in accord with paragraphs (a) (4) and (5), and (6) of this section.

(ii) The holder of an approved new-drug application for such preparation submits a supplement to his new-drug application under the provisions of § 130.9(d) to provide for labeling as described in paragraphs (a) (5) and (6) of this section. Such labeling may be put into use without advance approval of the Food and Drug Administration.

(iii) Existing stocks may be shipped without the package insert for a period of 90 days, provided the labeling booklet is prepared and disseminated as promptly as possible.

(b) *Oral postcoital contraceptives.* (1) Diethylstilbestrol orally for postcoital contraception. Studies conducted with this drug have shown its effectiveness in contraception when administered under restricted conditions. The Commissioner, having considered comments by members of the Food and Drug Administration's Obstetrics and Gynecology Advisory Committee, concludes that the drug is safe and effective as an emergency treatment only, and not as a routine method of birth control. Repeated courses of therapy are to be avoided. The effectiveness of diethylstilbestrol in preventing pregnancy depends upon the time lapse after coitus and administration of the drug. The recommended dosage is one 25 milligram tablet twice a day, for 5 consecutive days beginning, preferably, within 24 hours and not later than 72 hours after exposure. When this dosage is given within the specified time interval, the drug is highly effective in preventing conception. Its use, however, will not terminate pregnancy.

(2) There is at present no positive evidence that the restricted use of diethylstilbestrol for postcoital contraception carries a significant carcinogenic risk either to the mother or the fetus. However, because existing data support the possibility of delayed appearance of carcinoma in females whose mothers have been given diethylstilbestrol later in pregnancy, and because teratogenic and other adverse effects on the fetus with the very early administration recommended are not well understood, failure of postcoital treatment with the drug deserves serious consideration of voluntary termination of pregnancy. For these reasons, as well as possible adverse effects in the patient, the drug should not be used as a routine method of birth control. A pregnancy test should be performed prior to use of the drug as a postcoital contraceptive. If the test is positive, the drug should not be used.

(3) Because of the nature of the conditions surrounding this use of diethylstilbestrol, the Commissioner concludes that it is in the best interests of the patient that, in addition to receiving specific instructions from her physician, she also receives with her package of the drug a printed leaflet describing how to use

the drug, limitations on its use, its potential for serious effects on the fetus in the event she is pregnant, and possible adverse effects, contraindications and precautions.

(4) Diethylstilbestrol for use as a postcoital contraceptive shall be packaged in containers of 10 tablets, each tablet to contain 25 milligrams diethylstilbestrol. Each drug package of ten tablets shall contain, in addition to information under which the practitioner licensed to administer the drug can use it safely and for the purpose for which it is intended, a brief leaflet for the user to read as follows:

(Patient package information)

Your doctor has prescribed these tablets which contain estrogen (female hormone) as an emergency measure to prevent pregnancy. To be effective the treatment must be started within three days of sexual intercourse and preferably within one day. Also, you must take the full course of tablets (one twice a day for five days) even if some nausea and vomiting occurs. These symptoms are common in patients receiving this medicine.

You should use this drug only under the direction of your physician. This treatment is not recommended for routine or frequent use as a method of contraception because there is no evidence of safety for this relatively large amount of estrogen taken repeatedly. Before prescribing this drug, your physician will determine whether or not you may be pregnant.

This treatment is highly effective in preventing pregnancy if used as described above. However, this drug will not cause an abortion if you are already pregnant. An important reason for not taking the drug if you are already pregnant is that such usage exposes the fetus to an unnecessary hazard. There is some evidence that, if the growing fetus is a female and the mother is given this drug during pregnancy, the child may have an increased risk of developing cancer of the vagina or cervix later in life. If this drug is not successful in preventing pregnancy, it is recommended that you consult with your physician regarding continuation of the pregnancy. There is no evidence that the mother herself (you) will have an increased risk of developing cancer from this treatment.

These tablets which contain estrogen may cause certain side effects, most of which are not serious. The most common side effects are nausea, vomiting, breast tenderness and swelling. The most serious side effect of estrogens, which is rare but can at times be fatal, is abnormal blood clotting, the symptoms of which may be severe leg or chest pain, coughing up of blood, difficulty in breathing, sudden severe headaches, dizziness or fainting, disturbances in vision or speech or weakness or numbness of an arm or leg. If any of these occur, you should stop taking the tablets and notify your doctor as soon as possible.

Women who have or have had blood clotting disorders, serious liver conditions, cancer of the breast or womb, or undiagnosed vaginal bleeding in the past should not take these tablets. Furthermore, you should inform your physician if you have or have had a special health problem, such as migraine, mental depression, fibroids of the uterus, heart or kidney disease, asthma, high blood pressure, diabetes or epilepsy. He may wish to make sure that it is suitable for you to take these tablets.

(5) Diethylstilbestrol for use as a postcoital contraceptive may be marketed only on the basis of an approved new drug application (abbreviated applications, § 130.4(f), will be acceptable), except that full information described under items 7 and 8 (composition and methods, facilities, and controls) of the new drug application Form FD-356H (§ 130.4(c)) is required. Guidelines for labeling directed to the physician are available from the Food and Drug Administration, Bureau of Drugs, Division of Metabolic and Endocrine Drug Products (BD-130), 5600 Fishers Lane, Rockville, MD 20852.

Interested persons may, on or before November 26, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm 6-86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours Monday through Friday.

Dated: September 12, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-20441 Filed 9-21-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 25, 121, 135]

[Docket No. 12881; Reference Notice No. 73-16]

AIR TRANSPORTATION OF HANDICAPPED PERSONS

Notice of Public Hearing; Correction

In the August 29, 1973, issue of the FEDERAL REGISTER (38 FR 23352), the Federal Aviation Administration published a notice of public hearing announcing that it would hold a series of six public hearings in order to receive the views of all interested persons regarding the safety aspects of the air carriage of handicapped persons and, in particular, concerning Advance Notice of Proposed Rulemaking No. 73-16 (39 FR 14757; June 5, 1973), which concerns the air carriage of handicapped persons.

The notice included a schedule of dates and locations at which the hearings would be conducted.

This document corrects that schedule with respect to the place of the public hearing to be conducted in the areas of Washington, D.C., and Chicago, Illinois, as follows:

(1) The hearing scheduled for Rosemont, Illinois will be conducted on October 10, 1973, at the O'Hare Non-Commissioned Officers Club, SSE, O'Hare International Airport, Chicago, Illinois 60666.

(2) The hearing scheduled for Washington, D.C., will be conducted on October 18, 1973, at the Department of Transportation, Buzzards Point Building, 2100 2d Street SW., Washington, D.C. 20590.

The hearings will begin at 9:00 in the morning. In all other respects, the August 29, 1973, notice of public hearing remains the same.

Issued in Washington, D.C., on September 19, 1973.

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

[FR Doc.73-20460 Filed 9-25-73;8:45 am]

[14 CFR Part 39]

[Docket No. 73-WE-18-AD]

AIRESEARCH MODEL TPE331 AND TSE331 SERIES ENGINES

Proposed Air Worthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to AiResearch Model TPE331 and TSE331 Series engines. There have been failures of the fuel pump drive on the Model TPE331 and TSE331 Series engines that result in the complete loss of engine power.

Since this condition is likely to exist or develop in other engines of the same type design, the proposed airworthiness directive would impose a recurring inspection and lubrication procedure on the fuel pump drive of the Model TPE331 and TSE331 Series engines.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, Attention: Rules Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received on or before October 31, 1973 will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

AiResearch Manufacturing Company of Arizona. Applies to Model TPE331-1, -2, -3, -5, -6, -25, -29, -43, -45, -47, -51, -55, -57, -61 and TSE331-3 Series engines certificated in all categories.

Compliance required as indicated.

To detect abnormal wear of the fuel pump shaft internal drive splines and coupling shaft external splines, accomplish the following after the effective date of this AD:

(a) Clean, visually inspect, and lubricate the pump and coupling shaft drive splines of all engines with more than 200 hours time

in service, within the next 25 hours additional time in service, unless previously accomplished within the last 375 hours, and at intervals not to exceed 400 hours time in service thereafter, per the instructions and procedures described in AiResearch Service Bulletin TPE331-72-0027, Revision 2, dated August 31, 1973, or later FAA-approved revisions. If the extent of wear is observed to exceed .003 inch, either replace the shaft with a new P/N 869911-3, or perform the additional dimensional inspection described in the Service Bulletin. If the latter inspection indicates wear beyond .005 inch, the shaft must be replaced prior to further flight. (Note: Drive Couplings, P/N 869911-1 or -2 and 895216-1, found in a serviceable condition, may be continued in service).

(b) For engines with less than 200 hours time in service since new or overhaul, clean, visually inspect and lubricate the engines by the procedures described in (a), above, within 25 hours time in service after the effective date of this AD or, prior to exceeding 200 hours time in service, whichever occurs later, and at intervals not to exceed 400 hours time in service. Replace shafts as required by the inspections.

(c) If either the fuel pump, oil pump, or couplings defined in (a) above are replaced for any reason, a serviceable Drive Coupling, P/N 869911-3, must be installed.

(d) Equivalent procedures may be approved by the Chief, Aircraft Engineering Division, Western Region, upon submission of adequate substantiating data.

Issued in Los Angeles, California, on September 17, 1973.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.73-20464 Filed 9-25-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-GL-39]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Hayward and Cable, Wisconsin.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before October 26, 1973 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

Two new approach procedures have been developed to the Hayward Municipal Airport, Hayward, Wisconsin. In addition, the criteria for designation of transition areas have been changed. Accordingly, it is necessary to alter the Hayward and Cable transition area to adequately protect the aircraft executing the new approach procedures.

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

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

HAYWARD AND CABLE, WISCONSIN

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hayward Municipal Airport (latitude 46°01'00" N., longitude 91°27'00" W.) and within 8-mile radius of Cable Union Airport (latitude 46°11'30" W., longitude 91°15'00" W.), and within 4½ miles each side of the 206° bearing from the Hayward Airport extending from the 7-mile radius to 11 miles southwest of the airport and within 4½ miles east and 9½ miles west of the 023° bearing from the Hayward Airport extending from the 7-mile radius to 18½ miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 6 miles southeast of the 026° bearing from the Hayward Airport, extending from 3 miles northeast to 27½ miles northeast of the airport; and within 9½ miles southeast and 4½ miles northwest of the 228° bearing from Cable Union Airport, extending from 5 miles southwest to 27½ miles southwest of the airport; and within 4½ miles southeast and 9½ miles northwest of the 206° bearing from the Hayward Airport extending from the airport to 18½ miles southwest of the airport.

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

Issued in Des Plaines, Illinois, on August 21, 1973.

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

[FR Doc.73-20465 Filed 9-25-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SW-53]

VOR FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter VOR Federal Airways Nos. 13, 17, 20 and 163 in the vicinity of Brownsville, Tex., Harlingen, Tex., McAllen, Tex., and Corpus Christi, Tex.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before October 26, 1973 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

It is proposed to amend Part 71 of the Federal Aviation Regulations as follows:

1. V-13 would be extended south of Corpus Christi from McAllen via Harlingen; INT of Harlingen 032° T (023° M) and Corpus Christi 177° T (168° M) radials; to Corpus Christi, including a west alternate from Harlingen via INT of Harlingen 008° T (359° M) and Corpus Christi 192° T (183° M) radials to Corpus Christi. Between Corpus Christi and a point 37 miles south, the main airway would be reduced to a width of 7 miles—3 miles on the east and 4 miles on the west side of centerline. Between Corpus Christi and a point 37 miles south, the alternate airway would be reduced to a width of 7 miles—3 miles on the west side and 4 miles on the east side of centerline.

2. V-17 would be extended east of McAllen from Brownsville via Harlingen to McAllen.

3. V-20 between McAllen and Corpus Christi would be realigned from McAllen via INT of McAllen 038° T (029° M) and Corpus Christi 177° T (168° M) radials; to Corpus Christi. Between Corpus Christi and a point 37 miles south, this airway would be reduced to a width of 7 miles—3 miles on the east and 4 miles on the west side of centerline.

4. V-163 between Brownsville and Corpus Christi would be realigned from Brownsville via INT of Brownsville 358° T (349° M) and Corpus Christi 177° T (168° M) radials; to Corpus Christi, including a west alternate from Brownsville via INT of Brownsville 340° T (331° M) and Harlingen 008° T (359° M) radials; INT of Harlingen 008° T (359° M) and Corpus Christi 192° T (183° M) radials; to Corpus Christi. Between Corpus Christi and a point 37 miles south, the main airway would be reduced to a width of 7 miles—3 miles on the east and 4 miles on the west side of the centerline. Between Corpus Christi and a point 37 miles south, the alternate airway would be reduced to a width of 7 miles—3 miles on the west side and 4 miles on the east side of centerline.

The proposed amendment would provide a bypass routing for aircraft operating between Corpus Christi and Harlingen/McAllen/Brownsville, and would

eliminate air traffic control problems of opposite bound aircraft climbing and descending on a single airway. Delays caused by the existing airway alignment would be reduced, and the additional flexibility permitted in assigning requested altitudes would be of economic value to users.

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

Issued in Washington, D.C., on September 17, 1973.

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

[FR Doc.73-20467 Filed 9-25-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-GL-41]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Staples, Minnesota.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before October 26, 1973 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

A new public use instrument approach procedure has been developed for the Staples Municipal Airport, Staples, Minnesota. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedures by designating a transition area at Staples, Minnesota. The new procedure will become effective concurrently with the designation of the transition area.

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

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

STAPLES, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Staples Municipal Airport (latitude 46°22'48" N., longitude 94°48'08" W.), and within 3 miles each side of the 311° bearing from Staples Municipal Airport, extending from the 5-mile radius to eight miles northwest of the 311° bearing from the airport, tending upward from 1200 feet above the surface within 4½ miles east and 9½ miles west of the 311° bearing from the airport, extending to 18½ miles northwest of the airport, excluding that portion south of latitude 46°30'00" N.

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

Issued in Des Plaines, Illinois, on August 21, 1973.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.73-20466 Filed 9-25-73;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 31, 32]

CARBON-14 IN VITRO CLINICAL OR LABORATORY TESTING

Proposed General License for Use

By letter dated January 24, 1973, Johnston Laboratories, Inc. of Cockeysville, MD, filed a petition for rule making (PRM 32-1) with the Atomic Energy Commission requesting amendment of § 32.19 of the Commission's regulation, 10 CFR Part 32, "Specific Licenses to Manufacture, Distribute, or Import Exempted and Generally Licensed Items Containing Byproduct Material." Section 32.19 includes a number of conditions applicable to specific licenses issued under § 32.18 which authorize the licensee to manufacture, process, produce, package, repackage, import, or transfer quantities of byproduct material for commercial distribution to persons exempt from specific licensing requirements under the provisions of § 30.18 of the Commission's regulation, 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," or exempt under equivalent regulations of an Agreement State.

In § 32.19(a), each license issued under § 32.18 is subject to the condition that no more than 10 exempt quantities of byproduct material set forth in § 30.71, Schedule B, shall be sold or transferred in any single transaction. The Commission considers a purchase order or standing order to be a single transaction. Thus, there is a limit of 10 times an exempt quantity that a commercial supplier may sell or transfer against any one purchase order or standing order.

Johnston Laboratories' petition requested that the words "or shipment" be added at the end of the first sentence of § 32.19(a) so that it would read: "No more than 10 exempt quantities set forth in § 30.71 Schedule B of this chapter shall be sold or transferred in any single transaction or shipment." This amendment of § 32.19(a) was requested to permit hospitals exempted from licensing requirements pursuant to § 30.18 to issue a purchase order on a standing basis for an annual supply of exempt quantities of carbon-14 to be delivered by a commercial supplier at a rate not exceeding 10 exempt quantities set forth in § 30.71, Schedule B, per shipment. Hospitals use vials containing 1.5 microcuries of carbon-14 (a fraction of an exempt quantity) in large numbers when operating an automated system for detecting bacteria in blood and other fluids.

The Commission has given careful consideration to the petition and is proposing, instead of the amendment of § 32.19(a) requested by Johnston Laboratories, amendments of the general license in § 31.11[1] of the Commission's regulation, 10 CFR Part 31, "General Licenses for Byproduct Material." As amended, the general license would authorize any physician, clinical laboratory, or hospital to use carbon-14 in units not exceeding 10 microcuries each, in in vitro clinical or laboratory tests, subject to the conditions set out in § 31.11(b), (c), (d), (e), and (f). Under the provisions of the general license, the general licensee could issue a purchase order on a standing basis for a supply of carbon-14 in prepackaged units to be delivered at any rate of shipment.

The general license as amended would in no way affect transactions involving exempt quantities subject to § 32.19, nor would it relax any radiological safety controls over the use of carbon-14 in in vitro clinical or laboratory tests.

The general licensee would be required to register with the Commission and receive an acknowledgement of his registration and a registration number before receiving carbon-14 pursuant to the general license. The objectives of the registration requirement are to (1) provide a means of identifying the general licensee, (2) provide assurance that the general licensee is aware of the terms and conditions of the general license prior to receipt of carbon-14 for use under the general license, and (3) facilitate communication with the general licensee.

Section 32.71, which is intended to assure that general licensees receive properly packaged products which are labeled to identify the radioactive contents and to specify that use is restricted to in vitro clinical or laboratory tests, would be amended to include requirements for issuance of specific licenses to manufacture or distribute carbon-14 for use under the general license in § 31.11.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR

[1] By letter dated May 25, 1973, Johnston Laboratories withdrew its request for amendment of § 32.19(a).

Parts 31 and 32 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, by Nov. 12, 1973. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

PART 31—GENERAL LICENSES FOR BYPRODUCT MATERIAL

1. In 10 CFR Part 31, § 31.11 is amended by amending the title of the section, adding a new paragraph (a)(3), and amending paragraph (d)(1) to read as follows:

§ 31.11 General license for use of byproduct materials for certain in vitro clinical or laboratory testing.

(a) A general license is hereby issued to any physician, clinical laboratory or hospital to receive, acquire, possess, transfer, or use, for any of the following stated tests, in accordance with the provisions of paragraphs (b), (c), (d), (e), and (f) of this section, the following byproduct materials in prepackaged units:

* * * * *

(3) Carbon-14, in units not exceeding 10 microcuries each for use in in vitro clinical or laboratory tests not involving internal or external administration of byproduct material, or the radiation therefrom, to human beings or animals.

* * * * *

(d) The general licensee shall not receive, acquire, possess, or use byproduct material pursuant to paragraph (a) of this section:

(1) Except as prepackaged units which are labeled in accordance with the provisions of a specific license issued under the provisions of § 32.71 of this chapter or in accordance with the provisions of a specific license issued by an Agreement State, which authorizes manufacture and distribution of iodine-125, iodine-131, or carbon-14 for distribution to persons generally licensed by the Agreement State.

* * * * *

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT EXEMPTED AND GENERALLY LICENSED ITEMS CONTAINING BYPRODUCT MATERIAL

2. In 10 CFR Part 32, § 32.71 is amended by adding a new paragraph (b)(3) to read as follows:

§ 32.71 Manufacture and distribution of byproduct materials for certain in vitro clinical or laboratory testing under general license.

An application for a specific license to manufacture or distribute byproduct material for use under the general license of § 31.11 of this chapter will be approved if:

* * * * *

(b) The byproduct material is to be prepared for distribution in prepackaged units of:

* * * * *

(3) Carbon-14 in units not exceeding 10 microcuries each.

(Secs. 81, 161, Pub. Law 83-703, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201))

Dated at Washington, D.C., this 20th day of September 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-20588 Filed 9-25-73;8:45 am]

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Export of Production and Utilization Facilities

The Atomic Energy Commission is considering the adoption of amendments to its regulation, "Licensing of Production and Utilization Facilities," 10 CFR Part 50, which would specify the contents of applications for licenses to export utilization facilities such as power, test, and research reactors and critical facilities, and would also indicate the conditions under which reexport, resale, or other disposal or disposition of items exported under such licenses would be permitted. The proposed amendments would also provide general guidance pertaining to the submission of applications for licenses to export production facilities. The amendments would not, however, contain detailed information concerning the contents of applications for production facility export licenses.

Although, under the provisions of the Atomic Energy Act of 1954, as amended, an AEC license is required for the export of production and utilization facilities, including nuclear reactors,[1] the Commission regulations do not presently specify the contents of applications for licenses authorizing export only of production or utilization facilities, the standards for issuing such licenses, and the conditions of such licenses. The Commission is now considering incorporating such provisions in Part 50.

The proposed amendments would facilitate preparation of an application for a license to export a utilization facility by permitting the applicant to identify items proposed for export by appropriate category titles in lieu of an item-by-item list if the specific items to be exported fall within categories of structures, systems and components which the proposed amendments would identify as those normally associated with the construction, maintenance and operation of a utilization facility. The applicant would only be required to itemize in his application those structures, systems and components of the utilization facility proposed for export which do not fall within one of the recognized categories. Under the proposed amendments, this item-by-item list would be set out in a special section of the application entitled "Other structures, systems and components." The AEC would review all the items listed in this section of the application, would determine for each item whether it is or is not associated with the construction, maintenance or operation of the utilization facility, and would exclude from the AEC export license those items which it determines are not associated with the construction, maintenance or operation of the utilization facility. Applicants would apply directly to the Department of Commerce for export licenses for the excluded items.

No reexports, resale, retransfer or other such disposal or disposition could be made of items exported to specified ultimate consignee under an AEC facility export license unless such reexport, resale, retransfer or other such disposal or disposition was included in the application and approved by the AEC in its issuance of the export facility license, or unless specific written authorization were received from the AEC subsequent to the issuance of the export license.

The AEC recognizes that certain equipment or tools are related to startup, testing, and repair of a facility and are not intended by the applicant to be left with the facility. Authority to reexport such equipment and tools could also be requested in the initial export license application. The application should specify which items in the category of Equipment or Tools are intended to be reexported, the name and address of the ultimate consignees of the reexport, and the end use of equipment and tools. These items could not be otherwise retransferred or disposed of without written authorization of the AEC but must be returned to the United States upon conclusion of the use, or in any event before expiration of the term of the facility export license under which they were originally exported.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 50 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connec-

[1] This license requirement is unaffected by the fact that export of the facility may be made in multiple shipments or that some of the facility parts may be supplied by foreign sources.

Byproduct material, source material and special nuclear material are not included in any facility export licenses issued by the AEC. Separate applications should be made to the AEC for authority to export these radioactive materials. Exports of technical data are also not included in the facility export license. Questions related to the export of technical data should be directed to the Director, Division of International Security Affairs, USAEC.

tion with the proposed amendments should send them to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff by November 25, 1973. Copies of comments received may be examined in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

§ 50.30 [Amended]

1. Paragraph (c)(1) of § 50.30 is amended by substituting a period for the semicolon at the end of subdivision (iii) and by deleting subdivision (iv).

§ 50.44 [Removed]

2. Section 50.44 is deleted.

3. An undesignated center head "Export Licenses" and a new § 50.65 are added to 10 CFR Part 50 following § 50.60 to read as follows:

EXPORT LICENSES

§ 50.65 Export of production and utilization facilities.[1]

(a) *Filing of application.* (1) Each application for a license to export a production or utilization facility, or amendment thereof, should be filed with the Director of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545. Communications, reports, and applications may be delivered in person at the Commission's offices at 1717 H Street, NW., Washington, D.C.; at 7920 Norfolk Avenue, Bethesda, Maryland; or at Germantown, Maryland.

(2) Each application for a license to export a production or utilization facility, or amendment thereof, should be executed in three signed originals by the applicant or duly authorized officer thereof, under oath or affirmation.

(3) Each filing of an application for a license to export a production or utilization facility, or amendment thereof, should include three copies in addition to the three signed originals.

(b) *Contents of applications; general information.* Each application for a license to export a production or utilization facility shall state:

(1) Name of applicant;

(2) Address of applicant;

(3) Description of business or occupation of applicant;

(4) (i) If applicant is an individual, state citizenship;

(ii) If applicant is a partnership, state name, citizenship and address of each partner and the principal location where the partnership does business;

(iii) If applicant is a corporation or an unincorporated association, state (A) the State where it is incorporated or organized and the principal location where it does business; and (B) whether it is owned, controlled, or dominated by an alien, a foreign corporation, or foreign government, and if so, give details;

(iv) If the applicant is acting as agent or representative of another person in filing the application, identify the principal and furnish information required under this paragraph with respect to such principal;

(5) Name and address of persons or organizations who are arranging for export, if different from the applicant;

(6) Name and address of ultimate consignee;

(7) Name and address of intermediate consignee(s) or parties to export;

(8) Date of proposed first shipment;

(9) Date of proposed completion of shipment;

(10) Proposed criticality date or date of start of operation;

(11) Proposed expiration date of export license;

(12) Total value of all items to be exported from the United States under the license being applied for.

(c) *Contents of application; additional information for utilization facilities.* Each application for a license to export a utilization facility shall contain the following:

(1) General information:

(i) Type of facility,

(ii) Design power level, if a nuclear reactor, in terms of thermal and (where appropriate) electrical watts or kilowatts,

(iii) Name by which the facility is or will be known,

(iv) Location where the facility is to be installed or built.

(2) A list of items proposed to be exported which are associated with the construction, maintenance and operation of a utilization facility by the following categories:

(i) Reactor coolant pressure boundary—Those structures, systems, and components of a nuclear reactor located within or forming a part of the reactor coolant pressure boundary as defined in § 50.2(v).

(ii) Instrumentation—Instrumentation systems for indication, control, and protection of a nuclear reactor, including their associated equipment, which are directly associated with structures, systems, and components located within or forming part of the reactor coolant pressure boundary and which are normally required for routine startup, power operation, or shutdown of the reactor, or for periodic testing. Portions of other instrumentation systems of the facility mounted in a common panel with the covered systems are included in this category.

(iii) Fuel handling equipment—Fuel handling equipment used to load new or recycled fuel into a reactor core, to unload fuel from a reactor core, or to transfer fuel within a reactor facility and place it into a facility provided for onsite storage or into fuel shipping equipment.

(iv) Experimental facilities—Experimental facilities whose primary purpose is the irradiation or activation of material by radiation from a nuclear reactor, or which are used with a reactor to provide a source of nuclear radiation for tests or experiments.

(v) Spare or replacement components—Spare or replacement components or parts for items in categories (i) through (iv), which are furnished during duration of the export license as part of the initial purchase or under a warranty from the vendor.

(vi) Equipment or tools—Special equipment or tools needed to service, maintain, or replace items in categories (i) through (v). Equipment or tools falling under this category which are not intended by the applicant to remain with the facility being exported but are intended to be reexported, resold, retransferred, disposed of, or returned to the United States shall be identified and their proposed disposal or retransfer described. Complete names and addresses of parties outside of the United States other than the ultimate consignee named in the application, to whom resale, reexport, retransfer, or other such disposal or disposition of equipment and tools exported in connection with the proposed facility export license is intended, shall be included. The end use and uses of such equipment or tools by each consignee shall be described.

(3) A list of other structures, systems or components associated with the utilization facility for which the export license application is made which are not included in the categories listed in paragraph (c)(2) of this section. The itemized list should reflect the commodity control list numbers set forth in the regulations of the Office of Export Control, U.S. Department of Commerce (see 15 CFR Part 399). The Commission will determine, for each listed item, whether its export should be licensed by the Commission.

(d) *Standards for licenses authorizing export only.* A license authorizing the export of production or utilization facilities may be issued by the Commission upon determining that:

(1) The issuance of the license to the applicant for export of the facility involved is within the scope of and consistent with the terms of an agreement for cooperation with the nation to which the facility is to exported, and the export would not be inconsistent with U.S. obligations under any treaty or other international agreement.

(2) The application complies with the requirements of the Atomic Energy Act, as amended, and AEC regulations set forth in this chapter.

(e) *Conditions of licenses.* The following shall be deemed to be conditions in each facility export license:

(1) No authority to export special nuclear material, by product material, or source material shall be conferred by the license.

(2) Neither the license, nor any right thereunder, shall be transferred, assigned, or disposed of in any manner, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the pro-

[1] For other provisions of Part 50 relating to requirements for export licenses, ineligibility of certain applicants for export licenses and jurisdictional limitations see §§ 50.10, 50.21, 50.22, 50.38, and 50.53.

visions of the Act and gives its consent in writing.

(3) The license shall be subject to revocation, suspension, modification, or amendment for cause as provided in the Act and Commission regulations, in accordance with procedures provided by the Act and the regulations in this chapter.

(4) The license shall be subject to the provisions of the Act now or hereafter in effect and to all rules, regulations, and orders of the Commission. The terms and conditions of the license shall be subject to amendment, revision, or modification, by reason of amendments of the Act or by reason of rules, regulations, and orders issued in accordance with the terms of the Act.

(5) No items shall be exported under the license unless specifically required for the facility licensed for export.

(6) No items exported under the license shall be reexported or otherwise disposed of by the licensee or used by the licensee for any purpose other than that stated in the application, unless the Commission approves in writing of the disposition or use.

* * * * *

(Sec. 101, 103, 161, 68 Stat. 936, 948, 84 Stat. 1472; 42 U.S.C. 2131, 2133, 2201.)

Dated at Washington, D.C. this 20th day of September 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-20468 Filed 9-25-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 270, 275]

[Release Nos. IA-391, IC-8000, File No. 4-149]

EXEMPTIONS FOR CERTAIN INSURANCE COMPANY ACCOUNTS AND ADVISERS

Notice of Proposed Rulemaking

Notice of proposal to amend rule 3c-4 under the Investment Company Act of 1940 and rule 202-1 under the Investment Advisers Act of 1940 to condition the exemptions afforded by those rules for insurance company separate accounts issuing variable life insurance contracts and their advisers on a determination by the Commission that applicable State laws or regulations provide protections substantially equivalent to relevant protections afforded by the Investment Company Act and the Investment Advisers Act.

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of amendments to Rule 3c-4 [17 CFR 270.3c-4] under the Investment Company Act of 1940 and Rule 202-1 [17 CFR 275.202-1] under the Investment Advisers Act of 1940 (hereinafter together referred to as the "Rules"). The proposed amendments are designed to condition further the exemptions afforded through the Rules to variable life insurance separate accounts and their advisers. The proposed amendments to the Rules would be adopted pursuant to the authority granted to the Commission in sections 6(c) and 38(a) of the Investment Company Act [15 U.S.C. 80a-6(c), 80a-37(a)] and in sections 202(a)(11), 206A and 211(a) of the Investment Advisers Act [15 U.S.C. 80b-2(a)(11), 80b-6a, 80b-11].

On January 31, 1973,[1] in response to a petition for exemptive rules with respect to specified types of variable life insurance contracts from the federal securities laws, the Commission determined that:

1. A public offering of variable life insurance contracts in the form proposed in the Petition would involve an offering of securities required to be registered under the Securities Act.

2. Persons selling such variable life contracts would generally be required to register as broker-dealers under the Securities Exchange Act.

3. A company, including a separate account of an insurance company, primarily engaged in issuing and selling such variable life insurance contracts would be an investment company required to be registered under the Investment Company Act.

4. An insurance company or other person rendering investment advice to a separate account issuing and funding such variable life insurance contracts would be required to register as an investment adviser under the Investment Advisers Act.

The Commission did not adopt proposed rules which would have exempted variable life insurance contracts having certain specified characteristics from the registration requirements of the Securities Act of 1933 and which would have exempted such contracts and persons selling them from certain provisions of the Securities Exchange Act of 1934. The Commission did adopt Rule 3c-4 under the Investment Company Act of 1940 and Rule 202-1 under the Investment Advisers Act of 1940 to exempt from those statutes separate accounts used for the offer and sale of such contracts and advisers to such separate accounts [38 FR 4317].

In connection with the adoption of Rule 3c-4 under the Investment Company Act, the Commission stated that while some of the protections of the Act would be relevant to variable life insurance, variable life insurance separate accounts should be exempted from the Act "[i]n deference * * * to the established Congressional policy of preserving state regulation of insurance." Indeed, as a condition to such exemption, Rule 3c-4 requires in subparagraph (b)(4) that the "variable life insurance policy" issued by an exempt separate account:

* * * in its entirety is a life insurance contract subject to regulation under the insurance laws of any State in which such policy is offered, including all required approvals by the insurance commissioner of such State.

In determining to provide this exemption, the Commission recognized the difficulty of reconciling the Act with state regulation of insurance. Further, the Commission stated:

* * * application of the Investment Company Act to variable life insurance would create complex administrative problems, since substantial exemptions from the Act would be required in order to make the operation of a separate account to fund variable life insurance contracts feasible.

Noting the active participation by the National Association of Insurance Commissioners (N.A.I.C.) in the proceeding which led to adoption of the Rules, and emphasizing the need for the states to adopt regulations appropriate to the operation of variable life insurance separate accounts, the Commission also stated:

Consistent with the representations made by the National Association of Insurance Commissioners, we expect the states to move expeditiously to develop, refine and adopt regulations with respect to variable life insurance. Further, we expect that such regulations will provide material protections to purchasers substantially equivalent to the relevant protections that would be available under the Investment Company Act. In particular, we believe it important that the regulations provide for the valuation of portfolio securities in a uniform manner; that they assure that contractholders be furnished annual statements containing information similar in nature to the information that would be provided by a registered investment company through annual reports and proxy statements; that they provide protection against unauthorized or improper changes in investment policies and against excessive management, administrative and sales charges; and that transactions with affiliates be restricted in a manner similar to section 17 (15 U.S.C. 80a-17) of the Investment Company Act and the rules thereunder. The Commission will closely monitor the development of state law in this area to assure its adequacy in providing these protections and, if in the future it appears that substantial deficiencies exist and are not likely to be remedied, the Commission will then consider whether it is necessary or appropriate to modify or rescind Rule 3c-4.

With respect to Rule 202-1 under the Investment Advisers Act, the Commission also noted its expectation that the states would provide adequate protection and its intention to monitor closely developments under state law.

On August 2, 1973,[2] the Commission noted that, because of the absence of legislation or regulation, variable life insurance contracts could not be approved in some states. The Commission stated that a Securities Act registration statement with respect to variable life insurance would not be accepted for filing unless the variable life policy had been approved for sale in a state in which it is intended

[1] Securities Act Release No. 5360, issued also as Investment Company Act Release No. 7644, 38 FR 4316.

[2] Securities Act Release No. 5413, 38 FR 22121.

to be sold.[3] A few states have already approved policies for sale and adopted enabling legislation. At the present time, eleven registration statements have been filed for contracts issued by variable life insurance separate accounts, although none has yet become effective.[4]

Since the adoption of the exemptive rules, some states have taken steps to develop regulations applicable to variable life insurance contracts. The N.A.I.C. Variable Annuities and Other Contracts (C4) Subcommittee, which was authorized to prepare regulations for adoption by the states, has met several times in this capacity.[5] Although the Subcommittee has made commendable progress, we understand that a proposed draft of model regulations will not be submitted to the full N.A.I.C. for approval until December of this year at the earliest. Assuming such approval, individual states might then adopt the proposal in whole or in part, or reject it and develop their own scheme of regulation.

In light of these developments, the Commission is concerned that variable life insurance contracts, for which Securities Act registration statements have already been and may in the future be filed, might be sold to the public prior to the development of appropriate state regulation. After giving further consideration to the Rules and the comments received in the earlier comment period, we believe that this situation should be avoided. Accordingly, the Commission proposes that the exemptions afforded in Rules 3c–4 and 202–1 be specifically conditioned upon a Commission determination that the state laws or regulations affecting the operations of such separate accounts provide investor protections substantially equivalent to the relevant protections of the Investment Company Act and the Investment Advisers Act. The Commission believes that this modified approach will assure investors that they will be protected against the possibility that variable life insurance contracts will be sold prior to the time the states have adopted regulations consistent with the relevant protections of these statutes.

The proposed amendments are consistent with the conclusions expressed in the Commission's earlier release announcing the adoption of Rules 3c–4 and 202–1. As indicated by that release, it is the Commission's view that insurance companies occupy an unusual, if not unique, position in relation to federal law. Their activities extend over many states, they play a substantial role in the national economy, and yet they have been regulated almost exclusively by the states. In its enactment of the McCarran-Ferguson Act[6] and section 12(g)(2)(G) of the Securities Exchange Act,[7] Congress has demonstrated a desire to preserve this long tradition of state regulation relating to insurance. The enactment of section 12(d)(2)(G) is particularly pertinent to the instant situation because there, just as here, certain investor-related activities of insurance companies were exempted from the federal securities laws in favor of state regulation. The proposed amendments adhere to this Congressional policy of deference to state regulation of insurance.

In our earlier release, we also referred to the difficulty of reconciling the Investment Company Act with state insurance regulation and, in addition, noted that the policy of deferring to state regulation was buttressed here by the fact that application of the Act to variable life insurance would have created complex administrative problems because of the difficulties that would have been encountered in fashioning appropriate exemptions from the Act to make the operation of variable life insurance feasible. Although the Commission's experience in providing exemptions from the Act for variable annuities would have been of some aid in fashioning exemptions here, variable life insurance would have presented exemptive problems different from those of variable annuities.

A feature present in variable life insurance, but not in variable annuities, is the guaranteed minimum death benefit, which results in a different combination of investment and insurance elements than that found in variable annuities. Because of the different mix of these elements, and because of the obligations incurred by the insurance company under the death benefit provision, various exemptive approaches followed with respect to variable annuities would have had to be reconsidered to determine their feasibility and appropriateness in the case of variable life insurance. In instances where those approaches would have been found unacceptable for variable life insurance, new exemptive techniques would have had to be devised; and, as new forms of variable life insurance were developed, still further study and analysis would have been required and additional exemptive solutions would have had to be considered. This could have been particularly burdensome because of the anticipated greater activity with respect to variable life insurance. While the proceeds in 1971 from the sale of variable annuities—a product which has been sold for about a decade—were less than 3 percent of the amount of life insurance premiums collected in 1971, it has been estimated that within ten years variable life insurance will account for 20–40 percent of all insurance sales.[8] Accordingly, difficulties and problems would likely have occurred on a much broader scale in the case of variable life insurance than they have in the case of variable annuities.

An example of the kind of exemptive problem which would have arisen in attempting to accommodate variable life insurance to the Investment Company Act involves the redeemability requirement in section 27(c)(1) of the Act [15 U.S.C. 80a–27(c)(1)]. With respect to the feasibility and appropriateness of redeemability, variable life insurance involves complexities not present in either the pay-in or the pay-out periods of variable annuities, since variable life insurance provides a combination of a cash value benefit together with a death benefit which is many times greater than the premiums paid in the early years of the contract. Accordingly, although the Commission has adopted exemptive rules concerning redeemability with respect to variable annuities,[9] the approach taken in those rules would not necessarily have been suitable for variable life insurance.

Difficult exemptive problems would also have arisen with respect to sales charges. The report on variable life insurance by our Division of Investment Management Regulation discusses the kinds of problems that occur in this area.[10] These problems probably would have made some form of exemptive action appropriate. Although we have adopted exemptive rules in this area for variable annuity separate accounts, the contracts issued by those accounts and the problems they present differ from the variable life insurance contracts because of the death benefit.

Still another area which could have raised difficult exemptive problems is the valuation of assets. Section 2(a)(41) of the Act prescribes the manner in which the assets of a separate account must be

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[3] As we stated in that release:

* * * In the Commission's view, section 6(a) of the Securities Act [15 U.S.C. 77f(a)] 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; and section 5(b) of that Act [15 U.S.C. 77e(b)] 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 sate 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.

[4] The first such registration statement was filed on May 25, 1973.

[5] A member of the staff of our Division of Investment Management Regulation has been designated to provide liaison between the Commission and the N.A.I.C. and has attended meetings of the Subcommittee with other staff members of that Division and our Division of Corporation Finance.

[6] 15 U.S.C. 1011–1015.

[7] Section 12(g)(2)(G) (15 U.S.C. 78 *l*(g)(2)(G), Public Law No. 88–467, 78 Stat. 565) grants exemption from the registration, reporting, proxy and insider trading requirements of the Securities Exchange Act with respect to any security issued by an insurance company meeting specified conditions, including the conditions that such insurance company be subject to certain state regulation and, in part, that such regulation conform to that prescribed by the N.A.I.C.

[8] See Report of the Division of Investment Management Regulation, "Variable Life Insurance and The Petition for the Issuance and Amendment of Exemptive Rules," January 1973 (Division Report), pp. 56–57.

[9] Rules 22e–1 and 27c–1 [17 CFR 270.22e–1, 270.27c–1].

[10] Division Report at pages 134–154.

valued. A state insurance commissioner, however, might exercise authority to value the assets of a separate account in a manner different from that provided in section 2(a)(41) of the Act.

It would also have been difficult, for example, to apply certain provisions of the Act relating to shareholder voting. If the assets of the variable life insurance separate account become inadequate to support the minimum death benefit, state insurance regulation might require the deficiency to be made up from the insurance company's general account. Accordingly, there is a question whether an insurance company would be willing to maintain a separate account for variable life insurance if, because of contract-holder voting, the insurance company could not be certain it would continue to supervise and manage the account's activities.

The proposed modification to Rule 202–1, which exempts the investment adviser to the variable life insurance separate account from the Investment Advisers Act, is also consistent with the policy of deference to state regulation. Insofar as the Advisers Act applies to advisers to investment companies, it, just as the Investment Company Act, provides a regulatory structure relating to the operations and management of investment companies. The Investment Company Act and the Investment Advisers Act differ in this respect from the Securities Act and the Securities Exchange Act—from which the Commission did not exempt variable life insurance—for these other statutes deal primarily with the securities distribution process. Under the proposed modification to the rule under the Advisers Act, once the appropriate state laws or regulations exist, the relevant protections afforded by the regulatory structure of that Act with respect to those insurance companies which act as investment advisers to variable life separate accounts, would be administered by the states.

The Commission hopes that the procedure contemplated by the proposed amendments will enable it to reach a single determination with respect to the adequacy of protections afforded by state insurance law. The model variable life insurance regulations now being developed by the N.A.I.C., if adequate, could form the basis of a Commission determination pursuant to the amended Rules. As indicated in the proposed Rule amendments, the standard will not be whether a model law and regulations are identical to the relevant provisions of the Investment Company Act and the Investment Advisers Act, but whether they provide protections substantially equivalent to those provisions. A model law and regulations would be desirable from a practical standpoint. Following a Commission determination with respect to such law and regulations, the contracts could be sold in any state which adopts provisions identical to the model. It is contemplated that the Commission would initially reach such a determination with respect to a comprehensive regulatory system to be proposed by the N.A.I.C. containing minimum protections which could be adopted by all states in which variable life insurance contracts are sold. Of course, individual states would be free to adopt legislation or regulations which differ from those contained in the model. Under such circumstances, the Commission would stand ready to consider applications or petitions filed by interested persons, setting forth information and reasons in support of a further Commission determination that such other law or regulations provide for protections substantially equivalent to the relevant protections of the Investment Company Act and the Investment Advisers Act.

As noted, paragraph (b)(4) of the present Rule 3c–4 provides in part that a "variable life insurance policy" must be "subject to regulation under the insurance laws of any State in which such policy is offered." It is proposed that Rule 3c–4 be amended by adding a new paragraph (c) to the Rule.

In addition to the enumerated provisions of the proposed amendment to Rule 3c–4, which are the areas of investor protection specifically discussed in our earlier release of January 31, 1973, the Commission is considering whether the Rule should require as a condition for exemption that applicable state law or regulations include provision for other areas of concern under the Investment Company Act, which would also be set forth in Rule 3c–4. Accordingly, the Commission particularly requests comments as to the appropriateness and relevance of requirements with respect to state law in other areas, including the following: (1) Protection against unfair contract provisions with respect to redemption of contractholder interests; (2) protections relating to insider trading with respect to portfolio securities; (3) protections against improper lending of the separate account's assets to controlling persons or persons under common control with the separate account; (4) prohibitions against breaches of fiduciary duty involving personal misconduct and against larceny and embezzlement; (5) provision for written advisory contracts; (6) prohibitions against persons serving as employees of such insurance companies in connection with the operation of the separate account who have been convicted of certain crimes or who have willfully violated the federal securities laws; (7) provision for custodianship of cash and portfolio securities of the separate account and bonding of persons with access to such cash and securities; (8) provisions relating to the capacity of the separate account to invest in investment companies, insurance companies, broker-dealers, underwriters and investment advisers; (9) provision for independent review of the operations of the separate account, by a state insurance commissioner or otherwise, similar to that provided by directors of a registered investment company; (10) provision for review of the financial statements of the separate account by independent certified public accountants; and (11) private rights of action with respect to such investor protection provisions for contractholders.

In addition to the proposed amendment to Rule 202–1 under the Investment Advisers Act, the Commission is considering whether that rule should require, as a condition for exemption, that applicable state law or regulations include provision for specified areas of concern which would be expressly set forth in Rule 202–1. Accordingly, the Commission also particularly requests comment as to the appropriateness and relevance of requirements with respect to state law in such areas under the Investment Advisers Act as the following: (1) prohibitions against persons who have committed certain crimes or violations of the federal securities laws from acting as investment advisers of variable life insurance separate accounts or as associated persons of such advisers; (2) prohibitions against the payment of unfair or inequitable advisory fees; (3) provisions for adequate recordkeeping; (4) prohibitions against fraudulent and improper conduct; and (5) private rights of action with respect to such investor protection provisions for contract holders.

Commission Action. The Securities and Exchange Commission, pursuant to authority granted to it in sections 6(c) and 38(a) of the Investment Company Act of 1940 and sections 202(a)(11), 206A and 211(a) of the Investment Advisers Act, proposes to amend Parts 270 and 275 of Chapter II of Title 17 of the Code of Federal Regulations as indicated below:

PART 270—RULES AND REGULATIONS UNDER THE INVESTMENT COMPANY ACT OF 1940

Section 270.3c–4 is proposed to be amended by adding a new paragraph (c) reading as follows:

§ 270.3c–4 Definition of "Insurance Company" for purposes of section 3(c)(3) of the Act.

* * * * *

(c) For the purpose of paragraph (b)(4) of this section "regulation under the insurance laws of any State" shall mean laws, rules or regulations which the Commission shall have determined, by rule or order, provide for investor protections substantially equivalent to those which are provided by the Investment Company Act of 1940, with respect to (1) the valuation of portfolio securities in a uniform manner; (2) the annual reporting to contract holders of information similar in nature to the information that would be provided by a registered investment company to its shareholders through annual reports and proxy statements; (3) prohibitions against unauthorized or improper changes in investment policies; (4) protection against excessive management fees, administrative fees and sales charges; and (5) protections similar to those afforded by section 17 of the Act relating to transactions with affiliates.

PART 275—RULES AND REGULATIONS UNDER THE INVESTMENT ADVISERS ACT OF 1940

As proposed to be amended, revised § 275.202–1 would read as follows:

§ 275.202–1 Exclusion of issuers of variable life insurance policies and of interests or participations thereunder.

The term "investment adviser," in section 202(a)(11) of the Act, shall not include an insurance company, or any affiliated company thereof as defined in section 2(a)(2) of the Investment Company Act of 1940, to the extent that performance of advisory services is incidental to the conduct of the business of issuing any variable life insurance policy, as defined in section 270.3c–4 of this Chapter under the Investment Company Act of 1940, or of issuing any interest or participation in a separate account, as referred to in said section, issued in connection with such a policy, provided that the laws, rules or regulations of each State in which such policies or interests are offered shall provide investor protections which the Commission shall have determined, by rule or order, are substantially equivalent to relevant protections provided by the Investment Advisers Act.

After consideration of all of the comments received on both rule proposals, the Commission may include in the rules, as amended, requirements in the listed areas of concern as well as other areas that may be suggested.

All interested persons are invited to submit their written views and comments on the proposed rule amendments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 on or before 5:30 P.M. Tuesday, October 23, 1973. All communications in this regard should refer to File No. 4–149, and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 20, 1973.

[FR Doc.73–20660 Filed 9–25–73;8:45 am]

Notices

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

DEPARTMENT OF STATE

[Public Notice CM-69]

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Notice of Meeting

The United States Advisory Commission on International Educational and Cultural Affairs will meet in open session on Friday, October 5, 1973, at the Department of State, Room 1408, from 2 p.m. to 3 p.m. The agenda will include a presentation of the content and design of the Commission's quarterly publication, Exchange. For purposes of fulfilling building security requirements, anyone wishing to attend the open session must advise the Staff Director by telephone in advance of the meeting. Telephone: 632-2764.

From 9 a.m. to 12 noon the Advisory Commission will meet in closed session, as provided for by 5 U.S.C. 552(b)(1).

Dated September 19, 1973.

MARGARET G. TWYMAN,
Staff Director,
Commission Secretariat.

[FR Doc.73-20453 Filed 9-25-73;8:45 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE FOURTH NATIONAL BANK REGION

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Fourth National Bank Region will be held at 9:00 a.m. on October 5, 1973, at the French Lick—Sheraton Hotel in French Lick, Indiana.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Fourth National Bank Region.

It is hereby determined pursuant to section 19(d) of Public Law 92-463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 10(a)(1) and (a)(3) of the Act (Public Law 92-463) relating to open meetings and public participation therein.

Dated September 20, 1973.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.73-20479 Filed 9-25-73;8:45 am]

Internal Revenue Service

[Order 117]

ASSISTANT COMMISSIONER (STABILIZATION) ET AL.

Stabilization of Prices, Rents, Wages, and Salaries; Revocation of Authority Delegation

Delegation Order No. 117, based on Office of Emergency Preparedness Economic Stabilization Order No. 1 and Treasury Department Order No. 150-75, delegated authority and responsibility for establishment, operation and maintenance of local service and compliance centers.

Since the same authority has been granted to the Commissioner of Internal Revenue by Cost of Living Council Order No. 15 (redelegated in Delegation Order Nos. 128 and 138 and now incorporated into Delegation Order No. 141), Delegation Order No. 117, issued August 20, 1971, is hereby revoked.

Dated September 17, 1973.

Effective September 17, 1973.

[SEAL] DONALD C. ALEXANDER,
Commissioner.

[FR Doc.73-20478 Filed 9-25-73;8:45 am]

United States Customs Service

[T.D. 73-268]

FOREIGN CURRENCIES

Certification of Exchange Rates

SEPTEMBER 18, 1973.

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 following countries. 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:

India rupee:	
September 12, 1973	$0.1290
September 13, 1973	.1285
September 14, 1973	.1285
Ireland pound:	
September 4, 1973	$2.4410
September 5, 1973	2.4220
September 6, 1973	2.4220
September 7, 1973	2.4185
September 10, 1973	2.4125
September 11, 1973	2.4085
September 12, 1973	2.4065
September 13, 1973	2.4135
September 14, 1973	2.4115
New Zealand dollar:	
September 10, 1973	$1.4815
September 11, 1973	1.4825
September 12, 1973	1.4800
September 13, 1973	1.4750
September 14, 1973	1.4750
Norway krone:	
September 4, 1973	$0.1789
September 5, 1973	.1803
September 6, 1973	.1801
September 7, 1973	.1799
September 10, 1973	.1805
September 11, 1973	.1798
September 12, 1973	.1795
September 13, 1973	.1791
September 14, 1973	.1793
Sweden krona:	
September 13, 1973	$0.2361
United Kingdom pound:	
September 4, 1973	$2.4410
September 5, 1973	2.4220
September 6, 1973	2.4220
September 7, 1973	2.4185
September 10, 1973	2.4125
September 11, 1973	2.4085
September 12, 1973	2.4065
September 13, 1973	2.4135
September 14, 1973	2.4115

[SEAL] JAMES D. COLEMAN,
Acting Director, Appraisement and Collections Division.

[FR Doc.73-20494 Filed 9-25-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

AERONAUTICAL SYSTEMS DIVISION, INDUSTRY ADVISORY GROUP ON AIRCRAFT STRUCTURAL INTEGRITY PROGRAM

Notice of Meeting

SEPTEMBER 20, 1973.

A meeting of the Aeronautical Systems Division (ASD), Aircraft Structural Integrity Program, Industry Advisory Group will be held at Wright-Patterson Air Force Base, Ohio on October 23 and 24, 1973.

This Advisory Group is established to advise the ASD Commander on all matters incident to the development and refinement of (1) service life prediction techniques for aircraft structures and (2) design criteria to obtain programmed service life.

This meeting is for the purpose of providing advice to the ASD Commander regarding formulation of requirements,

determination of procedures and discussion of current industry activities in assuring structural integrity of current and future Air Force systems.

Under the authority of Secretary of the Air Force memorandum of March 22, 1973, the ASD Commander has determined that portions of this meeting will involve matters which fall within section 552(b) (1) and (4) of title 5, United States Code. Accordingly, with the exception of the afternoon session on October 24, 1973, the meeting will be closed to the public. Advisory Group Chairman is Mr. W. B. Miller, ASD/ENF, Wright-Patterson Air Force Base, Ohio 45433 (513-255-5312).

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

[FR Doc.73-20447 Filed 9-25-73;8:45 am]

Department of the Army

ARMY SCIENTIFIC ADVISORY PANEL

Notice of Meeting

In accordance with section 10(a) (2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following Committee meeting:

Name of Committee: Army Scientific Advisory Panel.
Date: October 10-12, 1973.
Place: Heidelberg, Germany (USAREUR).
Time: 0900-1650 hours, October 10; 0800-1700 hours, October 11; 0800-1000 hours, October 12.
Agenda: Attached.

This meeting is closed to the public due to the security classification of the materiel to be discussed.

Any additional information concerning the meeting may be obtained from Dr. Marvin E. Lasser, Chief Scientist, Department of the Army, Executive Director, Army Scientific Advisory Panel, Washington, D.C. (202) 695-7487.

R. B. BELNAP,
Special Advisor to TAG.

MARCH 17, 1973.

TENTATIVE AGENDA

WEDNESDAY, OCTOBER 10, 1973

0900-0905	Opening Remarks	Chairman, ASAP.
0905-0910	Welcome	CINCUSAR EUR.
0910-1030	Command Briefing	Briefer to be announced.
1030-1130	Priorities for Combat Development.	Do.
1130-1210	Tactical Communications.	Do.
1210-1310	Lunch	Do.
1310-1350	Surveillance and Target Acquisition.	Do.
1350-1430	Air Defense	Do.
1430-1510	Airmobile Concepts	Do.
1510-1530	Coffee Break	Do.
1530-1610	Tank/Antitank	Do.
1610-1650	EW/SIG-INT	Do.

THURSDAY, OCTOBER 11, 1973

0900-1700	Visit Selected Field Units.	

FRIDAY, OCTOBER 12, 1973

0800-0840	Drugs	Briefer to be announced
0840-0920	Race Relations	Do.
0920-1000	Job Satisfaction	Do.

[FR Doc.73-20503 Filed 9-25-73;8:45 am]

Office of the Secretary

NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

Notice of Meeting

Pursuant to the provisions of section 10, Public Law 92-463, effective January 5, 1973, notice is hereby given that a meeting of the National Committee for Employer Support of the Guard and Reserve Executive Committee will be held on October 3, 1973, at the Key Bridge Marriott Motor Hotel, Arlington, Virginia.

The purpose of the meeting is to increase the knowledge and understanding of the members of the Executive Committee on matters relative to enlisting Employer Support for the Guard and Reserve.

A transcript of the meeting will be available to anyone desiring information about the meeting.

Additional information concerning these meetings may be obtained by contacting the Assistant to the National Chairman, National Committee for Employer Support of the Guard and Reserve, Room 3A29, 400 Army-Navy Drive, Arlington, Virginia 22202.

MAURICE W. ROCHE,
Director, Correspondence and Directive OASD(C).

SEPTEMBER 21, 1973.

[FR Doc.73-20472 Filed 9-25-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

FLATHEAD WILD AND SCENIC RIVER PROPOSAL

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 Flathead Wild and Scenic River Proposal, Report Number USDA-FS-DES(Leg) 74-30.

The environmental statement concerns a proposal to include 219 miles of the Flathead River in the National Wild and Scenic Rivers System. The river flows through Flathead and Powell Counties, Montana. The proposal provides the means to preserve and enhance the river in its free-flowing status and to minimize adverse environmental effects to the river and adjacent lands. The impacts of development and increased recreation use will be controlled on the basis of the capability of the river and its environment to support these uses and activities rather than on projected trends and demands.

This draft environmental statement was filed with CEQ on September 20, 1973.

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

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, Region 1, Northern Region, 200 East Broadway, Missoula, Montana 59801.
USDA, Forest Service, Flathead National Forest, 290 North Main, Kalispell, Montana 59901.

Copies are also available at the six ranger districts on the Flathead National Forest.

A limited number of single copies are available upon request to Edsel L. Corpe, Forest Supervisor, Flathead National Forest, 290 North Main, Kalispell, Montana 59901.

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 Council on Environmental Quality Guidelines.

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

Comments concerning the proposed action and requests for additional information should be addressed to Edsel L. Corpe, Forest Supervisor, Flathead National Forest, 290 North Main, Kalispell, Montana 59901. Comments must be received by Nov. 29, 1973, in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

[FR Doc.73-20508 Filed 9-25-73;8:45 am]

[Regior. 5]

MODOC NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Modoc National Forest Grazing Advisory Board will meet at 10 a.m., October 16, 1973, in the Forest Supervisors Office, 441 N. Main, Alturas, California.

The purpose of this meeting is to discuss grazing matters and other resource management problems which affect grazing on the Modoc National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Don Bolander, Box 611, Alturas, California 96101, Telephone 916-233-3521. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Public members may speak up at meeting after the regular board meeting is completed.

DONALD H. BOLANDER,
Acting Forest Supervisor.

SEPTEMBER 18, 1973.

[FR Doc.73-20451 Filed 9-25-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Safeguards Subgroup of the Computer Systems Technical Advisory Committee will be held Friday, October 5, 1973, at 9:30 a.m., in Conference Room C, Main Commerce Building, 14th and Constitution Avenue, Washington, D.C.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks and review of purpose of subgroup by Robert D. Klages, Chairman.
2. Presentation of papers or comments by the public.
3. Discussion and modification of report on safeguards prepared by members of the subgroup.
4. Executive session: Continuation of discussion and modification of report prepared by members of the subgroup.
5. Adjournment.

The public will be permitted to attend the discussion of agenda items 1-3, and a limited number of seats will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the subgroup. Interested persons are also invited to file written statements with the subgroup.

With respect to agenda item 4, "Executive Session," the Assistant Secretary of Commerce for Administration, on July 17, 1973, determined, pursuant to section 10(d) of Public Law 92-463, that this agenda item should be exempt from the provisions of sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b)(1).

Further information may be obtained from Robert D. Klages, Chairman of the subgroup, Univac, 1019 19th Street NW., Washington, D.C. 20036 (A/C 202—293-7720).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated September 21, 1973.

JOHN T. CONNOR, Jr.,
Acting Director,
Bureau of East-West Trade.

[FR Doc.73-20523 Filed 9-25-73;8:45 am]

Maritime Administration

[Report No. 123]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through August 31, 1973, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Total, all flags (174 ships)	1,334,756
Cypriot (84 ships)	703,397
Aegis Banner	9,024
*Aegis Care	7,803
*Aegis Courage	8,961
Aegis Eternity	8,814
Aegis Fame	9,241
Aegis Hope (previous trips to Cuba as the Huntsmore—British)	5,678
**Aegis Legend (previous trip to Cuba—Greece)	8,925
Aegis Loyal	10,405
Aegis Strength	9,439
Aftadelfos	8,136
Aghios Ermolaos	7,208
*Aghios Georgios	8,377
*Akrotiri	7,168
Alamar	12,299
Alda	7,292
Alexandros Skoutaris	8,280
Alma	9,097
Alpa	9,159
Amarilis	8,959
Anemone	7,168
Annunciation Day	8,047
Antigoni	3,174
Areti	8,560
Arion	5,245
Aris (previous trips to Cuba as the Aris II)	9,561
Armar	9,559
Artigas	5,841
*Athenian Democracy (tanker)	8,675
Barsoa	9,242
Begonia	6,576
Byron (tanker)	8,720
Camelia	8,111
Castalia	7,641
Cleopatra	8,150
Degedo	9,000
Dorine Papalios (previous trips to Cuba as the Formentor—British)	8,424
E. D. Papalios	9,431
Elpid	8,296
**Eftyhia (trips to Cuba—Greek)	10,347
*Enarxis	8,961
George N. Papalios	9,071
Georgios C. (previous trips to Cuba as the Huntafield—British and Cypriot	9,483
Georgios T	9,646
Goodluck	7,307
Happy Land	9,080
Herodemos	7,356
Hymettus (tanker)	11,771
Ilena (previous trips to Cuba—Lebanese)	5,925
Iris	8,479
June	9,357
Kentavros	10,173
Kiki (previous trips to Cuba as the Gardenia)	9,744
Kitsa	9,519
Magnolia	7,249
*Margaret H	8,378
*Mariner	7,916
Master George	7,334
May	8,853
Mimis N. Papalios	9,069
Mimosa	8,782
Miss Papalios	9,241
*Mitera Assimina	7,731
Nea Hellas	9,241
Nedi 2	7,679
**New Heath (trips to Cuba—British)	7,643
Nike	9,505
Noelle (previous trips to Cuba—Lebanese)	7,251
Pantazis Caias	9,618
Petunia	7,843
Protoapostolos	8,130
Protoklitos	6,154
*Protomachos	9,218
Ravens	8,036
Reifens	8,071
Rothens	8,106
Salvia	8,522
Silver Coast	7,473
Silver Hope	5,313
*Skipper	8,786
Successor	11,471
Theoskepasti	6,618
Torenia	8,077
Venturer	9,070
Zinnia	7,114
Somali (25 ships)	201,295
*Amber Islands	8,947
**Atlas (trip to Cuba—Finnish)	3,916
Ber Sea	8,299
*Coral Islands	8,673
Feihang	8,924
Feita	8,903
**Fortune Enterprise (trips to Cuba—British)	7,696
Hemisphere (previous trips to Cuba—British)	8,718
Jade Islands	10,270
**Kinross (previous trips to Cuba—British)	5,388
Marbella	8,409
*Marble Islands	8,797
*Mindanao Sea	8,871
*Minfung	5,980
*Mingwei	8,390
*Molucca Sea	8,871
Nebula (previous trips to Cuba—British)	8,773
**New East Sea (previous trips to Cuba—British)	9,679
Onyx Islands	8,618
**Oriental (trips to Cuba as the Oceantramp—British)	5,986
Eastglory (previous trips to Cuba—British)	8,995
**Jollity (trips to Cuba—British)	8,819
**Seasage (previous trips to Cuba—British)	3,794
*Topaz Islands	8,998
**Venice (trips to Cuba—British)	8,611
Polish (16 ships)	114,203
Baltyk	6,984
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,654
Grodziec	3,379
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Czladz	7,252

	Gross tonnage
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Rejowiec	3,401
Transportowiec	10,629
British (15 ships)	127,042
Arctic Ocean	8,701
Cheung Chau	8,566
Coral Islands	8,673
Golden Bridge	7,897
Ho Fung	7,121
Ivory Islands	9,718
*Mystic	6,656
*Rowanmore	8,274
Sea Amber	10,421
Sea Coral	10,421
**Empress (trips to Cuba as the Sea Empress)	9,841
Sea Moon	9,085
**Shun Wah (trips to Cuba as the Vercharmian—British)	7,265
Steed	8,989
Yunglutation	5,414
Yugoslav (8 ships)	56,016
Agrum	2,449
Bar	8,699
Cetinje	8,120
Niksic	9,916
Piva	7,519
Plod	3,657
Ulcinj	8,215
Tara	7,441
French (5 ships)	10,966
**Atlanta (trip to Cuba as the Enee—French)	1,232
Circe	2,874
Danae	3,486
**Urdazuri II (trips to Cuba as the Meike—Netherlands)	500
*Nelee	2,874
Greek (5 ships)	34,282
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
**Anna Maria (trips to Cuba as the Heika—British)	2,111
Ariadne	6,487
**Triaena (trips to Cuba as the Lambros M. Fatsis and the Lahortensia—British)	9,486
**Pothiti (trips to Cuba as the Huntsville—British)	9,486
Netherlands (4 ships)	3,882
Markab II	790
Megrez (previous trips to Cuba as the Gerda)	1,190
Rochab	787
Tempo	1,115
Italian (3 ships)	35,987
Alderamine (tanker)	12,505
Elia (tanker)	11,021
San Nicola	12,461
Moroccan (2 ships)	4,739
El Mansour Bi Llah	1,525
Marrakech	3,214
Singapore (2 ships)	15,611
**Hwa Chu (trips to Cuba—British)	9,091
Tong Hoe	6,520
Guatemalan (1 ship)	2,239
**Peten (previous trips to Cuba as the Magister—British)	2,239
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba as the Neve—French)	852
Lebanese (1 ship)	6,259
Antonis	6,259
Pakistani (1 ship)	8,708
**Maulabaksh (trips to Cuba as the Phoenician Dawn and East Breeze—British)	8,708
Panama (1 ship)	9,278
**Kika (trips to Cuba as the Santa Lucia—Italian)	9,278

* Added to Report No. 122 appearing in the FEDERAL REGISTER issue of March 26, 1973.

** Ships appearing on the list which have made no trips to Cuba under their present registry.

NOTE.—The French flag ship Nelle has been removed from this list since it is the same ship as the Nelee, the name having been misspelled.

SEC. 2. In accordance with approved procedures, the following vessels listed in this section which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance;

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:	Gross tonnage
Dimitrakis (Somali)	7,829
Stavros T. (Cypriot)	10,407
Telenikis (Cypriot)	12,303

b. Previous reports: Flag of registry:	Number of ships
British	49
Cypriot	10
Danish	1
Finnish	4
French	4
Germany (West)	1
Greek	31
Israeli	1
Italian	15
Japanese	1
Kuwaiti	1
Lebanese	9
Liberia	1
Moroccan	2
Norwegian	5
Singapore	1
Somali	1
Spanish	6
Sweden	1
Yugoslav	2
Total	146

SEC. 3. The following number of vessels have been removed from this list since they have been broken up, sunk or wrecked.

a. Since last report:	Gross tonnage
Aghios Nicolaos (Cypriot)	7,254
Alfa (Cypriot)	7,388
Athelmonarch (British)	11,182
Cleo II (Cypriot)	7,590
Free Trader (Cypriot)	7,061
George (Cypriot)	7,378
Giannis (Cypriot)	7,490
San Francisco (Italian)	9,284
Timios Stavros (Maltese)	5,333

b. Previous reports: Flag of registry:	Broken up, sunk, or wrecked
British	34
Cypriot	77
Finnish	6
French	1
Greek	19
Italian	4
Japanese	1
Lebanese	37
Maltese	2
Polish	5
Monaco	1
Moroccan	1
Norwegian	1
Pakistani	1
Panamanian	9
Singapore	1
Somali	1
South Africa	2
Swedish	1
Yugoslav	7
Total	211

SEC. 4. The Ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through August 31, 1973.

Flag of registry	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973 Jan.-Jun.	Total
British	133	180	126	101	78	62	45	53	18	10	4	810
Cypriot	.....	1	17	27	42	68	115	199	173	86	56	784
Lebanese	64	91	58	25	16	16	4	1	.....	.....	.....	275
Greek	99	27	23	27	29	7	.....	.....	1	1	.....	214
Italian	16	20	24	11	11	10	15	13	9	.....	.....	129
Yugoslav	12	11	15	10	14	9	6	7	9	5	5	103
French	8	9	9	10	10	4	2	5	2	2	.....	61
Finnish	1	4	5	11	12	8	2	1	.....	.....	.....	44
Spanish	9	17	.....	.....	.....	.....	.....	.....	.....	.....	.....	26
Norwegian	14	10	.....	.....	.....	.....	.....	.....	.....	.....	.....	24
Moroccan	9	13	1	.....	.....	.....	.....	.....	.....	1	.....	24
Maltese	.....	2	6	1	4	8	1	2	.....	.....	.....	24
Somali	.....	.....	.....	.....	2	11	7	4	6	6	12	48
Netherlands	.....	4	2	.....	.....	.....	.....	.....	.....	8	7	21
Sweden	3	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	6
Kuwaiti	.....	2	1	.....	.....	.....	.....	.....	.....	.....	.....	3
Israeli	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	2
Japanese	1	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	2
Danish	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
German (West)	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Haitian	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Monaco	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Singapore	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	1
Subtotal	371	394	290	224	218	204	197	285	219	119	84	2,605
Polish	18	16	12	10	11	7	2	3	4	.....	.....	83
Grand total	389	410	302	234	229	211	199	288	223	119	84	2,688

NOTE.—Trip totals in section 4 exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

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

Dated September 10, 1973.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.73-20436 Filed 9-25-73;8:45 am]

National Bureau of Standards

EXPANDED VINYL FABRICS FOR APPAREL USE

Withdrawal of Commercial Standard

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Commercial Standard CS 258-63, "Expanded Vinyl Fabrics for Apparel Use."

This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of July 2, 1973 (38 FR 17520), to withdraw this standard.

The effective date for the withdrawal of this standard will be November 26, 1973. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce Procedures.

Dated September 19, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-20475 Filed 9-25-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 740; Docket No. FDC-D-664; NDA 4-038, etc.]

CERTAIN ESTROGENS FOR ORAL OR PARENTERAL USE

Drugs for Human Use; Drug Efficacy Study Implementation; Follow-Up Notice

In a notice published in the FEDERAL REGISTER of November 10, 1971 (36 FR 21537), the Commissioner of Foods and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the following drugs:

1. *Preparations containing dienestrol.*

a. Restrol tablets; The Central Pharmacal Co., 116-128 East Third Street, Seymour, IN 47274 (NDA 6-428). (Two reports.)

b. Synestrol tablets; White Laboratories, Inc., Kenilworth, N.J. 07033 (NDA 5-991).

2. *Preparations containing diethylstilbestrol.*

a. Diethylstilbestrol Enseals and Tablets; Eli Lilly and Co., Post Office Box 818, Indianapolis, IN 46204 (NDA 4-039 and 4-041 (previously stated to be 4-040)). (Three reports.)

b. Diethylstilbestrol tablets; Vale Chemical Co., Inc., 1201 Liberty Street, Allentown, PA 18102 (NDA 4-638).

c. Diethylstilbestrol (Stilbestrol) Tablets; Rexall Drug Co., 3901 North Kingshighway Boulevard, St. Louis, MO 63115 (NDA 6-603).

d. Diethylstilbestrol tablets; S. F. Durst and Co., Inc., 5317 North Third Street, Philadelphia, PA 19120 (NDA 4-297).

e. Stilbestrol tablets; High Chemical Co., 1760 North Howard Street, Philadelphia, PA 19122 (NDA 5-233).

f. Stilbetin tablets and enteric coated tablets; E. R. Squibb and Sons, Inc., Georges Road, New Brunswick, N.J. 08903 (NDA 4-056).

g. Diethylstilbestrol Perles; The Upjohn Co., 7171 Portage Road, Kalamazoo, MI 49002 (NDA 4-073).

h. Diethylstilbestrol in oil injections; Eli Lilly and Co. (NDA 4-038 (previously stated to be 1-221)).

i. Diethylstilbestrol in ethyl oleate injection; Eli Lilly and Co. (NDA 7-844).

3. *Preparations containing other diethylstilbestrol derivatives.*

a. D.S.D. tablets and enteric coated tables, containing diethylstilbestrol dipropionate; The Blue Line Chemical Co., 302 South Broadway, St. Louis, MO 63102 (NDA 5-159).

b. Stilphostrol ampoules and tablets, containing diethylstilbestrol diphosphate; Dome Laboratories, Division of Miles Laboratories, Inc., 400 Morgan Lane, West Haven, CT 06516 (NDA 10-010).

4. *Preparation containing promethestrol dipropionate.*

a. Meprane Dipropionate tablets; Reed and Carnrick Pharmaceuticals, 30 Boright Avenue, Kenilworth, N.J. 07033 (NDA 6-042).

The notice stated that these drugs were regarded as effective, probably effective, possibly effective, and lacking substantial evidence of effectiveness for their various indications.

No data were submitted in support of any of the less than effective indications and the drugs are now regarded to either lack substantial evidence of effectiveness or are not shown to be safe for those indications.

Accordingly, with respect to these products, the revised effectiveness classification and marketing status are as follows:

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that, except for oral dosage forms containing 25 milligrams or more of diethylstilbestrol per tablet and parenteral dosage forms containing 25 milligrams or more of diethylstilbestrol per milliliter, the drugs are effective for those indications described as effective in the notice of November 10, 1971. Dosage forms containing 25 milligrams or more of diethylstilbestrol per tablet or milliliter are either regarded as contraindicated or inappropriate dosages for the indications claimed in the labeling and raise a question of safety. Appearing elsewhere in this issue of the FEDERAL REGISTER is a notice of opportunity for hearing on the proposal to withdraw approval of those parts of new drug applications providing for such dosage form strengths.

The drugs lack substantial evidence of effectiveness for all of their other labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under the conditions described herein.

1. *Form of drug.* These preparations are in tablet, enteric coated tablet, or capsule form suitable for oral administration; or are sterile preparations in a form suitable for parenteral administration.

2. *Labeling conditions.* The labeling conditions are the same as those described in the notice of November 10, 1971, except that the probably effective and possibly effective indications are no longer allowable. Complete labeling guidelines are available upon request.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a)(1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a)(3)(i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

C. Notice of opportunity for a hearing. Notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto providing for indications lacking substantial evidence of effectiveness referred to in paragraph A of this notice on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn.

On or before October 26, 1973, the applicant(s) and any other interested person may file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s) which have not been supplemented to delete the indication(s) lacking substantial evidence of effectiveness.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before October 26, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific acts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claim(s) involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order making findings and conclusions on such data and withdrawing approval of application(s) not supplemented to delete the claim(s) involved.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after October 26, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Communications forwarded in response to this notice should be identified with the reference number DESI 740, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Generic Drug Staff (BD-69), Office of Scientific Evaluation, Bureau of Drugs.

Request for Hearing (identify with Docket number): Hearing Clerk (CC-20), Room 6-86, Parklawn Building.

Requests for Academy's report: Drug Efficacy Study Information Control (BD-66), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Manager (BD-101), Bureau of Drugs.

Received requests for a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355), and the Administrative Procedure Act (5 U.S.C. 554), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated September 12, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-20442 Filed 9-21-73;8:45 am]

[DESI 740; Docket No. FDC-D-660; NDA 4-039, etc.]

CERTAIN ESTROGENS FOR ORAL OR PARENTERAL USE

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 740) published in the FEDERAL REGISTER of November 10, 1971 (36 FR 21537), the Commissioner of Foods and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group concerning certain orally and parenterally administered estrogens. Appearing elsewhere in this issue of the FEDERAL REGISTER is a followup notice describing the conditions under which certain of those products are regarded to be effective.

The following new drug applications referenced in the notice provide for oral dosage forms containing 25 mg. or more of diethylstilbestrol and a parenteral dosage form (1 ml. ampule) containing 25 mg. of diethylstilbestrol. Such large single dosages of diethylstilbestrol are regarded as either contraindicated (e.g., for accidents of pregnancy), and/or are in excess of the amounts recognized as appropriate for the indications claimed in the labeling reviewed by the Academy, thus raising a question of safety for use for the indications claimed.

NDAs 4-039 and 4-041: Those parts of the NDA's providing for Diethylstilbestrol Tablets and Enseals containing 25 mg. diethylstilbestrol; Eli Lilly and Co., Post Office Box 618, Indianapolis, IN 46206.

NDA 6-603: Those parts of the NDA providing for a tablet containing 25 mg.

diethylstilbestrol; Rexall Drug Company, 3901 North Kingshighway, St. Louis, MO 63115.

NDA 4-056: Those parts of the NDA providing for tablets containing 25 and 100 mg. diethylstilbestrol; E. R. Squibb and Sons, Lawrenceville-Princeton Road, Post Office Box 4000, Princeton, N.J. 08540.

NDA 7-844: Diethylstilbestrol Ampoules (1 ml.), containing 25 mg. diethylstilbestrol in ethyl oleate; Eli Lilly and Co. This dosage form had been labeled only for use in certain types of accidents of pregnancy. Lilly discontinued this product in 1966 and approval of the NDA was withdrawn February 8, 1972 (37 FR 2851), on grounds that the applicant had failed to make reports under section 505(j) of the Act (21 U.S.C. 355(j)) and § 130.13 or § 130.35(e) and (f) of the new drug regulations (21 CFR 130.13 and 130.35). In view of that, this product is included in this notice only for the purpose of informing interested persons of the conclusions reached in the Drug Efficacy Study concerning it.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)) withdrawing approval of pertinent parts of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s) shows that the drugs are not shown to be safe for use under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 F.R. 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before October 26, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of pertinent parts of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before October 26, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14 (b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that the drugs are safe for use for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after October 26, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated September 12, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-20443 Filed 9-21-73;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Notice of Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the National Advisory Council on Indian Education will be held on October 23-24, 1973, from 9:00 a.m. to 5:00 p.m., at the Northern Hotel, Billings, Montana.

The National Advisory Council on Indian Education is established under section 401 of the Indian Education Act (P.L. 92-318, Title IV). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 318 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering Indian Education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other general laws relating to Indian Education activities and services). The President shall transmit each such report to the Congress together with its comments and recommendations.

The meeting of the Council, under the authority of Section 10(b) of the Federal Advisory Committee Act (P.L. 92-463) and section 552(b) of Title 5 of the United States Code, will be partially closed to the public during the selection of nominees for the position of Deputy Commissioner of Indian Education. The proposed agenda includes:

Executive Director's Report.
Committee Reports.
Selection of nominees for Deputy Commissioner of Indian Education.
Review of Title IV Indian Education.
Indian Education Inter-Change.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th Street, NW., Pennsylvania Bldg., Washington, D.C. 20004).

Signed at Washington, D.C., on September 20, 1973.

DWIGHT A. BILLEDEAUX,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.73-20450 Filed 9-25-73;8:45 am]

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION (SEARCH COMMITTEE)

Notice of Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the National Advisory Council on Indian Education (Search Committee) will be held on October 5-6, 1973, from 9:00 a.m. to 5 p.m., at the Wort Hotel, Jackson Hole, Wyoming.

The National Advisory Council on Indian Education is established under section 401 of the Indian Education Act (P.L. 92-318, Title IV). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 318 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering Indian Education activities and services.

The Council shall review the administration and effectiveness of programs und this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to Indian Education activities and services). The President shall transmit each such report to the Congress together with its comments and recommendations.

The meeting of the Council shall be closed to the public, under the authority of section 10(d) of the Federal Advisory Committee Act (P.L. 92-463) and section 552(b) of Title 5 of the United States Code. The proposed agenda includes:

Viewing new applications for the position of Deputy Commissioner of Indian Education.

Reviewing previous applications for the Deputy Commissioner's position.

Preparing a report for the full Council meeting in Billings, Montana on October 23 and 24. This report will include the recommendation for the nominees for Deputy Commissioner.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th Street, NW., Pennsylvania Bldg., Washington, D.C. 20004).

Signed at Washington, D.C. on September 20, 1973.

DWIGHT A. BILLEDEAUX,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.73-20449 Filed 9-25-73;8:45 am]

PROJECTS FOR EDUCATIONALLY DEPRIVED CHILDREN

Comparability of Services Data; FY 1974 Deadline

Section 141(a)(3)(C) of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 241e(a)(3)(C)), requires that a State educational agency approve a project application only upon its determination that the services the applicant local educational agency is providing in project areas with State and local funds are at least comparable to the services that agency is providing in areas not designated for projects under Title I. Regulations governing such determinations are provided at 45 CFR 116.26 as revised and published in the FEDERAL REGISTER on June 28, 1973.

The data required for such determinations of comparability are set forth in paragraph (b) of § 116.26. The same paragraph also provides that for fiscal year 1974 and succeeding fiscal years the Commissioner of Education will specify the date, not later than November 1, as of which such data must be secured. Accordingly, I hereby designate October 1 as the date for this purpose for fiscal year 1974.

(Catalog of Federal Domestic Assistance Program No. 13.428, Educationally Deprived Children-Local Educational Agencies (Title I, ESEA))

Dated September 21, 1973.

JOHN OTTINA,
U.S. Commissioner of Education.

[FR Doc.73-20659 Filed 9-25-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23755; Order 73-9-74]

ALL AIR TRANSPORT INC. ET AL.

Order Deferring Action

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of September, 1973. In the matter of joint application of All Air Transport, Inc. and Air Overseas, et al. for disclaimer of jurisdiction or other relief under section 408 and for approval under section 412 of the Federal Aviation Act of 1958, as amended, pertaining to the formation of a joint-load corporation.

Application has been filed pursuant to section 408 of the Federal Aviation Act of 1958, as amended, (the Act) for approval of the common control by All Air Transport, Inc., and 18 other air freight forwarders [1] of Air Services Corporation (ASCO), which is to be owned by, and operated on behalf of, the several applicants. An agreement has also been filed pursuant to section 412 of the Act, providing for an international joint-load arrangement among the applicants, with ASCO as the principal vehicle for coordinating and carrying out such operations.

In general terms, ASCO would do the following: (a) act as a clearing house for information regarding traffic available for joint loading, (b) establish joint loads on the basis of such information and designate an individual forwarder to act as master loader for each joint load,[2] (c) prepare documentation and receive, route [3] and expedite delivery of freight to appropriate terminals for joint loading, (d) pay the direct air carrier (as agent for the master loader), (e) bill each participant for his share of the shipment cost,[4] and (f) establish an escrow fund or bonding arrangement to assure payment by members. To carry out these functions, ASCO would maintain such staff and facilities as might be necessary.[5]

Each applicant will contribute $1,000 to the initial capital of ASCO, and will receive one share of the corporation's stock, entitling it to one vote at shareholders' meetings and to one representative on ASCO's Board of Directors. Three-quarters of the total membership shall constitute a quorum to transact business, and a three-quarters vote of those present shall be required to carry a resolution. Membership shall be open to all air freight forwarders willing to abide by the rules of the corporation. To withdraw, a member need only notify ASCO and the Board in writing, whereupon it will receive its initial capital contribution plus or minus any profits, losses or amounts due for services provided.

In addition to the initial capital contribution, members agree to a "special assessment" which will be utilized from time to time to provide necessary capital on the basis of the prior quarter's par-

[1] Other air forwarders are Air Overseas Corporation; Associated Air Freight, Inc.; Air-Sea Forwarders, Inc.; Bruce Duncan Co., Inc., d/b/a Bruce Duncan Cargo; Berklay Air Services Corp. (Bernard Klainberg d/b/a); Cal-Air Forwarders, Inc.; Globe Shipping Co., Inc.; Hemisphere Air Freight, Inc.; Hensel, Bruckmann & Lorbacher, Inc.; Imperial Air Freight Service, Inc.; Karr, Ellis & Co., Inc.; Mark IV Air Freight, Inc.; H. G. Ollendorff, Inc.; Panalpina Airfreight, Inc., d/b/a Panalpina Airfreight System; Randy International Ltd.; WITS, Inc., d/b/a WITS Air Cargo Service; Petry & Co.'s Foreign Express; and Intra-Mar Shipping Corporation.

[2] The participating forwarder contributing the greatest weight to the joint load on any given consolidation will be usually designated as the master loader; however, every participant shall be designated master loader over a period of every six months approximately in the same ratio as the volume of weight tendered by it bears to the total over the same period.

[3] Upon notification of each routing selection, the master loader may approve the routing chosen by ASCO or itself select another routing. Where there will be no substantial delay in the movement of freight and the services are otherwise equal, U.S.-flag carriers will be preferred.

[4] The charges shall contain (1) a flat charge per shipment covering and reasonably related to the cost of handling, and (2) a remaining charge based on the weight and/or cube of traffic tendered by each. Failure to pay amounts billed within the time specified above shall be grounds for expulsion as a party to this agreement.

[5] Applicants anticipate a staff of probably three people including a working manager and at least one secretary. Space rented would include a small office equipped with typewriters, phones, paper, and bookkeeping supplies.

ticipation of each member.[6] Also, ASCO may establish a bonding procedure or escrow fund to insure the payment by members for services obtained through ASCO.

Although it is initially anticipated that operations will be restricted to the conduct of joint-load shipments of international air freight, the application requests that ASCO not be precluded from domestic joint-load activities or chartering of aircraft should the circumstances warrant.

No requests for a hearing have been received.

ASCO will act solely as agent for its member/participants in conducting operations exclusively related to the transportation of air freight. We therefore conclude that it is a person engaged in a phase of aeronautics within the meaning of section 408 of the Act,[7] and that its acquisition and control by several air freight forwarders requires prior Board approval pursuant to section 408(a)(6). Based upon our understanding that ASCO will act in no capacity other than as agent for member/participant air freight forwarders, and that membership is open to all air freight forwarders who wish to participate,[8] we tentatively find that the parties to the agreement should be relieved from section 408 of the Act, pursuant to section 101(3) thereof, and that the agreement should be approved pursuant to section 412 of the Act.

Turning first to the concept itself, the common ownership of ASCO by the air freight fowarders served is in many respects similar to the arrangement approved in Order E-1086, All American Aviation, Inc., et al., December 31, 1947; Air Cargo, Inc., Agreement, Petitions, 9 CAB 468 (1948), wherein various direct air carriers utilized a commonly owned corporation (Air Cargo, Inc.) in the performance of certain ground terminal operations in connection with air transportation of air cargo.[9] However, Air Cargo, Inc. provides services incidental to the direct carriage of freight by air, whereas the instant arrangement would provide services of far greater consequence relative to the class of air carriers it serves. Our proposed authorization of this arrangement is based on the belief that it should enable smaller forwarders to better compete with the larger ones and that ASCO's services, properly operated, would serve, at least partially, to meet a growing demand by air freight forwarders for a more economical means of procuring direct air transportation.

Our authorization of this proposal should have no detrimental impact on direct air carriers or on the shipping public.[10] More efficient consolidation of freight should simply increase the benefits now available to applicants and other participating forwarders through joint-load agreements less efficiently operated. Savings achieved through aggregated purchase potential are largely those gained through the preloading of smaller freight shipments into more easily handleable containers. Furthermore, more efficient joint-load operations, and the resultant cost reductions, should enable pass reduced shipping costs on to customers.

Although we believe the basic proposal embodied in ASCO, properly limited, would be consistent with the public interest, ASCO's basic operational structure appears to require some refinement. Specifically, we question the arrangements for the transfer of stock, the repurchase of stock from retiring members, the raising of funds by special assessment, the distribution of dividends, and the establishment of an escrow fund or bonding procedure. In the absence of a further showing of justification for these provisions, the Board considers that the public interest would require the revisions indicated below.

ASCO's proposed By-Laws provide for the distribution of dividends based on the number of shares outstanding. Irrespective of whether such dividends will actually be declared, it is apparent that any distribution of excess profits on a pro rata basis (each member will hold only one share, regardless of the extent of his participation in the joint load activities of ASCO) will provide a member a return on his investment through an ownership interest in the activities of other forwarders, rather than on individual participation. This is particularly so in light of the "special assessment" method of capital contribution. We believe the disbursement of cash dividends disproportionate to participation is undesirable, and we intend to so condition our final action herein. Applicants should address an alternative method of dividend distribution in their response to this order.

Looking to the prohibition expressed in the joint-load agreement to the effect that a member/participant may hold no more than one share of ASCO's capital stock, we note as a preliminary matter that this prohibition is not reflected in ASCO's By-Laws. This provision is fundamental to equitable participation and influence of individual forwarders, and both the By-Laws and the Articles of Incorporation should specifically provide for this limitation. Specific treatment will be so required as a requisite to final action.

Of somewhat greater concern is the provision in the By-Laws allowing for a transfer of stock from a member/participant to another air freight forwarder.[11] The redemption value of each share of stock is contingent upon the good standing of the particular holder,[12] and therefore may under certain circumstances have no worth and possess no participation rights. We do not believe individual members should be able to negotiate the sale or transfer of shares which may have no practical value. Eliminating transfer rights of members should prevent abuses and confusion. The sale or redemption of shares by ASCO itself should adequately serve members' needs, as well as serving Board supervision of the "open-access" aspect of the ASCO arrangement.

Before final action is taken herein, we will expect applicants to submit a clarification of certain questions raised with respect to the "special assessment" to be used to supplement the paid-in capital as may be necessary from time to time. This "special assessment," based on the proportionate share of traffic jointly loaded by each member during the preceding quarter, may be invoked to cover the costs of rebuying the shares of retiring members, or to cover deficit operational costs during a particular period. However, it presents potential for inequitable financial participation by individual members, based on a floating membership, and raises a question as to whether the initial members will be inclined to require a new member to share in the initial start-up costs raised through "special assessment" contributions by the original members. If so, the manner in which they attempt to prorate those initial costs may indirectly affect the ability or incentive of other

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[6] The parties agree to advance on an equal basis for the first quarter, subject to an apportionment of actual expenses based on actual tonnages joint loaded, such amounts as may be necessary to cover all necessary expenses of ASCO.

After the first quarter, such advances as may be necessary shall be made on the basis of the parties' proportionate share of traffic joint loaded in the preceding quarter, subject to the apportionment of actual expenses as in the first quarter.

[7] See International Relationships, Patterson, et al., 3 CAB 711 (1942).

[8] To this end, exemption will be conditioned upon a requirement that ASCO file a report detailing the circumstances attending the refusal to admit into membership any air freight forwarder.

[9] In our reconsideration order we noted that cooperative efforts of air carriers to reduce cargo handling costs were to be encouraged, but only in a manner consistent with anti-trust principles. In the latter respect, the Board imposed a specific condition that all certificated carriers be authorized to participate, i.e., all members of the same class of carrier.

[10] Flying Tiger Line Inc., has submitted a letter indicating concern over the possible scope of ASCO's services, particularly relating to the chartering of aircraft. However, our proposed authorization would require prior Board approval of any expanded activities by ASCO, including the chartering of aircraft, and the issue need not be considered at this time.

[11] Article V, section 3 of the proposed By-Laws provides, in part, "Upon surrender to the corporation or the transfer agent of the corporation of a certificate for shares duly endorsed or accompanied by proper evidence of succession, assignment or authority to transfer, it shall be the duty of the corporation to issue a new certificate to the person entitled thereto, and to cancel the old certificate * * *."

[12] Failure by a participant member to pay his obligations within one week would result in its immediate suspension from participation in ASCO's activities, the immediate offsetting of its capital investment on the books of the corporation to that extent and, if the capital account is not sufficient to cover the amount, the immediate expulsion of such member from the corporation.

air freight forwarders to join ASCO. If subsequent members are not required to share in initial start-up costs raised through "special assessment," still other questions are presented. Is there any limit to the nature of items for which "special assessment" can be invoked? In this connection, is it intended that any monies raised through special assessment have no limit as to amount which may in toto be assessed other than as may be determined by a three-quarters vote of those present at a meeting of the Board of Directors? Applicants should resolve these questions in their responses hereto.

A reserve of original paid-in capital, to be supplemented if necessary by invocation of the special assessment, is to be maintained to buy out those forwarders who wish to terminate their participation in the arrangement. The "either/or" designation of source of funds, the obvious need in any corporation for initial start-up capital, plus the somewhat precarious merits of the special assessment, as discussed above, appear to require a more definitive plan for the establishment and maintenance of this fund. This appears necessary for the protection of individual member/participants as well as for the viable operational ability of ASCO. Applicants should address this problem in their response.

Furthermore, the need for a bonding procedure or escrow fund is not clear in light of the stated intention of the applicants to use a portion of the initial capital contribution of each member as security against nonpayment. Applicants have stated that ASCO will normally receive monies due individual members on collect shipments, and that such monies can be used as a credit against obligations due ASCO. Thus, while the establishment of a bonding procedure or escrow arrangement is not in itself objectionable, applicants should clarify the purposes and interrelations of the various capital projects.[13]

A different question is posed with respect to the officers of ASCO who need not be officers or directors of a member/participant. To allow the Board to properly monitor ASCO's activities, its officers will be required to file reports conforming to the substantive requirements and filing dates as are otherwise set forth in Part 245 A of the Board's regulations (14 CFR 245 A) and to delineate additionally any relationships between persons so reporting and any carrier not otherwise specifically within the scope of the Regulation.

As the use of ASCO will shift a certain degree of managerial decision-making away from each member/participant, we will also require that ASCO keep such records and documents as are required to be kept by individual air freight forwarders pursuant to Subpart B of Part 249 of the Board's Regulations. These records must be opened to Board inspection upon request.

It is also recognized that the addition of new members to ASCO will create new control relationships which have not been specifically set forth herein. However, the nature of the proposal is similar to that involved in the Air Cargo case, wherein we concluded that since the participating group of carriers is well defined, no new or significant issues are raised by the addition of new participants. Therefore, the action contemplated herein will permit greater or fewer participants, subject to a provision that additions to ASCO's membership shall be reported to the Board within 10 days after admittance.

Based on the foregoing and subject to the receipt of comments, as provided for below, we have tentatively concluded that Agreement CAB 22661 is not adverse to the public interest or in violation of the Act and should therefore be approved under section 412 of the Act. We have further concluded tentatively that it is in the public interest to exempt the applicants' control of ASCO from section 408(a)(6) of the Act pursuant to section 101(3) thereof.[14] As indicated above, we contemplate that any final approval herein will be subject to at least the following conditions:

1. Jurisdiction in this proceeding shall be generally retained for the purposes of reexamining the relationships herein involved and for imposing such further terms and conditions as from time to time may be in the public interest;

2. ASCO shall file, pursuant to the provisions of section 412, all agreements between itself and any air carrier, foreign air carrier, or other carrier;

3. ASCO shall file with the Board in Docket 23755, upon commencement of operations, a description of the physical facilities utilized, and shall not without prior Board approval expand the scope or nature of services provided to encompass procurement and utilization of separate dock facilities, provision of pick-up and delivery services, establishment of branch offices, domestic joint load operations, chartering of aircraft, warehousing operations, investment activities or other expansions of services beyond those initially approved herein;

4. Officers of ASCO shall file reports conforming to the substantive requirements and filing dates as are otherwise set forth in Subpart A of Part 245 of the Board's Economic regulations, (14 CFR 245 A), and setting forth additionally any positions or stock interests held in any "carrier";

5. ASCO shall keep such records and documents as are required to be kept by air freight forwarders pursuant to Subpart B of Part 249 of the Board's regulations (14 CFR 249 B);

6. The Board shall at all times have access to all lands, buildings, and equipment of ASCO and to all accounts, records, and memoranda, including all documents, papers, and correspondence, now or hereafter existing, and kept or required to be kept by subparagraph (5) above;

7. ASCO shall report to the Board the names of new members within 10 days of acceptance; additionally, ASCO shall file with the Board, contemporaneously with the reports to be submitted pursuant to condition 9, infra, a report describing the refusal, termination, or suspension of membership with respect to any air freight forwarder, setting forth additionally any justification for such action;

8. ASCO's membership shall be open to the participation of all U.S. air freight forwarders, as a matter of right; and

9. ASCO shall submit, within 45 days after the end of each second and fourth calendar quarter of each year, a report in the form set forth in the appendix to this order[15] describing, by point of origin, (1) the number of joint-load consolidations achieved, (2) the number of times each member served as master loader, and (3) the number of shipments and the total tonnage of shipments contributed by each member/participant over the preceding half-year.

Accordingly, it is ordered, That:

1. Action on Agreement CAB 22661 be and it hereby is deferred; provided that the air carrier-parties and other interested persons are hereby afforded a period of 30 days from the date of service of this order within which to file the statements indicated above and other comments on the actions contemplated herein; [16] and

2. A copy of this order be furnished upon All Air Transport, Inc., all persons listed in footnote 1, supra, and the Attorney General of the United States.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-20496 Filed 9-25-73;8:45 am]

[Docket No. 25252]

TEXAS INTERNATIONAL AIRLINES, INC.

Postponement of Prehearing Conference

In the matter of application for deletion of Lufkin, Tex.

The applicant, Texas International Airlines, Inc., by letter dated Septem-

[13] Our final action will be conditioned to require proper inclusion in ASCO's Articles of Incorporation and By-Laws of a provision restricting the scope of permissible operational and investment activities to those "performed solely on behalf of, and as agent for, its member/participants." Also, we will require prior Board approval of any expansion of activity, including domestic joint loading and chartering of aircraft. Furthermore, because we view ASCO's activities as essentially reflecting joint activity among the several air freight forwarder owners, we find that ASCO is an air carrier for purposes of section 412, and we will require that any agreements between ASCO and any air carrier, foreign air carrier, or other carriers be filed in this docket pursuant to the provisions of section 412.

[14] Upon exemption of the control of ASCO by the several air freight forwarders, any interlocking relationships arising by virtue of the representation of such forwarders on the Board of Directors of ASCO would fall within the exemption from section 409 of the Act afforded by § 287.2 of the Board's regulations.

[15] Filed as part of the original document.

[16] Comments so filed shall conform to the requirements of the Board's Rules of Practice (14 CFR 302).

ber 19, 1973, has requested that the prehearing conference scheduled for September 26, 1973, be postponed indefinitely. It reported that the postponement was required to enable the carrier to conduct a six-month service experiment in a further effort by the carrier to test Lufkin's ability to generate sufficient traffic to justify the continuation of service. The proposed experiment is to commence after the opening of the new airport at Dallas, Texas, and the transfer of the applicant's service at that point from Love Field to the new facility.

The applicant reports that its request is supported by the Lufkin parties. BOR advised by telephone that it has no objections.

Notice is hereby given that the conference in the above-entitled proceeding set for September 26, 1973, is postponed indefinitely to permit the test of the service proposed and the evaluation thereof by the parties.

Dated at Washington, D.C., September 20, 1973.

[SEAL] FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.73-20495 Filed 9-25-73;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Notice of Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, October 4, 1973.
Thursday, October 18, 1973.
Thursday, October 25, 1973.

The meetings will convene at 10:00 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Public Law 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public under a determination to do so, made under the provision of section 10(d) of Public Law 92-463.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street NW., Washington, D.C.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

SEPTEMBER 21, 1973.

[FR Doc.73-20471 Filed 9-25-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

FLORIDA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Florida State Advisory Committee will convene at 7:30 p.m. on September 28, 1973, at the Jacksonville Hilton Hotel, 565 South Main Street, Jacksonville, Florida 32207.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue, North East, Atlanta, Georgia 30303.

The purpose of this meeting shall be to discuss and develop plans for a open meeting on Minority Police Community Relations in Jacksonville, Florida.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 20, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-20480 Filed 9-25-73; 8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 24, 1973.

On May 25, 1972, there was published in the FEDERAL REGISTER (37 FR 10605) a letter of May 19, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products produced or manufactured in the Republic of Korea and exported from the Republic of Korea thirty (30) days following publication for which the Republic of Korea had not issued a visa. One of the requirements of the administrative mechanism specifies that the category classification of the goods must appear on the visa.

The purpose of this notice is to announce that, effective as soon as possible and until further notice, this requirement will be waived for Judo and/or Karate suits of cotton, wool and man-made fiber textiles produced or manufactured in the Republic of Korea.

Accordingly, there is published below a letter of September 24, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amending the administrative mechanism.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20229.

SEPTEMBER 24, 1973.

DEAR MR. COMMISSIONER: This letter further amends, but does not cancel, the directive of May 19, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit, effective 30 days after publication of 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 in Categories 1-64; wool textile products in Categories 101-126, 128, and 131-132; and man-made fiber textile products in Categories 200-243, produced or manufactured in the Republic of Korea for which the Republic of Korea had not issued a visa. The directive of May 19, 1972, was previously amended on December 21, 1972; July 17, 1973; July 18, 1973; and August 8, 1973.

Under the provisions of the Bilateral Cotton Textile Agreement of December 30, 1971 and the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, between the Governments of the United States and the Republic of Korea, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, the directive of May 19, 1972 is further amended, effective as soon as possible and until further notice, to waive the requirement that a category classification be shown on visas accompanying shipments of Judo and/or Karate suits of cotton, wool and man-made fiber textiles from the Republic of Korea.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textiles from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553.

This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-20684 Filed 9-25-73;8:45 am]

FEDERAL MARITIME COMMISSION

FARRELL LINES INC., AND BARBER LINES A.S.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 16, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Hans Unterwiener, Manager, Freight Documentation and Inward Freight, Farrell Lines Incorporated, One Whitehall Street, New York, New York 10004.

Agreement No. 10088, between Farrell Lines Incorporated and Barber Lines A.S., establishes a through billing arrangement for the transportation of all cargo moving in the trade between the Liberian ports of Buchanan, Sinoe and Lofa River and United States Atlantic ports with transshipment at Monrovia, Liberia, under terms and conditions set forth in the agreement. Agreement No. 10088 will, upon approval, cancel and supersede Agreement No. 9530, as amended.

By order of the Federal Maritime Commission.

Dated September 21, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-20485 Filed 9-25-73;8:45 am]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

List of Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Coast Alaska Pacific, Ltd., 810 3d Avenue, Seattle, Washington 98104.

OFFICERS AND DIRECTORS

C. W. Otto, President/Director.
George G. Winters, Secretary-Treasurer/Director.
John D. Blankinship, Director.

Antonio S. Jimmy d/b/a Globe Export Transfer and Moving, 1412 New York Avenue, Washington, D.C. 20005.

Kennelly & Sisman Co., 563 Lycaste Avenue, Detroit, Michigan 48214.

OFFICERS AND DIRECTORS

Florence E. Sisman, President/Treasurer/Director.
Maxine K. Clement, Vice President.
John H. Doyle, Secretary.
Robert G. Surridge, Assistant Secretary.
Emil Wulz, Director.
Gary L. Clement, Director.

Omar Montiel, 127 North Dearborn Street, Chicago, Illinois 60602.

E.M.P. Ocean Freight Forwarding Co., 149 California Street, San Francisco, California 94111.

PARTNERSHIP

H. E. Morrison.
H. V. Petersen.

By the Federal Maritime Commission.

Dated September 20, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-20490 Filed 9-25-73;8:45 am]

KAMBARA KISEN CO., LTD.

Issuance of Certificate of Financial Responsibility (Casualty)

Notice is hereby given that the following have been issued a Cerificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

KAMBARA KISEN CO., LTD., 8-15, 3-CHOME KAIGAN, MINATO-KU, TOKYO, JAPAN.

Dated September 20, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-20488 Filed 9-25-73;8:45 am]

KAMBARA KISEN CO., LTD.

Issuance of Certificate of Financial Responsibility (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Kambara Kisen Co., Ltd., 8-15, 3-Chome Kaigan, Minato-Ku, Tokyo, Japan.

Dated September 20, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-20489 Filed 9-25-73;8:45 am]

LAVINO SHIPPING CO. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 9, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Lavino Shipping Company
and
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
Mitsui O.S.K. Lines, Ltd.
Nippon Yusen Kaisha
Yamashita-Shinnihon Steamship Co., Ltd.

Notice of agreement filed by:

Francis A. Scanlan, Esq., Kelly, Deasey & Scanlan, 926 Four Penn Center Plaza, Philadelphia, Pennsylvania 19103.

Agreement No. T-2695-1, between Lavino Shipping Company (Lavino) and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd.,

Nippon Yusen Kaisha, and Yamashita-Shinnihon Steamship Co., Ltd. (the Lines) modifies the basic agreement between the parties under which Lavino furnishes the Lines comprehensive container stevedoring, terminal, and LCL services at its Packer Avenue Marine Terminal, located in Philadelphia, Pennsylvania. The purpose of the modification is to extend the term of the agreement to October 24, 1974.

By order of the Federal Maritime Commission.

Dated September 20, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-20487 Filed 9-25-73;8:45 am]

MATSON NAVIGATION CO. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif.

By order served April 20, 1973, in Docket No. 73-21 the Commission instituted an investigation to determine whether Agreement No. DC-57, an agreement among Matson Navigation Company, Seatrain Lines, California, and United States Lines, Inc., authorizing the signatories to confer with one another with respect to any and all matters contained in the individual FMC tariffs of the parties in the Hawaii trade, should be approved, disapproved, or modified pursuant to section 15 of the Shipping Act, 1916. Agreement No. DC-57-1, the subject agreement, will also be included in Docket No. 73-21. Persons who desire to become parties to this proceeding and to participate herein, shall promptly file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573.

Matson Navigation Company
Seatrain Lines, California
and
United States Lines, Inc.

Notice of agreement filed by:

David F. Anderson, Esq., General Counsel, Matson Navigation Company, 100 Mission Street, San Francisco, California 94105.

Agreement No. DC-57-1 amends the basic agreement among the parties by adding language providing that the parties are not authorized under the agreement to either agree upon rates, charges, classifications, rules, practices, or other tariff matters with respect to cargo moving under contracts with Military Sealift Command or exchange any cost data or other information concerning the carriage of cargo under such Military Sealift Command contracts.

By order of the Federal Maritime Commission.

Dated September 21, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-20484 Filed 9-25-73; 8:45 am]

UNITED STATES ATLANTIC COAST/BRAZIL SOUTHBOUND POOLING AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 16, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

J. D. Straton, Manager
Rates and Conferences
Moore-McCormack Lines, Incorporated
2 Broadway
New York, New York 10004

Agreement No. 9847-2, among Moore-McCormack Lines, Incorporated; Companhia de Navegacao Lloyd Brasileiro; and Companhia de Navegacao Maritima Netumar S/A, modifies the approved basic pooling and sailing agreement covering southbound cargo from the United States Atlantic Coast ports to ports in Brazil within the Fortaleza/Porto Alegre range, both inclusive, by amending: (1) Article 1 to provide that Companhia de Navegacao Lloyd Brasileiro and Companhia de Navegacao Maritima Netumar S/A will participate and operate as individual carriers thereunder, rather than as a single party as at present; (2) Article 5 to increase the minimum number of sailings of Moore-McCormack Lines, Incorporated from sixteen to eighteen per pool period of six months, and to increase the minimum number of sailings of Companhia de Navegacao Lloyd Brasileiro and Companhia de Navegacao Maritima Netumar S/A from sixteen jointly to nine each per pool period of six months; (3) Article 7 to set the "Carrying rate" at fifty percent, rather than sixty percent; and (4) Article 17 to extend the term of the agreement for four years from January 1, 1974.

In addition thereto, certain other articles are being amended to conform to the foregoing amendments, and to amend, for example, such other articles as those pertaining to sailing deficiencies (Article 6); calculation of revenues from pooled cargo (Article 7); and pool accounting and settlement (Article 9).

By order of the Federal Maritime Commission.

Dated September 21, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-20486 Filed 9-25-73;8:45 am]

FEDERAL RESERVE SYSTEM

CHASE MANHATTAN CORP.

Proposed Acquisition of Dial Financial Corp.

The Chase Manhattan Corporation, New York, New York, 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 Dial Financial Corporation, ("DFC"), Des Moines, Iowa. Notice of the application was published on various dates in newspapers circulated in the communities in which the approximately 436 offices of subsidiaries of DFC are located. Those offices are located in every State other than Alaska, Arkansas, Delaware, Georgia, Illinois, Maryland, Michigan, Montana, New Jersey, New York, North Dakota, South Dakota, Vermont, Virginia, West Virginia, and Wyoming.

Applicant states that the proposed subsidiary would engage through its subsidiaries in the activities of making direct consumer installment loans, secured and unsecured, to individuals in most instances, by direct customer contact, in some instances, by mail; selling credit life, and credit health and accident insurance policies to those individuals; underwriting (in Missouri only) or reinsurance of such insurance to those individuals on items (other than automobiles) in which a subsidiary of DFC has a security interest; purchasing installment sales finance contracts from retailers; providing data processing services, including computerized general accounting services, computerized billing services, and computerized deliquent list preparation, and the use of computer time, to its subsidiaries and other consumer credit companies. 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). Consumer loan, insurance sales, and sales finance operations are conducted by DFC subsidiaries operating under the names, Dial Finance Company, Dial Financial Corporation, Inc., Dial Loan and Investment Company, Dial Industrial Finance Company, Dial Credit Company, Dial Consumer Discount Company, Dial Finance Acceptance Company, Dial Industrial Loan Company, and variations thereof. The insurance underwriting and reinsurance activities of DFC are conducted by its wholly owned subsidiary Consumers Life Insurance Company from DFC's home office in Des Moines, Iowa. The data processing service operations are conducted by DFC from its home office in Des Moines, Iowa.

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 New York.

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 October 14, 1973.

Board of Governors of the Federal Reserve System, September 18, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20459 Filed 9-25-73;8:45 am]

F & M NATIONAL CORP.

Proposed Acquisition of Virginia Loan and Thrift Corp.

F & M National Corporation, Winchester, Virginia, 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 Virginia Loan and Thrift Corporation, Winchester, Virginia. Notice of the application was published on July 9, 1973, in The Evening Star, a newspaper circulated in Winchester, Virginia.

Applicant states that the proposed subsidiary would engage in the activities of making consumer installment loans and purchasing consumer installment sales finance contracts, engaging in general consumer finance business, selling credit life and credit health and accident insurance to borrowers and conducting other financial activities as permitted by the Code of Virginia as it pertains to industrial loan associations. 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 Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 14, 1973.

Board of Governors of the Federal Reserve System, September 18, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20458 Filed 9-25-73;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, 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 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger to Citizens National Bank in Abilene, Abilene, 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 shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Texas, presently controls 12 banks[1] with aggregate deposits approximating $2.6 billion,[2] representing 7.4 per cent of the total commercial bank deposits in the State. Acquisition of Bank would increase Applicant's share of State deposits by 0.25 per cent and would not result in a significant increase in the concentration of banking resources in the State.

Bank (approximately $87 million in deposits) is the second largest of 15 banks in the Abilene banking market (approximated by the Abilene SMSA) and controls 26.4 per cent of the deposits in commercial banks in the market. Applicant's subsidiary closest to Bank is located in Dallas, 178 miles away, and no meaningful present competition exists between any of Applicant's subsidiary banks and Bank. Moreover, there appears to be little likelihood for the development of any significant amount of future competition between these institutions in view of the distances involved and Texas' restrictive branching law. The market appears relatively unattractive for de novo entry due to the recent decline in the population of the Abilene SMSA and the market's below-average population to banking offices ratio. Thus, the proposed acquisition would not appear to have a significant adverse effect on potential competition. The Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Bank, and of Applicant and its present subsidiary banks, are regarded as satisfactory. Considerations relating to the banking factors are consistent with approval of the application. Although there is no evidence in the record to indicate that the banking needs of the residents of the Abilene banking market are not currently being met, the proposed affiliation is likely to result in expansion of the range of services presently offered by Bank. In addition, affiliation with Applicant would give Bank access to considerable financial resources which will enable it to provide an increased lending capacity. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

[1] In addition to its 12 subsidiary banks, Applicant indirectly controls interests of less than 25 per cent in five banks, with aggregate deposits of $67.2 million (as of December 31, 1972).

[2] All banking data are as of December 31, 1972, and reflect holding company formations and acquisitions approved through August 31, 1973.

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 Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] effective September 17, 1973.

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

[FR Doc.73-20454 Filed 9-25-73;8:45 am]

LANDMARK BANKING CORP. OF FLORIDA

Order Approving Acquisition of Banks and Acquisition of Mortgage Banking Business

Landmark Banking Corporation of Florida, Fort Lauderdale, Florida (formerly Consolidated Bankshares of Florida, Inc.), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under sections 3(a)(3) and 4(c)(8) of the Act (12 U.S.C. 1842 (a)(3) and 1843(c)(8)) to acquire 80 per cent or more of the voting shares of North American Mortgage Corporation, St. Petersburg, Florida ("North American"), a registered bank holding company, and to acquire as an incident thereto 98 per cent of the voting shares of The American Bank, St. Petersburg, Florida, and 87 per cent of the voting shares of American National Bank of Clearwater, Clearwater, Florida. Applicant would also acquire the mortgage banking business of North American, an activity that has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1)).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (38 FR 10675 and 23437). 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)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the eighth largest multibank organization in Florida, controls nine banks with aggregate deposits of $534 million, representing approximately 2.7 per cent of the total commercial bank deposits in Florida. (All banking data are as of December 31, 1972, unless otherwise indicated, and reflect holding company acquisitions approved through August 15, 1973.) North American, the 31st largest multi-bank organization in the State, controls two banks with deposits of $18.7 million, representing 0.1 per cent of the commercial bank deposits in Florida. Consummation of the proposed acquisition would increase Applicant's control of Statewide deposits to approximately 2.8 per cent, which is regarded as no significant increase in the concentration of banking resources in Florida, and would not change Applicant's ranking among Florida multibank organizations.

In addition to controlling a banking subsidiary in St. Petersburg and one in Clearwater, North American (total assets of $3.8 million) engages primarily in mortgage banking activities. Through offices located in Pinellas, Sarasota, and Orange Counties, North American originated $10 million in residential mortgage loans in 1972 and at the end of December, 1972, was servicing a mortgage loan portfolio of $120 million.

Applicant's only subsidiary bank in the South Pinellas County banking market is located in St. Petersburg and is the second largest of the 28 banks (18 banking organizations) there, controlling (as of June 30, 1972) 16 per cent of the market deposits. North American's St. Petersburg banking subsidiary (deposits of $3 million) is one of five new banks which opened in the South Pinellas market since June 1972, and is located in a suburban area somewhat removed from the downtown location of Applicant's subsidiary. The South Pinellas market is not highly concentrated with the five largest organizations controlling only 65 per cent of the total market deposits. There has been considerable new entry into the market recently, and several de novo applications have been filed. In light of these factors, the elimination of the slight degree of competition that exists between Applicant's and North American's banking subsidiaries would cause no significant adverse effects.

Applicant's St. Petersburg bank is also a minor competitor of North American for mortgages on one-to-four-unit residences in Pinellas County. In 1972 Applicant originated 0.3 per cent of such loans in that market while North American (through offices in Clearwater and St. Petersburg) originated 3.5 per cent. Since there are at least 23 mortgage companies and 10 savings and loan associations in addition to 25 banking organizations in Pinellas County and since Applicant and North American have such a small combined share of the residential mortgage loan market, removal of competition between the two will not be significant. Likewise, although Applicant possesses the resources to enter the mortgage banking business in Pinellas County by establishing a mortgage banking company or to expand the mortgage lending activities of its St. Petersburg subsidiary bank, foreclosure of Applicant as a de novo entrant is unlikely to have significant adverse competitive effects in this attractive, competitive market which has been marked by rapid growth and ease of entry.

The likelihood of North American's expansion of its mortgage banking operations into markets served by Applicant's banking subsidiaries is small. Although these markets are attractive, North American's resources do not appear to be sufficient for extensive geographic expansion.

There are no other markets in which Applicant's subsidiary banks presently compete with any office of North American or any of North American's banking subsidiaries. Since Applicant's nearest subsidiary bank is 26 miles away, there is no competition between any of Applicant's subsidiary banks and North American's Clearwater bank. Nor does Applicant have a subsidiary located in the Sarasota market where North American has a branch office engaging in mortgage banking. Although Applicant has recently received approval to acquire a subsidiary bank in Orange County (Orlando), this new subsidiary does not compete with North American's mortgage banking office in Orange County because the latter's office is a collection office only and does not originate loans. The Board concludes that the acquisition would have no significant adverse effects on the competitive situation or the concentration of banking resources in any relevant area.

The financial and managerial aspects and future prospects of Applicant and its subsidiary banks and North American and its subsidiary banks are generally satisfactory and consistent with approval of the application. Applicant has recently provided additional capital for several of its subsidiary banks and has made a commitment of a capital injection into its only banking subsidiary where the equity capital base is somewhat low.

There is no evidence in the record that the primary banking needs of the markets in which North American banking subsidiaries operate are not being adequately served by existing banks, but North American's banking subsidiaries will have access to larger lending limits and expertise in several banking fields through affiliation with Applicant. Moreover, North American's mortgage banking business will have better access to capital which will permit it to expand and to compete more effectively. This increased capability is a positive factor in terms of public needs and convenience. Considerations relating to the convenience and needs of the communities involved lend some weight for approval of the applications. There is no evidence in the record indicating that consummation of the proposed acquisitions would result in undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects.

Applicant has indicated that it does not seek to acquire North American's insurance business, North American Insurance Agency, Inc., which engages in the sale of casualty, fire, life, health and accident insurance policies. This business will remain in the hands of North American's present stockholders. This spin-off or separation of the insurance agency from the parent North American Mortgage Corporation will occur prior to consummation of the acquisition. It is the Board's judgment that the balance of public interest factors the Board is re-

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Bucher, and Holland. Absent and not voting: Chairman Burns and Governors Brimmer and Sheehan.

quired to consider under section 4(c)(8) is favorable and the proposed acquisition (not including insurance activities) 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 authority delegated herewith.

This determination is additionally subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[1] effective September 18, 1973.

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

[FR Doc.73-20455 Filed 9-25-73;8:45 am]

NORTRUST CORP.

Proposed Acquisition of Nortrust Datacorp, Inc.

Nortrust Corporation, Chicago, Illinois, 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 Nortrust Datacorp, Inc., Chicago, Illinois. Notice of the application was published on July 21, 1973 in Chicago Tribune a newspaper circulated in Chicago, Illinois.

Applicant states that the proposed subsidiary would engage in the activities of providing bookkeeping and data processing services for the internal operations of Nortrust Corporation and its subsidiaries, and storing and processing other banking, financial, or related economic data, such as performing payroll, accounts receivable or payable, or billing services for customers, and particularly the providing of computer output microfilm services. 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 reasons why this matter should not be resolved without a hearing.

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

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 1, 1973.

Board of Governors of the Federal Reserve System, September 17, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20456 Filed 9-25-73;8:45 am]

U.S. BANCORP

Proposed Acquisition of Nortrust Datacorp, Inc.

U.S. Bancorp, Portland, Oregon, 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 nonvoting shares of Nortrust Datacorp, Inc., Chicago, Illinois. The acquisition of voting shares of Nortrust Datacorp, Inc., are the subject of the 4(c)(8) application of Nortrust Corporation, Chicago, Illinois, a separate application. Notice of the application was published on July 21, 1973 in The Chicago Tribune, a newspaper circulated in Chicago, Illinois.

Applicant states that the proposed subsidiary would engage in the activities of providing bookkeeping and data processing services for the internal operations of Nortrust Corporation, Chicago, Illinois (and its subsidiaries) and storing and processing other banking, financial or related economic data. Applicant alleges that all proposed 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 San Francisco.

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 October 14, 1973.

Board of Governors of the Federal Reserve System, September 18, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20457 Filed 9-25-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

CONSOLIDATION COAL CO.

Application for Renewal Permit; Opportunity for Hearing

Application for Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) has been received as follows:

ICP Docket No. 20051, CONSOLIDATION COAL COMPANY, Hillsboro Mine, MINE ID NO. 1100605 0, COFFEEN, ILLINOIS 62017,
- Section ID No. 003 (2nd N.E. off Main East),
- Section ID No. 006 (1st S.E. off Main East),
- Section ID No. 015 (3rd R.T. off 1st North East),
- Section ID No. 016 (9th L.T. off 2nd North East),
- Section ID No. 017 (9th L.T. off 2nd North East),
- Section ID No. 018 (1st R.T. off 1st South),
- Section ID No. 019 (2nd R.T. off 1st South).

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

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

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

SEPTEMBER 20, 1973.

[FR Doc.73-20483 Filed 9-25-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-74]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON RESEARCH

Notice of Meeting

The NASA Research and Technology Advisory Council, Committee on Research will meet on October 31 and Novem-

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Sheehan, Bucher, and Holland. Absent and not voting: Governor Brimmer.

ber 1, 1973, at the Headquarters of the National Aeronautics and Space Administration, Washington, D.C. 20546. The meeting will be held in Room 625, in Federal Office Building 10B, 600 Independence Avenue SW., Washington, D.C. 20546. Members of the public will be admitted to the meeting beginning at 8:30 a.m. on both days and on a first-come first-served basis up to the seating capacity of the room, which is about 40 persons.

The NASA Research and Technology Advisory Council, Committee on Research serves in an advisory capacity only. In this capacity, the Committee is concerned with program goals, trends, content, scope and technical balance for OAST basic research in the physical, mathematical and life sciences as related to OAST aeronautics, space and nuclear missions. The current Chairman is Professor Abraham Hertzberg. There are 12 members. The following sets forth the approved agenda and schedule for the October 31 and November 1, 1973, meeting of the Research Committee. For further information, please contact Dr. H. H. Kurzweg: Area code 202, 755-2306.

OCTOBER 31, 1973

Time	Topic
8:30 a.m.–5:00 p.m.	Technical Presentation and Discussion "Review of NASA Basic Research in Energetics and Lasers" (Purpose: To assess the quality and the adequacy of our basic research program in energetics and lasers.) The following presentations will be made by speakers from NASA's Headquarters and Ames, Langley and Lewis Research Centers, from the Jet Propulsion Laboratory and from the Universities of Florida, Maryland and Washington: 1. Overview Presentations on High Energy Laser and Energetics Research. 2. Fundamental Photonics. a. Electron Impact Spectroscopy. b. Molecular Interactions, Ion Cyclotron Resonance. c. Superfluid He UV-Laser. d. Flowing Afterglow Ion Laser. e. Nuclear Zeeman Laser. f. Space Gas Release Experiment. g. Uranium Plasma Focus. h. Uranium Plasma Research on Nuclear Pumped Lasers (Univ. of Fla., Univ. of Ill., N.C. State Univ.). i. Uranium Plasma Stability. j. Laser Power Conversion, and Laser Fusion Research. 3. Plasmadynamics. a. High Temperature Plasma Research—Superconducting Magnetic Mirror Apparatus (SUMMA) — Bumpy Torus. b. Magnetohydrodynamics 3. 4. Magnetics and Cryophysics a. Superconductive and Cryogenic Magnets b. Superconductivity Research c. Magnetic Refrigeration 5. Five Year Prospects a. Report on Uranium Plasma Colloquium b. Photonics - Applications and Research Needs
NOVEMBER 1, 1973	
8:30 a.m.–10:00 a.m.	Chairman's report on the results of the latest Research and Technology Advisory Council Meeting of August 16 and 17, 1973, to obtain Committee views and recommendations on the issues and actions considered.
10:00 a.m.–2:00 p.m.	Committee discussion of NASA's basic research in energetics and lasers to assess the quality and the adequacy of the current program and to provide recommendations for future research directions.
2:00 p.m.–2:30 p.m.	Executive Secretary's report summarizing the activities of the OAST Research Council for the Committee's consideration and recommendations.
2:30 p.m.–3:30 p.m.	Preparation for the Spring 1974 Committee Meeting. The Committee will discuss prospective NASA basic research topics for review and evaluation and will select an appropriate subject for the next meeting.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

SEPTEMBER 20, 1973.

[FR Doc.73-20482 Filed 9-25-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5386]

METROPOLITAN EDISON CO.

Proposed Issue and Sale of Cumulative Preferred Stock

SEPTEMBER 12, 1973.

Notice is hereby given that Metropolitan Edison Company ("Met-Ed"), 2800 Pottsville Pike, Mulhenberg Township, Berks County, Pennsylvania 19605, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Met-Ed proposes to issue and sell for cash, subject to the competitive bidding requirements of Rule 50 under the Act, 150,000 additional shares of its cumulative preferred stock (the "New Preferred Stock"). The New Preferred Stock will constitute a further series of Met-Ed's cumulative preferred stock of which there are outstanding 1,243,912 shares issued in nine series. The dividend rate and redemption prices of the New Preferred Stock will be determined by competitive bidding. In all other respects the New Preferred Stock will be similar to the outstanding series. The bidding procedures which Met-Ed will use with respect to the New Preferred Stock will require that (1) the price per share specified in the bids shall not be not less than $100 (the par value of the New Preferred Stock) or more than $102.75 and (2) the dividend rate for the New Preferred Stock, which shall be specified in such bids, shall be a multiple of 1/25th of 1 percent. Prior to October 1, 1978, none of the shares of the New Preferred Stock may be redeemed at the option of Met-Ed if the moneys for such redemption are obtained by Met-Ed directly or indirectly from or in anticipation of borrowings by or for the account of Met-Ed or the proceeds of any issue of any stock ranking prior to or on a parity with the New Preferred Stock at an interest or dividend cost less than the dividend cost of this issue, subject to certain exceptions.

The proceeds ($15,000,000, exclusive of premium and accrued dividends, if any) from the sale of the New Preferred Stock will be used for the payment of all or a portion of Met-Ed's short-term bank loans expected to be outstanding at the time of sale of the New Preferred Stock or for construction purposes or to reimburse Met-Ed's treasury for funds previously expended therefrom for construction purposes. The presently estimated cost of Met-Ed's 1973 construction program is approximately $145,000,000 (including allowance for funds used during construction).

The fees and expenses to be paid by Met-Ed in connection with the issue and sale of the New Preferred Stock are estimated to total $100,000, including legal fees of $26,500. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issuance and sale of the New Preferred Stock by Met-Ed and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 5, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at

the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-20452 Filed 9-25-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 03/03-0001]

FRANKFORD GROCERY SMALL BUSINESS INVESTMENT CO.

Notice of License Surrender

Notice is hereby given that Frankford Grocery Small Business Investment Company (Frankford), G Street and Erie Avenue, Philadelphia, Pennsylvania 19124, has surrendered its license to operate as a small business investment company pursuant to Section 107.105 of the Small Business Administration's Rules and Regulations governing small business investment companies (13 CFR § 107.105 (1973).

Frankford was licensed as a small business investment company on December 23, 1959, to operate solely under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.), and the Regulations promulgated thereunder.

Under the authority vested by the Act and pursuant to the cited Regulation, the surrender of the license is hereby accepted and rights, privileges and franchises therefrom are cancelled.

Dated: September 18, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-20448 Filed 9-25-73;8:45 am]

TARIFF COMMISSION

COMMITTEE FOR STATISTICAL ANNOTATION OF TARIFF SCHEDULES

Collection of F.O.B. and C.I.F. Data on Imports

Recision of amendment to general statistical headnote 1 of the Tariff Schedules of the United States Annotated (TSUSA) and of provision for its interim application.

Notice is hereby given that the amendment of general statistical headnote 1 of the TSUSA published in the FEDERAL REGISTER of August 7, 1973 (38 FR 21323), and the provision for interim application of the amended headnote published in the FEDERAL REGISTER of September 17, 1973 (38 FR 26030), are rescinded. General statistical headnote 1 of the TSUSA therefore reads as it did before the amendment published in the FEDERAL REGISTER of August 7, 1973.

Issued September 25, 1973.

For the Committee.

[SEAL] A. F. PARKS,
Chairman.

[FR Doc.73-20683 Filed 9-25-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

INDIANA

Modifications to Developmental Plan

1. *Submission of modifications.* Pursuant to section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.12 of Title 29, Code of Federal Regulations, notice is hereby given that modifications to the Occupational Safety and Health Plan for the State of Indiana have been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The State made these modifications in response to public comments received pursuant to the notice of submission of the Indiana Plan and its availability for public comment which appeared at 38 FR 10049.

The public comments from groups representing employers and workers included requests for a hearing on the plan on the basis of particularized objections to certain recordkeeping and reporting requirements, right of entry and subpoena power of the Commissioner of Labor, employee sanctions, toxic substances, coverage of public employees, and penalties for violation of posting requirements, among others. The clarifications and modifications submitted by the State seem to cure the alleged inadequacies of the Plan, and accordingly there appears to be no outstanding objection which warrants a hearing. Consequently, the several requests for a hearing are hereby denied. However, it is appropriate to afford under § 1902.12 of Title 29, Code of Federal Regulations, an additional opportunity for public comment on the modifications of the Plan.

The modifications to which comments should be addressed include the following: revised provisions for the adoption of temporary emergency standards; the application, in the legislation, of penalties only to employees; additions to and clarification of certain recordkeeping requirements and regulations; hearing notification time limit; procedures for judicial review; right of the Commissioner of Labor to enter "without delay"; provision for subpoena power; provisions for on-site consultations; clarification of the State's legal notice requirement; job descriptions for safety education consultants; revision of certain personnel budgets; a letter of legal opinion stating that the proposed legislation is consistent with the State's Constitution and that it meets the requirements of the Occupational Safety and Health Act of 1970; and a letter from the governor reaffirming his support of the Plan as modified. Comments submitted on the modifications will be considered in the Assistant Secretary's decision on the Plan.

Included in the modifications are also proposals for the following amendments to the State's legislation: amendment of the definition of the term "employment" to cover all services; an addition to the general duty clause requiring employers to comply with all safety and health standards, rules and regulations; provision that the Federal standards shall be adopted by the State 60 days following the effective date of the Federal standards; requirement that standards subsequent to promulgation be published in a newspaper of general circulation; provision that standards developed shall not unduly burden interstate commerce; requirement that temporary emergency standards be effective until publication of a permanent standard; provision for employee notification of exposure to toxic substances at certain levels; provision for the issuance of interim orders; provision for entry without delay for inspection purposes; provision that violation of posting requirements will incur mandatory penalties; provision that civil penalties may be collected through use of the court system; elimination of the employee sanctions in the legislation and inclusion of a penalty for willful violations of the Act not covered by other penalty clauses; and provision that the Federal recordkeeping and reporting requirements may be used.

2. *Location of plan for inspection.* A copy of the plan with modifications, may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Railway Labor Building, Room 305, 400 First Street NW., U.S. Department of Labor, Washington, D.C. 20210; Regional Administration, Department of Labor, 300 S. Wacker Drive, Room 1201, Chicago, Illinois 60606; and State of Indiana Department of Labor, Room 1013, State Office Building, Indianapolis, Indiana 46202.

3. *Public participation.* Interested persons are hereby given until October 26, 1973, to submit to the Assistant Secretary written data, views, and arguments concerning the modifications of the Plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Occupational Safety and Health Administration, Railway Labor Building, Room 305, 400 First Street, NW., Washington, D.C. 20210. The written comments will be available for public inspection and copying at the above address.

After consideration has been given to all material submitted, a final decision

as to approval or disapproval of the modified Plan will be issued.

Signed at Washington, D.C., this 20th day of September 1973.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.73-20491 Filed 9-25-73;8:45 am]

Wage and Hour Division

FULL-TIME STUDENTS

Certificates Authorizing Employment at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 621 (36 F.R. 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates were issued to variety-department stores and provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

Ben Franklin Store, 607 Main Street, Jasper, IN; 8-1-74.

Braselton Brothers, Inc., Braselton, GA; 9-8-74.

Britts Dept. Store, No. 6549, Bricktown, NJ; 9-2-74.

Bur-Lers Variety Stores, 12819 East Seven Mile Road, Detroit, MI; 8-1-74.

Clarys 5 & 10, 127-133 Front Street Sylvester GA; 8 -12-74.

Draper & Darwin Store, 334 Main Street, Franklin, TN; 7-28-74.

Duckwall Stores Co.: No. 29, Lyons, KS, 8-14-74; No. 35, Phillipsburg, KS, 8-2-74; No. 61, Wichita, KS, 7-30-74; No. 90, Pampa, TX, 8-7-74.

Edward's, Inc., Highway 17, Myrtle Beach, SC; 8-12-74.

W. T. Grant Co.: No. 647, Jacksonville, FL, 9-11-74; No. 849, Jacksonville, FL, 9-2-74; No. 70, Atlanta, GA, 9-2-74; No. 599, Mableton, GA, 9-13-74; No. 494, Leominster, MA, 6-15-74; No. 724, Parsippany, NJ, 8-31-74; No. 173, Paterson, NJ, 9-2-74; No. 393, Roselle, NJ, 8-31-74; No. 675, Asheville, NC, 9-2-74.

S. S. Kresge Co., 7-31-74, except as otherwise indicated: No. 4086, Birmingham, AL (7-26-74); No. 4184, Mobile, AL (8-1-74); No. 4311, Brandon, FL (7-19-73 to 6-30-74); No. 4286, Jacksonville, FL (7-30-74); No. 4420, Ocala, FL (8-12-74); No. 4358, Orlando, FL (7-29-74); No. 4070, Atlanta, GA; No. 4586, Alton, IL (7-24-74); No. 4109, Lombard, IL (8-6-74); No. 93, Ottumwa, IA (8-5-74); No. 4077, Lexington, KY (7-30-74); No. 235, Louisville, KY (8-3-74); No. 582, Detroit, MI (8-12-74); No. 659, Detroit, MI (7-23-74); No. 4488, Rochester, MI (8-14-74); No. 4192, Southfield, MI (8-13-74); No. 4393, Taylor, MI; No. 4204, Warren, MI (7-27-74); No. 578, Hazelwood, MO (7-27-74); No. 73, St. Louis, MO (8-1-74); No. 4280, Springfield, MO (7-20-74); No. 4619, Springfield, MO; No. 4120, Lincoln, NE; No. 4476, Greensboro, NC; No. 199, Dayton, OH (8-18-74); No. 4194, Wyoming, OH (8-13-74); No. 4244, Knoxville, TN (8-1-74); No. 4103, Nashville, TN (8-5-74); No. 704, Dallas, TX (8-15-74); No. 4139, Dallas, TX; No. 782, Houston, TX (9-17-74); No. 4299, Houston, TX (8-3-74); Nos. 715, 4017, and 4425, Houston, TX; No. 780, Midland, TX; No. 4346, White Settlement, TX.

McCrory-McLellan-Green Store: No. 444, Bessemer, AL, 8-19-74; Nos. 1106, and 1128, Birmingham, AL, 8-2-74; No. 7503, Decatur, AL, 8-15-74; No. 442, Gadsden, AL, 8-9-74; No. 1109, Montgomery, AL, 8-2-74; No. 3501, Northport, AL, 8-19-74; No. 256, Clearwater, FL, 8-6-74; No. 172, Fort Walton Beach, FL, 8-6-73 to 8-2-74; No. 318, Hialeah, FL, 8-16-74; No. 361, New Smyrna Beach, FL, 8-2-74; No. 396, Punta Gorda, FL, 7-16-73 to 7-12-74; No. 232, Wauchula, FL, 7-31-74; No. 423, Dublin, GA, 8-31-74; No. 229, New Orleans, LA, 8-6-74; No. 231, Lansing, MI, 8-9-74; No. 616, Columbia, MS, 8-10-74; No. 575, Columbus, MS, 8-2-74; No. 302, Gulfport, MS, 8-3-74; No. 275, McComb, MS, 8-6-74; No. 156, Tupelo, MS, 7-31-74; No. 247, Omaha, NE, 7-31-74; No. 1032, Asbury Park, NJ, 7-29-74; No. 91, Burlington, NJ, 8-1-73 to 7-30-74; No. 1025, Elizabeth, NJ, 7-31-74; No. 251, Newark, NJ, 7-29-74; No. 240, Orange, NJ, 7-29-74; No. 1006, Plainfield, NJ, 8-27-74; No. 301, Union, NJ, 7-29-74; No. 485, Hobbs, NM, 9-9-74; No. 404, Salisbury, NC, 8-2-74; No. 633, Pryor, OK, 9-13-74; No. 134, Rock Hill, SC, 8-6-73 to 8-2-74; No. 146, Hurst, TX, 7-31-74.

Meyer Brothers, 181 Main Street, Paterson, NJ; 8-31-74.

M. E. Moses Co.: No. 19, Dallas, TX, 8-16-74; No. 36, Hurst, TX, 8-6-74.

G. C. Murphy Co.: No. 259, North Palm Beach, FL, 8-31-74; No. 335, Pensacola, FL, 8-31-74; No. 250, Rome, GA, 9-2-74; No. 102, Tifton, GA, 9-2-74; No. 310, Jackson, OH, 8-5-74; No. 429, Wapakoneta, OH, 7-31-74; No. 288, Abilene, TX, 9-2-74; No. 173, Austin, TX, 9-4-74; No. 219, Fort Worth, TX, 9-2-74; No. 294, Odessa, TX, 9-2-74; No. 5430, San Antonio, TX, 9-4-74; No. 283, Texarkana, TX, 9-2-74.

Neisner Brothers, Inc., 9-2-74: No. 192, Avon Park, FL; No. 188, Brandon, FL; No. 183, Dade City, FL; No. 99, Gainesville, FL; No. 175, Key West, FL; No. 21, Miama, FL; No. 187, New Port Richey, FL; No. 184, Palmetto, FL; No. 40, Pompano Beach, FL; No. 127, East Paterson, NJ; No. 149, Middletown, NJ; No. 142, Trenton, NJ; No. 131, Brownsville, TX; No. 180, Del Rio, TX; Nos. 120 and 141, San Antonio, TX.

Raylass Department Store, 232 South Elm Street, Greensboro, NC; 8-14-74.

Ridgewood Variety, Inc., 623 42d Avenue, East Moline, IL; 7-30-74.

Rose's Stores, Inc.: No. 184, Lexington, NC, 7-13-74; No. 10, Rockingham, NC, 8-18-74; No. 97, Lebanon, TN, 8-14-74.

Rozier Mercantile Co., Two East Ste. Maries Street, Perryville, MO; 8-15-74.

Ruffin's Department Store, Inc., Andrews, SC; 7-26-74.

Spurgeon's, 7-31-74; 130 North Main Street, Paris, IL; 118 East Main Street, Streator, IL.

Sterling Stores Co., 208-212 Main Street, Russellville, AR; 8-2-74.

T. G. & Y. Stores Co.: No. 248, Pine Bluff, AR, 9-1-74; No. 1405, Lawrence, KS, 7-31-74; No. 481, Grandview, MO, 8-14-74; No. 478, Liberty, MO, 7-31-74; No. 288, Espanola, NM, 8-27-74; No. 13, Anadarko, OK, 9-2-74; No. 31, Bartlesville, OK, 9-2-74; No. 81, Enid, OK, 7-31-74; No. 36, Midwest City, OK, 9-2-74; No. 57, Muskogee, OK, 9-2-74; No. 1017, Oklahoma City, OK, 8-31-74; No. 1007, Sapulpa, OK, 7-29-74; No. 53, Shawnee, OK, 9-2-74; No. 34, Tulsa, OK, 8-11-74; No. 405, Tulsa, OK, 7-31-74; No. 444, Tulsa, OK, 9-10-74; No. 445, Tulsa, OK, 7-31-74; No. 1701, Lake City, SC, 8-11-74; No. 844, Houston, TX, 9-11-74; No. 843, League City, TX, 8-13-74; No. 804, Odessa, TX, 8-13-74; No. 824, Pearland, TX, 8-31-74; No. 809, Texas City, TX, 8-27-74.

Wood's 5 & 10¢ Stores, Inc.: E-Town Shopping Center, Elizabethtown, NC, 7-16-73 to 7-13-74; Rockingham, NC, 9-4-73 to 7-14-74; Bi-Lo Plaza Shopping Center, Cheraw, SC, 8-14-74.

Younker Brothers, Inc., 7-31-74: North Grand Shopping Center, Ames, IA; 2500 South Center, Marshalltown, IA.

The following certificates issued to variety-department stores permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Ben Franklin Store, U.S. Highway 16 East and Ferguson Hill Road, Burnsville, NC; salesclerk, stock clerk; 10 to 45 percent; 7-17-74.

S. S. Kresge Co., for the occupations of salesclerk, checker, 11 to 22 percent, except as otherwise indicated: No. 3082, Dothan, AL, 7-24-74; No. 3140, Clearwater, FL, 7-22-74 (salesclerk, 7 to 10 percent); Nos. 3081 and 3090, Jackson, MS, 7-22-74; No. 4237, Durham, NC, 7-26-74 (salesclerk); No. 3128, Enid, OK, 7-31-74 (salesclerk, 7 to 27 percent); No. 7012, Clute, TX, 8-15-74 (salesclerk, stock clerk, office clerk, cashier, customer service, maintenance, 7 to 27 percent).

G. McNew Store, No. 23, Belle Glade, FL; salesclerk, stock clerk, office clerk, porter; 11 to 32 percent; 7-16-74.

Rose's Stores, Inc., No. 240, Raleigh, NC; salesclerk; 7 to 13 percent; 7-29-74.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annuled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before October 26, 1973.

Signed at Washington, D.C., this 20th day of September 1973.

DONALD T. CRUMBACK,
Authorized Representative of the Administrator.

[FR Doc.73-20492 Filed 9-25-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 349]

ASSIGNMENT OF HEARINGS

SEPTEMBER 20, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-114273 Sub 139, Cedar Rapids Steel Transportation, Inc., now being assigned hearing November 7, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC-118989 Sub 90, Container Transit, Inc., is continued to November 5, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC-123048 Sub 253, Diamond Transportation System, Inc., now being assigned hearing November 6, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC-126428 Sub 5, Zibert Transport Co., Extension-Marseilles, Ill., now being assigned hearing November 8, 1973 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 125820 Sub-7, Elk Valley Freight Line, Inc., now being assigned hearing October 29, 1973, at Montgomery, Ala., in a hearing room to be later designated.

MCC-8089, Cloquet Transfer Company v. Century Motor Freight, Inc., et al., now being assigned hearing November 5, 1973 (2 days), at St. Paul, Minn., in a hearing room to be later designated.

MC 97699 Sub 36, Barber Transportation Company, now being assigned hearing (1 week), November 5, 1973, at Rapid City, S. Dak., in a hearing room to be later designated.

W-522 Sub 15, American Commercial Barge Line Co., & W-654 Sub 8, Warrior & Gulf Navigation Co., Extension-Tug & Barge, now assigned October 29, 1973, at New Orleans, La., is postponed to December 3, 1973, at New Orleans, La., in a hearing room to be later designated.

MC 9325 Sub 66, K Lines, Inc., now being assigned hearing November 5, 1973 (1 week), at Olympia, Washington, in a hearing room to be later designated.

MC 63792 Sub 16, Tom Hicks Transfer Company, Inc., application dismissed.

FF-397, Japan Line, Ltd., now being assigned November 5, 1973 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC-C-8101, Belknap Van & Storage of San Antonio, Inc., Belknap Warehouse Corp., Burnham Van Service, Inc., and U.S. Van Lines, Inc.—Investigation of Operations, now assigned October 23, 1973, MC 83835 Sub 99, Wales Transportation, Inc., now assigned October 24, 1973, FF-C-52, Darrell J. Sekin & Company, Inc. and Regional International Services, Inc.—Investigation of Operations, now assigned October 25, 1973, and MC 138378, Dale's Enterprises, Inc., Dba Southwest Mobile Homes, now assigned October 29, 1973, at Dallas, Tex., will be held in Room 5A15-17, Federal Office Bldg., 1100 Commerce Street.

MC-F-11893, Overnite Transportation Company—Purchase—Spade Continental Express, Inc., now being assigned hearing November 5, 1973 (1 week), at Columbus, Ohio, in Room 228, Federal Bldg., 85 Marconi Blvd.

MC-263 Sub 205, Garrett Freightlines, Inc., now assigned October 1, 1973, Denver, Colo., will be held in Radisson Denver Hotel, 1790 Grant Street, instead of Room B-230, New Custom House, 19th and Stout Street.

MC-C-8105, Leavitts Freight Service, Inc. v. Contract Carrier Service, Inc., now assigned October 4, 1973, at Portland, Oreg., is postponed indefinitely.

W-1266, Marine Exploration Company, Inc., now assigned November 5, 1973, at Miami, Fla., will be held in Room 208, Federal Bldg., 51 S.W. First Avenue.

MC-F-11896, Crouse Cartage Company—Purchase—Marc Truck Lines, Inc., and MC 123389 Sub 15, Crouse Cartage Company, now being assigned hearing November 5, 1973 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC-C-8093, Phillip Transit Lines, Inc. v. Daniel Hamm Drayage Company, now being assigned November 6, 1973 (1 day), at Jefferson City, Mo., in a hearing room to be later designated.

MC 29642 Sub 9, Five Transportation Company, now being assigned hearing November 26, 1973 (1 week), at Atlanta, Ga., in a hearing room to be later designated.

MC 138565, Transportes Monterrey Cadereyta Reynosa S.A. de C.V., now being assigned November 27, 1973 (3 days), at Brownsville, Tex., in a hearing room to be later designated.

MC 117565 Sub 86, Motor Service Company, Inc., now being assigned hearing November 26, 1973 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC-C-8088, Point Express, Inc.—Investigation and revocation of Certificates—now being assigned hearing November 27, 1973 (2 days), at Columbus, Ohio, in a hearing room to be later designated.

MC 119789 Sub 155, Caravan Refrigerated Cargo, Inc., now being assigned hearing November 29, 1973 (2 days), at Columbus, Ohio, in a hearing room to be later designated.

MC-F-11778, T.I.M.E.-DC, Inc.—Control and Merger—Husman Express Co., MC 35320 Sub 135, T.I.M.E.-DC, Inc. now being assigned hearing December 3, 1973 (1 week), at Columbus, Ohio, in a hearing room to be later designated.

MC-28478 Sub 41, Great Lakes Express Co., now being assigned hearing November 26, 1973 (1 week), will be held in Room No. 1, Public Utilities Commission of Ohio, 111 North High Street, Columbus, Ohio.

MC 97699 Sub 35, Barber Transportation Co., now being assigned hearing November 26, 1973 (2 weeks), at Cheyenne, Wyo., in a hearing room to be later designated.

MC-113459 Sub 77, H. J. Jeffries Truck Line, Inc., now being assigned hearing November 26, 1973 (2 weeks); at Chicago, Ill., in a hearing room to be later designated.

MC 101186 Sub 13, Arledge Transfer, Inc., now being assigned November 27, 1973 (3 days), at Des Moines, Iowa, in a hearing room to be later designated.

MC 59856 Subs 49 and 51, Salt Creek Freightways, now being assigned hearing November 26, 1973 (1 week), at Helena, Mont., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-20509 Filed 9-25-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 21, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before October 11, 1973. FSA No. 42749—*Returned shipments of newsprint paper winding cores to Sheldon, Tex.* Filed by Southwestern Freight Bureau Agent (No. B-431), for interested rail carriers. Rates on cores, newsprint paper winding, returned, in carloads, as described in the application, from points in Illinois Freight Association and western trunkline territories, to Sheldon, Tex.

Grounds for relief—Carrier competition.

Tariff—Supplement 60 to Southwestern Freight Bureau, Agent, tariff 306-E, ICC 4965. Rates are published to become effective on October 20, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-20510 Filed 9-25-73;8:45 am]

[No. 35863]

MONTANA INTRASTATE RAIL FREIGHT RATES AND CHARGES, 1973

Assignment for Hearing and Directing Special Procedure

It appearing, That by order dated July 16, 1973, the Commission, Division 2, instituted the above-entitled investigation;

It is ordered, That the above-entitled proceeding be, and it is hereby, referred to an Administrative Law Judge for hearing and for an initial decision.

It is further ordered, That on or before October 9, 1973, the respondents and any persons in support thereof shall file with the Commission three copies of the verified statements of their witnesses, in writing, together with any studies to be offered at the hearing, with a statement where the underlying work papers to such studies will be available for inspection by parties to the proceeding and at the same time, serve a copy of such prepared material upon all parties listed in Appendix A attached hereto and any additional persons who make known their desire to actively participate in the proceeding on or before October 3, 1973.

It is further ordered, That on or before November 9, 1973, protestants shall file with the Commission, three copies of reply verified statements of their witnesses, in writing, and at the same time, serve a copy of such prepared material upon all persons listed in Appendix A hereto and any additional persons who make known their desire to actively participate on or before October 3, 1973. Attached hereto as Appendix A is a list of all known persons who have indicated their desire to actively participate in the proceeding. Any additional persons who desire to actively participate and receive copies of the prepared material to be served shall notify the Commission, in writing, on or before October 3, 1973, as well as all persons listed in Appendix A attached hereto. Otherwise, any interested persons desiring to participate in this proceeding may make his appearance at the hearing.

It is further ordered, That parties desiring to cross-examine witnesses who have submitted verified statements shall give notice to that effect, in writing, to the affiant and his counsel, if any, on or before November 19, 1973, a copy of such notice to be filed simultaneously with the Commission, together with a request for any underlying data that the witnesses will be expected to have available for immediate reference at the hearing. All verified statements and attachments as to which no cross-examination is requested will be considered as offered in evidence and received unless challenged for good cause. Any witness who has been requested to appear for cross-examination but fails to do so, subjects his verified statement to a motion to strike.

It is further ordered, That a hearing will be held commencing on November 28, 1973, at 9:30 a.m. United States Standard Time, at Billings, Montana, in a hearing room to be later designated, for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and such other pertinent evidence which the Judge deems necessary to complete the record.

And it is further ordered, That a copy of this order be served upon the respondents and protestants; that the State of Montana be notified of this proceeding by sending a copy of this order by certified mail to the Governor of Montana, Helena, Mont., and a copy to the Public Service Commission of Montana, Helena, Mont.; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 19th day of September 1973.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A

Mr. John Brummer,
President,
Northern Montana Beet Growers Association,
Chinook, MT 59523.

Mr. J. J. Burchell,
General Attorney,
Union Pacific Railroad Co.,
1416 Dodge Street,
Omaha, NE 68102.

Mr. Howard N. Bull,
Director of Transportation,
Holly Sugar Corporation,
P.O. Box 1052,
Colorado Springs, CO 80901.

Mr. Gene J. Carroll,
Transportation Specialist,
State of Montana,
Department of Agriculture,
Capitol Annex Building,
Helena, MT 59601.

Mr. Charles H. Dickman,
Counsel for the Commission,
Public Service Commission,
1227 11th Avenue,
Helena, MT 59601.

Miss Sandra Giannini,
Traffic Analyst
Champion International Corporation,
Knightsbridge Drive,
Hamilton, OH 45020.

Mr. William V. Guffey,
President,
Upper Missouri Beet Growers Association,
Townsend, MT 59644.

Mr. Barry McGrath,
Assistant General Solicitor,
Burlington Northern, Inc.,
176 East Fifth Street,
St. Paul, MN 55101.

Mr. Dal W. Nelson,
Transportation Manager,
Mill and Consumer Packaging,
Hoerner Waldorf Corporation,
2350 Wabash Avenue,
P.O. Box 3260,
St. Paul, MN 55165.

Mr. William E. O'Leary,
Risken & O'Leary,
Power Block, P.O. Box 225,
Helena, MT 59601.
Representing: Montana Consumer Counsel.

Mr. Ogden D. Olson,
Traffic Manager,
ConAgra-Montana, Inc.,
Traffic Department,
Box 2548,
Great Falls, MT 59403.

Mr. G. T. Patterson,
Regional Distribution Director,
Phillips Petroleum Company,
Supply & Distribution Department,
7801 East Belleview Avenue,
Englewood, CO 80110.

Mr. J. B. Phillips,
Great Western Sugar Company,
P.O. Box 5308, Terminal Annex,
Denver, CO 80217.

Mr. J. Fred Simpson,
General Attorney,
Chicago, Milwaukee, St. Paul and Pacific Railroad Company,
1318 Fourth Avenue,
Seattle, WA 98101.

[FR Doc.73-20511 Filed 9-25-73;8:45 am]

[Notice 22]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 21, 1973.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 664) (Cancels Deviation No. 552), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed September 7, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express, and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From the junction of the Ohio Turnpike and Interstate Highway 80 at Interchange No. 15 over Interstate Highway 80 to junction of Interstate Highways 80 and 280 and U.S. Highway 46 near Pine Brook, N.J., thence over Interstate Highway 280 to junction New Jersey County Highway 508 near Newark, thence over New Jersey County Highway 508 to junction New Jersey Turnpike (Exit 15W), and (2) from the junction of the Ohio Turnpike and Interstate Highway 80 at Interchange No. 15 over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction New Jersey Highway 3 (Lincoln Tunnel Interchange), with the following access routes: (a) from the junction of U.S. Highway 46 and New Jersey Highway 23 near Singac, N.J., over New Jersey Highway 23 to junction Interstate Highway 80, and (b) from Youngstown, Ohio, over Ohio Highway 193 to junction Interstate Highway 80, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From the junction of Interstate Highway 80 and the Ohio Turnpike at Exit 15 over the Ohio Turnpike to junction the Pennsylvania Turnpike at the Ohio-Pennsylvania State line, thence

over the Pennsylvania Turnpike to junction the New Jersey Turnpike at Interchange No. 6, thence over the New Jersey Turnpike to junction New Jersey County Highway 508, near Newark, N.J. (Exit 15W), and (2) from the Lincoln Tunnel Interchange of the New Jersey Turnpike over the New Jersey Turnpike to the Delaware Memorial Bridge Interchange, and return over the same routes.

No. MC-1515 (Deviation No. 665) (Cancels Deviation No. 612), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed September 7, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From the junction of the New Jersey Turnpike and New Jersey County Highway 508 (Exit 15W), over New Jersey County Highway 508 to junction Interstate Highway 280, at Newark, N.J., thence over Interstate Highway 280 to junction U.S. Highway 46 and Interstate Highway 80 west of Pine Brook, N.J., thence over Interstate Highway 80 to junction Interstate Highway 380, thence over Interstate Highway 380 to junction Pennsylvania Highway 307 near Scranton, Pa., and (2) from the junction of New Jersey Highway 3 and the New Jersey Turnpike (Interchange No. 17) near New York, N.Y., over the New Jersey Turnpike to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 46 and Interstate Highway 280 west of Pine Brook, N.J., thence over Interstate Highway 80 to junction Interstate Highway 380, thence over Interstate Highway 380 to junction Pennsylvania Highway 307 near Scranton, Pa., with the following access routes: (a) From the junction of U.S. Highway 46 and New Jersey Highway 23 near Singac, N.J., over New Jersey Highway 23 to junction Interstate Highway 80, (b) from Dover, N.J., over New Jersey Highway 15 to junction Interstate Highway 80, (c) from the junction of U.S. Highway 46 and New Jersey County Highway 517 near Hackettstown, N.J., over New Jersey County Highway 517 to junction Interstate Highway 80, (d) from Stroudsburg, Pa., over U.S. Highway 611 to junction Interstate Highway 80, (e) from Scotrun, Pa., via unnumbered access highway to junction Interstate Highway 80, (f) from Tobyhanna, Pa., over Pennsylvania Highway 423 to junction Interstate Highway 380, and (g) from the junction of U.S. Highway 611 and Pennsylvania Highway 507 over Pennsylvania Highway 507 to junction Interstate Highway 380, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) from New York, N.Y., via the Lincoln Tunnel to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction U.S. Highway 611 near Columbia, N.J., thence over U.S. Highway 611 to junction Pennsylvania Highway 307, thence over Pennsylvania Highway 307 to Scranton, Pa., and (2) from the Lincoln Tunnel Interchange of the New Jersey Turnpike, over the New Jersey Turnpike to the Delaware Memorial Bridge Interchange, and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-20513 Filed 9-25-73;8:45 am]

[Notice 31]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 21, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-75320 (Deviation No. 39), CAMPBELL "66" EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801, filed September 12, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Vinita, Okla., over U.S. Highway 60 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction Interstate Highway 35E, thence over Interstate Highway 35E to Dallas, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Vinita, Okla., over U.S. Highway 66 to Tulsa, Okla., thence over Interstate Highway 44 to junction Oklahoma Highway 18, thence over Oklahoma Highway 18 to junction U.S. Highway 177, thence over U.S. Highway 177 to junction U.S. Highway 70, thence over U.S. Highway 70 to junction Oklahoma Highway 79, thence over Oklahoma Highway 79 to the Oklahoma-Texas State line, thence over Texas Highway 79 to Wichita Falls, Tex., thence over U.S. Highway 281 to junction U.S. Highway 180 at or near Mineral Wells, Tex., thence over U.S. Highway 180 to Fort Worth, Tex., thence over Texas Highway 183 to Dallas, Tex. (also from Fort Worth, Tex., over the Dallas-Fort Worth Turnpike to Dallas, Tex., and return), and return over the same route.

No. MC-75320 (Deviation No. 40), CAMPBELL "66" EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801, filed September 12, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 35 (U.S. Highway 50 where Interstate Highway 35 is not completed) to junction U.S. Highway 82, thence over U.S. Highway 82 to junction U.S. Highway 75, thence over U.S. Highway 75 to Dallas, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City, Mo., over U.S. Highway 50 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction Kansas Highway 26 (formerly Kansas Highway 96), thence over Kansas Highway 26 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Interstate Highway 44, thence over Interstate Highway 44 to junction Oklahoma Highway 18, thence over Oklahoma Highway 18 to junction U.S. Highway 177, thence over U.S. Highway 177 to junction U.S. Highway 70, thence over U.S. Highway 70 to junction Oklahoma Highway 79, thence over Oklahoma Highway 79 to the Oklahoma-Texas State line, thence over Texas Highway 79 to Wichita Falls, Tex., thence over U.S. Highway 281 to junction U.S. Highway 180 at or near Mineral Wells, Tex., thence over U.S. Highway 180 to Fort Worth, Tex., thence over Texas Highway 183 to Dallas, Tex. (also from Fort Worth, Tex., over the Dallas-Fort Worth Turnpike to Dallas, Tex., and return) and return over the same route.

No. MC-75320 (Deviation No. 41), CAMPBELL "66" EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801, filed September 12, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 70 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction Interstate Highway 35W, thence over Interstate Highway 35W to Fort Worth, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized

to transport the same commodities over a pertinent service route as follows: From Kansas City, Mo., over U.S. Highway 50 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction Kansas Highway 26 (formerly Kansas Highway 96), thence over Kansas Highway 26 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Interstate Highway 44, thence over Interstate Highway 44 to junction Oklahoma Highway 18, thence over Oklahoma Highway 18 to junction U.S. Highway 177, thence over U.S. Highway 177 to junction U.S. Highway 70, thence over U.S. Highway 70 to junction Oklahoma Highway 79, thence over Oklahoma Highway 79 to the Oklahoma-Texas State line, thence over Texas Highway 79 to Wichita Falls, Tex., thence over U.S. Highway 281 to junction U.S. Highway 180 at or near Mineral Wells, Tex., thence over U.S. Highway 180 to Fort Worth, Tex., and return over the same route.

No. MC-59583 (Deviation No. 45), THE MASON AND DIXON LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662, filed September 10, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Shamokin Dam, Pa., over U.S. Highway 15 to Rochester, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Bristol, Tenn., over U.S. Highway 11 to Harrisburg, Pa., thence over U.S. Highway 22 to junction New Jersey Highway 28, thence over New Jersey Highway 28 to junction New Jersey Highway 439, thence over New Jersey Highway 439 to New York, N.Y., serving all intermediate points and the off-route points of Gate City, Glasgow, Shenandoah, and Fort Royal, Va., High Bridge, N.J., and points in Hudson, Essex, Bergen, Passaic, Union, and Middlesex Counties, N.J., and points in the New York, N.Y., commercial zone, (2) from Harrisburg, Pa., over Pennsylvania Highway 147 to Clarks Ferry, Pa., thence across the Susquehanna River to Juniata Bridge, thence over U.S. Highway 11 to Scranton, Pa., thence over U.S. Highway 611 to Philadelphia, Pa., serving all intermediate points, (3) from Binghamton, N.Y., over U.S. Highway 11 via Clarks Summit and West Pittston, Pa., to Kingston, Pa., thence over Pennsylvania Highway 115 to Wilkes-Barre, Pa., serving the intermediate and off-route points of Hop Bottom, Nicholson, Clarks Summit, Scranton, Pittston, Kingston, Tunkannack, Plymouth, Old Forge, Luzerne, Nanticoke, and Dunmore, Pa., and those in Dickinson and Fenton Townships, Broome County, N.Y., and (4) from Buffalo, N.Y., over New York Highway 33 to Rochester, N.Y., thence over New York Highway 96 to junction New York Highway 332, thence over New York Highway 332 to Canandiagua, N.Y., thence over U.S. Highway 20 to Geneva, N.Y., thence over New York Highway 96A to Ovid, N.Y., thence over New York Highway 96 to Oswego, N.Y., thence over New York Highway 17 to Binghamton, N.Y., serving the intermediate and off-route points of Elmira, Oswego, Batavia, Rochester, Canandiagua, Geneva, Ithaca, Niagara Falls, Tonawanda, North Tonawanda, and North Collins, N.Y., those in Dickinson and Fenton Townships, Broome County, N.Y., and all intermediate points between Ithaca and Binghamton, N.Y., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-20514 Filed 9-25-73;8:45 am]

[Notice 75]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 21, 1973.

The following publications (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 the new special rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 116092 (sub-No. 5) (Notice of filing of petition for Modification of certificate), filed September 7, 1973. Petitioner: E. J. PERSONS TRANSPORT, LTD., 785 Main Street, Cowansville, Province of Quebec, Canada. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Petitioner presently holds a motor *common carrier* certificate in No. MC-116092 (sub-No. 5) issued December 12, 1972, authorizing transportation, by motor vehicle, over irregular routes, of *rough lumber*, between ports of entry on the United States-Canada Boundary line at or near Champlain and Ogdensburg, N.Y., and Norton Mills, Derby Line, and Richford, Vt., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, restricted against transportation of traffic originating at points in Maine. By the instant petition, petitioner seeks to transport all types of lumber, in lieu of the single commodity rough lumber. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124554 (sub-No. 5) (Notice of Filing Petition for Territorial Expansion), filed September 7, 1973. Petitioner: LANG CARTAGE CORP., 338 South 17th Street, Milwaukee, Wis. 53233. Petitioner's representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, Wis. 53203. Petitioner presently holds a motor *contract carrier* permit in No. MC 124554 (sub-No. 5) issued August 5, 1964, authorizing transportation, over irregular routes, 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 requiring special equipment, from Milwaukee, Wis., to dealers of Stanley Home Products, Inc., located at points in Door, Oconto, Shawano, Brown, Dodge, Racine, Outagamie, Winnegago, Manitowoc, Calumet, Waukesha, Kawaunee, Fond du Lac, Sheboygan, Washington, Ozaukee, Milwaukee, Waupaca, Kenosha, Jefferson, Walworth, Rock, Marquette, Waushara, Portage, Columbia, Green Lake, Menomonie, Marathon, and Langlade Counties, Wis., with no transportation for compensation on return except as otherwise authorized, restricted to a transportation service to be performed, under a continuing contract, or contracts, with Stanley Home Products, Inc., of Westfield, Mass. By the instant petition, petitioner seeks to modify its territorial description to include Dane, Green and Sauk Counties, Wis., as destinations points. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11986. Authority sought for purchase by LIGON SPECIALIZED HAULER, INC., P.O. Box L, Madisonville, Ky. 42431, of a portion of the operating rights of WEBB TRANSFER LINE, INC., JOHN C. RYAN, Trustee, 403 West Main St., Frankfort, Ky. 40601, and for acquisition by HERBERT ARNOLD

LIGON, JR., also of Madisonville, Ky. 42431, of control of such rights through the purchase. Applicants' attorneys: Robert M. Pearce, P.O. Box E, Bowling Green, Ky. 42101, and Robert H. Kinker, P.O. Box 464, Frankfort, Ky. 40601. Operating rights sought to be transferred: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, as a common carrier, over irregular routes, between points in Shelby County, Ky., on the one hand, and, on the other, points in Kentucky, Illinois, Indiana, Ohio, West Virginia, Virginia, Tennessee, and Georgia, traversing Maryland for operating convenience only; *commodities*, which because of size or weight require the use of special equipment, between Middletown, Ohio, on the one hand, and, on the other, Fort Knox, Ky., Fort Benjamin Harrison, Ind., and sites of Civilian Conservation Corps Camps in Indiana and Kentucky; livestock, from Shelbyville, Ky., to Cincinnati, Ohio, service is authorized from points in Shelby County, Ky., restricted to pick-up only; emigrant movables, as defined in *Herb Malchow Extension of Operations-Special Commodities*, 47 M.C.C. 299, between points in Shelby County, Ky., on the one hand, and, on the other, points in Kentucky, Illinois, Indiana, Ohio, West Virginia, Virginia, Tennessee, and Georgia, traversing Maryland for operating convenience only; *building materials and supplies* (except commodities in bulk), from the plantsite of Tech-Panel Corp. at or near Springfield, Ky., to points in the United States (except Alaska and Hawaii); *hardboard*, from New Orleans, La., and Wilmington, N.C., to the plantsite of Tech-Panel Corporation at or near Springfield, Ky., with restriction. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–11987. Authority sought for purchase by OLIVER TRUCKING COMPANY, INC., P.O. Box 53 (Lexington Road), Winchester, Ky. 40391, of a portion of the operating rights of WEBB TRANSFER LINE, INC., JOHN C. RYAN, Trustee, 403 West Main St., Frankfort, Ky. 40601, and for acquisition by RALPH OLIVER, also of Winchester, Ky. 40391, of control of such rights through the purchase. Applicants' attorneys: Louis J. Amato, P.O. Box 53, Winchester, Ky. 40391, and Robert H. Kinker, P.O. Box 464, Frankfort, Ky. 40601. Operating rights sought to be transferred: *Homogenized, reconstituted, or reconstructed tobacco*, as a *common carrier* over irregular routes, from Spottswood, N.J., and Ancram, N.Y., to Louisville, and Lexington, Ky., between Louisville and Lexington, Ky., on the one hand, and, on the other, Danville and Richmond, Va., and Greensboro, Durham, and Reidsville, N.C.; *plywood*, from the plantsite of General Plywood Corp., at New Albany, Ind., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee (except Nashville and points in its commercial zone as defined by the Commission), Virginia, Vermont, West Virginia, and the District of Columbia, with restriction. Vendee is authorized to operate as a *common carrier* in Kentucky, Pennsylvania, West Virginia, Tennessee, North Carolina, Georgia, Alabama, Mississippi, Illinois, Indiana, Michigan, Missouri, Ohio, South Carolina, Virginia, Wisconsin, Arkansas, Delaware, Florida, Iowa, Louisiana, Maryland, Minnesota, New Jersey, New York, Connecticut, Maine, Massachusetts, New Hampshire, Oklahoma, Rhode Island, Texas, Vermont, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11988. Authority sought for purchase by O'NAN TRANSPORTATION COMPANY, INCORPORATED, P.O. Box 308, Carrollton, Ky. 41008, of a portion of the operating rights of WEBB TRANSFER LINE, INC., JOHN C. RYAN, Trustee, 403 West Main St., Frankfort, Ky. 40601, and for acquisition by ROBERT O'NAN, also of Carrollton, Ky. 41008, of control of such rights through the purchase. Applicants' attorney: Robert M. Pearce, P.O. Box E, Bowling Green, Ky. 42101. Operating rights sought to be transferred: *Such materials, supplies, and equipment* as are necessary to the maintenance and operation of Civilian Conservation Corps camps, as a *common carrier* over regular routes, between Fort Benjamin Harrison, Ind., and Fort Knox, Ky., between Jeffersonville, Ind., and Fort Knox, Ky., service is not authorized to or from intermediate points, with restriction; *materials, supplies, and equipment*, used in the operation and maintenance of Civilian Conservation Corps camps, over irregular routes between Fort Benjamin Harrison, Ind., and Civilian Conservation Corps camps in Kentucky; *general commodities*, except commodities which because of size or weight require the use of special equipment, between Middletown, Ohio, on the one hand, and, on the other, Fort Knox, Ky., Fort Benjamin Harrison, Ind., and sites of Civilian Conservation Corps camps in Indana and Kentucky. Vendee is authorized to operate as a common carrier in Kentucky, Indiana, Ohio, and Tennessee. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11989. Authority sought for purchase by CECIL O'NAN, doing business as O'NAN TRANSFER CO., Defoe, Ky. 40017, of a portion of the operating rights of WEBB TRANSFER LINE, INC., JOHN C. RYAN, Trustee, 403 West Main Street, Frankfort, Ky. 40601, and for acquisition by CECIL O'NAN, also of Defoe, Ky. 40017, of control of such rights through the purchase. Applicants' attorney: Robert M. Pearce, P.O. Box E, Bowling Green, Ky. 42101. Operating rights sought to be transferred: *Redried tobacco*, in containers other than hogsheads, as a *common carrier* over irregular routes, between points in Kentucky, Florida, Indiana, Ohio, Tennessee, West Virginia, and Missouri, on the one hand, and, on the other, points in Georgia, North Carolina, South Carolina, and Virginia; *empty tobacco containers*, knocked down or assembled, and *tobacco handling and testing equipment*, between points in Kentucky, Florida, Indiana, Ohio, Tennessee, West Virginia, Missouri, Georgia, North Carolina, South Carolina, and Virginia except between Lake City and Live Oak, Fla., on the one hand, and, on the other, points in North Carolina and Virginia; *general commodities*, with certain exceptions, as a *contract carrier* over irregular routes, from U.S. Government installations in Alabama, Arkansas, Delaware, Georgia, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Florida and the District of Columbia, from points in these States with certain exceptions from U.S. Government installations and holding agencies for U.S. Government property in Arizona, California, Colorado, Connecticut, Delaware, Florida, Idaho, Iowa, Kansas, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Dakota, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming, to points in Kentucky, with restrictions. Vendee holds no authority from this Commission. However, he is affiliated with CECIL O'NAN, doing business as TRI-STATE EXPRESS, Defoe, Ky. 40017 (MC–14624), which is authorized to operate as a *common carrier* in Indiana, Kentucky, and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11990. Authority sought for control by LIGON SPECIALIZED HAULER, INC., Highway 85 East, P.O. Drawer L, Madison, Ky. 42431, of LUMBER TRANSPORT, INC., P.O. Box 6181 South Station, Fort Smith, Ark. 72901, and for acquisition by HERBERT A. LIGON, JR., also of Madisonville, Ky. 42431, of control of LUMBER TRANSPORT, INC., through the acquisition by LIGON SPECIALIZED HAULER, INC. Applicants' attorney: Ronald E. Butler, of Madisonville, Ky. 42431. Operating rights sought to be controlled: *Lumber and lumber mill products*, as a *common carrier* over irregular routes, from points in New Mexico to points in Oklahoma; *salvaged used pipe*, from certain specified points in Illinois, to points in Kansas, Oklahoma, New Mexico, Texas, Louisiana, and Arkansas; clay pipe, from the plantsites of United Clay Pipe Co., at or near Seminole, Okla., to points in Arkansas, Colorado, Kansas, Missouri, New Mexico, and Texas; *composition board*, from Miami, Okla., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico; *wood chips and wood waste*, from points in Texas, Louisiana, Arkansas, Missouri (except

Belle and Ellis Spur, near Bland), Kansas, Mississippi, and Tennessee, to Miami, Okla.; *clay products*, from points in Seminole County, Okla., to points in Alabama, Arizona, Illinois, Kentucky, Louisiana, Mississippi, Nebraska, Tennessee, Utah, and Wyoming; *charcoal* (except commodities in bulk), from Paris, Ark., to points in the United States (except Alaska, Arkansas, Hawaii, and Oklahoma). LIGON SPECIALIZED HAULER, INC., is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-11991. Authority sought for purchase by ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio 44309, of a portion of the operating rights of ENGLAND TRANSPORTATION COMPANY, INC., P.O. Box 47054, Dallas, Tex. 75247, and for acquisition by GALEN J. ROUSH, also of Akron, Ohio 44309, of control of such rights through the purchase. Applicants' attorneys and representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, Douglas W. Faris, P.O. Box 471, Akron, Ohio 44309, and Drew L. Carraway, 618 Perpetual Building, Washington, D.C. 20004. Operating rights sought to be purchased: *General commodities*, with certain exceptions, as a *common carrier* over irregular routes, between New Orleans, La., and points within 10 miles of the corporate limits of New Orleans, on the one hand, and, on the other, to certain specified points in Louisiana. Vendee is authorized to operate as a *common carrier* in Ohio, Texas, Oklahoma, Connecticut, Michigan, Missouri, Indiana, Massachusetts, Pennsylvania, Kansas, Illinois, Kentucky, Rhode Island, Alabama, Georgia, North Carolina, Tennessee, South Carolina, New Jersey, New York, Virginia, Delaware, Maryland, West Virginia, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11992. Authority sought for purchase by YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, Kans. 66207, of the operating rights of SHANE TRUCK LINE, INC., P.O. Box 267, Clovis, Calif. 93612, and for acquisition by GEORGE E. POWELL, JR., 1040 West 57th Street, Kansas City, Mo. 64113, of control of such rights through the purchase. Applicants' attorney: Allan C. Zuckerman, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-120859 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of California. Vendee is authorized to operate as a *common carrier* in Illinois, Kansas, Oklahoma, Texas, Missouri, Indiana, Kentucky, Michigan, Ohio, Nebraska, Georgia, Arizona, New Mexico, Minnesota, South Carolina, Colorado, California, Tennessee, Wyoming, South Dakota, Utah, Pennsylvania, Maryland, Virginia, Alabama, Delaware, New Jersey, New York, and Massachusetts. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-112713 (Sub-No. 155), is a directly related matter.

TRANSFER APPLICATION TO BE ASSIGNED FOR ORAL HEARING

No. MC-FC-35454. (Republication.) Authority sought by lessee, MIDDLE & WESTERN FARMS COOPERATIVE ASSOCIATION, 513 Waverly Court, Deerfield, Ill. 60015, to lease the operating rights of lessor, B. J. McADAMS, Inc., Route 6, Box 15, North Little Rock, Ark. 72118. Applicants' representative: L. C. Cypert, Route 6, Box 15, North Little Rock, Ark. 72118. Operating rights in certificates Nos. MC-134922, MC-134922 (sub-No. 1), MC-134922 (sub-No. 6), MC-134922 (sub-No. 10), MC-134922 (sub-No. 11), MC-134922 (sub-No. 13), MC-134922 (sub-No. 19), and MC-134922 (sub-No. 22) sought to be leased: *Edible meats, canned goods, gelatins, tails, vegetable oils, and vegetable oil shortenings* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Eau Claire, Wis., Worthington, Minn., and points in the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission, including Minneapolis and St. Paul, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; *dairy products* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission, including Minneapolis and St. Paul, and from St. Cloud, Worthington, St. Charles, Albert Bea, Fairbault, and Twin Lakes, Minn., and Portage, Marshfield, and Monroe, Wis., to points in the above-named states; *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from Fairmont, Minn., to points in the above-named states; *frozen foods*, from the facilities of Kitchens of Sara Lee, Inc., located at or near Deerfield and Chicago, Ill., to points in Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Connecticut, and the District of Columbia; *meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite of Armour & Co., at Huron, S. Dak., to points in Georgia, Florida, North Carolina, South Carolina, and Tennessee; *nonfrozen milk food products*, from Mitchell, S. Dak., to points in New Mexico, Arizona, Colorado, Nevada, California, Utah, Washington, Oregon, Idaho, and Montana; *charcoal briquettes*, in bags, from Cotter, Ark., to points in Oklahoma, Tennessee (except Memphis, Tenn., and points in its commercial zone), Illinois (except East St. Louis, Ill., and points in its commercial zone), Missouri (except Kansas City, Springfield, and St. Louis, Mo., and points in their respective commercial zones), Kansas, Nebraska, Iowa, Colorado, Arizona, Mississippi, Louisiana, Texas, and California; *yarn*, from Rome, Ga., to points in Texas; *frozen foods*, from the facilities of Kitchens of Sara Lee, Inc., at New Hampton, Iowa, to points in Washington, Oregon, Wyoming, Utah, Montana, Idaho, Nevada, North Carolina, South Carolina, Tennessee, Kentucky, Louisiana, Mississippi, Georgia, Florida, and Alabama; and *frozen bakery products and frozen milk and cream substitutes*, from Appleton, Wis., to points in Oklahoma, Texas, and Arkansas.

Pursuant to an order of the Commission, Division 3, dated June 7, 1973, the above-described lease application under section 212(b) of the Interstate Commerce Act is to be assigned for hearing at a time and place to be fixed, for the purpose of determining, among other things, whether lessee under section 1132.3 of the rules and regulations governing transfers of operating rights is fit to acquire the rights proposed for lease. Interested parties have 30 days from the date of this republication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the sought intervention, the place where the petitioner wishes the hearing to be held, the number of witnesses to be presented, and the estimated time required for presentation of its evidence. The Bureau of Enforcement has been directed to participate as a party in the proceeding for the purpose of introducing evidence and otherwise developing the record.

NOTE.—The purposes of this republication are to describe with particularity the scope of operating rights involved in the transaction and to indicate that the decision to assign the proceeding for hearing was made by Division 3. The prior publication was made in the FEDERAL REGISTER issue of June 20, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.73-20515 Filed 9-25-73;8:45 am]

[Notice 357]

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 October 16, 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-74452. By order of September 17, 1973, the Motor Carrier Board on reconsideration approved the transfer to Metropolitan Van Lines, Inc., New London, Conn., of the operating rights in certificates Nos. MC-133272 and MC-133272 (sub-No. 1) issued July 17, 1970, and September 4, 1969, respectively, to Whaling City Trucking, Inc., New London, Conn., authorizing the transportation of used household goods, from New London and Bridgeport, Conn., to points in Connecticut and Massachusetts, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, or decontainerization of such traffic; new furniture, from Providence, R.I., to points in Massachusetts and those in that part of Connecticut on and east of a line beginning at New London and extending along Connecticut Highway 32 to Norwich, thence along Connecticut Highway 169 to the Connecticut-Massachusetts State line; household goods, as defined by the Commission, between points in Rhode Island, on the one hand, and, on the other, points in Massachusetts and Connecticut, and household goods, between points in Rhode Island, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, New York, New Jersey, and Pennsylvania. John E. Fay, 630 Oakwood Avenue, West Hartford, Conn. 06110, attorney for applicants.

No. MC-FC-74658. By order of September 19, 1973, the Motor Carrier Board approved the transfer to R. & S. Transfer, Inc., Forest, Ohio, of the operating rights in Permit No. MC-134353 (sub-No. 2) issued July 14, 1972, to Pfeifer Transfer Co., a corporation, Upper Sandusky, Ohio, authorizing the transportation of fabricated structural steel and iron, from the plant site of Carter Steel and Fabricating Company at Bellefontaine, Ohio, to points in Ohio, Indiana, Illinois, Kentucky, West Virginia, Virginia, Pennsylvania, Tennessee, Maryland, New York, Wisconsin, and Michigan, and from points in that part of Michigan south of Michigan Highway 21 and from points in each of the above-indicated states to the plantsite of Carter Steel and Fabricating Co., Bellefontaine, Ohio. Edward R. Kirk, Suite 1660, 88 East Broad Street, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-74692. By order of September 18, 1973, Motor Carrier Board approved the transfer to Silver Fleet Motor Express, Inc., Los Angeles, Calif., of the certificate of registration in No. MC-98890 (sub-No. 3), issued April 14, 1964, to Culy Transportation Co., Inc., doing business as Cal-Canadian Motor Express, Los Angeles, Calif., authorizing transportation corresponding in scope to common carrier certificate No. 62224, dated June 30, 1961, issued by the Public Utilities Commission of California. Donald Murchison, Esq., 9454 Wilshire Blvd., Beverly Hills, Calif. 90212, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-20519 Filed 9-25-73;8:45 am]

[Notice 127]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 18, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 35807 (sub-No. 41 TA), filed August 13, 1973. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313 (Box Zip 30302), 210 Baker Street NW., Atlanta, Ga. 30313. Applicant's representative: Melvin E. Baliet (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *United States bonds*, between points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: General Services Administration, Federal Supply Service, Building 4, Crystal Mall, Washington, D.C. 20406. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 50307 (sub-No. 65 TA), filed September 5, 1973. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Arthur Liberstein, One World Trade Center, New York, N.Y. 10048. Authority sought to operate at a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies, and equipment* used in the manufacture thereof, between Kutztown, Pa., on the one hand, and, on the other, Phillipsburg and Alpha, N.J., for 150 days. Supporting shipper: Katos Sportswear, Inc., 240 Broad Street, Kutztown, Pa. Send protests to: Paul W. Assenza, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 67234 (sub-No. 15 TA), filed September 10, 1973. Applicant: UNITED VAN LINES, INC., No. 1 United Drive, Fenton, Mo. 63026. Applicant's representative: John H. Bradford (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial and institutional fixtures and laboratory equipment*, from Albuquerque, N. Mex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Envirco, Subsidiary of Bio Dynamics, Inc., 67-1 Jefferson NE. P.O. Box 6468, Albuquerque, N. Mex. 87107. Send protests to: District Supervisor J. P. Werthmann, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 North 12th Street, St. Louis, Mo. 63101.

No. MC 99004 (sub-No. 2 TA), filed September 5, 1973. Applicant: WILLIAM E. WATSON AND VIVIANNE WATSON, doing business as BILL WATSON FREIGHT LINE, P.O. Box 1558, Estes Park, Colo. 80517. Applicant's representative: John P. Thompson, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, classes A and B explosives and commodities requiring special equipment), between Denver, Colo., and its commercial zone and Estes Park, Colo., and its commercial zone over Interstate Highway 25, from Denver, Colo., to junction Colorado Highway 66, thence over Colorado Highway 66 to junction Colorado Highway 36, thence over Colorado Highway 36 to Estes Park and return over same route; serving as intermediate points, those points located on Colorado Highway 36 commencing at Lyons, Colo., and ending

at Estes Park, Colo., and serving as off-route points Big Elk Meadows and those points located on Colorado Highway 7, for 180 days. Supporting shippers: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 106644 (sub-No. 158 TA), filed August 14, 1973. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron or plastic pipe, pipe fittings, watermain fittings, watermeter boxes, valve boxes, manhole covers, frames, including parts and accessories* to all the above, from points in Smith County, Tex., to points in Oregon and Washington, for 180 days. Supporting shipper: Western Foundry, Division The Mead Co., Box 899, Tyler, Tex. 75701. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 107295 (sub-No. 668 TA), filed September 7, 1973. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Bruce J. Kinnee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Junction boxes, wireways, fabricated metal panels, and component parts thereof*, from the facilities of B-Line Systems, Inc., located at Troy, Ill., to Jacksonville, Fla., for 180 days. Supporting shipper: Thomas R. Gold, President, B-Line Systems, Inc., 509 West Monroe Street, Highland, Ill. 62249. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

No. MC 107496 (sub-No. 908 TA), filed August 28, 1973. Applicant: RUAN TRANSPORT CORP., Third and Keosauqua Way, P.O. Box 855 (Box ZIP 50304), Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins*, in bulk, in tank vehicles, from Virginia, Minn., to points in Wisconsin, for 150 days. Supporting shipper: Minnesota Resins, Inc., Star Route, Virginia, Minn. 55792. Send protests to: Herbert W. Allen, transportation specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 112822 (sub-No. 288 TA), filed August 30, 1973. Applicant: BRAY LINES INC., P.O. Box 1191, 1401 N. Little Street, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, from Wagner, S. Dak., to points in Arizona, California, Colorado, Iowa, Kansas, Missouri, Nevada, Oregon, Utah, and Washington, for 180 days. Supporting shipper: Samuel Rubenstein, GTM, Yankton Sioux Industries, 301 North Fifth Street, Minneapolis, Minn. 55403. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240—Old P.O. Bldg., 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 119917 (sub-No. 37 TA), filed August 7, 1973. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta, Ga. 30316. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the distribution facility of Heinz U.S.A. at Greenville, S.C., to points in Alabama, Georgia, Mississippi, and the New Orleans, La. commercial zone, restricted to traffic originating at and destined to the points and territories shown, for 180 days. Supporting shipper: Heinz U.S.A., division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, Pa. 15230. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street, NW., room 309, Atlanta, Ga. 30309.

No. MC 124839 (sub-No. 22 TA), filed September 10, 1973. Applicant: BUILDERS TRANSPORT, INC., 4800 Augusta Road, P.O. Box 7057, Savannah, Ga. 31408. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and materials and supplies* necessary for the installation thereof, from the plantsite of Johns-Manville Products Corp., in Butner, N.C., to points in South Carolina, Georgia, Alabama, Florida, Tennessee, Virginia, West Virginia, Maryland, the District of Columbia, and Kentucky, for 180 days. Supporting shipper: Johns-Manville Corp., Greenwood Plaza, Denver, Colo. 80217. Send protests to: District Supervisor, G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 129080 (sub-No. 4 TA), filed September 7, 1973. Applicant: CHARLES CORBISHLEY, doing business as QUICKWAY, 24 West Airmount Road, Mahwah, N.J. 07430, and Mail: P.O. Box 602, Glen Rock, N.J. 07452. 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: (1) *Dresses on hangers and such commodities* as are dealt in or used by chain grocery or department stores, from Fairfield, N.J., to points in Albany, Clinton, Broome, Chemung, Cortland, Dutchess, Oneida, Orange, and Rockland Counties, N.Y.; Fairfield, Hartford, and New Haven Counties, Conn.; Chester and Northumberland Counties, Pa.; and Chittenden County, Vt.; and (2) *surplus and damaged merchandise*, from the above-named destination points, to Fairfield, N.J., for 180 days. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts with Grand Union Co., E. Paterson, N.J. Supporting shipper: The Grand Union Co., 640 Winters Avenue, Paramus, N.J. 07652. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 12970 (sub-No. 13 TA), filed September 6, 1973. Applicant: GAS INC., 95 East Merrimack Street, Lowell, Mass. 01853. Applicant's representative: Herbert A. Dubin, 1819 H Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied natural gas*, from Philadelphia, Pa., to Milford, Conn., for 180 days. Supporting shipper: Southern Connecticut Gas Co., 880 Broad Street, Bridgeport, Conn. Send protests to: Darrell W. Hammons, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, Boston, Mass. 02114.

No. MC 133119 (sub-No. 27 TA), filed September 10, 1973. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: Roger Heyl (same address as above) and A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, and meat products*, from Sioux City, Iowa to points of entry located on the international boundary line between the United States and Canada located in the State of New York, for 180 days. Supporting shipper: Flavorland Industries, Inc., 1911 Cunningham Drive, Jerry DeLoss, Traffic Manager, Sioux City, Iowa. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 134838 (sub-No. 4 TA), filed August 14, 1973. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., 2561 Plant Atkinson Road NW., P.O. Box 2 Bolton Station, Smyrna, Ga. 30080. Applicant's representative: Walter S. Wallace (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut buildings, component parts, and equipment and materials* incidental to the

erection and completion of such buildings, from Atlanta, Ga., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, for 180 days. Supporting shipper: Lindal Cedar Homes, Inc., 22B5—6640 Akers Mills Road, Atlanta, Ga. 30339. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 135276 (sub-No. 5 TA), filed September 7, 1973. Applicant: GENE ROMSBURG ENTERPRISES, INC., South Walter Street, Frederick, Md. 21701. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, in bulk, from Halltown, W. Va., to Frederick, Md., for 180 days. Supporting shipper: M. J. Grove Lime Co., Division of Flintkote Co., P.O. Box 665, Frederick, Md. 21701. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 135797 (sub-No. 12 TA), filed August 14, 1973. Applicant: J. B. HUNT TRANSPORT, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed supplements and additives*, from the plantsite and warehouse facilities of Rachelle Laboratories, Inc., at Long Beach, Calif., to points in Arkansas (Springdale only), Colorado (on and east of U.S. Highway 85), Delaware (Shelbyville only), Georgia (Canton only), Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Rachelle Laboratories, Inc., subsidiary of International Rectifier Corp., 700 Henry Ford Avenue, P.O. Box 2029, Long Beach, Calif. 90801. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 138415 (sub-No. 6 TA), filed September 7, 1973. Applicant: TRAILER EXPRESS, INC., Box 321, Topeka, Ind. 46571. Applicant's representative: Michael M. Yoder, 115 South Detroit, LaGrange, Ind. 46761. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mini-motor homes and camping trailers*, from the plantsite of Rockwood, Inc., Topeka, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, under a continuing contract or contracts with Rockwood, Inc., for 180 days. Supporting shipper: Rockwood, Inc., Topeka, Ind. 46571. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 138643 (sub-No. 2 TA), filed September 10, 1973. Applicant: MAKOVSKY BROTHERS, INC., Spring Mill Road, Whitehall, Pa. 18052. Applicant's representative: James W. Patterson, 2107 The Fidelity Bldg., Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement clinkers*, in bulk, in dump vehicles, from Greenport, N.Y., to the plant of Universal Atlas Cement Division of U.S. Steel Corp. at or near Northampton, Pa., for 180 days. Supporting shipper: J. T. Curtis, Jr., manager, Non-Ferrous Traffic and Transportation, United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, William J. Green, Jr., Federal Building, 600 Arch Street, room 3238, Philadelphia, Pa. 19106.

No. MC 139062 TA, filed September 5, 1973. Applicant: PHILLIP D. BLOCH, P.O. Box 614, Missoula, Mont. 59801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building stone*, from points in Fergus, Petroleum, Golden Valley, and Musselshell Counties, Mont., to points in Idaho, Washington, Oregon, Utah, Nevada, California, Arizona, New Mexico, Colorado, Wyoming, North Dakota, South Dakota, Minnesota, Wisconsin, and Montana, for 180 days. Supporting shipper: Hammercraft Stone & Masonry, 2321 Lewis Avenue, Billings, Mont. 59102. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 139063 TA, filed September 6, 1973. Applicant: TILLMAN SYSTEMS, INC., 666 Northwest 20th Street, Miami, Fla. 33142. Applicant's representative: Richard B. Austin, 8675 Northwest 53d Street, Suite 123, Miami, Fla. 33166. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers or containers*, with or without wheels, loaded or empty, having prior or subsequent movement by water, between points in Dade, Broward, and Palm Beach Counties, Fla., for 180 days. Supporting shippers: (1) Canadian Gulf Line of Florida, Inc., P.O. Box 4301, Miami, Fla. 33101, and (2) Kirk Line, 154 Northeast 9th Street, Miami, Fla. 33132. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, Fla. 33155.

No. MC 139065 TA filed September 10, 1973. Applicant: DON LEWIS, doing business as D & L LUMBER CO., P.O. Box 592, Buckhannon, W. Va. 26201. Applicant's representative: David R. Rexroad, 41 West Main Street, Buckhannon, W. Va. 26201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood fencing materials, wooden post, rails, and sawed posts and boards*, from points in Unionville, Pa., and Barbour, Braxton, Cabell, Harrison, Lewis, Randolph and Webster Counties, W. Va., to Winchester, Charlottesville, Bassett, and Roanoke, and points in Floyd, Henry, Franklin, Patrick, Pittsylvania, Roanoke, Albemarle, Frederick, and Clarke Counties, Va.; Baltimore and Cumberland, and points in Garrett, Allegany, Washington, Howard, Baltimore, Anne Arundel, Prince Georges, and Prince William Counties, Md.; Hartford and Waterbury, and points in New Haven, Litchfield, and Hartford Counties, Conn.; Dover and Wilmington, and points in New Castle, Kent, and Sussex Counties, Del.; New York, Newburgh, Mineola, Brentwood, Riverhead, Montauk, Bridgehampton (Long Island), and points in Suffolk, Nassau, Rockland, and Westchester Counties, N.Y.; Pittsburgh, Gibsonia, Philadelphia, Unionville, Coatesville, and points in Allegheny, Westmoreland, Washington, Greene, Fayette, Beaver, Chester, Lancaster, Delaware, Montgomery, and Bucks Counties, Pa.; Cleveland, Youngstown, Fowler, Akron, Middlefield, and Medina, and points in Cuyahoga, Lorain, Geauga, Summit, Medina, Trumbull, Orange, Mahoning, and Columbiana Counties, Ohio; Trenton, Paterson, Jersey City, West Milford, and points in Bergen, Burlington, Camden, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J.; Charlotte, Raleigh, Durham, Burlington, Lexington, and points in Alamance, Caswell, Chatham, Cumberland, Duplin, Durham, Wake, Johnston, Harnett, Orange, Franklin, Nash, Granville, Rockingham, Stokes, Randolph, Stanley, Cabarrus, Union, Gaston, Mecklenburg, Lincoln, and Rowan Counties, N.C., for 180 days. Supporting shipper: Maple Springs Farm, Unionville, Pa. 19375. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 139066 TA, filed September 10, 1973. Applicant: VAN BUS DELIVERY COMPANY, doing business as UNITED VAN BUS DELIVERY, 2601 32d Avenue South, Minneapolis, Minn. 55406. Applicant's representative: Warren A. Goff, 2008 Clark Tower, Memphis, Tenn. 38137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*

as are dealt in by mail order houses and retail stores and in connection therewith, *such equipment, material, and supplies* as are used in the conduct of such business between points in Minnesota, Wisconsin, and Iowa, Fargo and Grand Forks, N. Dak. and Sioux Falls, S. Dak., for 180 days. (This is a nonradial authority.) Supporting shipper: Sears, Roebuck & Co., 5437 West 26th Street, Cicero, Ill. 60650. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 139067 TA, filed September 6, 1973. Applicant: MADISON LINES, INC., P.O. Box 847, Madison, Nebr. 68748. Applicant's representative: Richard A. Peterson, Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Madison Foods, Inc., at or near Madison, Nebr., to points in the United States (except Nebraska, Alaska, and Hawaii). Supporting shipper. Donald A. Chute, Manager, Transportation and Distribution, Fresh Meats Division, Armour and Co., Greyhound Tower, Phoenix, Ariz. 85077. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Building, Omaha, Nebr. 68102.

No. MC 139061 TA, filed September 5, 1973. Applicant: B & V CARTAGE, INC., 4102 Elmhurst Drive, Toledo, Ohio 43612. Applicant's representative: Edward R. Kirk, Suite 1660, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toys, games, models, childrens' novelties, hobby kits, and hobby supplies*, from the warehouse of The Elmex Corp. at Cincinnati, Ohio, to points in Michigan and those in Indiana on and north of U.S. Highway 6, and (2) *return of rejected shipments*, from the destination area described in (1) above, to the warehouse of The Elmex Corp. at Cincinnati, Ohio, for 180 days. Supporting shipper: Elmex Corp., 9901 Princeton Road, Cincinnati, Ohio 45214. Send protests to: District Supervisor Keith D. Warner, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-20516 Filed 9-25-73;8:45 am]

[Notice 128]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 19, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of assigned original and six copies.

A copy of the application is on file, and can be examined at the office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 106644 (sub-No. 159 TA), filed August 30, 1973. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., P.O. Box 916 (Box Zip 30301), Atlanta, Ga. 30321. Applicant's representative: W. Randall Tye, 1500 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating, cooling, humidifying, and dehumidifying machinery and equipment* along with *parts, attachments, and accessories*, for use in the installation and operation of the above named commodities, with the commodities and accessories having a combined weight in excess of 15,000 pounds, from the plantsite of Temperature Control, Inc., at or near Norcross, Ga., to the plantsite of Pepperidge Farms, Inc., at or near Richmond, Utah, for 180 days. Supporting shipper: Temperature Control, Inc., 2409 Warren Place, Norcross, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 111545 (sub-No. 189 TA), filed September 4, 1973. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., P.O. Box 6426, Marietta, Ga. 30060. Applicant's representative: Gilbert T. Jones (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boat docks, ramps, materials, supplies, fixtures, and accessories* incidental to completion, erection and installation thereof, from Galesburg, Ill., to points in and east of Montana, Wyoming, Colorado, and New Mexico, for 180 days. Supporting shipper: Koppers Co., Inc., Pittsburgh, Pa. 15219. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 125162 (sub-No. 6 TA), filed September 11, 1973. Applicant: CROWN TRUCK LINE, INC., 3811 Broadway, Macon, Ga. 31206. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bricks, blocks, tile, and masonry products, and materials and supplies* used in the manufacture and installation thereof, between the plantsites and warehouse facilities of Certain-Teed Products Corp. near Lithonia, De Kalb County, Ga., and near Lake Park, Lowndes County, Ga., on the one hand, and, on the other, points in Alabama, Florida, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at or destined to the plantsites and warehouse facilities of Certain-Teed Products Corp., for 180 days. Supporting shipper: Certain-Teed Products Corp. Shelter Materials Group, P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 107515 (sub-No. 871 TA), filed August 24, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., P.O. Box 308, Forest Park, Ga., 30050. Applicant's representative: Paul Daniell, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and packinghouse products* (except commodities in bulk and hides), as described in section A of appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Madison, Nebr., to points in Arkansas, Louisiana, Alabama, Mississippi, Tennessee, Kentucky, Indiana, Michigan, Ohio, Florida, Georgia, South Carolina, North Caro-

lina, Virginia, West Virginia, Maryland, the District of Columbia, Delaware, Pennsylvania, New York, Vermont, Connecticut, Massachusetts, New Hampshire, and Maine, for 180 days. Supporting shipper: Armour and Co., Fresh Meats Division, Greyhound Tower, Phoenix, Ariz. 85077. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 107515 (sub-No. 872 TA), filed August 24, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Paul Daniell, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Aspers, Pa.; Hamlin and Williamson, N.Y., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: Duffy-Mott Co., Inc., 370 Lexington Avenue, New York, N.Y. 10071. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 107515 (sub-No. 873 TA), filed September 7, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Paul Daniell, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic carpet yarn*, from Rome and Aragon, Ga., to Louisa, Ky., for 180 days. Supporting shipper: Integrated Products, Inc., P.O. Box 1548, Rome, Ga. 30161. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 139064 TA, filed September 6, 1973. Applicant: BRADBERRY FARMS, INC., 192 East Main Street, Piggott, Ark. 72454. Applicant's representative: Lance L. Hanshaw, 1433 Donaghey Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meal, feather meal, meat and bone meal, fish meal, urea, gluten products, soybean meal, rice and rice byproducts, and dried bakery waste, and products*, (1) from Memphis, Tenn.; Clarksdale, Miss.; and Evadale, Ark., to Peoria, Lincoln, Mendota, Rock Falls, Ipava, Pittsfield, Fairbury, Greenfield, Effingham, Springfield, Beardstown, Danville, Monmouth, and Vandalia, Ill.; Ottumwa, West Branch, Clinton, Olin, and Iowa City, Iowa; New Paris, Plymouth, Indianapolis, and Napanee, Ind.; Jamesville and Madison, Wis.; and Dexter, Mo.; (2) from Gulfport, Pascagoula, Moss Point, Greenwood, Greenville, Clarksdale, Minter City, Jonestown, and Marks, Miss.; Osceola, Helena, West Memphis, Little Rock, Siloam Springs, Springdale and Nashville, Ark.; Kennett, Springfield, and Joplin, Mo.; Memphis, Tenn.; Empire and Cammeron, La.; and Decatur, Ill., to Montgomery, Ala.; Nashville, Ark.; Athens and Tifton, Ga.; Gibson City, Ill.; Decatur, Ind.; Belmond, Des Moines, and Muscatine, Iowa; Abilene and Hutchinson, Kans.; Portland, Mich.; Kansas City, Moberly, and Springfield, Mo.; Hastings, Nebr.; Monroe and Wilson, N.C.; Marion and Ravenna, Ohio; Orangeburg, S.C.; Chattanooga and Memphis, Tenn.; and Madison, Wis., and (3) from Chicago, Ill., to points in Arkansas, for 180 days. Supporting shippers: Wilbur-Ellis Co., 47th Street at Second Avenue, New York, N.Y. 10017; I. H. French & Co., P.O. Box 249, Champaign, Ill. 61820; and Central Soya, Fort Wayne, Ind. 46802. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 139068 TA, filed August 17, 1973. Applicant: ROADRUNNER TRANSPORTATION, INC., 1024 Topaz Lane, Villa Rica, Ga. 30180. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30329. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric aluminum cable, cable clamps or joints, circuit breakers or switches or parts, transformers and transformer parts, pulley blocks, capstans, winches, or windlasses, pole line construction material, and plastic products*, (A) from the plantsite of Western Power Products, Inc., at Portland, Oreg., to the plantsite of Western Power Products, Inc., at Villa Rica, Ga. and (B) from the plantsite of Western Power Products, Inc. at Villa Rica, Ga., to points in the United States on and east of U.S. Highway 85 including all points in the States of New Mexico, North Dakota, and South Dakota, for 180 days. Restriction: The authority granted herein will not apply on articles requiring heavy or specialized equipment. Supporting shipper: Western Power Products, Inc., Atlanta Division, P.O. Box 605, Villa Rica, Ga. 30180. Send Protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-20517 Filed 9-25-73;8:45 am]

[Notice 129]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 20, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its atuhorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (sub-No. 353 TA), filed September 10, 1973. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from points in Arizona, to points in California located on and south of Interstate Route 80, for 180 days. Supporting shipper: Allied Chemical Corp., P.O. Box 1139R District, Columbia Road and Park Avenue, Morristown, N.J. 07960. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 3018 (sub-No. 28 TA), filed June 6, 1973. Applicant: McKEOWN TRANSPORTATION COMPANY, 10448 South Western Avenue, Chicago, Ill. 60643. Applicant's representative: Gregory J. Scheurich, 111 West Wahington Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied hydrogen*, in shipper-owned containers, from McCook, Ill., to points in Alabama, Florida, and Texas, for 180 days. Supporting shipper: Ralph K. Brechter, Traffic Assistant, Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017. Send protests to: Robert Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 20841 (sub-No. 9 TA), filed September 12, 1973. Applicant: MARATHON FREIGHT LINES, INC., 2400 83d Street, North Bergen, N.J. 07047. Appli-

cant'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: *Such commodities* as are used by, or sold in, grocery, discount, department, drug stores, candy and tobacco jobbers (except commodities in bulk and furniture), between the plantsite of Atlantic Distribution Center, Inc., Jersey City, N.J., on the one hand, and, on the other, points in New York, N.Y.; Connecticut, New Jersey; Rockland, Orange, Westchester, Nassau, and Suffolk Counties, N.Y., for 180 days. Supporting shipper: Atlantic Distribution Center, Inc., 200 Industrial Drive, Jersey City, N.J. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 29910 (sub-No. 133 TA), filed September 10, 1973. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Gary D. Bronson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, composition shingles, rolled roofing, roofing compounds, and accessories*, from the plantsite of the Elk Roofing Co., located at Stephens, Ark., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas, for 180 days.

NOTE.—Applicant does intend to tack with MC 29910 and subs thereto. Supporting shipper: Elk Roofing Co., Stephens, Ark. 71764. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 84444 (sub-No. 7 TA), September 10, 1973. Applicant: McCORMICK'S EXPRESS, Third and Winslow Streets, Camden, N.J. 08104. Applicant's representative: Alan Kahn, Two Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paperboard, wallboard, fire extinguishing materials, waste paper, licorice root, licorice mass, powdered licorice, syrup, and woodpulp* (except liquids in tank vehicles), from Camden, N.J., to points in Delaware, those in Maryland in and east of Frederick County, and those in Pennsylvania in and east of Bradford, Sullivan, Columbia, Montour, Northumberland, Dauphin, and York Counties, Pa.; and (2) *waste paper and such supplies and equipment* as are used by a licorice and paperboard manufacturer (except liquids in tank vehicles), from the destination points described above, to Camden, N.J., and (3) *paperboard, wallboard, fire extinguishing materials, waste paper, licorice root, licorice mass, powdered licorice, syrup, woodpulp, micronutrients, and supplies and equipment* used in the manufacture of licorice (except commodities in bulk, in tank vehicles), between Camden, N.J., on the one hand, and, on the other, points in Suffolk, Nassau, Orange, Westchester, and Putnam Counties, N.Y., and points in Fairfield County and Weston, Conn., for 90 days. Restriction: The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or contracts, with MacAndrews & Forbes Co., Camden, N.J., and Kaiser Gypsum Co., Inc., Oakland, Calif.

NOTE.—This application has been filed for the purpose of adding shipper Kaiser Gypsum Co., Inc., of Oakland, Calif., to applicant's existing authority. Supporting shipper: Kaiser Gypsum Co., Inc., 300 Lakeside Drive, Oakland, Calif. 94606. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 99780 (sub-No. 28 TA), filed Septmeber 5, 1973. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 Northeast Bond Street, Mailing: P.O. Box 1341 (Box Zip 61601), Peoria, Ill. 61603. Applicant's representative: John R. Zang (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garment hangers, dry cleaners, and laundry supplies, fly swatters, springs and miscellaneous wire products*, from the plantsite of Laidlaw Corp. at Monticello, Wis., to points in Minnesota, Iowa, Illinois, Indiana, Ohio, Michigan, and Wisconsin and from the plantsite of Laidlaw Corp. at Peoria, Ill., to the plantsite of Laidlaw Corp. at Monticello, Wis., for 180 days. Supporting shipper: James G. Lester, Traffic Manager, Laidlaw Corp., 217 Industrial Street, Peoria, Ill. 61607. Send protests to: District Supervisor Richard K. Shullaw, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 100300 (sub-No. 9 TA), filed September 10, 1973. Applicant: H. B. NELSON AND SONS, INC., 2510 Broadway, P.O. Box 241, Alexandria, Minn. 56308. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, with *empties* on return, from La Crosse, Wis., to Grand Forks, N. Dak., for 180 days. Supporting shipper: Nodak Sales Co., 715 Lewis Boulevard, Grand Forks, N. Dak. 58201. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 108884 (sub-No. 26 TA), filed September 12, 1973. Applicant: ROGERS TRANSFER, INC., Route 46, P.O. Box 175, Great Meadows, N.J. 07838. Applicants' representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen onion rings*, in mixed shipments with exempt commodities, from Boston, Mass., to New York, N.Y.; points in Nassau, Suffolk, Orange, Westchester, Rockland, and Broome Counties, N.Y.; points in Bergen, Essex, Hudson, Union, Morris, Warren, Passaic, Middlesex, Somerset, Monmouth, Ocean, Mercer, and Atlantic Counties, N.J.; and points in that part of Pennsylvania on and east of U.S. Highway 15; and *returned and damaged shipments* of the above-specified commodities, for 180 days. Supporting shipper: Boston Bonnie, Inc., Trilling Way, Boston, Mass. 02210. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 110541 (sub-No. 10 TA), filed September 12, 1973. Applicant: MARK E. YODER, INC., 41 Parkway, Schuylkill Haven, Pa. 17972. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke*, from the refinery of Getty Oil Co. at Delaware City, Del., to the plantsite of Pennsylvania Power & Light Co. at Holtwood, Lancaster County, Pa., for 90 days. Supporting shipper: Hecla Machinery & Equipment Co., R.D. #1, New Ringgold, Pa. 17960. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 112822 (sub-No. 290 TA), filed September 10, 1973. Applicant: BRAY LINES, INC., 1401 North Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Kraft Foods at or near Springfield, Mo., to points in California, Colorado, and New Mexico, restricted to points named as origins and destined to points in named destinations, for 180 days. Supporting shipper: Kraft Foods Div. of Kraftco Corp., J. N. Boren, Regional T.M., 2340 Forest Lane, Garland, Tex. 75040. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 240—Old P.O. Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 114055 (sub-No. 4 TA), filed September 12, 1973. Applicant: RAY KOLNIK, doing business as RAY KOLNIK TRUCKING, Prairie View Road, Walworth, Wis. 53184. Applicant's representative: P. W. Liegois, 925 South Third Street, LaCrosse, Wis. 54601. Au-

thority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and incidental advertising material* when shipped in connection with malt beverages, from LaCrosse and Sheboygan, Wis., to James P. Paulus Co., Skokie, Ill., for 180 days. Supporting shipper: James P. Paulus Co., 8230 Lincoln Avenue, Skokie, Ill. 60076 (J. P. Paulus, president). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—room 807, Milwaukee, Wis. 53203.

No. MC 114492 (Sub-No. 13 TA), filed September 7, 1973. Applicant: TRANSPORT TRUCKING CO. OF TEXAS, 1400 Wheeler Avenue, Texico, N. Mex. 88135. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passenger automobiles and trucks* (three-quarter or less), in secondary movements, in truckaway service, between points in Texas, on and west of U.S. Highway 83, on the one hand, and, on the other, points in Colorado, for 180 days. Restriction: Restricted against the transportation of used automobiles and used trucks (three-quarter ton or less), from Amarillo and Lubbock, Tex., to points in Colorado. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copie thereof which may be examined at the field office named below. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 119340 (sub-No. 3 TA), filed September 11, 1973. Applicant: CENTRAL COAST TRUCK SERVICE, INC., P.O. Box A. D., Watsonville, Calif. 95076. Applicant's representative: Roland R. Schmidt (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and other commodities*, other than in bulk, manufactured and/or owned by Amstar Corporation, between points in California, Oregon, and Washington, for 180 days. Supporting shipper: Amstar Corp., 50 California St., San Francisco, Calif. 94111. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 126276 (sub-No. 84 TA), filed September 11, 1973. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. 60463. Applicant's representative: James C. Harman, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic knives, forks and spoons*, from Federalsburg, Md., to Three Rivers, Mich., for 180 days. Supporting shipper: David G. Kelly, Continental Can Co., Inc., 150 South Wacker Dr., Chicago, Ill. Send protests to: Robert Anderson, transportation specialist, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, room 1086, Chicago, Ill. 60604.

No. MC 134477 (sub-No. 40 TA), filed September 11, 1973. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas Fischbach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and frozen potato products*, from Caribou and Presque Isle, Maine, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, Minnesota, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Potato Service, Inc., P.O. Box 809, Presque Isle, Maine 04769. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 134599 (sub-No. 89 TA), filed September 5, 1973. Applicant: INTERSTATE CONTRACT CARRIER CORP., Mail: P.O. Box 748 (Box ZIP 84110) Office: 265 West 2700 South, Salt Lake City, Utah 84115. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums and aquarium accessories, household pet cages, supplies and equipment, and brine shrimp*, dried, (1) from points in Los Angeles County, Calif.; Menlo Park and Mountain View, Calif., to points in Colorado, Washington, Oregon, Arizona, New Mexico, Utah, Idaho, Wyoming, Montana, Texas, Oklahoma, Louisiana, Missouri, Kansas, Illinois, Minnesota, Wisconsin, and Iowa and (2) between points in Los Angeles County, Calif.; Menlo Park and Mountain View, Calif., on the one hand, and, on the other, East Paterson, Maywood, and Lodi, N.J., under continuing contract with Mattel, Inc., for 180 days. Supporting shipper: Mattel, Inc., 5150 Rosecrans Avenue, Hawthorne, Calif. 90250. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 134631 (sub-No. 17 TA) (correction), filed August 15, 1973, published in the FEDERAL REGISTER issue of September 5, 1973, and republished as corrected this issue. Applicant: SCHULTZ TRANSIT, INC., 323 East Bridge Street, P.O. Box 406, Winona, Minn. 55987. Applicant's representative: Eugene A. Schultz (same address as above).

NOTE.—The purpose of this partial republication is to indicate the origin points as Red Wing and Winona, Minn., in lieu of Red Wing and Minona, Minn., which was published in the FEDERAL REGISTER in error. The rest of the application remains the same.

No. MC 135610 (sub-No. 2 TA), filed September 10, 1973. Applicant: JEAN CHARLES VOYER, Riviere a Pierre, County of Portneuf, Quebec, Canada. Applicant's representative: Robert Therrien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from Riviere a Pierre, Co. Portneuf, Province of Quebec, Canada, to points in New York, Vermont, New Hampshire, and Massachusetts, via Port of Entry on the International Boundary Line between the United States and Canada at or near Alexandria Bay and Rooseveltown, N.Y., and Beecher Falls, Vt., for 180 days. Supporting shipper: Dumas & Voyer, Riviere a Pierre, County of Portneuf, Province of Quebec, Canada. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Federal Building, Post Office and Courthouse, 87 State Street, Montpelier, Vt. 05602.

No. MC 136786 (sub-No. 30 TA), filed September 11, 1973. Applicant: ROBCO TRANSPORTATION, INC., 3033 Excelsior Boulevard, Room 205, Minneapolis, Minn. 55416. Applicant's representative: K. O. Petrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes* and potato products from Grand Forks, N. Dak., to points in Arkansas, Tennessee, Kentucky, West Virginia, Virginia, North Carolina, South Carolina, Georgia and Florida, for 150 days. Supporting shipper: Western Potato Service, Inc., P.O. Box 1391, Grand Forks, N. Dak. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

By The Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-20518 Filed 9-25-73;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 21, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FED-

ERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A 53972, filed August 31, 1973. Applicant: AIR CARTAGE ASSOCIATES, INC., 1332 Marsden Road, Burlingame, Calif. 94040. Applicant's representative: Philip J. Bovero, 1181 Old Oakland Road, San Jose, Calif. 95112. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except as hereinafter provided, between all points and places in and within 5 miles of points in the San Francisco territory, which is described as follows: San Francisco territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road; southeasterly along the Southern Pacific Co. right-of-way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific Co. right-of-way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbor Drive, and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Oakland-Berkeley boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Except that applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A; (2) Automobiles, trucks, and buses, viz.: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Cement; (8) Logs; (9) Trailer coaches and campers, including integral parts and contents are within the trailer coach or camper; (10) Dangerous articles; (11) Shipments, in vehicles equipped with mechanical refrigeration systems, requiring temperature control service; and (12) Commodities of unusual or extraordinary value.

HEARING.—Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 54298, filed September 4, 1973. Applicant: CABS UNLIMITED INC., 997 West Dana Street, Mountain View, Calif. 94042. Applicant's representative: Philip J. Bovero, 1181 Old Oakland Road, San Jose, Calif. 95112. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except as hereinafter provided, between all points and places in and within 5 miles of points in the San Francisco territory, which is described as follows: San Francisco territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road; southeasterly along the Southern Pacific Co. right-of-way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to Southern Pacific Co. right-of-way; southerly along the Southern Pacific Co. right-of-way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbor Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Oakland-Berkeley boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco

waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Except that applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A; (2) Automobiles, trucks and buses, viz.: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine; (4) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Cement; (8) Logs; (9) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper; (10) Dangerous articles; (11) Shipments in vehicles equipped with mechanical refrigeration systems; (12) Commodities of unusual or extraordinary value; (13) Radiopharmaceuticals and radioactive chemicals; (14) Live animals; and (15) Diagnostic kits.

HEARING.—Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

Michigan Docket No. C-239, filed May 30, 1973. Applicant: INTER-CITY TRUCKING SERVICE, INC., 14333 Goddard Street, Detroit, Mich. 48212. Applicant's representative: E. W. Klein, 14333 Goddard Street, Detroit, Mich. 48212. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *empty equipment*, over the following routes: I. Between Flint and Lansing via M-78; II. Between Lansing and Jackson via U.S. 127; and III. Between junction of I-96 and M-59 (near Howell), and junction of M-59 with U.S. 23, via M-59.

Hearing: October 17, 1973, at the Michigan Public Service Commission, Transportation Division, Suite 15, 1000 Long Commerce Park, Lansing, Mich., at 9:30 a.m. Requests for procedural information should be addressed to the Michigan Public Service Commission, Transportation Division, Suite 15, 1000 Long Commerce Park, Lansing, Mich. 48913, and should not be directed to the Interstate Commerce Commission.

Michigan Docket No. L-15147, filed May 15, 1973. Applicant: LIPIN-ROBINSON WAREHOUSE, INC., 22150 Trolley Industrial Drive, Taylor, Mich. 48180. Applicant's representative: Frank J. Kerwin, Jr., 1961 Guardian Building, Detroit, Mich. 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *hospital supplies and such commodities* as are dealt in by retail department stores, from Detroit, Mich., and it's commercial zone to various Michigan points with return of refused, damaged or overstocked merchandise, restricted to movement to or from the Lipin-Robinson Warehouse at or near Taylor, Mich., over irregular routes.

HEARING.—October 3, 1973, at the Michigan Public Service Commission, Transportation Division, Suite 1000 Long Commerce Park, Lansing, Mich., at 9:30 a.m. Requests for procedural information should be addressed to Michigan Public Service Commission, Transportation Division, Suite 1000 Long Commerce Park, Lansing, Mich. 48913, and should not be directed to the Interstate Commerce Commission. By the Commission

Oklahoma Docket No. MC 29362 (sub-No. 2), filed September 6, 1973. Applicant: WESTERN MOTOR FREIGHT, INC., 1430 West Sheridan, Oklahoma City, Okla. 73106. Applicant's representative: Rufus H. Lawson, 2400 Northwest 23d Street, P.O. Box 75124, Oklahoma City, Okla. 73107. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of General Commodities (except classes A and B explosives), between Oklahoma City, Okla., and Snyder, Okla., serving the intermediate points of Cache and Indiahoma, Okla.; from Oklahoma City, Okla. via U.S. 62 and H. E. Bailey Turnpike to Lawton, Okla., thence U.S. 62 to Snyder, Okla., and return over the same route; between Oklahoma City, Okla., and Frederick, Okla., serving the intermediate points of Faxon and Chattanooga, Okla., and the off-route points of Grandfield, Follister, Manitou, Tipton, and Davidson, Okla.; from Oklahoma City, Okla. via U.S. 62 and H. E. Bailey Turnpike to its intersection with S. H. 36, thence via S. H. 36 to its intersection with S. H. 5, thence via S. H. 5 to Frederick, Okla., and return over the same route; between Oklahoma City, Okla., and Hobart, Okla., serving the intermediate points of Fort Cobb, Carnegie, Mountain View, and Gotebo, Okla., and the off-route point of Cooperton, Okla.; from Oklahoma City, Okla., via U.S. 62 and H. E. Bailey Turnpike to Chickasha, Okla., thence via S. H. 9 and S. H. 9-A to Hobart, Okla., and return over the same route.

HEARING.—October 22, 1973, at 300 Jim Thorpe Office Building, Oklahoma City, Okla., at 9 a.m. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Oklahoma Corporation Commission, 300 Jim Thorpe Office Building, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-20512 Filed 9-25-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

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PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT AND RELATED STATUTES

Title 20—Employees' Benefits

CHAPTER VI—EMPLOYMENT STANDARDS ADMINISTRATION, DEPARTMENT OF LABOR

SUBCHAPTER A—LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT AND RELATED STATUTES

On January 26, 1973, at 38 FR 2650 et seq., the Secretary of Labor promulgated as Subchapter A of 20 CFR Ch. VI his regulations governing the administration of the Longshoremen's and Harbor Workers' Compensation Act, 33 U.S.C. 901 et seq., as amended by Public Law 92-576, 86 Stat. 1261. For the reasons set forth at 38 FR 2650, the regulations were published in final form, the provisions of 5 U.S.C. 553 for notice, public procedure and delayed effective date being found inapplicable.

Notwithstanding such publication in final form, comments, arguments, and suggestions were invited. In response thereto, many comments and suggestions were received. After careful consideration, it was determined that a number of changes were desirable. Subchapter A of Chapter VI of Title 20, Code of Federal Regulations, is accordingly revised as set forth below.

The most significant change is in §§ 702.301 through 702.319, governing adjudication of claims by the deputy commissioners. As changed, the procedure is much more informal, and is in keeping with the manner in which such problems have actually been handled over the years. Several other sections were changed to conform technically to that change. Another change of significance is that with respect to appeals, § 702.391 et seq. Since the initial publication of these regulations, new regulations of the Benefits Review Board were published in Part 802 of this title. Section 702.391 et seq., are changed to conform thereto. Otherwise, typographical errors were corrected, definitions of certain terms were added, and minor editorial changes were made.

These amendments shall be effective September 26, 1973.

As revised, Subchapter A of Chapter VI, 20 CFR, reads as follows:

PART 701—GENERAL; ADMINISTERING AGENCY; DEFINITIONS AND USE OF TERMS

RULES IN THIS SUBCHAPTER

Sec
701.101 Scope of this subchapter and Subchapter B.
701.102 Organization of this subchapter.

OFFICE OF WORKMEN'S COMPENSATION PROGRAMS

701.201 Establishment of Office of Workmen's Compensation Programs.
701.202 Transfer of functions.
701.203 Historical background.

TERMS USED IN THIS SUBCHAPTER

701.301 Definitions and use of terms.

AUTHORITY: 5 U.S.C. 301; Reorganization plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; 33 U.S.C. 939; 36 D.C. Code 501; 42 U.S.C. 1651; 43 U.S.C. 1331; 5 U.S.C. 8171; Secretary's Order No. 13-71, 36 FR 8755.

RULES IN THIS SUBCHAPTER

§ 701.101 Scope of this subchapter and Subchapter B.

This subchapter contains the regulations governing the administration of the Longshoremen's and Harbor Workers' Compensation Act (LHWCA) and its direct extensions, the Defense Base Act (DBA), the District of Columbia Workmen's Compensation Act (DCCA), the Outer Continental Shelf Lands Act (OCSLA), and the Nonappropriated Fund Instrumentalities Act (NFIA), and such other amendments and extensions as may hereinafter be enacted. The regulations governing administration of the Black Lung Benefits Program are in Subchapter B of this chapter.

§ 701.102 Organization of this subchapter.

This Part 701 is intended to provide a general description of the regulations in this subchapter, information as to the persons and agencies within the Department of Labor authorized by the Secretary of Labor to administer the Longshoremen's and Harbor Workers' Compensation Act and its extensions and the regulations in this subchapter, and guidance as to the meaning and use of specific terms in the several parts of this subchapter. Part 702 of this subchapter contains the general administrative regulations governing claims filed under the LHWCA, and Part 703 of this subchapter contains the regulations governing authorization of insurance carriers, authorization of self-insurers, and issuance of certificates of compliance with said insurance regulations, as required by sections 32 and 37 of the LHWCA, 33 U.S.C. 932, 937. Inasmuch as the extensions of the LHWCA (see § 701.101) incorporate by reference nearly all of the provisions of the LHWCA, such that the regulations governing the latter apply to the extensions with very few exceptions, it has been determined that no useful purpose would be served by repeating the same provisions for each of the extensions. Accordingly, the regulations in Parts 702 and 703 shall apply to the administration of the extensions (DBA, DCCA, OCSLA, and NFIA), unless otherwise noted. The exceptions to the general applicability of Parts 702 and 703 are set forth in succeeding parts in this subchapter. Part 704 contains the exceptions for the DBA, the DCCA, the OCSLA, and the NFIA.

OFFICE OF WORKMEN'S COMPENSATION PROGRAMS

§ 701.201 Establishment of Office of Workmen's Compensation Programs.

The Assistant Secretary of Labor for Employment Standards, by authority vested in him by the Secretary of Labor in Secretary's Order No. 13-71, 36 FR 8755, has established in the Employment Standards Administration (ESA) an Office of Workmen's Compensation Programs (OWCP). The Assistant Secretary has further designated as the head thereof a Director who, under the general supervision of the Deputy Assistant Secretary for Employment Standards/Wage-Hour Administrator and the Deputy Administrator, shall administer the programs assigned to that office by the Assistant Secretary.

§ 701.202 Transfer of functions.

Pursuant to the authority vested in him by the Secretary of Labor, the Assistant Secretary for Employment Standards has transferred from the Bureau of Employees' Compensation to the Office of Workmen's Compensation Programs all functions of the Department of Labor with respect to the administration of benefits programs under the following statutes:

(a) The Longshoremen's and Harbor Workers' Compensation Act, as amended and extended, 33 U.S.C. 901 et seq.;

(b) Defense Base Act, 42 U.S.C. 1651 et sq.;

(c) District of Columbia Workmen's Compensation Act, 36 D.C. Code 501 et seq.;

(d) Outer Continental Shelf Lands Act, 43 U.S.C. 1331;

(e) Nonappropriated Fund Instrumentalities Act, 5 U.S.C. 8171 et seq.;

(f) Title IV of the Federal Coal Mine Health and Safety Act, 83 Stat. 742, as amended by the Black Lung Benefits Act of 1972, 86 Stat. 150.

§ 701.203 Historical background.

Administration of the Longshoremen's and Harbor Workers' Compensation Act (and the Federal Employees' Compensation Act, formerly known as the U.S. Employees' Compensation Act), was initially vested in an independent establishment known as the U.S. Employees' Compensation Commission. By Reorganization Plan No. 2 of 1946 (3 CFR 1943-1949 Comp., p. 1064; 60 Stat. 1095, effective July 16, 1946), the Commission was abolished and its functions were transferred to the Federal Security Agency to be performed by a newly created Bureau of Employees' Compensation within such Agency. By Reorganization Plan No. 19 of 1950 (15 FR 3178, 64 Stat. 1263) said Bureau was transferred to the Department of Labor, and the authority formerly vested in the Administrator, Federal Security Agency, was vested in the Secretary of Labor. By Reorganization Plan No. 6 of 1950 (15 FR 3174, 64 Stat. 1263), the Secretary of Labor was authorized to make from time to time such provisions as he shall deem appropriate, authorizing the performance of any of his functions by any other officer, agency or employee of the Department of Labor.

TERMS USED IN THIS SUBCHAPTER

§ 701.301 Definitions and use of terms.

(a) As used in this subchapter, except where the context clearly indicates otherwise:

(1) "Act" means the Longshoremen's and Harbor Workers' Compensation Act, as amended (33 U.S.C. 901 et seq.), also referred to in this subchapter as LHWCA,

and includes the provisions of any statutory extension of such Act (see § 701.101) pursuant to which compensation on account of an injury is sought.

(2) "Secretary" means the Secretary of Labor, United States Department of Labor, or his authorized representative.

(3) "Employment Standards Administration" means the Employment Standards Administration in the United States Department of Labor, headed by the Assistant Secretary of Labor for Employment Standards.

(4) "Administrator" means the Deputy Assistant Secretary for Employment Standards in the Employment Standards Administration who also is Administrator of the Wage and Hour Division, and includes the Deputy Administrator for Wage and Compensation Programs.

(5) "Office of Workmen's Compensation Programs", or "OWCP", or "the Office", means the Office of Workmen's Compensation Programs in the Department of Labor, described in § 701.201 of this part.

(6) "Director" means the Director, OWCP, or his authorized representative.

(7) "Deputy Commissioner" means a person appointed as provided in sections 39 and 40 of the LHWCA or his designee, authorized by the Director to perform functions with respect to the processing and determination of claims for compensation under such Act and its extensions as provided therein and in this subchapter.

(8) "Administrative Law Judge" means an administrative law judge appointed as provided in 5 U.S.C. 3105 and Subpart B of 5 CFR Part 930 (see 37 FR 16737), who is qualified to preside at hearings under 5 U.S.C. 557 and is empowered by the Secretary to conduct formal hearings whenever necessary in respect of any claim for compensation arising under the LHWCA and its extensions.

(9) "Chief Administrative Law Judge" means the Chief Judge of the Office of Administrative Law Judges, United States Department of Labor.

(10) "Board" or "Benefits Review Board" means the Benefits Review Board established by section 21 of the LHWCA (33 U.S.C. 921) as amended and constituted and functioning pursuant to the provisions of Chapter VII of this Title 20 and Secretary of Labor's Order No. 38–72 (38 FR 90).

(11) "Department" means the United States Department of Labor.

(12) "Employee" includes any employee to whom an injury, as defined in section 2(3) of the LHWCA, may be the basis for a compensation claim under the LHWCA as amended, or any of its extensions.

(13) "Employer" includes any employer who may be obligated as an employer under the provisions of the LHWCA as amended or any of its extensions to pay and secure compensation as provided therein.

(14) "Carrier" means an insurance carrier or self-insurer meeting the requirements of section 32 of the LHWCA as amended and of this subchapter with respect to authorization to provide insurance fulfilling the obligation of an employer to secure the payment of compensation due his employees under the LHWCA as amended or a statutory extension thereof.

(15) The terms "wages", "national average weekly wage", "injury", "disability", "death", and "compensation" shall have the meanings set forth in section 2 of the LHWCA.

(16) "Claimant" includes any person claiming compensation or benefits under the provisions of the LHWCA as amended or a statutory extension thereof on account of the injury or death of an employee.

(b) The definitions contained in paragraph (a) of this section shall not be considered to derogate from any definitions or delimitations of terms in the LHWCA as amended or any of its statutory extensions in any case where such statutory definitions or delimitations would be applicable.

(c) As used in this subchapter, the singular includes plural and the masculine includes the feminine.

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AUTHORITY: 5 U.S.C. 301; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; 33 U.S.C. 939; 42 U.S.C. 1651 et seq.; 36 D.C. Code 501 et seq.; 43 U.S.C. 1331; 5 U.S.C. 8171 et seq.; Secretary of Labor's Order No. 13–71, 36 FR 8755.

Subpart A—General Provisions

ADMINISTRATION

§ 702.101 Establishment of compensation districts.

Pursuant to section 39(b) of the Longshoremen's and Harbor Workers' Compensation Act, the following compensation districts have been established:

District No. 1. Comprises the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut; with headquarters at Boston, Massachusetts.

District No. 2. Comprises the States of New York and New Jersey; with headquarters at New York, N.Y.

District No. 3. Comprises the States of Pennsylvania, Delaware, and West Virginia; with headquarters at Philadelphia, Pennsylvania.

District No. 4. Comprises the State of Maryland and the District of Columbia; with headquarters at Baltimore, Maryland.

District No. 5. Comprises the State of Virginia; with headquarters at Norfolk, Virginia.

District No. 6. Comprises the States of North Carolina, Kentucky, Tennessee, South Carolina, Georgia, Florida; Alabama, except that part of the State south of 31° north latitude; and Mississippi, except that part of the State south of 31° north latitude; with headquarters at Jacksonville, Florida.

District No. 7. Comprises the States of Arkansas, Louisiana, that part of the State of Alabama south of 31° north latitude, and that part of the State of Mississippi south of 31° north latitude; with headquarters at New Orleans, Louisiana.

District No. 8. Comprises the States of Texas, Oklahoma, and New Mexico; with headquarters at Galveston, Tex.

District No. 9. Comprises the States of Ohio, Indiana, and Michigan; with headquarters at Cleveland, Ohio.

District No. 10. Comprises the States of Illinois, Missouri, Kansas, Nebraska, Iowa, Minnesota, and Wisconsin; with headquarters at Chicago, Ill.

District No. 13. Comprises the States of California, Arizona, and Nevada; with headquarters at San Francisco, Calif.

District No. 14. Comprises the States of Washington, Oregon, Alaska, Idaho, Montana, Wyoming, Utah, Colorado, North Dakota, and South Dakota; with headquarters at Seattle, Wash.

District No. 15. Comprises the State of Hawaii; with headquarters at Honolulu, Hawaii.

§ 702.102 Establishment of suboffices and jurisdictional areas.

(a) As administrative exigencies from time to time may require, the Director may, by administrative order, establish special areas outside the continental United States, Alaska, and Hawaii, or change or modify any areas so established, notwithstanding their inclusion within an established compensation district. Such areas shall be designated "jurisdictional areas." The Director shall also designate which of his deputy commissioners shall be in charge thereof.

(b) To further aid in the efficient administration of the OWCP, the Director may from time to time establish suboffices within compensation districts or jurisdictional areas, and shall designate a person to be in charge thereof.

§ 702.103 Effect of establishment of suboffices and jurisdictional areas.

Whenever the Director establishes a suboffice or jurisdictional area, those reports, records, or other documents with respect to processing of claims that are required to be filed with the deputy commissioner of the compensation district in which the injury or death occurred, may instead be required to be filed at the suboffice, or office established for the jurisdictional area.

§ 702.104 Transfer of individual cases.

At any time after a claim is filed, the deputy commissioner having jurisdiction thereof may, with the prior or subsequent approval of the Director, transfer such case to the deputy commissioner in another compensation district for the purpose of taking such action as may be necessary or appropriate to further develop the claim. The deputy commissioner making the transfer may by letter to the deputy commissioner to whom the case is transferred give advice, comments, suggestions, or directions if appropriate to the particular case. The transfer of cases shall be by registered or certified mail.

RECORDS

§ 702.111 Employer's records.

Every employer shall maintain adequate records of injury sustained by employees while in his employ, and which shall also contain information of disease, other impairments or disabilities, or death relating to said injury. Such records shall be available for inspection by the OWCP or by any State authority.

§ 702.112 Records of the OWCP.

All reports, records, or other documents filed with the OWCP with respect to claims are the records of the OWCP. The Director shall be the official custodian of those records maintained by the OWCP at its national office, and the deputy commissioner shall be the official custodian of those records maintained at the headquarters office in each compensation district.

§ 702.113 Inspection of records of the OWCP.

Any party in interest may be permitted to examine the record of the case in which he is interested. The official custodian of the record sought to be inspected shall permit or deny inspection in accordance with the Department of Labor's regulations pertaining thereto (see 29 CFR Part 70). The original record in any such case shall not be removed from the office of the custodian for such inspection. The custodian may, in his discretion, deny inspection of any record or part thereof which is of a character specified in 5 U.S.C. 552(b) if in his opinion such inspection may result in damage, harm, or harassment to the beneficiary or to any other person. For special provisions concerning release of information regarding injured employees undergoing vocational rehabilitation, see § 702.508.

§ 702.114 Copying of records of OWCP.

Any party in interest may request copies of records he has been permitted to inspect. Such requests shall be addressed to the official custodian of the records sought to be copied. The official custodian shall provide the requested copies under the terms and conditions specified in the Department of Labor's regulations relating thereto (see 29 CFR Part 70).

FORMS

§ 702.121 Forms.

The Director may from time to time prescribe, and require the use of, forms for the reporting of any information required to be reported by the regulations in this subchapter, or by the Act or any of its extensions.

REPRESENTATION

§ 702.131 Representation of parties in interest.

Claimants, employers and insurance carriers may be represented in any proceeding under the Act by an attorney or other person previously authorized in writing by such claimant, employer or carrier to so act.

§ 702.132 Fees for services.

An attorney or other representative seeking a fee for services performed on behalf of a claimant with respect to claims filed under the Act shall make application thereof to the persons, administrative body, or court before whom the services were performed (see 33 U.S.C. 928(c)). The application shall be supported by a complete statement of the extent and character of the necessary work done. Any fee approved shall be reasonably commensurate with the actual necessary work performed, and shall take into account the capacity in which the representative has appeared, the amount of benefits involved and the financial circumstances of the claimant. No contract for a stipulated fee or for a fee on a contingent basis shall be recognized.

§ 702.133 Unapproved fees; solicitation of claimants; penalties.

Under the provisions of section 28(e) of the Act, 33 U.S.C. 928(e), any person who receives any fees, other consideration, or any gratuity on account of services rendered as a representative of a claimant, unless such consideration or gratuity is approved under § 702.132, or who makes it a business to solicit employment for an attorney, or for himself in respect of any claim under the Act, shall upon conviction thereof, for each offense be punished by a fine of not more than $1,000 or by imprisonment for not more than 1 year, or by both fine and imprisonment.

§ 702.134 Payment of claimant's attorney's fees in disputed claims.

(a) If the employer or carrier declines to pay any compensation on or before the 30th day after receiving written notice from the deputy commissioner of a claim for compensation having been filed, on the ground that there is no liability for compensation within the provisions of this Act, and the person seeking benefits shall thereafter have utilized the services of an attorney at law in the successful prosecution of his claim, there shall be awarded, in addition to the award of compensation, in a compensation order, a reasonable attorney's fee against the employer or carrier in an amount approved by the person, administrative body or court before whom the service was performed, which shall be paid directly by the employer or carrier to the attorney for the claimant in a lump sum after the compensation order becomes final (Act, section 28(a)).

(b) If the employer or carrier pays or tenders payment of compensation without an award pursuant to § 702.231 and section 14 (a) and (b) of this Act, and thereafter a controversy develops over the amount of additional compensation, if any, to which the employee may be entitled, the deputy commissioner, administrative law judge, or Board shall set the matter for an informal conference and following such conference the deputy commissioner, administrative law judge, or Board shall recommend in writing a disposition of the controversy. If the employer or carrier refuses to accept such written recommendation, within 14 days after its receipt by them, they shall pay or tender to the employee in writing the additional compensation, if any, to which they believe the employee is entitled. If the employee refuses to accept such payment or tender of compensation, and thereafter utilizes the services of an attorney at law, and if the compensation thereafter awarded is greater than the amount paid or tendered by the employer or carrier, a reasonable attorney's fee based solely upon the difference between the amount awarded and the amount tendered or paid shall be awarded in addition to the amount of compensation. The foregoing sentence shall not apply if the controversy relates to degree or length of disability, and if the employer or carrier offers to submit the case for evaluation by physicians employed or selected by the deputy commissioner, as authorized by section 7(e) of the Act and § 702.408, and offers to tender an amount of compensation based upon the degree or length of disability found by the independent medical report at such time as an evaluation of disability can be made. If the claimant is successful in review proceedings before the Board or court in any such case an award may be made in favor of the claimant and against the employer or carrier for a reasonable attorney's fee for claimant's counsel in accord with the above provisions. In all other cases any claim for legal services shall not be assessed against the employer or carrier (see Act, section 28(b)).

§ 702.135 Payment of claimant's witness fees and mileage in disputed claims.

In cases where an attorney's fee is awarded against an employer or carrier there may be further assessed against such employer or carrier as costs, fees and mileage for necessary witnesses attending the hearing at the instance of claimant. Both the necessity for the witness and the reasonableness of the fees of expert witnesses must be approved by the hearing officer, the Board, or the court, as the case may be. The amounts awarded against an employer or carrier as attorney's fees, costs, fees and mileage for witnesses shall not in any respect affect or diminish the compensation payable under this Act (see Act, section 28(d)).

INFORMATION AND ASSISTANCE FOR CLAIMANTS

§ 702.136 Requests for information and assistance.

(a) *General assistance.* The Director shall, upon request, provide persons covered by the Act with information and assistance relating to the Act's coverage and compensation and the procedures for obtaining such compensation including assistance in processing a claim.

(b) *Legal assistance to claimants.* The Secretary may, upon request, provide a claimant with legal assistance in processing a claim under the Act. Such assistance may be made available to a claimant in the discretion of the Solicitor of Labor or his designee at any time prior to or during which the claim is being processed and shall be furnished without charge to the claimant. Legal representation of the claimant in adjudicatory proceedings may be furnished in cases in which the Secretary's interest in the case is not adverse to that of the claimant.

(c) *Other assistance.* The deputy commissioners and their staff, as designees of the Director, shall promptly and fully comply with the request of a claimant receiving compensation for information about, and assistance in obtaining, medical, manpower, and vocational rehabilitation services (see also Subparts D and E of this part).

COMMUTATION OF PAYMENTS AND SPECIAL FUND

§ 702.141 Commutation of payments; generally.

(a) Pursuant to section 14(j) of the Act, 33 U.S.C. 914(j), the deputy commissioner may determine that, in the interest of justice, the liability of the employer for compensation, or any part thereof, may be discharged by the payment of a lump sum equal to the present value of future payments commuted, computed at 4 per centum true discount compounded annually.

(b) Applications for commutation of future benefits shall be made to the deputy commissioner, on a form prescribed by the Director, OWCP, for that purpose. Applications shall be supported with a statement of the reasons for such application, together with such pertinent data as may lend support thereto.

(c) Applications for commutation of payments in disability cases will be accepted only when a compensation order has been filed in which the quality of the disability is found to be permanent and the duration of such disability is fixed by said order. Applications for commutation of payments in death cases will be approved only when it is shown that the rights of all probable and potential beneficiaries have been determined and after a compensation order has been filed fixing the rights of the beneficiary making the application or on whose behalf such commutation is sought.

(d) Commutations of payments shall be considered by the deputy commissioner, but no final action shall be taken in any case without the prior approval of the Director, OWCP.

(e) The probability of the happening of any contingency of any nature whatsoever affecting the amount of duration of compensation to be commuted shall not be considered excepting:

(1) The probability of the death of the injured employee or other person entitled to compensation before the expiration of the period during which he is entitled to compensation shall be determined in accordance with the American Experience Table of Mortality; and

(2) The probability of the remarriage of the surviving wife shall be determined in accordance with the remarriage tables of the Dutch Royal Insurance Institution.

§ 702.142 Commutation of payments; aliens not residents or about to become nonresidents.

(a) Pursuant to section 9(g) of the Act, 33 U.S.C. 909(g), compensation paid to aliens not residents, or about to become nonresidents, of the United States or Canada shall be in the same amount as provided for residents except that dependents in any foreign country shall be limited to surviving wife and child or children, or if there be no surviving wife or child or children, to surviving father or mother whom the employee has supported, either wholly or in part, for the period of 1 year prior to the date of injury, and except that the Director, OWCP, may, at his option, or upon the application of the insurance carrier he shall, commute all future installments of compensation to be paid to such aliens by paying or causing to be paid to them one-half of the commuted amount of such future installments of compensation as determined by the Director.

(b) Applications for commutation under this section shall be made in writing to the deputy commissioner having jurisdiction, and forwarded by the deputy commissioner to the Director, for final action.

(c) Applications for commutations shall be made effective, if approved by the Director, on the date received by the deputy commissioner, or on a later date if shown to be appropriate on the application.

(d) Commutations shall not be made with respect to a person journeying abroad for a visit who has previously declared an intention to return and has stated a time for returning, nor shall any commutation be made except upon the basis of a compensation order fixing the right of the beneficiary to compensation.

§ 702.143 Establishment of special fund.

Congress, by section 44 of the Act, 33 U.S.C. 944, established in the U.S. Treasury a special fund, to be administered by the Secretary. The Treasurer of the United States is the custodian of such fund, and all monies and securities in such fund shall be held in trust by the Treasurer and shall not be money or property of the United States. The Treasurer shall make disbursements from such funds only upon the order of the Director, OWCP, as delegee of the Secretary. The Act requires that the Treasurer give bond, in an amount to be fixed and with securities to be approved by the Secretary of the Treasury and the Comptroller General of the United States, conditioned upon the faithful performance of his duty as custodian of such fund.

§ 702.144 Purpose of the special fund.

This special fund was established to give effect to a congressional policy determination that, under certain circumstances, the employer of a particular employee should not be required to bear the entire burden of paying for the compensation benefits due that employee under the Act. Instead, a substantial portion of such burden should be borne by the industry generally. Section 702.145 describes this special circumstance under which the particular employer is relieved of some of his burden. Section 702.146 describes the manner and circumstances of the input into the fund.

§ 702.145 Use of the special fund.

(a) *Under section 10 of the Act.* This section provides for initial and subsequent annual adjustments in compensation and continuing payments to beneficiaries in cases of permanent total disability or death which commenced or occurred prior to enactment of the 1972 Amendments to this Act (Public Law 92-576, approved Oct. 27, 1972). At the discretion of the Director, such payments may be paid directly by him to eligible beneficiaries as the obligation accrues, one-half from the special fund and one-half from appropriations, or he may require insurance carriers or self-insured employers already making payments to such beneficiaries to pay such additional compensation as the amended Act requires. In the latter case such carriers and self-insurers shall be reimbursed by the Director for such additional amounts paid, in the proportion of one-half the amount from the special fund and one-half the amount from appropriations. To obtain reimbursement, the carriers and self-insurers shall submit claims for payments made by them during previous periods at intervals of not less than 6 months. A form has been prescribed for such purpose and shall be used. No administrative claims service expense incurred by the carrier or self-insurer shall be included in the claim and no such expense shall be allowed. The amounts reimbursed to such carrier or self-insurer shall be limited to amounts actually due and previously paid to beneficiaries.

(b) *Under section 8(f) of the Act (Second Injuries).* In any case in which an employee having an existing permanent partial disability suffers injury, the employer shall provide compensation for such disability as is found to be attributable to that injury, based upon the average weekly wages of the employee at the time of injury. If, following an injury falling within the provisions of section 8(c)(1)-(20), the employee with the preexisting permanent partial disability becomes permanently and totally disabled after the second injury, but such total disability is found not to be due solely to his second injury, the employer (or carrier) shall be liable for compensation as provided by the provisions of section 8(c)(1)-(20) of the Act, 33 U.S.C. 908(c)(1)-(20), or for 104 weeks, whichever is greater. In all other cases of a second injury causing permanent total disability (or death), wherein it is found that such disability (or death) is not due solely to the second injury, and wherein the employee had a preexisting permanent partial disability, the employer (or carrier) shall first pay compensation under section 8 (b) or (e) of the Act, 33 U.S.C. 908 (b) or (e), if any is payable thereunder, and shall then pay 104 weeks compensation for such total disability or death, and none otherwise. If the second injury results in permanent partial disability, and if such disability is compensable under section 8(c)(1)-(20) of the Act, 33 U.S.C. 908(c)(1)-(20), but the disability so compensable did not result solely from such second injury, and the disability so compensable is materi-

ally and substantially greater than that which would have resulted from the second injury alone, then the employer (or carrier) shall only be liable for the amount of compensation provided for in section 8(c)(1)–(20) that is attributable to such second injury, or for 104 weeks, whichever is greater. In all other cases wherein the employee is permanently and partially disabled following a second injury, and wherein such disability is not attributable solely to that second injury, and wherein such disability is materially and substantially greater than that which would have resulted from the second injury alone, and wherein such disability following the second injury is not compensable under section 8(c)(1)–(20) of the Act, then the employer (or carrier) shall be liable for such compensation as may be appropriate under section 8 (b) or (e) of the Act, 33 U.S.C. 908 (b) or (e), if any, to be followed by a payment of compensation for 104 weeks, and none other. The term "compensation" herein means money benefits only, and does not include medical benefits. The procedure for determining the extent of the employer's (or carrier's) liability under this paragraph shall be as provided for in the adjudication of claims in Subpart C of this Part 702. Thereafter, upon cessation of payments which the employer is required to make under this paragraph, if any additional compensation is payable in the case, the deputy commissioner shall forward such case to the Director for consideration of an award to the person or persons entitled thereto out of the special fund. Any such award from the special fund shall be by order of the Director or Acting Director.

(c) *Under sections 8(g) and 39(c)(2) of the Act.* These sections, 33 U.S.C. 908 (g) and 939(c)(2), respectively, provide for vocational rehabilitation of disabled employees, and authorize, under appropriate circumstances, a maintenance allowance for the employee (not to exceed $25 a week) in additional to other compensation benefits otherwise payable for his injury-related disability. Awards under these sections are made from the special fund upon order of the Director or his designee. The deputy commissioners may be required to make investigations with respect to any case and forward to the Director their recommendations as to the propriety and need for such maintenance.

(d) *Under section 39(c)(2) of the Act.* In addition to the maintenance allowance for the employee discussed in paragraph (c), the Director is further authorized to use the fund in such amounts as may be necessary to procure the vocational training services.

(e) *Under section 7(e) of the Act.* This provision, 33 U.S.C. 907(e), authorizes payment by the Director from the special fund for special medical examinations, i.e., those obtained from impartial specialists to resolve disputes, when such special examinations are deemed necessary under that statutory provision. The Director has the discretionary power, however, to charge the cost of such examination to the insurance carrier or self-insured employer.

(f) *Under section 18(b) of the Act.* This section, 33 U.S.C. 918(b), provides a source for payment of compensation benefits in cases where the employer is insolvent, or other circumstances preclude the payment of benefits due in any case. In such situations, the deputy commissioner shall forward the case to the Director for consideration of an award from the special fund, together with evidence with respect to the employer's insolvency or other reasons for nonpayment of benefits due. Benefits, as herein used, means medical care or supplies within the meaning of section 7 of the Act, 33 U.S.C. 907, and Subpart D of Part 702 of these regulations, as well as monetary benefits. Upon receipt of the case, the Director shall promptly determine whether an award from the special fund is appropriate and advisable in the case, having due regard for all other current commitments from the special fund. If such an award is made, the employer shall be liable for the repayment into the fund of the amounts paid therefrom, as provided in 33 U.S.C. 918(b).

§ 702.146 Sources of the special fund.

(a) All amounts collected as fines and penalties under the several provisions of the Act shall be paid into the special fund (Act, section 44(c)(3)). Civil penalties provided for in the Act shall be collected by civil suits brought by, and in the name of, the Secretary of Labor.

(b) Whenever an employee dies under circumstances creating a liability on an employer to pay death benefits to the employee's beneficiaries, and whenever there are no such beneficiaries entitled to such payments, the employer shall pay $5,000 into the special fund (Act, section 44(c)(1)). In such cases, the compensation order entered in the case shall specifically find that there is such liability and that there are no beneficiaries entitled to death benefits, and shall order payment by the employer into the fund. Compensation orders shall be made and filed in accordance with the regulations in Subpart C of this Part 702, except that for this purpose the deputy commissioner settling the case under § 702.315 shall formalize the memorandum of conference in a compensation order, and shall file such order as provided for in § 702.349.

(c) The Director annually shall assess an amount against insurance carriers and self-insured employers authorized under the Act and Part 703 of this subchapter to replenish the fund. The total amount to be charged all carriers and self-insurers to be assessed shall be based upon his estimate of the probable expenses of the fund during the calendar year. The assessment against each carrier and self-insurer shall be based upon the amount each paid during the prior calendar year, for compensation and medical benefits, in relation to the amount all such authorized carriers or self-insurers paid during that period for compensation and medical benefits. If no amount was paid during the prior year, no assessment shall be made. The resulting percentage each paid out for such benefits the prior year shall be the percentage each shall pay into the fund under the current assessment (see Act, section 44(c)(2).) The Director may, in his discretion, condition renewal of authorization under Part 703 of this subchapter upon prompt payment of the assessment. However, no action suspending or revoking such authorization shall be taken without affording such carrier or self-insurer a hearing before the Director or his designee.

§ 702.147 Enforcement of special fund provisions.

(a) As provided in section 44(d)(1) of the Act, 33 U.S.C. 944(d)(1), for the purpose of making rules, regulations, and determinations under the special fund provisions in section 44 and for providing enforcement thereof, the Director may investigate and gather appropriate data from each carrier and self-insured employer, and may enter and inspect such places and records (and make such transcriptions of records), question such employees, and investigate such facts, conditions, practices, or other matters as he may deem necessary or appropriate.

(b) Pursuant to section 44(d)(3) of the Act, 33 U.S.C. 944(d)(3), for the purpose of any hearing or investigation related to determinations or the enforcement of the provisions of section 44 with respect to the special fund, the provisions of 15 U.S.C. 49 and 50 as amended (the Federal Trade Commission Act provisions relating to attendance of witnesses and the production of books, papers, and documents) are made applicable to the jurisdiction, powers, and duties of the Director, OWCP, as the Secretary's delegatee.

§ 702.148 Insurance carriers' and self-insured employers' responsibility.

Each carrier and self-insured employer shall make, keep, and preserve such records, and make such reports and provide such additional information as the Director prescribes or orders, which he considers necessary or appropriate to effectively carry out his responsibilities.

Liens on Compensation

§ 702.161 Liens on compensation authorized under special circumstances.

Pursuant to section 17(b) of the Act, 33 U.S.C. 917(b), where a trust fund which complies with section 302(c) of the Labor-Management Relations Act of 1947 (29 U.S.C. 186(c)) established pursuant to a collective bargaining agreement in effect between an employer and an employee entitled to compensation under this Act has paid disability benefits to an employee which the employee is legally obligated to repay by reasons of his entitlement to compensation under this Act, the Director or his designee may authorize a lien on such compensation in favor of the trust fund for the amount of such payments.

Subpart B—Claims Procedures

Employer's Reports

§ 702.201 Reports from employers of employee's injury or death.

Within 10 days from the date of an employee's injury or death, or 10 days from the date an employer has knowledge of an employee's injury or death, including any disease or death proximately caused by the employment, the employer shall furnish a report thereof to the deputy commissioner for the compensation district in which the injury or death occurred, and shall thereafter furnish such additional or supplemental reports as the deputy commissioner may request.

§ 702.202 Employer's report; form and contents.

The employer's report of an employee's injury or death shall be in writing and on a form prescribed by the Director for this purpose, and shall contain:

(a) The name, address, and business of the employer;

(b) The name, address, and occupation of the employee;

(c) The cause, nature, and other relevant circumstances of the injury or death;

(d) The year, month, day, and hour when, and the particular locality where, the injury or death occurred;

(e) Such other information as the Director may require.

§ 702.203 Employer's report; how given.

The employer's report, an original and one copy, may be furnished by delivering it to the appropriate office of the deputy commissioner, or by mailing it to said office.

§ 702.204 Employer's report; penalty for failure to furnish.

Any employer who fails or refuses to furnish any report required by § 702.201 shall be subject to a civil penalty not to exceed $500 for each such failure or refusal, 33 U.S.C. 930(e).

§ 702.205 Employer's report; effect of failure to report upon time limitations.

Where the employer, or agent in charge of the business, or carrier has been given notice or has knowledge of an employee's injury or death, and fails, neglects, or refuses to file a report thereof as required by § 702.201, the time limitations provisions with respect to the filing of claims for compensation for disability or death (33 U.S.C. 913(a), and see § 702.212) shall not begin to run until such report shall have been furnished as required herein.

Notice

§ 702.206 Notice of employee's injury or death.

Every person claiming compensation under this Act shall first notify the deputy commissioner for the compensation district in which the injury or death occurred, and the injured or deceased employee's employer, of the fact of such injury or death. If the employer is a partnership, notice may be given to any partner, or if a corporation, to any authorized agent or officer thereof, or to the person in charge of the business at the place where the injury occurred.

§ 702.207 Notice; when given.

Notice shall be given within 30 days after the date of the injury or death, or within 30 days after the date the employee or beneficiary is aware, or in the exercise of reasonable diligence should have been aware, of a relationship between the injury or death and the employee's employment.

§ 702.208 Notice; by whom given.

Notice shall be given by the injured employee or someone on his behalf, or in the case of death, by the deceased employee's beneficiary or someone on his behalf.

§ 702.209 Notice; form and contents.

Notice shall be in writing on a form prescribed by the Director for this purpose; such form shall be made available to the employee or beneficiary by the employer. The notice shall be signed by the person authorized to give notice, and shall contain the name and address of the employee and a statement of the time, place, nature and cause of the injury or death.

§ 702.210 Notice; how given.

Notice shall be given by delivering it to the deputy commissioner and the employer, or by sending it by mail.

§ 702.211 Effect of failure to give notice.

Failure to give timely notice shall not bar any claim for compensation if: (a) The employer or carrier had knowledge of the injury or death and the deputy commissioner determines that the employer or carrier was not prejudiced thereby; or (b) the deputy commissioner excuses such failure on the ground that for some satisfactory reason such notice could not be given. The employer or carrier may not raise as a defense to a claim the failure to file a timely notice unless such defense is raised at the first hearing held on the claim.

Claims

§ 702.212 Claims for compensation; time limitations.

Claims for compensation for disability or death shall be in writing and shall be filed with the deputy commissioner in the compensation district in which the injury or death occurred. Such claims may be filed anytime after the first 7 days of disability following an injury, or at anytime after death. However, the right to such compensation shall be barred unless a claim therefor is filed within 1 year of such injury or death.

§ 702.213 Claims; time limitations; exceptions.

(a) Where the claim is founded on a causal relationship between the disease or death and the employment, the 1-year time limitation specified in § 702.212 shall not begin to run until the employee or beneficiary is aware, or in the exercise of reasonable diligence should have been aware, of such relationship.

(b) Where payments of compensation have been made without an award on account of such injury or death, a claim shall be timely if filed within 1 year after the date of the last payment.

(c) Where a person entitled to compensation under the Act is mentally incompetent or a minor, the time limitation provision of § 702.212 shall not apply to a mentally incompetent person so long as such person has no guardian or other authorized representative, but § 702.212 shall be applicable from the date of appointment of such guardian or other representative. In the case of a minor who has no guardian before he becomes of age, time begins to run from the date he becomes of age.

(d) Where a person brings a suit at law or in admiralty to recover damages in respect of an injury or death, and recovery is denied plaintiff because he was an employee and defendant was an employer within the meaning of the Act, and such employer had secured compensation to such employee under the Act, the 1-year time limitation in § 702.212 shall not begin to run until the date of termination of such suit.

§ 702.214 Claims; time limitations; time to object.

Notwithstanding the requirements of § 702.212, failure to file a claim within the period prescribed in such section shall not be a bar to such right unless objection to such failure is made at the first hearing of such claim in which all parties in interest are given reasonable notice and opportunity to be heard.

§ 702.215 Claims; notification of employer of filing by employee.

Within 10 days after the filing of a claim for compensation for injury or death under the Act, the deputy commissioner shall give written notice thereof to the employer or carrier, served personally or by certified mail.

§ 702.216 Withdrawal of a claim.

(a) *Before adjudication of claim.* A claimant (or an individual who is authorized to execute a claim on his behalf) may withdraw his previously filed claim provided that:

(1) He files with the deputy commissioner with whom the claim was filed a written request stating the reasons for withdrawal;

(2) The claimant is alive at the time his request for withdrawal is filed;

(3) The deputy commissioner approves the request for withdrawal as being for a proper purpose and in the claimant's best interest; and

(4) The request for withdrawal is filed on or before the date the OWCP makes a determination on the claim.

(b) *After adjudication of claim.* A claim for benefits may be withdrawn by a written request filed after the date the OWCP makes a determination on the claim, provided that:

(1) The conditions enumerated in paragraph (a) (1) through (3) of this section are met; and

(2) There is repayment of the amount of benefits previously paid because of the claim that is being withdrawn or it can be established to the satisfaction of the Office that repayment of any such amount is assured.

(c) *Effect of withdrawal of claim.* Where a request for withdrawal of a claim is filed and such request for withdrawal is approved, such withdrawal shall be without prejudice to the filing of another claim, subject to the time limitation provisions of section 13 of the Act and of the regulations in this part.

NONCONTROVERTED CLAIMS

§ 702.231 Noncontroverted claims; payment of compensation without an award.

Unless the employer controverts his liability to pay compensation under the Act, he shall pay periodically, promptly, and directly to the person entitled thereto the benefits prescribed by the Act.

§ 702.232 Payments without an award; when; how paid.

The first installment of compensation shall become due on the 14th day after the employer has knowledge of the injury or death, on which date all compensation then due shall be paid. Compensation shall thereafter be paid in semimonthly installments, unless the deputy commissioner determines otherwise.

§ 702.233 Penalty for failure to pay without an award.

If any installment of compensation payable without an award is not paid within 14 days after it becomes due, there shall be added to such unpaid installment an amount equal to 10 per centum thereof which shall be paid at the same time as, but in addition to, such installment unless the employer files notice of controversion in accordance with § 702.261, or unless such nonpayment is excused by the deputy commissioner after a showing by the employer that owing to conditions over which he had no control such installment could not be paid within the period prescribed for the payment.

§ 702.234 Report by employer of commencement and suspension of payments.

Immediately upon making the first payment of compensation, and upon the suspension of payments once begun, the employer shall notify the deputy commissioner having jurisdiction over the place where the injury or death occurred of the commencement or suspension of payments, as the case may be.

§ 702.235 Report by employer of termination of payments.

Within 16 days after the final payment of compensation has been made, the employer shall notify the deputy commissioner in writing thereof, stating that such final payment has been made, the total amount of compensation paid, the name and address of the person to whom payments were made, the date of the injury or death and the name of the injured or deceased employee, and the dates during which compensation was paid.

§ 702.236 Penalty for failure to report termination of payments.

Any employer failing to notify the deputy commissioner of termination of payments in accordance with § 702.235 shall be assessed a civil penalty in the amount of $100.

AGREED SETTLEMENTS

§ 702.241 Agreed settlements; monetary benefits.

(a) Whenever the deputy commissioner determines that it is for the best interests of an injured employee entitled to compensation he may approve agreed settlements of the interested parties discharging the liability of the employer for such compensation notwithstanding the provisions of section 15(b) and section 16 of the Act, 33 U.S.C. 915(b) and 916. If the employee should die from causes other than the injury after the deputy commissioner has approved an agreed settlement, the sum so approved shall be payable in the manner herein prescribed, to and for the benefit of the persons enumerated in section 8(d) of the Act, 33 U.S.C. 908(d).

(b) Application for approval of an agreed settlement under section 8(i) of the Act, 33 U.S.C. 908(i), shall be made in writing to the deputy commissioner by the parties in interest. The application shall set forth fully all facts necessary to disclose the status of the case and the reason for seeking approval of an agreed settlement under said section of the Act as well as the specific terms of such agreed settlement, and shall be accompanied by a medical report of examination of the employee, if a recent report is not of record in the office of the deputy commissioner.

(c) If the deputy commissioner determines that the injured employee is entitled to compensation and that the proposed agreed settlement according to such application is for the best interests of such employee, he shall file a compensation order making necessary findings of fact relative to the character and quality of disability and the effect of same with respect to the employee's wage-earning capacity prior to approving such settlement and discharging the employer's liability for compensation payments. If such course is not practical the deupty commissioner shall determine the probable character and quality of disability according to the most recent evidence received. With such determination the deputy commissioner shall consider such other information as he may have upon the advisability of approving the agreed settlement and thereupon make his decision.

(d) This section is not intended to furnish generally a basis for the settlement of claims or as a mere convenience in disposing of cases.

§ 702.242 Agreed settlement; medical benefits.

(a) Whenever the Director or his designee determines that it is for the best interests of an injured employee entitled to medical benefits he may approve agreed settlements of the interested parties discharging the liability of the employer for such medical benefits, notwithstanding the provisions of section 16 of the Act, 33 U.S.C. 916. If the employee should die from causes other than the injury after an agreed settlement has been approved, the sum so approved shall be payable in the manner herein prescribed to, and for the benefit of, the persons enumerated in section 8(d) of the Act, 33 U.S.C. 908(d).

(b) Applications for approval of an agreed settlement with respect to medical benefits shall be made in writing and shall be submitted to the deputy commissioner by the parties in interest. The application shall set forth fully all facts necessary to disclose the status of the case and the reason for seeking approval of an agreed settlement, as well as the specific terms of the agreed settlement. Such application shall be accompanied by a report of a recent medical examination pertaining to the employee's condition and to his future need for medical attention relating to the injury. Applications, including all supporting papers, shall be submitted in duplicate.

(c) Upon receipt of such application, the deputy commissioner, after appropriate consultation with the interested parties, shall forward such application, together with his comments and recommendations, as to the character and quality of disability and such other information as may be pertinent to the appropriateness of approving the agreed settlement, to the Director, OWCP, for such action as the Director considers appropriate including the entry of a compensation order if it is deemed to be in the best interest of the injured employee.

CONTROVERTED CLAIMS

§ 702.251 Employer's controversion of the right to compensation.

Where the employer controverts the right to compensation after notice or knowledge of the injury or death, or after receipt of a written claim, he shall give notice thereof, stating the reasons for controverting the right to compensation, using the form prescribed by the Director. Such notice, or answer to the claim, shall be filed with the deputy commissioner within 14 days from the date the employer receives notice or has knowledge of the injury or death. The original notice shall be sent to the deputy commissioner having jurisdiction, and a copy thereof shall be given or mailed to the claimant.

§ 702.252 Action by deputy commissioner upon receipt of notice of controversion.

Upon receiving the employer's notice of controversion, the deputy commissioner shall forthwith commence proceedings for the adjudication of the

claim in accordance with the procedures set forth in Subpart C of this part.

CONTESTED CLAIMS

§ 702.261 Claimant's contest of actions taken by employer or carrier with respect to the claim.

Where the claimant contests an action by the employer or carrier reducing, suspending, or terminating benefits, including medical care, he should immediately notify the office of the deputy commissioner having jurisdiction, in person or in writing, and set forth the facts pertinent to his complaint.

§ 702.262 Action by deputy commissioner upon receipt of notice of contest.

Upon receipt of the claimant's notice of contest, the deputy commissioner shall forthwith commence proceedings for adjudication of the claim in accordance with the procedures set forth in Subpart C of this part.

Subpart C—Adjudication Procedures

GENERAL

§ 702.301 Scope of this subpart.

The regulations in this subpart govern the adjudication of claims in which the employer has filed a notice of controversion under § 702.251, or the employee has filed notice of contest under § 702.261. In the vast majority of cases, the problem giving rise to the controversy results from misunderstandings, clerical or mechanical errors, or mistakes of fact or law. Such problems seldom require resolution through formal hearings, with the attendant production of expert witnesses. Accordingly, by § 702.311 et seq., the deputy commissioners are empowered to amicably and promptly resolve such problems by informal procedures. Where there is a genuine dispute of fact or law which cannot be so disposed of informally, resort must be had to the formal hearing procedures as set forth beginning at § 702.331. Supplementary compensation orders, modifications, and interlocutory matters are governed by regulations beginning with § 702.371. Thereafter, appeals from compensation orders are discussed beginning with § 702.391 (the regulations of the Benefits Review Board are set forth in full in Part 802 of this title).

ACTION BY DEPUTY COMMISSIONERS

§ 702.311 Handling of claims matters by deputy commissioners; informal conferences.

The deputy commissioner is empowered to resolve disputes with respect to claims in a manner designed to protect the rights of the parties and also to resolve such disputes at the earliest practicable date. This will generally be accomplished by informal discussions by telephone or by conferences at the deputy commissioner's office. Some cases will be handled by written correspondence. The regulations governing informal conferences at the deputy commissioner's office with all parties present are set forth below. When handling claims by telephone, or at the office with only one of the parties, the deputy commissioner and his staff shall make certain that a full written record be made of the matters discussed and that such record be placed in the administrative file. When claims are handled by correspondence, copies of all communications shall constitute the administrative file.

§ 702.312 Informal conferences; called by and held before whom.

Informal conferences shall be called by the deputy commissioner or his designee assigned or reassigned the case and held before that same person, unless such person is absent or unavailable. When so assigned, the designee shall perform the duties set forth below assigned to the deputy commissioner.

§ 702.313 Informal conferences; how called; when called.

Informal conferences may be called upon not less than 10 days' notice to the parties, unless the parties agree to meet at an earlier date. The notice may be given by telephone, but shall be confirmed by use of a written notice on a form prescribed by the Director. The notice shall indicate the date, time and place of the conference, and shall also specify the matters to be discussed. For good cause shown conferences may be rescheduled. A copy of such notice shall be placed in the administrative file.

§ 702.314 Informal conferences; how conducted; where held.

(a) No stenographic report shall be taken at informal conferences and no witnesses shall be called. The deputy commissioner shall guide the discussion toward the achievement of the purpose of such conference, recommending courses of action where there are disputed issues, and giving the parties the benefit of his experience and specialized knowledge in the field of workmen's compensation.

(b) Conferences generally shall be held at the deputy commissioner's office. However, such conferences may be held at any place which, in the opinion of the deputy commissioner, will be of greater convenience to the parties or to their representatives.

§ 702.315 Conclusion of conference; agreement on all matters with respect to the claim.

(a) Following an informal conference at which agreement is reached on all issues, the deputy commissioner shall embody the agreement in a formal compensation order, to be filed and mailed in accordance with § 702.349. Where the problem was of such nature that it was resolved by discussion by telephone or by exchange of written correspondence, the parties shall be notified by the same means that agreement was reached and then the deputy commissioner shall proceed to prepare, file and mail the formal compensation order. In either instance, when the employer or carrier has agreed to pay, reinstate or increase monetary compensation benefits, or to restore or appropriately change medical care benefits, such action shall be commenced immediately upon becoming aware of the agreement, and without regard to the receipt of the formal compensation order.

(b) Where there are several conferences or discussions, the provisions of paragraph (a) of this section do not apply until the last conference. The deputy commissioner shall, however, prepare and place in his administrative file a short, succinct memorandum of each preceding conference or discussion.

§ 702.316 Conclusion of conference; no agreement on all matters with respect to the claim.

When it becomes apparent during the course of the informal conference that agreement on all issues cannot be reached, the deputy commissioner shall bring the conference to a close and afterward prepare a memorandum of conference setting forth only the issue or issues in dispute, such pertinent background as may be appropriate thereto, and his recommendations for resolution of the dispute. Copies of this memorandum shall then be sent by certified mail to each of the parties or their representatives, who shall then have 14 days in which to signify in writing to the deputy commissioner whether they agree or disagree with his recommendations. If they agree, the deputy commissioner shall proceed as in § 702.315(a). If they disagree (Caution: See § 702.134(b)), then the deputy commissioner may schedule such further conference or conferences as, in his opinion, may bring about agreement or, if he is satisfied that any further conference would be unproductive or if any party has requested a hearing, he shall prepare the case for transfer to the Office of the Chief Administrative Law Judge (see § 702.331 et seq.).

§ 702.317 Preparation and transfer of the case for hearing.

The case is prepared for transfer by the preparation by the deputy commissioner of a separate memorandum in which he shall set forth those facts pertinent to the claim that are not in dispute, those issues upon which the parties agree, and then those facts, if any, in dispute as well as the issue or issues of law in dispute. The deputy commissioner shall briefly restate the position of the parties with respect to the matters in dispute, but he shall not in this transmittal indicate or suggest his opinions or recommendations previously offered with respect thereto. This memorandum shall then be forwarded to the Office of the Chief Administrative Law Judge.

§ 702.318 The record; what constitutes; nontransferability of the administrative file.

For the purpose of any further proceedings under the Act, the formal record of proceedings shall consist of the hearing record made before the administrative law judge (see § 702.344). When transferring the case for hearing pursuant to § 702.317, the deputy commis-

sioner shall not transfer the administrative file under any circumstances.

§ 702.319 Obtaining documents from the administrative file for reintroduction at formal hearings.

Whenever any party considers any document in the administrative file essential to any further proceedings under the Act, it is the responsibility of such party to obtain such document from the deputy commissioner and reintroduce it for the record before the administrative law judge. The type of document that may be obtained shall be limited to documents previously submitted to the deputy commissioner, including documents or forms with respect to notices, claims, controversions, contests, progress reports, medical services or supplies, etc. The work products of the deputy commissioner or his staff shall not be subject to retrieval. The procedure for obtaining documents shall be for the requesting party to inform the deputy commissioner in writing of the documents he wishes to obtain, specifying them with particularity. Upon receipt, the deputy commissioner shall cause copies of the requested documents to be made and then: (1) Place the copies in the file together with the letter of request, and (2) promptly forward the originals to the requesting party. The handling of multiple requests for the same document shall be within the discretion of the deputy commissioner and with the cooperation of the requesting parties.

FORMAL HEARINGS

§ 702.331 Formal hearings; procedure initiating.

Formal hearings are initiated by transmitting to the Office of the Chief Administrative Law Judge the memorandum from the deputy commissioner as provided for in § 702.317.

§ 702.332 Formal hearings; how conducted.

Formal hearings shall be conducted by the administrative law judge assigned the case by the Office of the Chief Administrative Law Judge in accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. 554 et seq. All hearings shall be transcribed.

§ 702.333 Formal hearings; parties.

(a) The necessary parties for a formal hearing are the claimant and the employer or insurance carrier, and the administrative law judge assigned the case.

(b) The Solicitor of Labor or his designee may appear and participate in any formal hearing held pursuant to these regulations on behalf of the Director as an interested party.

§ 702.334 Formal hearings; representatives of parties.

The claimant and the employer or carrier may be represented by persons of their choice.

§ 702.335 Formal hearings; notice.

The Office of the Chief Administrative Law Judge shall notify, on a form prescribed for this purpose, the parties (see § 702.333) of the scheduling of a formal hearing not less than 10 days in advance thereof. The notice shall specify the time and place at which the hearing is to be conducted. Attached thereto shall be a copy of the deputy commissioner's memorandum listing the issues to be resolved.

§ 702.336 Formal hearings; new issues.

(a) If, during the course of the formal hearing, the evidence presented warrants consideration of an issue not previously considered, the hearing shall be expanded to include such new issue. The parties shall, however, be given a reasonable time in which to prepare for such new issue.

(b) At any time prior to the filing of the compensation order in the case, the administrative law judge may in his discretion, upon the application of a party or upon his own motion, give notice that he will consider any new issue. The parties shall be given not less than 10 days' notice of the hearing on such new issue. The parties may stipulate that the issue may be heard at an earlier time and shall proceed to a hearing on the new issue in the same manner as on an issue initially considered.

§ 702.337 Formal hearings; change of time or place for hearings; postponements.

The Chief Administrative Law Judge or the administrative law judge assigned the case may change the time and place for the hearings, or postpone or temporarily adjourn a hearing, on his own motion or for good cause shown by a party. The parties shall be given not less than 10 days' notice of the new time and place of the hearing, unless the parties agree to such change without such notice. The Chief Administrative Law Judge may also reassign a case to another administrative law judge by reason of changes of time and place for the hearing, or by reason of postponements, or for other good cause.

§ 702.338 Formal hearings; general procedures.

All hearings shall be attended by the parties or their representatives and such other persons as the administrative law judge deems necessary and proper. The administrative law judge shall inquire fully into the matters at issue and shall receive in evidence the testimony of witnesses and any documents which are relevant and material to such matters. If the administrative law judge believes that there is relevant and material evidence available which has not been presented at the hearing, he may adjourn the hearing or, at any time, prior to the filing of the compensation order, reopen the hearing for the receipt of such evidence. The order in which evidence and allegations shall be presented and the procedures at the hearing generally, except as these regulations otherwise expressly provide, shall be in the discretion of the administrative law judge and of such nature as to afford the parties a reasonable opportunity for a fair hearing.

§ 702.339 Formal hearings; evidence.

In making an investigation or inquiry, or conducting a hearing, the administrative law judge shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure, except as provided by 5 U.S.C. 554 and these regulations; but may make such investigation or inquiry or conduct such hearing in such a manner as to best ascertain the rights of the parties.

§ 702.340 Formal hearings; witnesses.

(a) Witnesses at the hearing shall testify under oath or affirmation. The administrative law judge may examine the witnesses and shall allow the parties or their representatives to do so.

(b) No person shall be required to attend as a witness in any proceeding before an administrative law judge at a place more than 100 miles from his place of residence, unless his lawful mileage and fees for one day's attendance shall be paid or tendered to him in advance of the hearing date.

§ 702.341 Formal hearings; depositions; interrogatories.

The testimony of any witness may be taken by deposition or interrogatory according to the rules of practice of the Federal District Court for the judicial district in which the case is pending.

§ 702.342 Formal hearings; witness fees.

Witnesses summoned in a formal hearing before an administrative law judge or whose depositions are taken shall receive the same fees and mileage as witnesses in courts of the United States (33 U.S.C. 925).

§ 702.343 Formal hearings; oral argument and written allegations.

The parties, upon their request, shall be allowed a reasonable time for the presentation of oral argument or for the filing of briefs or other written statements of allegations as to facts or law. Copies of any brief or other written statement shall be filed with the administrative law judge and served on all parties in interest by the party submitting the statement.

§ 702.344 Formal hearings; record of hearing.

All formal hearings shall be open to the public and shall be stenographically reported. All evidence upon which the administrative law judge relies for his final decision shall be contained in the transcript of testimony either directly or by appropriate reference. All medical reports, exhibits, and any other pertinent document or record, in whole or in material part, shall be incorporated into the record either by reference or as an appendix.

§ 702.345 Formal hearings; consolidated issues; consolidated cases.

(a) When one or more additional issues are raised by the administrative law judge pursuant to § 702.336, such issues may, in the discretion of the administrative law judge, be consolidated for hear-

ing and decision with other issues pending before him.

(b) When two or more cases are transferred for formal hearings and have common questions of law or which arose out of a common accident, the Chief Administrative Law Judge may consolidate such cases for hearing.

§ 702.346 Formal hearings; waiver of right to appear.

If all parties waive their right to appear before the administrative law judge or to present evidence or argument personally or by representative, it shall not be necessary for the administrative law judge to give notice of and conduct an oral hearing. A waiver of the right to appear and present evidence and allegations as to facts and law shall be made in writing and filed with the Chief Administrative Law Judge or the administrative law judge. Where such a waiver has been filed by all parties, and they do not appear before the administrative law judge personally or by representative, the administrative law judge shall make a record of the relevant written evidence submitted by the parties, together with any pleadings they may submit with respect to the issues in the case. Such documents shall be considered as all of the evidence in the case and the decision shall be based on them.

§ 702.347 Formal hearings; termination.

Formal hearings are officially terminated when all the evidence has been received, witnesses heard, pleadings and briefs submitted to the administrative law judge, and the transcript of the proceedings has been printed and delivered to the administrative law judge.

§ 702.348 Formal hearings; preparation of final decision and order; content.

Within 20 days after the official termination of the hearing as defined by § 702.347, the administrative law judge shall have prepared a final decision and order, in the form of a compensation order, with respect to the claim, making an award to the claimant or rejecting the claim. The compensation order shall contain appropriate findings of facts and conclusions of law with respect thereto, and shall be concluded with one or more paragraphs containing the order of the administrative law judge, his signature, and the date of issuance.

§ 702.349 Formal hearings; filing and mailing of compensation orders; disposition of transcripts.

The administrative law judge shall, within 20 days after the official termination of the hearing, deliver by mail, or otherwise, to the office of the deputy commissioner having original jurisdiction, the transcript of the hearing, other documents or pleadings filed with him with respect to the claim, together with his signed compensation order. Upon receipt thereof, the deputy commissioner, being the official custodian of all records with respect to such claims within his jurisdiction, shall formally date and file the transcript, pleadings, and compensation order (original) in his office. Such filing shall be accomplished by the close of business on the next succeeding working day, and the deputy commissioner shall, on the same day as the filing was accomplished, send by certified mail a copy of the compensation order to the parties and to representatives of the parties, if any. Appended to each such copy shall be a paragraph entitled "proof of service" containing the certification of the deputy commissioner that the copies were mailed on the date stated, to each of the parties and their representatives, as shown in such paragraph.

§ 702.350 Finality of compensation order.

Compensation orders shall become effective when filed in the office of the deputy commissioner, and unless proceedings for suspension or setting aside of such orders are instituted within 30 days of such filing, shall become final at the expiration of the 30th day after such filing, as provided in section 21 of the Act 33 U.S.C. 921. If any compensation payable under the terms of such order is not paid within 10 days after it becomes due, section 14(f) of the Act requires that there be added to such unpaid compensation an amount equal to 20 percent thereof which shall be paid at the same time as, but in addition to, such compensation unless review of the compensation order is had as provided in such section 21 and an order staying payment has been issued by the Benefits Review Board or the reviewing court.

§ 702.351 Withdrawal of controversion of issues set for formal hearing; effect.

Whenever a party withdraws his controversion of the issues set for a formal hearing, the administrative law judge shall halt the proceedings upon receipt from said party of a signed statement to that effect and forthwith notify the deputy commissioner who shall then proceed to dispose of the case as provided for in § 702.315.

INTERLOCUTORY MATTERS, SUPPLEMENTARY ORDERS, AND MODIFICATIONS

§ 702.371 Interlocutory matters.

Compensation orders shall not be made or filed with respect to interlocutory matters of a procedural nature arising during the pendency of a compensation case.

§ 702.372 Supplementary compensation orders.

(a) In any case in which the employer or insurance carrier is in default in the payment of compensation due under any award of compensation, for a period of 30 days after the compensation is due and payable, the person to whom such compensation is payable may, within 1 year after such default, apply in writing to the deputy commissioner for a supplementary compensation order declaring the amount of the default. Upon receipt of such application, the deputy commissioner shall institute proceedings with respect to such application as if such application were an original claim for compensation, and the matter shall be disposed of as provided for in § 702.315, or if agreement on the issue is not reached, then as in § 702.316 et seq.

(b) If, after disposition of the application as provided for in paragraph (a) of this section, a supplementary compensation order is entered declaring the amount of the default, which amount may be the whole of the award notwithstanding that only one or more installments is in default, a copy of such supplementary order shall be forthwith sent by certified mail to each of the parties and their representatives. Thereafter, the applicant may obtain and file with the clerk of the Federal district court for the judicial district where the injury occurred or the district in which the employed has his principal place of business or maintains an office, a certified copy of said order and may seek enforcement thereof as provided for by section 18 of the Act, 33 U.S.C. 918.

§ 702.373 Modification of awards.

(a) Upon his own initiative, or upon application of any party in interest, the deputy commissioner may review any compensation case in accordance with the procedure in Subpart C of this part, and after such review of the case under § 702.315, or review at formal hearings under the regulations governing formal hearings in Subpart C of this part, file a new compensation order terminating, continuing, reinstating, increasing or decreasing such compensation, or awarding compensation. Such new order shall not affect any compensation previously paid, except that an award increasing the compensation rate may be made retroactive from the date of injury, and if any part of the compensatiorf due or to become due is unpaid, an award decreasing the compensation rate may be made effective from the date of the injury, and any payment made prior thereto in excess of such decreased rate shall be deducted from any unpaid compensation, in such manner and by such method as may be determined by the deputy commissioner or the administrative law judge.

(b) Review of a compensation case under this section may be made at any time prior to 1 year after the date of the last payment of compensation, whether or not a compensation order has been issued, or at any time prior to 1 year after the rejection of a claim.

(c) Review of a compensation case may be had only for the reason that there is a change in conditions or that there was a mistake in the determination of facts.

APPEALS

§ 702.391 Appeals; where.

Appeals may be taken to the Benefits Review Board, U.S. Department of Labor, Washington, D.C. 20210, by filing a notice of appeals with the office of the deputy commissioner for the compensation district in which the decision or order ap-

pealed from was filed and by submitting to the Board a petition for review of such decision or order, in accordance with the provisions of Part 802 of this Title 20.

§ 702.392 Appeals; what may be appealed.

An appeal raising a substantial question of law or fact may be taken from a decision with respect to a claim under the Act. Such appeals may be taken from compensation orders when they have been filed as provided for in § 702.349.

§ 702.393 Appeals; time limitations.

The notice of appeal (see § 702.391) shall be filed with the deputy commissioner within 30 days of the filing of the decision or order complained of, as defined and described in § 802.205 and § 802.206 of this title. A petition for review of the decision or order is required to be filed within 30 days after receipt of the Board's acknowledgment of the notice of appeal, as provided in 20 CFR 802.210.

§ 702.394 Appeals; procedure.

The procedure for appeals to the Benefits Review Board shall be as provided by the Board in its Rules of Practice and Procedure, set forth in Part 802 of this title.

Subpart D—Medical Care and Supervision

§ 702.401 Medical care defined.

Medical care shall include medical, surgical, and other attendance or treatment, nursing and hospital services, laboratory, X-ray and other technical services, medicines, crutches, or other apparatus and prosthetic devices, and any other medical service or supply, including the reasonable and necessary cost of travel incident thereto, which is recognized as appropriate by the medical profession for the care and treatment of the injury or disease.

§ 702.402 Employer's duty to furnish; duration.

It is the duty of the employer to furnish appropriate medical care for the employee's injury, and for such period as the nature of the injury or the process of recovery may require.

§ 702.403 Employee's right to choose physician; limitation.

The employee shall have the right to choose his attending physician from among those authorized by the Director, OWCP, to furnish such care and treatment. However, unless authorized by the deputy commissioner having jurisdiction, the employee's choice shall be limited to those physicians having offices within 25 miles of the employee's home or principal place of work. This exception shall not apply when the employee is hospitalized and the physician is on the staff of, or has privileges at, such hospital.

§ 702.404 Physician defined.

The term physician shall mean all duly qualified physicians, to include surgeons and osteopaths within the scope of their practice as defined by State law. Chiropractors, naturopaths, podiatrists (chiropodists), psychologists, optometrists, faith healers, and other practitioners of the healing arts are not recognized as physicians as that term is used in this part.

§ 702.405 Selection of physician; emergencies.

Whenever the nature of the injury is such that immediate medical care is required and the injured employee is unable to select a physician, the employer shall select a physician. Thereafter the employee may change physicians when he is able to make a selection. Such changes shall be made upon obtaining written authorization from the employer or, if consent is withheld, from the deputy commissioner.

§ 702.406 Change of physicians; nonemergencies.

Whenever the employee has made his initial, free choice of an attending physician, he may not thereafter change physicians without the prior written consent of the employer (or carrier) or the deputy commissioner. Such consent shall be given in cases where an employee's initial choice was not of a specialist whose services are necessary for, and appropriate to, the proper care and treatment of the compensable injury or disease. In all other cases, consent may be given upon a showing of good cause for change.

§ 702.407 Supervision of medical care.

The Director, OWCP, through the deputy commissioners and their designees, shall actively supervise the medical care of an injured employee covered by the Act. Such supervision shall include:

(a) The requirement that periodic reports on the medical care being rendered be filed in the office of the deputy commissioner, the frequency thereof being determined by order of the deputy commissioner or sound judgment of the attending physician as the nature of the injury may dictate;

(b) The determination of the necessity, character and sufficiency of any medical care furnished or to be furnished the employee;

(c) The determination of whether a change of physicians, hospitals or other persons or locales providing treatment should be made or is necessary;

(d) The further evaluation of medical questions arising in any case under the Act, with respect to the nature and extent of the covered injury, and the medical care required therefor.

§ 702.408 Evaluation of medical questions; impartial specialists.

In any case in which medical questions arise with respect to the appropriate diagnosis, extent, effect of, appropriate treatment, and the duration of any such care or treatment, for an injury covered by the Act, the Director, OWCP, through the deputy commissioners having jurisdiction, shall have the power to evaluate such questions by appointing one or more especially qualified physicians to examine the employee, or in the case of death to make such inquiry as may be appropriate to the facts and circumstances of the case. The physician or physicians, including appropriate consultants, should report their findings with respect to the questions raised as expeditiously as possible. Upon receipt of such report, action appropriate therewith shall be taken.

§ 702.409 Evaluation of medical questions; results disputed.

Any party who is dissatified with such report may request a review or reexamination of the employee by one or more different physicians employed by or selected by the Director, and such review or reexamination shall be granted unless it is found that it is clearly unwarranted. Such review shall be completed within 2 weeks from the date ordered unless it is impossible to complete the review and render a report thereon within such time period. Upon receipt of the report of this additional review and reexamination, such action as may be appropriate shall forthwith be taken.

§ 702.410 Duties of employees with respect to special examinations.

For any special examination required of an employee by §§ 702.408 and 702.409, the employee shall submit to such examination at such place as is designated in the order to report, but the place so selected shall be reasonably convenient for the employee. Failure to submit to such lawfully ordered examinations shall result in the suspension of proceedings, and no compensation otherwise payable shall be paid for any period during which the employee may refuse to submit to such examination.

§ 702.411 Special examinations; nature of impartiality of specialists.

(a) The special examinations required by § 702.408 shall be accomplished in a manner designed to preclude prejudgment by the impartial examiner. No physician previously connected with the case shall be present, nor may any other physician selected by the employer, carrier, or employee be present. The impartial examiner shall not have been made aware, by any party or by the OWCP, of the opinions, reports, or conclusions of any prior examining physician with respect to the nature and extent of the impairment, its cause, or its effect upon the wage-earning capacity of the injured employee, unless the deputy commissioner determines that, for good cause, such opinions, reports, or conclusions should be made available. In the event the latter exception is invoked, the name of the examining physician, and any material in the text which could identify the examining physician offering such opinion, report, or conclusion, shall first be removed.

(b) The impartiality of the specialists shall not be considered to have been compromised if the deputy commissioner deems it advisable to, and does, apprise the specialist by memorandum of those

undisputed facts pertaining to the nature of the employee's employment, of the nature of the injury, of the post-injury employment activity, if any, and of any other facts which are not disputed and are deemed pertinent to the type of injury and/or the type of examination being conducted.

(c) No physician selected to perform impartial examinations shall be, or shall have been for a period of 2 years prior to the examination, an employee of an insurance carrier or self-insured employer, or who has accepted or participated in any fee from an insurance carrier or self-insured employer, unless the parties in interest agree thereto.

§ 702.412 Special examinations; costs chargeable to employer or carrier.

The Director or his designee ordering the special examination shall have the power, in the exercise of his discretion, to charge the cost of the examination or review to the employer, to the insurance carrier, or to the special fund established by section 44 of the Act, 33 U.S.C. 944.

§ 702.413 Fees for medical services; prevailing community charges.

All fees charged by physicians for the care of persons covered by this Act, or any other charges for medical treatment or supplies within the purview of this Act, shall be limited to such charges for similar treatment, services or supplies as prevail in the community in which the physician, medical facility or supplier is located.

§ 702.414 Fees for medical services; unresolved disputes on prevailing charges.

The Director or his designee may, or upon the written complaint of an employer or carrier shall, investigate any fee for medical treatment, services or supplies that appears to be not in line with prevailing community charges for similar treatment, services or supplies. If, upon appropriate investigation, the Director or his designee determines that the fee or cost of service or supplies does not conform to prevailing community charges, the person claiming the fee or cost charge shall be informed of the discrepancy and given the opportunity to adjust the fee or cost charge within permissible limits.

§ 702.415 Fees for medical services; unresolved disputes on charges; procedure.

If, after investigation and ascertainment under § 702.414 that a fee or charge is not in accordance with prevailing community charges and the person claiming the fee or cost charge refuses to make the necessary adjustment, the matter shall then be referred by the Director to the Office of the Chief Administrative Law Judge for formal hearing in accordance with the procedures in Subpart C of this part.

§ 702.416 Fees for medical services; disputes; hearings; necessary parties.

At formal hearings held pursuant to § 702.415, the necessary parties shall be the person whose fee or cost charge is in question and the Director, or their representatives. The employer or carrier may also be represented, and other parties, or associations having an interest in the proceedings, may be heard, in the discretion of the administrative law judge.

§ 702.417 Fees for medical services; disputes; effect of adverse decision.

If the final decision and order upholds the finding of the Director that the fee or charge in dispute was not in accordance with prevailing community charges, the person claiming such fee or cost charge shall be given 30 days after filing of such decision and order to make the necessary adjustment. If such person still refuses to make the required readjustment, such person shall not be authorized to conduct any further treatments or examinations (if a physician) or to provide any other services or supplies (if by other than a physician). Any fee or cost charge subsequently incurred for services performed or supplies furnished shall not be a reimbursable medical expense under this subpart. This prohibition shall apply notwithstanding the fact that the services performed or supplies furnished were in all other respects necessary and appropriate within the provision of these regulations. Further, this prohibition shall extend to all other cases arising under this Act and shall not be limited to the case which gave rise to the adverse decision. Such debarred person shall remain debarred until such time as there is demonstrated to the satisfaction of the Director that fees will be charged in accordance with the prevailing community standards.

MEDICAL PROCEDURES

§ 702.418 Procedure for requesting medical care; employee's duty to notify employer.

As soon as practicable, but within 30 days after occurrence of an injury covered by the Act, or within 30 days after an employee becomes aware, or in the exercise of reasonable diligence should be aware, of the relationship between an injury or disease and his employment, the injured employee or someone on his behalf shall give written notice thereof to the deputy commissioner having jurisdiction over the place where the injury occurred and to the employer. If a form has been prescribed for such purpose it shall be used, if available and practicable under the circumstances. Notices filed under Subpart B of this part, if on the form prescribed by the Director for such purpose, satisfy the written notice requirements of this subpart.

§ 702.419 Action by employer upon acquiring knowledge or being given notice of injury.

Whenever an employer acquires knowledge of an employee's injury, through receipt of a written notice or otherwise, said employer shall forthwith authorize, in writing, appropriate medical care. If a form is prescribed for this purpose it shall be used whenever practicable.

§ 702.420 Issuance of authorization; binding effect upon insurance carrier.

The issuance of an authorization for treatment by the employer shall bind his insurance carrier to furnish and pay for such care and services.

§ 702.421 Effect of failure to obtain initial authorization.

An employee shall not be entitled to recover for medical services and supplies unless he shall have first requested authorization from his employer therefor. This prohibition shall not apply in emergency situations, nor shall it apply in cases where the employer (including the superintendent, foreman, or other person having charge of the work and having knowledge of the injury) refuses or neglects to authorize such care when requested by the employee.

§ 702.422 Effect of failure to report on medical care after initial authorization.

(a) Notwithstanding that medical care is properly obtained in accordance with these regulations, the employer and his insurance carrier shall not be liable for the expense thereof unless the physician rendering such initial care or services furnishes a report thereon to the employer and to the deputy commissioner having jurisdiction. The report required by this section shall be furnished within 10 days following the date of first treatment. The report shall be upon a form prescribed by the Director for such purpose.

(b) For good cause shown, the deputy commissioner or administrative law judge may excuse the failure to file the report within 10 days, and further, may make an award for the reasonable value of such medical care.

Subpart E—Vocational Rehabilitation

§ 702.501 Vocational rehabilitation; objective.

The objective of vocational rehabilitation is the return of permanently disabled persons to gainful employment commensurate with their physical or mental impairments, or both, through a program of reevaluation or redirection of their abilities, or retraining in another occupation, or selective job placement assistance.

§ 702.502 Vocational rehabilitation; action by deputy commissioners.

All injury cases which are likely to result in, or have resulted in, permanent disability, and which are of a character likely to require review by a vocational rehabilitation adviser on the staff of the Director, shall promptly be referred to such adviser by the deputy commissioner or his designee having charge of the case. A form has been prescribed for such purpose and shall be used. Medical data and other pertinent information shall accompany the referral.

§ 702.503 Vocational rehabilitation; action by adviser.

The vocational rehabilitation adviser, upon receipt of the referral, shall promptly consider the feasibility of a

vocational referral or request for cooperative services from available resources or facilities, to include counseling, vocational survey, selective job placement assistance, and retraining. Public or private agencies may be utilized in arranging necessary vocational rehabilitation services under the Federal Vocational Rehabilitation Act, 29 U.S.C. 31 et seq.

§ 702.504 Vocational rehabilitation; referrals to State Employment Agencies.

Vocational rehabilitation advisers will arrange referral procedures with State Employment Service units within their assigned geographical districts for the purpose of securing employment counseling, job classification, and selective placement assistance. Referrals shall be made to State Employment Offices based upon the following:

(a) Vocational rehabilitation advisers will screen cases so as to refer only those disabled employees who are considered to have employment potential;

(b) Only employees will be referred who have permanent, compensable disabilities resulting in a significant vocational handicap and loss of wage earning capacity;

(c) Disabled employees, whose initial referral to former private employers did not result in a job reassignment or in a job retention, shall be referred for employment counseling and/or selective placement unless retraining services consideration is requested;

(d) The vocational rehabilitation advisers shall arrange for employees' referrals if it is ascertained that they may benefit from registering with the State Employment Service;

(e) Referrals will be made to appropriate State Employment Offices by letter, including all necessary information and a request for a report on the services provided the employee when he registers;

(f) The injured employee shall be advised of available job counseling services and informed that he is being referred for employment and selective placement;

(g) A followup shall be made within 60 days on all referrals to assure uniform reporting by State agencies on cases referred for a vocational survey.

§ 702.505 Vocational rehabilitation; referrals to other public and private agencies.

Referrals to such other public and private agencies providing assistance to disabled persons such as public welfare agencies, Public Health Services facilities, social services units of the Veterans Administration, the Social Security Administration, and other such agencies, shall be made by the vocational rehabilitation adviser, where appropriate, on an individual basis when requested by disabled employees. Such referrals do not provide for a service cost reimbursement by the Department of Labor.

§ 702.506 Vocational rehabilitation; training.

Vocational rehabilitation training shall be planned in anticipation of a short, realistic, attainable vocational objective terminating in remunerable employment, and in restoring wage-earning capacity or increasing it materially. The following procedures shall apply in arranging for or providing training:

(a) The vocational rehabilitation adviser shall arrange for and develop all vocational training programs;

(b) Training programs shall be developed to meet the varying needs of eligible beneficiaries, and may include courses at colleges, technical schools, training at rehabilitation centers, on-the-job training, or tutorial courses. The course shall be pertinent to the occupation for which the employee is being trained.

(c) Training may be terminated if the injured employee fails to cooperate with the Department of Labor or with the agency supervising his course of training. The employee shall be counseled before training is terminated.

(d) Reports shall be required at periodic intervals on all persons in approved training programs.

§ 702.507 Vocational rehabilitation; maintenance allowance.

(a) An injured employee who, as a result of injury, is or may be expected to be totally or partially incapacitated for a remunerative occupation and who, under the direction of the Director is being rendered fit to engage in a remunerative occupation, shall be paid additional compensation necessary for this maintenance, not exceeding $25 a week. The expense shall be paid out of the special fund established in section 44 of the Act, 33 U.S.C. 944. The maximum maintenance allowance shall not be provided on an automatic basis, but shall be based on the recommendation of a State agency that a claimant is unable to meet additional costs by reason of being in training.

(b) When required by reason of personal illness or hardship, limited periods of absence from training may be allowed without terminating the maintenance allowance. A maintenance allowance shall be terminated when it is shown to the satisfaction of the Director that a trainee is not complying reasonably with the terms of the training plan or is absenting himself without good cause from training so as to materially interfere with the accomplishment of the training objective.

§ 702.508 Vocational rehabilitation; confidentiality of information.

The following safeguards will be observed to protect the confidential character of information released regarding an individual undergoing rehabilitation:

(a) Information will be released to other agencies from which an injured employee has requested services only if such agencies have established regulations assuring that such information will be considered confidential and will be used only for the purpose for which it is provided;

(b) Interested persons and agencies have been advised that any information concerning rehabilitation program employees is to be held confidential;

(c) A rehabilitation employee's written consent is secured for release of information regarding disability to a person, agency, or establishment seeking the information for purposes other than the approved rehabilitation planning with such employee.

PART 703—INSURANCE REGULATIONS

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703.502 Same; employer operating temporarily in another compensation district.
703.503 Return of certificates of compliance.

AUTHORITY: 5 U.S.C. 301; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; 33 U.S.C. 932, 937, 939; 42 U.S.C. 1651 et seq.; 36 D.C. Code 501 et seq.; 43 U.S.C. 1331; 5 U.S.C. 8171 et seq.; Secretary of Labor's Order No. 13-71, 36 FR 8755.

§ 703.001 Scope of part.

This Part 703 contains the regulations of the OWCP governing the authorization of insurance carriers, the authorization of self-insurers, and the issuance of certificates of compliance. Such provisions are required by the LHWCA, but in almost every instance apply, and hereby are applied, to the extensions of the LHWCA. In those few instances where a separate provision is required, tailored to meet the specific requirements of one of the extended acts, such separate provisions are placed in the succeeding parts of this subchapter.

§ 703.002 Forms.

Any information required by the regulations in this part to be submitted to the OWCP shall be submitted on such forms as the Director may deem appropriate and may authorize from time to time for such purpose.

AUTHORIZATION OF INSURANCE CARRIERS

§ 703.101 Types of companies which may be authorized by the OWCP.

The OWCP will consider for the granting of authority to write insurance under the Longshoremen's and Harbor Workers' Compensation Act and its extensions the application of any stock company, mutual company or association, or any other person or fund, while authorized under the laws of the United States or of any State to insure workmen's compensation. The term "carrier" as used in this part means any person or fund duly authorized to insure workmen's compensation benefits under said Act, or its extensions.

§ 703.102 Applications for authority to write insurance; how filed; evidence to be submitted; other requirements.

An application for authority to write insurance under this Act shall be made in writing, signed by an officer of the applicant duly authorized to make such application, and transmitted to the Office of Workmen's Compensation Programs, U.S. Department of Labor, Washington, D.C. 20211. Such application shall be accompanied by full and complete information regarding the history and experience of such applicant in the writing of workmen's compensation insurance, together with evidence that it has authority in its charter or form of organization to write such insurance, and evidence that the applicant is currently authorized to insure workmen's compensation liability under the laws of the United States or of any State. The statements of fact in each application and in the supporting evidence shall be verified by the oath of the officer of the applicant who signs such application. Each applicant shall state in its application the area or areas in which it intends to do business. In connection with any such application the following shall be submitted, the Office reserving the right to call for such additional information as it may deem necessary in any particular case:

(a) A copy of the last annual report made by the applicant to the insurance department or other authority of the State in which it is incorporated, or the State in which its principal business is done.

(b) A certified copy from the proper State authorities of the paper purporting to show the action taken upon such report, or such other evidence as the applicant desires to submit in respect of such report, which may obviate delay caused by an inquiry of the OWCP of the State authorities relative to the standing and responsibility of the applicant.

(c) A full and complete statement of its financial condition, if not otherwise shown, and, if a stock company, shall show specifically its capital stock and surplus.

(d) A copy of its charter or other formal outline of its organization, its rules, its bylaws, and other documents, writings, or agreements by and under which it does business, and such other evidence as it may deem proper to make a full exposition of its affairs and financial condition.

§ 703.103 Stock companies holding Treasury certificates of authority.

A stock company furnishing evidence that it is authorized to write workmen's compensation insurance under the laws of the United States or of any State, which holds a certificate of authority from the Secretary of the Treasury as an acceptable surety on Federal bonds, unless requested to do so, need not transmit to the Office with its application copies of such financial reports as are on file in the Department of the Treasury. The acceptance by that Department of such a company will be considered by the Office in conjunction with the application of such company, provided there has been compliance with the other requirements of the regulations in this part.

§ 703.104 Applicants currently authorized to write insurance under the extensions of the LHWCA.

Any applicant currently authorized by the Office to write insurance under any extension of the LHWCA need not support its application under the LHWCA or any other LHWCA extension with the evidence required by the regulations in this part, except the form of policy and endorsement which it proposes to use, unless specifically requested by the Office, but instead its application may refer to the fact that it has been so authorized.

§ 703.105 Copies of forms of policies to be submitted with application.

With each application for authority to write insurance there shall be submitted for the approval of the Office copies of the forms of policies which the applicant proposes to issue in writing insurance under the LHWCA, or its extensions, to which shall be attached the appropriate endorsement to be used in connection therewith.

§ 703.106 Certificate of authority to write insurance.

No corporation, company, association, person, or fund shall write insurance under this Act without first having received from the OWCP a certificate of authority to write such insurance. Any such certificate issued by the Office, after application therefor in accordance with these regulations, may authorize the applicant to write such insurance in a limited territory as determined by the Office. Any such certificate may be suspended or revoked by the Office prior to its expiration for good cause shown, but no suspension or revocation shall affect the liability of any carrier already incurred. Good cause shall include, without limitation, the failure to maintain in such limited territory a regular business office with full authority to act on all matters falling within the Act, and the failure to promptly and properly perform the carrier's responsibilities under the Act and these regulations, with special emphasis upon lack of promptness in making payments when due, upon failure to furnish appropriate medical care, and upon attempts to offer to, or urge upon, claimants inequitable settlements. A hearing may be requested by the aggrieved party and shall be held before the Director or his representative prior to the taking of any adverse action under this section.

§ 703.107 Period of certificate of authority.

No certificate of authority to write insurance under said Act and the regulations in this part shall be issued by the Office for a period in excess of 18 months. The expiration date which shall be stated in the certificate of authority, shall fall on the 30th day of June.

§ 703.108 Applications for reauthorization.

Any carrier holding an unexpired certificate of authority and desiring reauthorization to write insurance for the period of a year from the expiration of such certificate shall apply to the OWCP by letter over the signature of an authorized officer for such a certificate of authority. No evidence of the financial condition of such carrier need be furnished unless requested by the Office after the application is received. The Office may require such carrier to submit, for Office consideration in connection with such reauthorization, evidence or explanation relating to the experience and practice of such carrier in the conduct of its affairs with respect to the said Act, or with reference to the fidelity and punctuality

of the performance by such carrier of its past or current obligations under the law. Such application, to avoid a break in the period of authorization of the carrier to write such insurance, should be filed with the Office not later than June 1 of each year.

§ 703.109 Longshoremen's endorsement; see succeeding parts for endorsements for extensions.

(a) The following form of endorsement applicable to the standard workmen's compensation and employer's liability policy, shall be used, if required by the OWCP, with the form of policy approved by the Office for use by an authorized carrier:

For attachment to Policy No. _____.

The obligations of the policy include the Longshoremen's and Harbor Workers' Compensation Act, 33 U.S.C. 901 et seq., and all laws amendatory thereof or supplementary thereto which may be or become effective while this policy is in force.

The company will be subject to the provisions of 33 U.S.C. 935. Insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the company from payment of compensation and other benefits lawfully due for disability or death sustained by an employee during the life of the policy.

The company agrees to abide by all the provisions of this Act, and all lawful rules, regulations, orders, and decisions of the Office of Workmen's Compensation Programs, U.S. Department of Labor, unless and until set aside, modified, or reversed by appropriate appellate authority as provided for by said Act.

This endorsement shall not be cancelled prior to the date specified in this policy for its expiration until at least 30 days have elapsed after a notice of cancellation has been sent to the Deputy Commissioner and to this employer.

All terms, conditions, requirements, and obligations, expressed in this policy or in any other endorsement attached thereto which are not inconsistent with or inapplicable to the provisions of this endorsement are hereby made a part of this endorsement as fully and completely as if wholly written herein.

§ 703.110 Other forms of endorsements and policies.

Where the form of endorsement prescribed by § 703.109 is not appropriate when used in conjunction with a form of policy approved for use by the Office no modification thereof shall be used unless specifically approved by the Office. Where the form of policy is designed to include therein the obligations of the insurer under said Act without the use of the appropriate endorsements, the policy shall contain the provisions required to be included in any of the endorsements. Such a policy, however, shall not be used until expressly approved by the Office.

§ 703.111 Submission of new forms of policies for approval; other endorsements.

No new forms of policies or modification of existing forms of policies shall be used by an insurer authorized by the Office under the regulations in this part to write insurance under said Act except after submission to and approval by the Office. No endorsement altering any provisions of a policy approved by the Office shall be used except after submission to and approval by the Office.

§ 703.112 Terms of policies.

A policy or contract of insurance shall be issued for the term of not less than 1 year from the date that it becomes effective, but if such insurance be not needed except for a particular contract or operation, the term of the policy may be limited to the period of such contract or operation.

§ 703.113 Marine insurance contracts.

A longshoremen's policy, or the longshoremen's endorsement provided for by § 703.109 for attachment to a marine policy, may specify the particular vessel or vessels in respect of which the policy applies and the address of the employer at the home port thereof. The report of the issuance of a policy or endorsement required by § 703.116 to be made by the carrier shall be made to the deputy commissioner for the compensation district in which the home port of such vessel or vessels is located, and such report shall show the name and address of the owner as well as the name or names of such vessel or vessels.

§ 703.114 Notice of cancellation.

Cancellation of a contract or policy of insurance issued under authority of said Act shall not become effective otherwise than as provided by 33 U.S.C. 936(b); and notice of a proposed cancellation shall be given to the deputy commissioner and to the employer in accordance with the provisions of 33 U.S.C. 912(c), 30 days before such cancellation is intended to be effective.

§ 703.115 Discharge by the carrier of obligations and duties of employer.

Every obligation and duty in respect of payment of compensation, the providing of medical and other treatment and care, the payment or furnishing of any other benefit required by said Act and in respect of the carrying out of the administrative procedure required or imposed by said Act or the regulations in this part upon an employer shall be discharged and carried out by the carrier except that the prescribed report of injury or death shall be sent by the employer to the deputy commissioner and to the insurance carrier as required by 33 U.S.C. 930. Such carrier shall be jointly responsible with the employer for the submission of all reports, notices, forms, and other administrative papers required by the deputy commissioner or the Office in the administration of said Act to be submitted by the employer, but any form or paper so submitted where required therein shall contain in addition to the name and address of the carrier, the full name and address of the employer on whose behalf it is submitted. Notice to or knowledge of an employer of the occurrence of the injury or death shall be notice to or knowledge of such carrier. Jurisdiction of the employer by a deputy commissioner, the Office, or appropriate appellate authority under said Act shall be jurisdiction of such carrier. Any requirement under any compensation order, finding, or decision shall be binding upon such carrier in the same manner and to the same extent as upon the employer.

§ 703.116 Report by carrier of issuance of policy or endorsement.

Each carrier shall report to the deputy commissioner assigned to a compensation district each policy and endorsement issued by it to an employer who carries on operations in such compensation district. The report shall be made in such manner and on such form as the district or the Office may require.

§ 703.117 Report; by whom sent.

The report of issuance of a policy and endorsement provided for in § 703.116 shall be sent by the home office of the carrier, except that any carrier may authorize its agency or agencies in any compensation district to make such reports to the deputy commissioner, provided the carrier shall notify the deputy commissioner in such district of the agencies so duly authorized.

§ 703.118 Agreement to be bound by report.

Every applicant for authority to write insurance under the provisions of this Act, or for the renewal of that authority, shall be deemed to have included in its application an agreement that the acceptance by the deputy commissioner of a report of the issuance of a policy of insurance, as provided for by § 703.116, shall bind the carrier to full liability for the obligations under this Act of the employer named in said report, and every certificate of authority to write insurance under this Act shall be deemed to have been issued by the Office upon consideration of the carrier's agreement to become so bound. It shall be no defense to this agreement that the carrier failed or delayed to issue the policy to the employer covered by this report.

§ 703.119 Report by employer operating temporarily in another compensation district.

Where an employer having operations in one compensation district contemplates engaging in work subject to the Act in another compensation district, his carrier may submit to the deputy commissioner of such latter district a report pursuant to § 703.116 containing the address of the employer in the first mentioned district with the additional notation "No present address in _____ compensation district. Certificate requested when address given."

§ 703.120 Name of one employer only shall be given in each report.

A separate report of the issuance of a policy and endorsement, provided for by § 703.116, shall be made for each employer covered by a policy. If a policy is issued insuring more than one employer, a separate report for each employer so covered shall be sent to the deputy com-

missioner concerned, with the name of only one employer on each such report.

AUTHORIZATION OF SELF-INSURERS

§ 703.301 Employers who may be authorized as self-insurers.

The Office will consider for the granting of authority to secure by self-insurance the payment of compensation under the Longshoremen's and Harbor Workers' Compensation Act, or its extensions, any employer who, pursuant to the regulations in this part, furnishes to the Office satisfactory proof of such employer's ability to pay compensation directly. The succeeding regulations relating to self-insurers require the deposit of security in the form either of an indemnity bond or negotiable securities (at the option of the employer) of a kind and in an amount determined by the Office, and prescribe the conditions under which such deposit shall be made. The term "self-insurer" as used in these regulations means any employer securing compensation in accordance with the provisions of 33 U.S.C. 932(a)(2) and with these regulations.

§ 703.302 Application for authority to become a self-insurer; how filed; information to be submitted; other requirements.

Application for authority to become a self-insurer may be made by any employer desiring such privilege and shall be addressed to the OWCP and be made on a form provided by the Office. Such application shall contain: (a) A statement of the employer's payroll report for the preceding 12 months; (b) a statement of the average number of employees engaged in employment within the purview of the LHWCA or any of its extensions for the preceding 12 months; (c) a statement of the number of injuries to such employees resulting in disability of more than 7 days' duration, or in death, during each of 3 years next preceding the date of the application; (d) an itemized statement of the assets and liabilities of the employer; (e) a description of the facilities maintained or the arrangements made for the medical and hospital care of injured employees; and (f) a statement describing the provisions and maximum amount of any excess or catastrophic insurance. The Office may in its discretion require the applicant to submit such further information or such evidence as the Office may deem necessary to have in order to enable it to give adequate consideration to such application. Such application shall be signed by the applicant over his typewritten name and if the applicant is not an individual, by an officer of the applicant duly authorized to make such application over his typewritten name and official designation and shall be sworn to by him. If the applicant is a corporation, the corporate seal shall be affixed. The application shall be filed with the OWCP national office in Washington, D.C. The regulations in this part shall be binding upon each applicant hereunder and the applicant's consent to be bound by all requirements of the said regulations shall be deemed to be included in and a part of the application, as fully as though written therein.

§ 703.303 Decision upon application of employer; deposit of negotiable securities or indemnity bond.

The decision of the Office to grant an application of an employer for authority to pay compensation under said Act as a self-insurer will be transmitted to the applicant on a form prescribed by the Office. Such grant shall be conditioned upon a deposit of security in the form of an indemnity bond or of negotiable securities in an amount fixed by the Office, and the execution and filing of an agreement and undertaking in the form prescribed by the Office, as required by § 703.304.

§ 703.304 Filing of agreement and undertaking.

The applicant for the privilege of self-insurance shall as a condition precedent to receiving authorization to act as a self-insurer, execute and file with the Office an agreement and undertaking in a form prescribed and provided by the Office in which the applicant shall agree: (a) To pay when due, as required by the provisions of said Act, all compensation payable on account of injury or death of any of its employees injured within the purview of said Act; (b) in such cases to furnish medical, surgical, hospital, and other attendance, treatment and care as required by the provisions of said Act; (c) to deposit with the Office an indemnity bond in the amount which the Office shall fix, or to deposit negotiable securities as provided for by the regulations in this part in the amount which the Office shall fix, accordingly as elected in the application; (d) to authorize the Office to sell such negotiable securities so deposited or any part thereof and from the proceeds thereof to pay such compensation, medical, and other expenses and any accrued penalties imposed by law as it may find to be due and payable; and (e) to obtain and maintain, if required by the Office, excess or catastrophic insurance, in amounts to be determined by the Office.

§ 703.305 Decision upon application of employer; furnishing of indemnity bond or deposit of negotiable securities required.

The applicant for the privilege of self-insurance, as a condition precedent to receiving authorization to act as a self-insurer, shall give security for the payment of compensation and the discharge of all other obligations under the said Act, in the amount fixed by the Office, which may be in the form of an indemnity bond with sureties satisfactory to the Office, or of a deposit of negotiable securities as provided in the regulations in this part. The amount of such security so to be fixed and required by the Office shall be such as the Office shall deem to be necessary and sufficient to secure the performance by the applicant of all obligations imposed upon him as an employer by the Act. In fixing the amount of such security the Office will take into account the financial standing of the employer, the nature of the work in which he is engaged, the hazard of the work in which the employees are employed, the payroll exposure, and the accident experience as shown in the application and the Office's records, and any other facts which the Office may deem pertinent. Additional security may be required at any time in the discretion of the Office. The indemnity bond which is required by these regulations shall be in such form, and shall contain such provisions, as the Office may prescribe: *Provided*, That only surety companies approved by the United States Treasury Department under the laws of the United States and the rules and regulations governing bonding companies may act as sureties on such indemnity bonds.

§ 703.306 Kinds of negotiable securities which may be deposited; conditions of deposit; acceptance of deposits.

An applicant for the privilege of self-insurance electing to deposit negotiable securities to secure his obligations under said Act in the amount fixed by the Office under the regulations in this part shall deposit any negotiable securities acceptable as security for the deposit of public monies of the United States under regulations issued by the Secretary of the Treasury. (See 31 CFR 203.7 and 203.8.) The approval, valuation, acceptance, and custody of such securities is hereby committed to the several Federal Reserve Banks and the Treasurer of the United States when authorized under the regulations in this part to receive deposits of such securities.

§ 703.307 Deposits of negotiable securities with Federal Reserve banks or the Treasurer of the United States; authority to sell such securities; interest thereon.

Deposits of securities provided for by the regulations in this part shall be made with any Federal Reserve bank or any branch of a Federal Reserve bank designated by the Office, or the Treasurer of the United States, and shall be held subject to the order of the Office with power in the Office, in its discretion in the event of default by the said self-insurer, to collect the interest and the principal as they may become due, to sell the securities or any of them as may be required to discharge the obligations of the self-insurer under said Act and to apply the proceeds to the payment of any compensation or medical expense for which the self-insurer may be liable. The Office may, however, whenever it deems it unnecessary to resort to such securities for the payment of compensation, authorize the self-insurer to collect interest on the securities deposited by him.

§ 703.308 Substitution and withdrawal of negotiable securities.

No substitution or withdrawal of negotiable securities deposited by a self-insurer shall be made except upon authorization by the Office. A self-insurer

discontinuing business, or discontinuing operations within the purview of said Act, or providing security for the payment of compensation by insurance under the provisions of said Act may apply to the Office for the withdrawal of securities deposited under the regulations in this part. With such application shall be filed a sworn statement setting forth: (a) A list of all outstanding cases in each compensation district in which compensation is being paid, with the names of the employees and other beneficiaries, giving a description of causes of injury or death, and a statement of the amount of compensation paid; (b) a similar list of all pending cases in which no compensation has as yet been paid; and (c) a similar list of all cases in which injury or death has occurred within 1 year prior to such application or in which the last payment of compensation was made within 1 year prior to such application. In such cases withdrawals may be authorized by the Office of such securities as in the opinion of the Office may not be necessary to provide adequate security for the payment of outstanding and potential liabilities of such self-insurer under said Act.

§ 703.309 Increase or reduction in the amount of indemnity bond or negotiable securities.

Whenever in the opinion of the Office the principal sum of the indemnity bond filed or the amount of negotiable securities deposited by a self-insurer is insufficient to afford adequate security for the payment of compensation and medical expenses under said Act, the self-insurer shall, upon demand by the Office, file such additional indemnity bond or deposit under the regulations in this part such additional amount of negotiable securities as the Office may require. At any time upon application of a self-insurer, or on the initiative of the Office, when in its opinion the facts warrant, the principal sum of an indemnity bond required to be given or the amount of negotiable securities required to be deposited may be reduced. A self-insurer seeking such reduction shall furnish such information as the Office may request relative to his current affairs, the nature and hazard of the work of his employees, the amount of the payroll of his employees engaged in maritime employment within the purview of the said Act, his financial condition, his accident experience, and such other evidence as may be deemed material, including a record of payments of compensation made by him.

§ 703.310 Reports required of self-insurers; examination of accounts of self-insurer.

At such times as the Office may require or prescribe, each self-insurer shall submit such of the following reports as may be requested:

(a) A sworn itemized statement of the self-insurer's assets and liabilities, or a balance sheet.

(b) A sworn statement showing by classifications the payroll of employees of the self-insurer who are engaged in employment within the purview of the LHWCA or any of its extensions.

(c) A sworn statement covering the 6 months' period preceding the date of such report, listing by compensation districts all death and injury cases which have occurred during such period, together with a report of the status of all outstanding claims, showing the particulars of each case.

Whenever it deems it to be necessary, the Office may inspect or examine the books of account, records, and other papers of a self-insurer for the purpose of verifying any financial statement submitted to the Office by self-insurer or verifying any information furnished to the Office in any report required by this section, or any other section of the regulations in this part, and such self-insurer shall permit the Office or its duly authorized representative to make such an inspecton or examination as the Office shall require. In lieu of this requirement the Office may in its discretion accept an adequate report of a certified public accountant.

§ 703.311 Period of authorization as self-insurer; renewals.

No initial authorization as a self-insurer shall be granted for a period in excess of 18 months, and the expiration date thereof shall fall on the 30th day of June. A self-insurer who has made an adequate deposit of negotiable securities as required by the Office under the regulations in this part will be reauthorized for the ensuing fiscal year without additional security if the Office finds that his experience as a self-insurer warrants such action. A self-insurer who currently has on file an indemnity bond, will receive from the Office on or about May 10 of each year a bond form for execution in contemplation of reauthorization, and the submission of such bond duly executed in the amount indicated by the Office will be deemed and treated as such self-insurer's application for reauthorization for the ensuing fiscal year; the privilege of such self-insurer will, however, terminate with the termination of his current authorization unless such duly executed indemnity bond be submitted not later than June 30.

§ 703.312 Revocation of privilege of self-insurance.

The Office may for good cause shown suspend or revoke the authorization of any self-insurer. Failure by a self-insurer to comply with any provision or requirement of law or of the regulations in this part, or with any lawful order or communication of the Office, or the failure or insolvency of the surety on his indemnity bond, or impairment of financial responsibility of such self-insurer, shall be deemed good cause for such suspension or revocation.

ISSUANCE OF CERTIFICATES OF COMPLIANCE

§ 703.501 Issuance of certificates of compliance.

Every employer who has secured the payment of compensation as requred by 33 U.S.C. 932 and by the regulations in this part may request a certificate from the deputy commissioner in the compensation district in which he has operations, and for which a certificate is required by 33 U.S.C. 937, showing that such employer has secured the payment of compensation. Only one such certificate will be issued to an employer in a compensation district, and it will be valid only during the period for which such employer has secured such payment. An employer so desiring may have photocopies of such a certificate made for use in different places within the compensation district. Two forms of such certificates have been provided by the Office, one form for use where the employer has obtained insurance generally under these regulations, and one for use where the employer has been authorized as a self-insurer.

§ 703.502 Same; employer operating temporarily in another compensation district.

A deputy commissioner receiving a report of the issuance of a policy of insurance with the notation authorized by § 703.119, will file such report until he receives from the insured employer named therein a request for certificate of compliance, giving the address of the employer within the compensation district of such deputy commissioner. Upon receipt of such a request the deputy commissioner will send the proper certificate of compliance to such employer at such address.

§ 703.503 Return of certificates of compliance.

Upon the termination by expiration, cancellation or otherwise, of a policy of insurance issued under the provisions of law and these regulations, or the revocation or termination of the privilege of self-insurance granted by the Office, all certificates of compliance issued on the basis of such insurance or self-insurance shall be void and shall be returned by the employer to the deputy commissioner issuing them with a statement of the reason for such return. An employer holding certificate of compliance under an insurance policy which has expired, pending renewal of such insurance need not return such certificate of compliance if such expired insurance is promptly replaced. An employer who has secured renewal of insurance upon the expiration of policy under said Act or whose self-insurance thereunder is reauthorized without a break in the continuity thereof need not return an expired certificate of compliance.

PART 704—SPECIAL PROVISIONS FOR LHWCA EXTENSIONS

Sec.

704.001 Extensions covered by this part.
704.002 Scope of part.

DEFENSE BASE ACT

704.101 Administration; compensation districts.
704.102 Commutation of payments to aliens and nonresidents.
704.103 Removal of certain minimums when computing or paying compensation.
704.151 DBA endorsement.

DISTRICT OF COLUMBIA WORKMEN'S COMPENSATION ACT

Sec.
704.201 Administration; compensation districts.
704.251 DCCA endorsement.

OUTER CONTINENTAL SHELF LANDS ACT

704.301 Administration; compensation districts.
704.351 OCSLA endorsement.

NONAPPROPRIATED FUND INSTRUMENTALITIES ACT

704.401 Administration; compensation districts.
704.451 NFIA endorsement.

AUTHORITY: 5 U.S.C. 301; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; 33 U.S.C. 939; 42 U.S.C. 1651 et seq; 36 District of Columbia Code 501 et seq.; 43 U.S.C. 1331; 5 U.S.C. 8171 et seq.; Secretary of Labor's Order No. 13-71, 36 FR 8755.

§ 704.001 Extensions covered by this part.

(a) Defense Base Act (DBA).

(b) District of Columbia Workmen's Compensation Act (DCCA).

(c) Outer Continental Shelf Lands Act (OCSLA).

(d) Nonappropriated Fund Instrumentalities Act (NFIA).

§ 704.002 Scope of part.

The regulations governing the administration of the LHWCA as set forth in Parts 702 and 703 of this subchapter govern the administration of the LHWCA extensions (see § 704.001) in nearly every respect, and are not repeated in this Part 704. Such special provisions as are necessary to the proper administration of each of the extensions are set forth in this Part 704. To the extent of any inconsistency between regulations in Parts 702 and 703 of this subchapter and those in this Part 704, the latter supersedes those in Part 702 and 703 of this subchapter.

DEFENSE BASE ACT

§ 704.101 Administration; compensation districts.

For the purpose of administration of this Act areas assigned to the compensation districts established for administration of the Longshoremen's and Harbor Workers' Compensation Act as set forth in Part 702 of this subchapter shall be extended in the following manner to include:

(a) Canada, east of the 75th degree west longitude, Newfoundland, and Greenland are assigned to District No. 1.

(b) Canada, west of the 75th degree and east of the 110th degree west longitude, is assigned to District No. 10.

(c) Canada, west of the 110th degree west longitude, and all areas in the Pacific Ocean north of the 45th degree north latitude are assigned to District No. 14.

(d) All areas west of the continents of North and South America (except coastal islands) to the 60th degree east longitude, except for Iran, are assigned to District No. 15.

(e) Mexico, Central and South America (including coastal islands); areas east of the continents of North and South America to the 60th degree east longitude, including Iran, and any other areas or locations not covered under any other district office, are assigned to District No. 2.

§ 704.102 Commutation of payments to aliens and nonresidents.

Authority to commute payments to aliens and nonnationals who are not residents of the United States and Canada, section 2(b) of the Defense Base Act, 42 U.S.C. 1652(b), though separately stated in this Act, is identical in language to section 9(g) of the Longshoremen's Act. Thus, except for the different statutory citation, the LHWCA regulation at § 702.142 of this subchapter shall apply.

§ 704.103 Removal of certain minimums when computing or paying compensation.

The minimum limitation on weekly compensation for disability established by section 6 of the LHWCA, 33 U.S.C. 906, and the minimum limit on the average weekly wages on which death benefits are to be computed under section 9 of the LHWCA, 33 U.S.C. 909, shall not apply in computing compensation and death benefits under this Act; section 2(a), 42 U.S.C. 1652(a).

§ 704.151 DBA endorsement.

The following form of endorsement applicable to the standard workmen's compensation and employers' liability policy shall be used, if required by the OWCP, with the form of policy approved by the Office for use by an authorized carrier:

For attachment to Policy No. ------,

The obligations of the policy include the Longshoremen's and Harbor Workers' Compensation Act, as extended by the provisions of the Defense Base Act, and all laws amendatory thereof or supplementary thereto which may be or become effective while this policy is in force.

The Company will be subject to the provisions of 33 U.S.C. 935. Insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the Company from payment of compensation and other benefits lawfully due for disability or death sustained by an employee during the life of the policy.

The Company agrees to abide by all the provisions of said Acts and all lawful rules, regulations, orders, and decisions of the Office of Workmen's Compensation Programs, Department of Labor, unless and until set aside, modified, or reversed by appropriate appellate authority as provided for by said Acts.

This endorsement shall not be canceled prior to the date specified in this policy for its expiration until at least 30 days have elapsed after a notice of cancellation has been sent to the Deputy Commissioner and to this employer.

All terms, conditions, requirements, and obligations expressed in this policy or in any other endorsement attached thereto which are not inconsistent with or inapplicable to the provisions of this endorsement are hereby made a part of this endorsement as fully and completely as if wholly written herein.

DISTRICT OF COLUMBIA WORKMEN'S COMPENSATION ACT

§ 704.201 Administration; compensation districts.

For the purpose of administration of this Act, the District of Columbia shall be the compensation district and is designated as District No. 40.

§ 704.251 DCCA endorsement.

The following form of endorsement applicable to the standard workmen's compensation and employer's liability policy shall be used, if required by the OWCP, with the form of policy approved by the Office for use by an authorized carrier:

For attachment to Policy No. ------,

The obligations of the policy include the District of Columbia Workmen's Compensation Act, and the applicable provisions of the Longshoremen's and Harbor Workers' Compensation Act, and all laws amendatory of either of said Acts or supplementary thereto which may be or become effective while this policy is in force.

The company will be subject to the provisions of 33 U.S.C. 935. Insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the company from payment of compensation and other benefits lawfully due for disability or death sustained by an employee during the life of the policy.

The company agrees to abide by all the provisions of said District of Columbia Workmen's Compensation Act and all lawful rules, regulations, orders, and decisions of the Office of Workmen's Compensation Programs, Department of Labor, unless and until set aside, modified, or reversed by appropriate appellate authority as provided for by said Act.

This endorsement shall not be canceled prior to the date specified in this policy for its expiration until at least 30 days have elapsed after a notice of cancellation has been sent to the Deputy Commissioner for the District of Columbia and to this employer.

All terms, conditions, requirements, and obligations expressed in this policy or in any other endorsement attached thereto which are not inconsistent with or inapplicable to the provisions of this endorsement are hereby made a part of this endorsement as fully and completely as if wholly written herein.

OUTER CONTINENTAL SHELF LANDS ACT

§ 704.301 Administration; compensation districts.

For the purpose of administration of this Act, the compensation districts established under the Longshoremen's and Harbor Workers' Compensation Act as set forth in Part 702 of this subchapter shall administer this Act, and their jurisdiction for this purpose is extended, where appropriate, to include those parts of the Outer Continental Shelf adjacent to the State or States in such districts having adjacent shelf areas.

§ 704.351 OCSLA endorsement.

The following form of endorsement applicable to the standard workmen's compensation and employer's liability policy shall be used, if required by the OWCP, with the form of policy approved by the Office for use by an authorized carrier:

For attachment to Policy No. ------,

The obligations of the policy include the Longshoremen's and Harbor Workers' Compensation Act, as extended by the Outer Continental Shelf Lands Act, and all the laws amendatory thereof or supplementary thereto which may be or become effective while this policy is in force.

The company will be subject to the provisions of 33 U.S.C. 935. Insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the company from payment of compensation and other benefits lawfully due for disability or death sus-

tained by an employee during the life of the policy.

The company agrees to abide by all the provisions of said laws and all the lawful rules, regulations, orders and decisions of the Office of Workmen's Compensation Programs, Department of Labor, until set aside, modified, or reversed by appropriate appellate authority as provided for by said Acts.

This endorsement shall not be canceled prior to the date specified in this policy for its expiration until at least 30 days have elapsed after a notice of cancellation has been sent to the Deputy Commissioner and to his employer.

All terms, conditions, requirements, and obligations expressed in this policy or in any other endorsement attached thereto which are not inconsistent with or inapplicable to the provisions of this endorsement are hereby made a part of this endorsement as fully and completely as if wholly written herein.

NONAPPROPRIATED FUND INSTRUMENTALITIES ACT

§ 704.401 Administration; compensation districts.

For the purpose of administration of this Act within the continental United States, Hawaii, and Alaska, the compensation districts established for administration of the Longshoremen's and Harbor Workers' Compensation Act as set forth in Part 702 are established as the administrative districts under this Act. For the purpose of administration of this Act outside the continental United States, Alaska, and Hawaii, the compensation districts established for such overseas administration of the Defense Base Act as set forth in § 704.101 are established as the administrative districts under this Act.

§ 704.451 NFIA endorsement.

The following form of endorsement applicable to the standard workmen's compensation and employer's liability policy shall be used, if required by the OWCP, with the form of policy approved by the Office for use by an authorized carrier:

For attachment to Policy No. ------,

The obligations of the policy include the Longshoremen's and Harbor Workers' Compensation Act, as extended by the Nonappropriated Fund Instrumentalities Act, and all the laws amendatory thereof or supplementary thereto which may be or become effective while this policy is in force.

The company will be subject to the provisions of 33 U.S.C. 935. Insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the company from payment of compensation and other benefits lawfully due for disability or death sustained by an employee during the life of the policy.

The company agrees to abide by all the provisions of said Acts and all the lawful rules, regulations, orders, and decisions of the Office of Workmen's Compensation Programs, Department of Labor, unless and until set aside, modified, or reversed by appropriate appellate authority as provided for by said Acts.

This endorsement shall not be canceled prior to the date specified in this policy for its expiration until at least 30 days have elapsed after a notice of cancellation has been sent to the Deputy Commissioner and to the within named employer.

All terms, conditions, requirements, and obligations expressed in this policy or in any other endorsement attached thereto which are not inconsistent with or inapplicable to the provisions of this endorsement are hereby made a part of this endorsement as fully and completely as if wholly written herein.

Signed at Washington, D.C. this 19th day of September 1973.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

[FR Doc.73-20375 Filed 9-25-73;8:45 am]

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PART III

ENVIRONMENTAL PROTECTION AGENCY

■

Water Pollution Control

REIMBURSEMENT GRANTS

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D—GRANTS

PART 35—STATE AND LOCAL ASSISTANCE

Reimbursement Grants; Eligibility Requirements

Notice is hereby given that the Environmental Protection Agency is amending Part 35 of Title 40 to include regulations for reimbursement grants, pursuant to section 206 (a) through (e) of the Federal Water Pollution Control Act Amendments of 1972.

The regulations require that eligibility for reimbursement be limited to those State approved public sewage treatment works projects on which construction was initiated after June 30, 1956 but before July 1, 1972, provided further that such projects are found to meet the requirements of section 8 of Public Law 84–660, as amended.

Application for reimbursement of eligible costs shall be made in writing and must be received by the appropriate Regional Administrator prior to October 18, 1973.

The regulations give priority for initial allocations from funds available under Public Law 92–399 to those projects on which construction was initiated between July 1, 1966 and June 30, 1972 and which (1) were certified or endorsed by appropriate State agencies; (2) were approved for reimbursement under Public Law 84–660; and (3) did not receive the full amount for which they were eligible under Public Law 84–660. Funds remaining after the first allocation will be made available to those State approved projects which received, prior to October 18, 1972, a qualifying State matching grant, retroactive from the federally approved effective date of the State's matching grant program. Funds remaining after a second allocation will be made available for other projects under construction during the 1966–72 period and receiving less than 50/55 percent Federal grants. Should funds remain after the third allocation, a fourth allocation is provided for projects under construction during the 1956–66 period which received less than 30 percent Federal grants.

The reimbursement grant shall not exceed the difference between the amount actually received and the amount for which the project was eligible, as validated as of September 30, 1973, under Public Law 84–660 (as amended). In addition, for those projects on which construction was initiated during the 1966–72 period, reimbursement from all Federal grant sources may not exceed 80 percent of the eligible project cost.

Allocations from funds available under Public Law 92–399 will be made after October 18, 1973. Initial payments will be based upon the amount earned (construction-in-place) as of September 30, 1973.

On June 26, 1973, notice of this proposed rulemaking was published in the FEDERAL REGISTER (40 CFR Part 35). Written comments were invited and received from interested parties and are on file with the Environmental Protection Agency. The Agency has carefully considered all submitted comments. Certain of these comments have been adopted or substantially satisfied by editorial changes in, or additions to, the regulations. The major comments received and principal changes made in the regulations are discussed below.

The largest number of comments (21)—out of a total of 68—were concerned with § 35.855 (Project Eligibility). These respondents were generally concerned with the fact that no provision was made for projects falling within the purview of section 206(b) which allows reimbursement for projects initiated between June 30, 1956 and June 30, 1966. The second largest number of comments (14) dealt with § 35.875 (Priority for Funds appropriated by P.L. 92–399). The comments expressed, in the main, opposition to the establishment of priority system for fund allocation.

Other comments were, for the most part, either of a general nature or specific to a point aimed at changing certain wordings in the regulation which would enable projects, of interest to the respondent, to be eligible for first priority funding.

Essentially, two changes were made in the regulations proposed. One was the inclusion of projects, on which construction was initiated during the 1956–66 period, as eligible for reimbursement after projects in the 1966–72 period have been reimbursed. The other was the designating of September 30, 1973, as the cutoff date for establishing project costs used in determining reimbursement allocations from the $1.9 billion appropriation.

Since nearly 5000 copies of the regulation were formally distributed by E.P.A., and a mere 38 responses were received—including eleven States—this Agency concludes that the proposed regulation was considered as satisfactorily interpreting the intent of section 206 of P.L. 92–500. This conclusion is further supported by the fact that, prior to the publication of the proposed regulation, intensive and widespread interest had been expressed regarding the disposition of the regulations on reimbursable projects.

In view of the above, and since the reimbursement provisions were incorporated in P.L. 92–500 primarily to indemnify the Federal governments' liability to specific projects—i.e., those on which construction was initiated under P.L. 84–660 as amended, with a less-than-eligible grant and with the understanding that, as soon as additional appropriations became available, they would be reimbursed with the balance of the Federal share—EPA is confident that the regulations provide just and equitable implementing guidelines which are in keeping with the intent of the laws.

Because of statutory provisions permitting designated categories of sewage treatment projects to receive reimbursement funds to bring their existing Federal assistance to certain legislated levels of grant support, and because funds have been appropriated to carry out these provisions, the Administrator finds good cause to declare these regulations effective September 26, 1973.

RUSSELL E. TRAIN,
Administrator.

SEPTEMBER 18, 1973.

A new subpart D is herewith added to 40 CFR, part 35 to read as set forth below.

SUBPART D—REIMBURSEMENT GRANTS

Sec.

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AUTHORITY.—Sec. 206, Federal Water Pollution Control Act Amendments of 1972.

§ 35.850 Purpose.

This subpart governs all grants pursuant to section 206 (a) through (e) of the Federal Water Pollution Control Act as amended by Public Law 92–500, Oct. 18, 1972) for reimbursement of State or local funds used for publicly owned sewage treatment works.

§ 35.855 Project eligibility.

(a) Grants may be made for reimbursement of State or local funds used for public sewage treatment works projects on which construction was initiated after June 30, 1966, but before July 1, 1972, *Provided*, That construction of such project was approved by the State Water Pollution Control Agency and provided further that the Administrator finds that such project met the requirements of section 8 of the Federal Water Pollution Control Act (Public Law 84–660, as amended) in effect at the time of initiation of construction of the project.

(b) Grants may be made for reimbursement of State or local funds used for public sewage treatment works projects on which construction was initiated between June 30, 1956, and June 30, 1966, *Provided*, That construction of such project was approved by the State Water Pollution Control Agency and provided further that the Administrator finds that such project met the requirements of section 8 of the Federal Water Pollution Control Act (Public Law 84–660, as amended) in effect prior to enactment of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92–500).

§ 35.860 Eligible costs.

Eligible cost of construction shall include costs of preliminary planning to determine the economic and engineering feasibility of treatment works, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of

treatment works; and the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works; and the inspection and supervision of the construction of treatment works.

§ 35.865 Applications.

(a) No grant under this section shall be made for any project unless an application for such grant is received by the appropriate Regional Administrator prior to October 18, 1973. Applications for reimbursement shall be made in writing (if mailed, a return receipt should be requested) and shall contain the following information:

(1) Brief description of project.

(2) Total eligible cost of project.

(3) Total amount of any Federal assistance received to date.

(4) Amount of additional Federal financial assistance requested under this section.

(5) The dates (actual or estimated) of initiation and completion of construction.

(6) Date of approval by State agency. The applicant must furnish such other information as may be required for determination of entitlement or quantum under this Subpart.

§ 35.870 Allocation generally.

Except as otherwise provided in § 35.875, funds available from appropriations for reimbursement grants for projects eligible under § 35.855 will be allocated in fiscal year 1974, subsequent to October 18, 1973, to each project in an amount which bears the same ratio to the unpaid balance of the reimbursement due such project (not to exceed 100 percent) as the total of such funds for such year bears to the total unpaid balance of reimbursement due all such projects on the date of enactment of such appropriation.

§ 35.875 Priority for funds appropriated by Public Law 93–399.

(a) Initial allocations from funds available under Public Law 92–399 (August 22, 1972) will be made to those projects which meet the requirements of § 35.855(a) of this subpart, and which (1) were endorsed or certified for reimbursement by the respective State agencies; (2) were approved for reimbursement pursuant to section 8(c) of Public Law 84–660 (as amended), and (3) did not receive the full amount for which they were eligible under section 8(c) of Public Law 84–660, as amended. Such projects will be due reimbursement from funds appropriated under Public Law 92–399 in an amount not to exceed their eligibility under Public Law 84–660, as amended.

(b) Funds remaining after the allocation described in paragraph (a) of this section will be available for allocation among all projects which (1) were endorsed or certified for reimbursement by the respective State agencies; and (2) received, prior to October 18, 1972, a State matching grant, retroactive from the federally approved effective date of the State's matching grant program, in an amount sufficient to qualify the project for increased Federal assistance.

(c) Funds remaining after the allocation described in paragraph (b) of this section will be available for allocation among all other projects eligible under § 35.855(a) of this subpart.

(d) Funds remaining after the allocation described in paragraph (c) of this section will be available for allocation among all projects eligible under § 35.855 (b) of this subpart.

§ 35.880 Grant amount.

(a) For projects described in § 35.855 (a) of this subpart, the grant amount shall not exceed a total amount equal to the difference between the amount of Federal financial assistance, if any, received under Public Law 84–660 (as amended) for such project, and, where eligible, 50 percent of the allowable costs of such project (or 55 percent of such costs where the Administrator determines that project construction was undertaken in conformity with a comprehensive metropolitan treatment plan); provided, that reimbursement for project costs from all Federal grant sources may not exceed 80 percent of the costs of the project. No project described in §35.875(a) of this subpart, shall receive a grant in an amount greater than the difference between the grant amount received and the amount for which the project was eligible under section 8(c) of Public Law 84–660 (as amended).

(b) For projects described in § 35.855 (b) of this subpart, the grant amount shall not exceed a total amount equal to the difference between the amount of Federal financial assistance, if any, received under Public Law 84–660 (as amended) for such project and 30 percent of the allowable costs of such project.

(c) The eligible project cost, upon which the eligible grant amount is computed, will be based on project costs as they are validated as of September 30, 1973.

(d) A reimbursement grant will be rounded downward to the nearest hundred dollars. Reimbursement grants will not be awarded to projects entitled to reimbursement of less than $1,000.

§ 35.885 Obligation and payment schedule.

(a) Allocations from the funds available under Public Law 92–399 will be made in accordance with §§ 35.870, 35.875, and 35.880. The obligation of reimbursable grant awards to the eligible projects will commence thereafter.

(b) The initial payment request from recipients of reimbursement grant awards will be based on the amount earned (construction-in-place) on each individual project as of September 30, 1973.

§ 35.890 Initiation of construction.

The phrase "initiation of construction," as used in this subpart, means the issuance to a construction contractor of a notice to proceed, or, if no such notice is required, the execution of a construction contract.

§ 35.895 Disputes.

Final determinations by the Regional Administrator concerning applicant eligibility, the amount to which an applicant is entitled, or allowability of costs shall be conclusive unless appealed within 30 days in accordance with the "Disputes" article (Article 7) of the EPA General Grant Conditions (Appendix A, Subchapter B of this title).

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