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PART I

HIGHLIGHTS OF THIS ISSUE

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

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

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EXECUTIVE ORDER 11741

Federal Agency Use of the Official American Revolution Bicentennial Symbol

The 200th anniversary of the birth of the United States of America should be an occasion for a nationwide commemoration which includes all of our institutions.

One means of increasing awareness of and interest in the Bicentennial can be the widespread display of the official American Revolution Bicentennial symbol adopted by the American Revolution Bicentennial Commission, notification of which was published in the Federal Register on March 27, 1971, Volume 36, No. 60.

Since publications, correspondence, and documents of the Federal departments and agencies reach most institutions and citizens of the United States, the American Revolution Bicentennial Commission has recommended that the publications, correspondence, and documents of the Federal departments and agencies bear the official Bicentennial symbol to the extent practicable.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

Section 1. Each Federal department and agency of the executive branch shall use the official symbol of the American Revolution Bicentennial, adopted by the American Revolution Bicentennial Commission pursuant to the Act of December 7, 1970 (Public Law 91–528; 84 Stat. 1389), on publications, envelopes, stationery and other appropriate documents to the extent such use is permitted by law and is deemed appropriate.

Sec. 2. The official symbol may be used either in one color or in the three colors prescribed in the Graphics Manual of the American Revolution Bicentennial Commission.

Sec. 3. Use of the symbol pursuant to this order shall continue through December 31, 1976.

Richard Nixon

THE WHITE HOUSE,
October 15, 1973.

[FR Doc.73–22260 Filed 10–15–73;4:17 pm]

Rules and Regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Personal and Confidential Assistant to the Assistant to the Secretary of Defense for Mutual and Balanced Force Reductions is excepted under Schedule C.

Effective on October 17, 1973, § 213.3306(a)(54) is added as set out below.

§ 231.3306 Department of Defense.

(a) *Office of the Secretary.*

* * * * *

(54) One Personal and Confidential Assistant to the Assistant to the Secretary of Defense for Mutual and Balanced Force Reductions.

* * * * *

(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.73-22154 Filed 10-16-73;8:45 am]

PART 213—EXCEPTED SERVICE

General Services Administration

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

Effective on October 17, 1973, § 213.3337(b)(2) is amended as set out below.

§ 213.3337 General Services Administration.

* * * * *

(b) *Public Buildings Service.*

* * * * *

(2) Four 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.73-22153 Filed 10-16-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Special Assistant to the Administrator is excepted under Schedule C.

Effective on October 17, 1973, § 213.3394(e)(7) is added as set out below.

§ 213.3394 Department of Transportation.

* * * * *

(e) *Federal Railroad Administration.*

* * * * *

(7) One Special Assistant to the Administrator.

* * * * *

(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.73-22152 Filed 10-16-73;8:45 am]

Title 7—Agriculture

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Regulation 811, Amendment 8]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1973

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended; 7 U.S.C. 1101), hereinafter referred to as the "Act." The purpose of this amendment to Sugar Regulation 811 is to revise the determination of sugar requirements for the calendar year 1973, establish quotas and prorations consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 201(a) of the Act requires a determination of the amount of sugar needed to meet the requirements of consumers in the continental United States whenever necessary to attain the price objective set forth in sec. 201(b) of the Act.

Section 202(g)(3) of the Act, which sets forth the procedure to use in attaining such price objective, provides that whenever the simple average of prices of raw sugar for 7 consecutive market days during the period March 1 through October 31, is 4 percent or more above or below the average price objective for the preceding 2 calendar months, the determination of requirements of consumers shall be adjusted to the extent necessary to attain such price objective.

For the 7 consecutive market days ended September 27, the simple average of the daily price of raw sugar was 11.04 cents per pound and was at least 4 percent above the average price objective of 10.62 cents per pound. Therefore, an upward adjustment in sugar requirements is considered appropriate at this time to meet the requirements of the Act.

An increase in requirements of 100,000 short tons, raw value, is necessary to attain the price objective set forth in the Act. Accordingly, total sugar requirements for the calendar year 1973 are hereby increased by 100,000 short tons, raw value, to a total of 11.6 million short tons, raw value.

Section 204(a) of the Sugar Act of 1948, as amended, provides in part that "The Secretary shall * * * as the facts are ascertainable by him but in any event not less frequently than each 60 days after the beginning of each calendar year, determine whether, * * * any area or country will not market the quota for such area or country."

It was previously determined in Sugar Regulation 811 that the Domestic Beet Sugar Area would be unable to market in excess of 3,500,000 short tons, raw value, of sugar in 1973. Accordingly, deficits were determined in the quota for the Beet Area of 49,000 tons representing the amount its quota exceeded 3,500,000 tons. Since this amendment increases the quota for that area by 47,667 tons, the deficit previously determined in the 1973 quota for the Domestic Beet Sugar Area is increased by 47,667 short tons, raw value, to 96,667 tons. The Department has been notified that the Texas Cane Area will be unable by 15,000 tons to market its sugar quota during 1973. Therefore, a deficit of 15,000 short tons, raw value, of sugar is herein declared in the quota for the Texas Cane Area. If

production exceeds the present estimates for the Domestic Beet Area and the Texas Cane Area, the marketing opportunities for those areas within the total quota for those areas will not be limited as a result of the deficit determinations and proration provided herein.

On the basis of information recently available to the Department, Paraguay will be able to supply only 7,155 short tons, raw value, of sugar to the United States in 1973. Therefore, it is hereby found that Paraguay will be unable to fill part of the deficit proration previously allocated to it by 106 tons. Accordingly, a deficit is hereby determined in the quota for Paraguay of 106 short tons, raw value.

A representative of the Government of Nicaragua recently advised the Department that Nicaragua would be able to fill its share of all deficit allocations this year. The most recent amendment to this Sugar Regulation 811 limited the total quotas and prorations to Nicaragua to 75,000 tons since it had notified the Department that it would be able to supply only that quantity. This amendment allocates the quantity withheld (723 tons) back to Nicaragua and deducts such quantity prorata from other Central American Common Market countries to which such quantity was previously prorated.

It is hereby determined that quota deficits previously declared and those declared herein constitute all deficits ascertainable from information currently available to the Department.

On a comparable basis the average monthly prices of raw cane sugar were higher on the world market than the U.S. market from January through July of this year. In recent weeks the comparable U.S. price has been slightly higher. Some U.S. quota countries sold sugar to the world market during the period of higher world prices and now do not have adequate sugar to supply our needs on a prompt shipment basis. Therefore, pursuant to sec. 202(d)(2)(A) of the Act, it is hereby found that is not practicable to obtain in a timely manner the quantity of sugar needed from foreign countries to meet the requirements of consumers under section 201 by apportionment of the foreign requirements increase to countries pursuant to sec. 202 (b)(c) and (d)(1) of the Act and that limited sugar supplies and increases in prices have created an emergency situation significantly interfering with the orderly movement of foreign raw sugar to the United States. The Secretary has also found that foreign quota countries cannot fill in a timely manner all of the additional deficits if allocated and prorated to them pursuant to sec. 204(a) of the Act.

Therefore, to obtain additional sugar in a timely manner, the 35,000 short tons, raw value, increase in foreign requirements by this amendment and additional deficits of 62,773 short tons, raw value, will be permitted to be imported on a first-come, first-served basis from any sugar producing country other than Cuba and Southern Rhodesia subject to the exception in paragraph (d)(2) of § 811.23.

In view of the short time remaining to import the sugar permitted for importation by this amendment it is impractical to develop meaningful agreements with countries to purchase for dollars additional quantities of U.S. agricultural products.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.20, 811.21, 811.22, and 811.23 as follows:

1. Section 811.20 is amended to read as follows:

§ 811.20 Sugar requirements, 1973.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1973 is hereby determined to be 11,600,000 short tons, raw value.

2. Section 811.21 is amended by amending paragraph (a) to read as follows:

§ 811.21 Quotas for domestic areas.

(a)(1) For the calendar year 1973 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,596,667	No limit
Mainland cane sugar	1,608,333	No limit
Texas cane area	20,000	No limit
Hawaii	1,185,000	40,356
Puerto Rico	855,000	169,000

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1973 the Domestic Beet Sugar Area, the Texas Cane Area, Hawaii and Puerto Rico will be unable by 96,667, 15,000, 42,000, and 765,000 short tons, raw value, respectively, to fill the quotas established for such areas in paragraph (a)(1) of this section. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in paragraph (a)(1) of this section.

* * * * *

3. Section 811.22 is amended by amending paragraph (a) to read as follows:

§ 811.22 Proration and allocation of deficits in quotas.

(a) The total deficits determined in quotas established under section 202 of the Act in short tons, raw value, are as follows: Domestic Beet Sugar Area 96,667 the Texas Cane Area 15,000 Hawaii 42,000; Puerto Rico 765,000, the West Indies 59,907, Panama 3,137, Honduras 10,351, Venezuela 21,149, and Haiti 11,446. The deficits for the domestic areas, the West Indies, Venezuela, Haiti, and Panama totaling 999,306 tons are reallocated by allocating 286,253 tons to the Republic of the Philippines and 665,280 tons to Western Hemisphere quota countries with quotas in effect in accordance with section 204(a) of the Act, except such prorations to the West Indies, Panama, Venezuela, Haiti, Peru, and Paraguay are limited so that total quotas for each country will not exceed 60,207, 52,500, 31,902, 15,295, 426,245, and 7,155 tons, respectively. The deficit declared for the Domestic Beet area of 47,667 tons and for the Texas Cane Area of 15,000 tons and that declared in the deficit allocation to Paraguay of 106 tons in amendment 8 of this part are assigned to foreign countries pursuant to paragraph (d)(2) of § 811.23. The section 202 quota and deficit prorations to Honduras are reprorated to other Central American Common Market countries on the basis of quotas determined under section 202 of the Act.

* * * * *

4. Section 811.23 is amended by amending paragraph (c), redesignating paragraph (d) as paragraph (d)(1) and adding a new paragraph (d)(2) to read as follows:

§ 811.23 Quotas for foreign countries.

* * * * *

(c) For the calendar year 1973, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to secton 202 of the Act and a quantity to be allocated on a first-come, first-served basis are shown in columns (1) and (2) of the following table. Deficit prorations previously established in § 811.23 are shown in column (3). A revision of deficit prorations to Central American Common Market countries, a deficit determination and the deficit quantity of 62,773 tons to be allocated to foreign countries on a first-come, first-served basis as herein established are shown in column (4). Total quotas and prorations are shown in column (5).

Countries	Basic quotas	Temporary quotas and prorations pursuant to Sec. 202 (d) [1]	Previous deficit prorations	New deficit prorations	Total quotas prorations
	(1)	(2)	(3)	(4)	(5)
	Short tons, raw value				
Dominican Republic	405,584	146,484	162,878	0	714,946
Mexico	358,689	129,546	144,045	0	632,280
Brazil	349,817	126,342	140,482	0	616,641
Peru	250,322	90,408	85,515	0	426,245
West Indies	89,650	30,464	−59,907	0	60,207
Ecuador	51,649	18,655	20,742	0	91,046
Argentina	48,480	17,510	19,469	0	85,459
Costa Rica	43,727	15,793	21,779	−291	81,008
Colombia	43,093	15,564	17,306	0	75,963
Panama	40,878	14,762	−3,137	0	52,500
Nicaragua	40,875	14,762	19,363	+723	75,723
Venezuela	38,974	14,077	−21,149	0	31,902
Guatemala	37,390	13,504	18,623	−250	69,267
El Salvador	27,250	9,842	13,574	−182	50,484
Belize (British Honduras)	21,547	7,781	8,653	0	37,981
Haiti	19,645	7,096	−11,446	0	15,295
Honduras	7,605	2,746	−10,351	0	0
Bolivia	4,119	1,488	1,654	0	7,261
Paraguay	4,119	1,488	1,654	−106	7,155
Australia	160,065	44,951	0	0	204,016
Republic of China	66,224	18,715	0	0	84,939
India	63,689	17,999	0	0	81,688
South Africa	44,994	12,715	0	0	57,709
Fiji Islands	34,855	9,850	0	0	44,705
Mauritius	23,448	6,626	0	0	30,074
Swaziland	23,448	6,626	0	0	30,074
Thailand	14,576	4,118	0	0	18,694
Malawi	11,724	3,313	0	0	15,037
Malagasy Republic	9,506	2,686	0	0	12,192
Ireland	5,351	0	0	0	5,351
To be allotted [2]	26,045	8,955		62,773	97,773
Total	2,366,335	814,806	509,747	62,667	3,813,615

[1] Proration of the quotas withheld from Cuba, Southern Rhodesia, Bahamas, West Indies, and Uganda.
[2] Will be allotted to foreign countries pursuant to subparagraph (d)(2) of this section 811.25.

* * * * * * *

(d) * * *

* * * * *

(2) The quantity of sugar in column (5) of the table in paragraph (c) of this section designated as "To be allocated" amounting to 97,773 short tons, raw value, may be authorized only for importation on or before November 16, 1973, from sugar producing countries other than Cuba and Southern Rhodesia. All U.S. quota countries must have filled their respective 1973 quotas prior to the importation of such sugar. Authorizations for the importation of such sugar shall be made on the basis of applications for Sugar Quota Clearance on Form SU–3 or applications for Set-Aside of Quota on Form SU–8A in accordance with provisions of Part 817 of this chapter, except that (i) in the case of any foreign country with a U.S. sugar quota, on whose behalf an application is submitted on Forms SU–3 or SU–8A on or before October 4, 1973, to import sugar made available herein: if such application is not eligible on a first-come first-served basis for approval of the full quantity applied for, but such application meets all the other requirements set forth in this amendment and Sugar Regulation 817, then such country shall receive an allocation equal to the smaller of the quantity applied for or the share of the requirement increase such country would have received had such increase been allocated and prorated under the normal procedure (*i.e.*, pursuant to sections 202(b), (c), d(1), d(3), d(4), and 204(a) of the Act). The computation of such share for any country is available from the Quota and Allotment Branch, Sugar Division, ASCS, U.S. Department of Agriculture (Telephone 202–447–7943), (ii) if two or more applications on Forms SU–3, or on SU–8A, become eligible for authorization at the same time first priority shall be given to the earliest arrival date and second priority to earliest departure date stated therein, (iii) each application for Set-Aside of Quota must show the anticipated dates of departure and arrival of the sugar (in lieu of a 3-month period as shown on the form) and show "5th" day and "5" days instead of "15th" day and "15" days respectively as shown on the application form, and (iv) in the case of countries with a U.S. quota each application on Form SU–3 or SU–8A must include a certification that the country has or will have filled its currently effective 1973 quota on or before the importation date of such additional sugar. Set-Aside applications to import sugar under this subparagraph received on or before October 4, 1973, shall be considered as having been received at the same time. Applications covering sugar authorized pursuant to this subparagraph shall become invalid for any portion of such sugar which has not been imported into the United States on or before November 21, 1973. Any such sugar the authorized importation of which has been invalidated may be authorized for entry, pursuant to a bond for delivery to a refinery for refining and holding in inventory until charged to an applicable quota in the same manner as provided for bonded over-quota sugar pursuant to Part 817 of this chapter.

(Sec. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 932; and 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date. This action increases quotas for the calendar year 1973 by 100,000 tons, determines additional deficits of 62,773 tons and makes available for importation on or before November 16, from foreign quota countries on a first-come, first-served basis the additional deficits of 62,773 tons plus the 35,000 tons foreign quota increase. In order to promote orderly marketings, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 533 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective on October 16, 1973.

Signed at Washington, D.C., on October 12, 1973.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-22139 Filed 10-12-73;3:06 pm]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK) DEPARTMENT OF AGRICULTURE

[Milk Order No. 103]

PART 1103—MILK IN THE MISSISSIPPI MARKETING AREA

Order Terminating Remaining Provisions

It is hereby found and determined, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Mississippi marketing area (7 CFR Part 1103), that:

(a) The following remaining provisions of the order no longer tend to effectuate the declared policy of the Act:

That part of § 1103.1 which incorporates §§ 1000.4 (c) and (d), 1000.5 (b) and (c), and 1000.6 of the General Provisions.

Effective midnight, April 30, 1973, the Assistant Secretary terminated all the provisions of the Missirsippi order except those stated above relating to liquidation and continuing obligation provisions of the order.

The market administrator, in his capacity as liquidating agent of the order, has completed the disbursement of all funds in the administrative, producer-settlement, and marketing service funds established under the order.

(b) Notice of proposed rulemaking, public procedure thereon, and 30 days' notice of the effective date hereon are impracticable, unnecessary, and contrary to the public interest.

Therefore, good cause exists for making this order effective on October 17, 1973.

It is therefore ordered, That the remaining provisions of Part 1103 represented by that portion of § 1103.1 which incorporates §§ 1000.4 (c) and (d), 1000.5 (b) and (c), and 1000.6 of the General Provisions are hereby terminated and Part 1103 is vacated effective upon publication in the FEDERAL REGISTER, subject, however, to the following condition:

That such termination of the remaining provisions of said order shall not affect or waive any right, obligation, duty, or liability under the said order with respect to milk delivered prior to May 1, 1973, or release or extinguish any violations of the said order, or affect or impair any right or remedy of the United States, the Secretary of Agriculture, or any other person with respect to any such violation which has arisen or occurred or which may arise or occur prior to the time that termination of such remaining provisions becomes effective.

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

Effective date October 17, 1973.

Signed at Washington, D.C. on October 12, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-22107 Filed 10-16-73;8:45 am]

Title 9—Animal and Animal Products

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

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

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Quarantined

This amendment quarantines portions of Pulaski, Christian and Todd Counties in Kentucky and portions of Davidson and Montgomery Counties in Tennessee because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, apply to the quarantined areas.

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 82.3, the introductory portion of paragraph (a) is amended by adding the names of Kentucky and Tennessee immediately after the reference to "California" and new paragraphs (a) (2) relating to the State of Kentucky and (a) (3) relating to the State of Tennessee are added to read:

§ 82.3 Areas quarantined.

(a) * * *

* * * * *

(2) *Kentucky.* (i) The following area in Pulaski County. The premises of the Amstutz Hatcheries located southeast of the intersection of U.S. Highway 27 and Racetrack Road, and approximately 2 miles north of the City of Somerset, Kentucky.

(ii) The following area in Christian County. The premises of Leonard Ezell, Route 1, Gracey, Kentucky, located at the northwest junction of State Road No. 117 and Project Road No. 15 southeast of the town of Gracey.

(iii) The following areas in Todd County.

(A) The premises of Paul Graber, Route 2, Guthrie, Kentucky, located at the end of an unpaved county road $\frac{9}{10}$ mile north and 1 mile west of the junction of Federal Aid Secondary Road 181 and State Highway 1753.

(B) The premises of Tom Cain, Route 2, Guthrie, Kentucky, located on the north side of U.S. 79, $1\frac{3}{4}$ miles northeast of the junction of Federal Aid Secondary Road 848 and U.S. 79.

(3) *Tennessee.* (i) The following area in Davidson County. The premises of Family Pet Center, located in the Bavarian Shopping Center at 4011 Hillsboro Road, Nashville, Tennessee.

(ii) The following area in Montgomery County. The premises of Hudson Brothers Inc., Route 1, Adams, Tennessee, located approximately 8 miles southwest of Adams on Rossum Road and approximately 2 miles southwest of the junction of Rossum Road and State Road 76.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective October 11, 1973.

The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 11th day of October 1973.

E. E. SAULMON,
Deputy Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-22096 Filed 10-16-73;8:45 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night, and Holiday Inspection and Quarantine Activities at Border, Coastal, and Airports

Veterinary Services inspectors of the U.S. Department of Agriculture are charged with performing inspection duties relating to imports and exports at border ports, ocean ports, and airports. Such services may be performed outside the regular tour of duty of the inspector when requested by a person, firm, or corporation and the charge for such overtime is recoverable from those requesting the services. The following amendment increases the hourly rates for such services performed on a Sunday or holiday, or at any other time outside the regular tour of duty. These increases are commensurate with salary increases provided Federal employees in accordance with the Federal Pay Comparability Act of 1970 (P.L. 91–656) and Executive Order 11739, dated October 3, 1973.

Therefore, pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 97.1 of Part 97, Title 9, Code of Federal Regulations, is amended to read as follows:

§ 97.1 Overtime work at laboratories, border ports, ocean ports, and airports.[1]

Any person, firm, or corporation having ownership, custody or control of animals, animal byproducts, or other commodities subject to inspection, laboratory testing, certification, or quarantine under this subchapter and subchapter G of this chapter, and who requires the services of an employee of Veterinary Services on a holiday or Sunday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday or Sunday service request the Veterinary Services inspector in charge to furnish inspection, laboratory testing, certification or quarantine service during such overtime or holiday or Sunday period and shall pay the Administrator of the Animal and Plant Health Inspection Service at a rate of $16.48 per man hour per employee on a Sunday and at a rate of $11.44 per man hour per employee for

[1] For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151.1 through 151.3.

holiday or any other period; except that for any services performed on a Sunday, or holiday, or at any time after 5 p.m. or before 8 a.m. on a week day, in connection with the arrival in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. A minimum charge of 2 hours shall be made for any Sunday or holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of Sunday or holiday or unscheduled overtime work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Deputy Administrator, Veterinary Services for the ports, stations, and areas in which the employees are located and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime or holiday or Sunday duty if such travel is performed solely on account of such overtime or holiday or Sunday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, laboratory testing, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters are located, one-half of the commuted travel time period applicable to the point at which the services are performed shall be charged when duties involve overtime that either begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty: *Provided, however,* That periods of unscheduled overtime or holiday service performed by laboratory personnel shall further be limited to hours which normally constitute a regular work day. It shall be administratively determined from time to time which days constitute holidays.

(b) As used in this section—

(1) The term "private aircraft" means any civilian aircraft not being used to transport persons or property for compensation or hire, and

(2) The term "private vessel" means any civilian vessel not being used (i) to transport persons or property for compensation or hire, or (ii) in fishing operations or in processing of fish or fish products.

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

Effective date. The foregoing amendment shall become effective October 14, 1973, when it shall supersede 9 CFR 97.1, effective January 12, 1973.

Determination of the hourly rate for overtime services and of the commuted travel time allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the Federal Register.

Done at Washington, D.C., this 11th day of October 1973.

E. E. SAULMON,
Deputy Administrator Animal and Plant Health Inspection Service.

[FR Doc.73-22097 Filed 10-16-73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[No. 73-1430]

PART 545—OPERATIONS

Amendments Relating to Branch Office Applications by Federal Savings and Loan Associations

SEPTEMBER 28, 1973.

The Federal Home Loan Bank Board considers it advisable to amend § 545.14 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.14), regarding branch offices, for the following purposes: (1) To delete the sentence in subparagraph (a)(2) which provides that "Decisions on all applications for permission to establish a branch office will be made by the Board"; (2) to delete the sentence in subparagraph (j)(2), relating to limited facility branch offices, which provides that "No application for removal of limitations may be filed until a limited facility branch office has been in operation for 2 years"; and (3) to delegate to the Supervisory Agents of the Board the authority to remove or modify limitations imposed on limited facility branch offices. Accordingly, on the basis of such consideration, the Board hereby amends said § 545.14 by revising subparagraphs (a)(2) and (j)(2) thereof to read as set forth below, effective October 15, 1973.

The Board, in a concurrent action, delegated to the President of the Federal Home Loan Bank of the Federal Home Loan Bank district in which an applicant's home office is located, as agent of the Board, the authority to approve unprotested applications for permission to establish or maintain branch offices, including limited facility branch offices. The Board has not delegated its authority to approve protested applications or to disapprove applications.

Since the amendments relate to rules of Board procedure or practice, notice and public procedure with respect to said amendments are not required under the provisions of 12 CFR 508.11 and 5 U.S.C. 443(b); and since publication of said amendments for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments is not required for the reason that said amendments are not substantive amendments, the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

§ 545.14 **Branch office.**

(a) *General provisions.*

* * * * *

(2) A Federal association shall not establish a branch office without prior written approval by the Board. In the event of approval of an application for permission to establish a branch office, such approval may be conditioned on a requirement that the branch office be opened within such period, not less than 6 months, as may be fixed in such approval. Determination by a Federal association to make an application for permission to establish a branch office shall be evidenced by certification from such association's president and secretary to the effect that such association's board of directors has duly authorized by resolution the making and filing of such application. The making, filing, and processing of, and action on, such an application shall be in accordance with this section.

* * * * *

(j) *Limited facility branch office.*

* * * * *

(2) *Removal or modification of limitations.* The Supervisory Agent is authorized, on behalf of the Board, to remove or modify, in whole or in part, any limitations imposed on a limited facility branch office, upon application by the operating Federal association. If the Supervisory Agent determines that an application for removal or modification of limitations should not be approved, the Supervisory Agent shall forward such application to the Board for decision, together with his recommendation as to disapproval. If and when all limitations have been removed, the limited facility branch office will become a branch office to be operated by an association in the same manner, and subject to the same management discretion, as a branch office approved pursuant to this section.

(Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464. Reorg. Plan No. 3 of 1947); 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] HENRY A. CARRINGTON,
Secretary.

[FR Doc.73-22165 Filed 10-17-73;8:45 am]

SUBCHAPTER E—REGULATIONS FOR DISTRICT OF COLUMBIA SAVINGS AND LOAN ASSOCIATIONS AND BRANCH OFFICES

[No. 73-1431]

PART 582—OFFICES

Amendments Relating to Applications for Establishment of Branch Offices in the District of Columbia

SEPTEMBER 28, 1973.

The Federal Home Loan Bank Board considers it advisable to amend § 582.1 of the regulations for District of Columbia Savings and Loan Associations and Branch Offices (12 CFR 582.1), regarding branch offices, for the following purposes: (1) To delete the sentence in subparagraph (a)(1) which provides that "Decisions on all such applications will be made by the Board"; (2) to delete the sentence in subparagraph (j)(2), relating to limited facility branch offices, which provides that "No application for removal of limitations may be filed until a limited facility branch office has been in operations for 2 years"; and (3) to delegate to the Supervisory Agents of the Board the authority to remove or modify limitations imposed on limited facility branch offices. Accordingly, on the basis of such consideration, the Board hereby amends said § 582.1 by revising subparagraphs (a)(1) and (j)(2) thereof to read as set forth below, effective October 15, 1973.

The Board, in a concurrent action, delegated to the President of the Federal Home Loan Bank of Atlanta, as agent of the Board, the authority to approve unprotested applications by District of Columbia savings and loan associations for permission to establish branch offices, including limited facility branch offices. The Board has not delegated its authority to approve protested applications or to disapprove applications.

Since the amendments relate to rules of Board procedure or practice, notice and public procedure with respect to said amendments are not required under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendments for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments is not required for the reason that said amendments are not substantive amendments, the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

§ 582.1 Branch offices.

(a) *General provisions.* (1) An association shall not establish a branch office in the District of Columbia without prior written approval by the Board and an association which is incorporated or organized under the laws of the District of Columbia shall not establish a branch office elsewhere without prior written approval by the Board. Determination by an association to make an application for permission to establish a branch office shall be evidenced by a certification from such association's president and secretary to the effect that such association's board of directors has duly authorized by resolution the making and filing of such application. The making, filing, and processing of, and action on, an application for permission to establish a branch office shall be in accordance with this section. In the event of approval of such an application, the Board may require as a condition of approval that the branch office be opened within such period, not less than 6 months, as may be fixed by the Board.

* * * * *

(j) *Limited facility branch office.*

* * * * *

(2) *Removal or modification of limitations.* The Supervisory Agent is authorized, on behalf of the Board, to remove or modify, in whole or in part, any limitations imposed on a limited facility branch office, upon application by the operating association. If the Supervisory Agent determines that an application for removal or modification of limitations should not be approved, the Supervisory Agent shall forward such application to the Board for decision together with his recommendation as to disapproval. If and when all limitations have been removed, the limited facility branch office will become a branch office to be operated by an association in the same manner, and subject to the same management discretion, as a branch office approved pursuant to this section.

(Sec. 5, 48 Stat. 132, as amended; Sec. 8, 48 Stat. 134, as added by Sec. 913, 84 Stat. 1815; (12 U.S.C. 1464, 1466a. Reorg. Plan No. 3 of 1947), 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] HENRY A. CARRINGTON, *Secretary.*

[FR Doc.73-22166 Filed 10-16-73;8:45 am]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 73-1430-A]

PART 556—STATEMENTS OF POLICY

Statement of Policy Relating to Applications for Branch Offices and Mobile Facilities by Federal Savings and Loan Associations

SEPTEMBER 28, 1973.

The Federal Home Loan Bank Board considers it advisable to amend § 556.5 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 556.5) relating to the Board's statement of policy concerning applications by Federal savings and loan associations for permission to establish branch offices and mobile facilities. Accordingly, the Board hereby amends said § 556.5 as follows: Present subdivision (a)(7)(ii)(*a*) is designated as subdivision (a)(7)(ii)(*a*)(*1*); a new subdivision (a)(7)(ii)(*a*)(*2*) is added, immediately following the newly designated subdivision (a)(7)(ii)(*a*)(*1*), to read as set forth below; and a new subparagraph (b)(5) is added, immediately following subparagraph (b)(4), to read as set forth below.

New subdivision (a)(7)(ii)(*a*)(*2*) of § 556.5 permits Federal savings and loan associations which intend to file office facility applications to request preliminary supervisory clearance prior to filing such applications. Such preliminary clearance would be good as to any such applications filed within a period of 90 days. However, the Board may still make a subsequent determination of supervisory objection at any time.

New subparagraph (b)(5) of § 556.5 is a statement on branching, indicating that the Board's general policy is to encourage expansion of the savings and loan industry through branching. The statement also indicates that the Board favors increased competition by permitting more than one association office facility in a market area, to provide better service to the public as a result.

§ 556.5 Establishment of Federal savings and loan associations and branch office and mobile facilities of such associations.

* * * * *

(a) *Internal processing procedure.*

* * * * *

(7) *Branch and mobile facility applications—supervisory considerations.*

* * * * *

(ii) *Preliminary determination of supervisory objection—(a) Procedure. (1)* The Director of the Office of Examinations and Supervision is authorized, with respect to any application for a branch office or mobile facility, to make a preliminary determination that there is no basis for supervisory objection, and the Supervisory Agent is authorized, within limits fixed by such Director, to make such determination. If the Director of the Office of Examinations and Supervision is of the opinion that there is any supervisory matter which might afford a basis for preliminary supervisory objection, he should submit the matter to the Board for its decision, together with a report and recommendation. The Director of the Office of Examinations and Supervision shall issue instructions to assure that there is no delay for supervisory reasons in the processing of an application of an association whose policies, condition, or operation, as determined by the Supervisory Agent within limits fixed by the Director, do not afford a basis for preliminary supervisory objection, and, in other cases, to assure that the preliminary determination, or submission to the Board for decision, is made within 30 days from the date of filing of the application.

(2) An association which intends to file an application for a branch office or mobile facility may, prior to the filing of such application, submit to the Supervisory Agent a written advice of intent to file such an application with a request for a preliminary determination that there will be no basis for supervisory objection with respect to such application. Any such request shall be processed as provided in subdivision (*1*) of this subdivi-

sion, except that the 30-day period referred to therein shall run from the date of receipt of the advice of intent by the Supervisory Agent. In the event that the association is given preliminary supervisory clearance and files the intended application within 90 days from the date of such clearance, no further preliminary supervisory clearance will be required with respect to such application.

* * * * *

(b) *Policy on approval of branch office and mobile facilities.*

* * * * *

(5) As a general policy, the Board encourages the establishment of branch offices and other office facilities by Federal associations in communities and market areas which either are not serviced or are underserviced by existing savings and loan facilities. In addition, the Board favors increasing the level of competition, by permitting more than one savings and loan facility in a market area, to provide convenient, alternative choices resulting in better service to the public. Since the Board's general policy is to encourage expansion through branching, protests to applications for office facilities will have to be increasingly persuasive and factually documented to adversely affect the Board's decisions on such applications.

* * * * *

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464. Reorg. Plan No. 3 of 1947), 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] HENRY A. CARRINGTON, *Secretary.*

[FR Doc.73-22163 Filed 10-17-73;8:45 am]

[No. 73-1431-A]

PART 582b—STATEMENTS OF POLICY

Statements of Policy Relating to Applications for Establishment of Branch Offices in the District of Columbia

SEPTEMBER 28, 1973.

The Federal Home Loan Bank Board considers it advisable to amend Part 582b of the regulations for District of Columbia Savings and Loan Associations and Branch Offices (12 CFR Part 582b) relating to the Board's statements of policy concerning the establishment of branch offices by savings and loan associations in the District of Columbia. Accordingly, the Board hereby amends said Part 582b by adding a new § 582b.1–1, immediately following § 582b.1 thereof, and by revising § 582b.3 thereof as follows: Present subdivision (g)(2)(i) is designated as subdivision (g)(2)(i)(*a*) and a new subdivision (g)(2)(i)(*b*) is added, immediately following subdivision (g)(2)(i)(*a*), to read as set forth below.

The new § 582b.1–1 is a statement on branching, indicating that the Board's general policy is to encourage expansion of the savings and loan industry through branching. The statement also indicates that the Board favors increased competition by permitting more than one association office facility in a market area, to provide better service to the public as a result.

New subdivision 582b.3(g)(2)(i)(*b*) permits savings and loan associations which intend to file applications to establish office facilities in the District of Columbia to request preliminary supervisory clearance prior to filing such applications. Such preliminary clearance would be good as to any such applications filed within a period of 90 days. However, the Board may still make a subsequent determination of supervisory objection at any time.

§ 582b.1–1 Policy on branching.

As a general policy, the Board encourages the establishment of branch offices and other office facilities by associations in communities and market areas which either are not serviced or are underserviced by existing savings and loan facilities. In addition, the Board favors increasing the level of competition, by permitting more than one savings and loan facility in a market area, to provide convenient, alternative choices resulting in better service to the public. Since the Board's general policy is to encourage expansion through branching, protests to applications for office facilities will have to be increasingly persuasive and factually documented to adversely affect the Board's decisions on such applications.

* * * * *

§ 582b.3 Internal processing procedure for applications for branch offices.

* * * * *

(g) *Supervisory considerations.*

* * * * *

(2) *Preliminary determination of supervisory objection.*—(i) *Procedure.* (*a*) The Director of the Office of Examinations and Supervision is authorized, with respect to any application for a branch office, to make a preliminary determination that there is no basis for supervisory objection, and the Supervisory Agent is authorized, within limits fixed by such Director, to make such determination. If the Director of the Office of Examinations and Supervision is of the opinion that there is any supervisory matter which might afford a basis for preliminary supervisory objection, he should submit the matter to the Board for its decision, together with a report and recommendation. The Director of the Office of Examinations and Supervision shall issue instructions to assure that there is no delay for supervisory reasons in the processing of an application of an association whose policies, condition, or operation, as determined by the Supervisory Agent within limits fixed by the Director, do not afford a basis for preliminary supervisory objection, and, in other cases, to assure that the preliminary determination, or submission to the Board for decision, is made within 30 days from the date of filing of the application.

(*b*) An association which intends to file an application for a branch office may, prior to the filing of such application, submit to the Supervisory Agent a written advice of intent to file such an application with a request for a preliminary determination that there will be no basis for supervisory objection with respect to such application. Any such request shall be processed as provided in subdivision (*a*) of this subdivision, except that the 30-day period referred to therein shall run from the date of receipt of the advice of intent by the Supervisory Agent. In the event that the association is given preliminary supervisory clearance and files the intended application within 90 days from the date of such clearance, no further preliminary supervisory clearance will be required with respect to such application.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; Sec. 8, 48 Stat. 134, as added by Sec. 913, 84 Stat. 1815; (12 U.S.C. 1464, 1466a. Reorg. Plan No. 3 of 1947), 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] HENRY A. CARRINGTON, *Secretary.*

[FR Doc.73-22164 Filed 10-16-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-WE-16-AD; Amdt. 39-1736]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics Model 340/440 and C–131E Airplanes, Including Those Converted to Turbo-Propeller Power

Amendment 39-1720, A.D. 73-19-11, was published in the FEDERAL REGISTER on September 25, 1973 (38 FR 26713). The A.D. requires initial and repeat inspections, and modification of the nose landing gear, left hand upper drag struts in accordance with General Dynamics Service Bulletin 640(340) S.B. No. 32–8, dated August 10, 1973, or later FFA-approved revisions, or equivalent approved inspections and installation modifications.

The FEDERAL REGISTER publication of the A.D. provided for a thirty day comment period for interested parties prior to October 18, 1973, the effective date of the A.D.

Representatives of various operators of Model 340/440 aircraft, and those converted to turbo-propeller power have submitted their comments and met with representatives of the FAA Western Region to evaluate possible amendments to AD 73-19-11. The manufacturer's comments received recommended several adjustments in compliance times, various clarifications to bring the inspection program into harmony with the intent of the program set forth in Service Bulletin No. 32–8, and a change in the definition of "modified struts." The most substantial amendment recommended to AD 73-19-

11 is the deletion of the terminating action specified in paragraph (a)(3)(A), as published. The manufacturer has advised that Part IV of S.B. 32-8 is a repetition of rework per Part III of the bulletin to an oversize hole configuration to again remove possible fatigued material around the shear bolt hole. Part IV is intended to re-establish the 20,000 landing inspection-free threshold each time rework is accomplished. Service experience is inadequate to support a complete termination of inspections between overhaul periods. The agency concurs. As amended, the terminating action is deleted.

Compliance times have been adjusted to coincide with the intent of the inspection program set forth in the Service Bulletin. The agency has retained the provision contained in paragraph (a)(1) to give credit for previous accomplishment of the initial inspection within 4,800 landings prior to the effective date of the AD.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1720 (38 FR 26713), AD 73-19-11, is amended as follows:

GENERAL DYNAMICS: Applies to Models 340/440 and C-131E airplanes certificated in all categories, including those converted to Turbo-propeller power.

Compliance required as indicated.

To detect cracks originating at the shear-bolt bore in the drag strut, and prevent possible failure of the landing gear, accomplish the following:

(a) Non-Modified Struts (See Note, below).

(1) Within 1200 landings after the effective date of this A.D., unless already accomplished within the last 4800 landings prior to this A.D., perform a disassembly inspection of the nose landing gear, left hand, upper drag strut for crack development in the area of the clutch plate to strut shear bolt attach hole per General Dynamics Service Bulletin 640(340) S.B. No. 32-8, dated August 10, 1973, or later FAA-approved revisions, and modify the strut per Part III of the Bulletin.

(2) If no cracks are found, repeat the inspection on or before 20,000 landings following modification per (a)(1) and at intervals not to exceed 6000 landings thereafter, until the strut has been modified in accordance with the provisions of Part IV, Service Bulletin No. 32-8, or later FAA-approved revisions.

(3) If cracks are located, replace the drag strut with new or serviceable parts of the same type design. The various configurations and the reinspection requirements are as shown below:

(A) If new or previously modified struts are used for replacement, which do not have the modifications of Part IV, Service Bulletin No. 32-8 incorporated, perform an initial inspection on or before 20,000 landings from time of replacement and at intervals not to exceed 6,000 landings thereafter.

(B) If previously modified parts are used for replacement that have a subsequent rework accomplished per Part IV of Service Bulletin No. 32-8, perform an initial inspection on or before 20,000 landings following each rework, and at intervals not to exceed 6,000 landings thereafter.

(C) Struts repaired per Part II of the Service Bulletin No. 32-8, or later FAA-approved revisions, will be inspected at intervals not to exceed 6,000 landings following the repair.

(b) Modified or New Struts (See Note, below).

(1) After the effective date of this A.D., as amended, perform, on or before the accumulation of 26,000 landings on a new or modified part, or 6,000 additional landings, whichever occurs later, a disassembly inspection of the nose landing gear, left hand upper drag strut in the area of the clutch plate to strut shear bolt attach hole as specified in General Dynamics Service Bulletin No. 32-8, or later FAA-approved revisions.

(2) If no cracks are found, repeat the inspection in (b)(1), above, at intervals not to exceed 6,000 landings until the strut has been modified in accordance with the provisions of Part IV, Service Bulletin No. 32-8, or later FAA-approved revisions.

(3) If cracks are found, replace the drag strut with new or serviceable part of the same type design. Re-inspection requirements for each type part are as specified in (a)(3)(A), (B), and (C), above.

(c) Equivalent inspections and installations may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) For the purpose of complying with this A.D., subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operators fleet average time from takeoff to landing for the airplane type.

(e) Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

NOTE.—The following definitions apply.

Non-Modified Struts—This is an original configuration strut, which has not been modified by previous Service Engineering Reports or by Service Bulletin No. 32-8.

Modified Struts—This includes all struts modified by previous SER's No. 15-4-340-38/440-38 and 15-4-340-44A/440-44A or by Part III of Service Bulletin No. 32-8 that have not been modified per Part IV of Service Bulletin No. 32-8.

New Struts—Part Number 340-7310231-1 struts that have not been reworked per Part IV of Service Bulletin No. 32-8.

This amendment becomes effective October 19, 1973.

(Secs. 313(a), 601, and 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)).)

Issued in Los Angeles, California on October 5, 1973.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.73-22062 Filed 10-16-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 120]

PART 1-12—LABOR

Subpart 1-12.8—Equal Opportunity in Employment

STATE AND LOCAL GOVERNMENTS—AFFIRMATIVE ACTION PROGRAMS

This amendment of the Federal Procurement Regulations changes Subpart 1-12.8, Equal Opportunity in Employment, by revising § 1-12.804-1, General. The changes provide for the filing of annual compliance reports and the maintenance of written affirmative action compliance programs by educational institutions and medical facilities of State and local governments which were participating in the work on or under Federal contracts or subcontracts. The changes reflect an amendment of 41 CFR 60-1 (38 F.R. 1932, January 19, 1973), by the Secretary of Labor.

1. Section 1-12.804-1 is amended by revising paragraph (d) to read as follows:

§ 1-12.804-1 General.

* * * * *

(d) *Contracts with State or local governments.* An agency, subdivision, or other instrumentality of a State or local government is subject to the requirements of the Equal Opportunity clause contained in Federal contracts and subcontracts as follows:

(1) Where the instrumentality is not participating in work on or under a Federal contract or subcontract, it is exempt from the provisions of the clause.

(2) Where the instrumentality, except for educational institutions or medical facilities, is participating in work on or under a Federal contract or subcontract, it is subject to the requirements of the clause except that it is exempt from filing an annual compliance report as provided for in § 1-12.805-4 and maintaining a written affirmative action compliance program as prescribed by § 1-12.810.

(3) Educational institutions and medical facilities of such instrumentalities which are participating in work on or under a Federal contract or subcontract are subject to all the provisions of the Equal Opportunity clause.

* * * * *

2. Section 1-12.810 is amended, as follows:

§ 1-12.810 Affirmative action compliance programs.

(a) *Requirements of programs.* Each agency or applicant shall require each prime contractor who has 50 or more employees and a contract of $50,000 or more and each prime contractor and subcontractor shall require each subcontractor who has 50 or more employees and a subcontract of $50,000 or more to develop a written affirmative action compliance program for each of its establishments, unless the contract or subcontract is exempt (see § 1-12.804). A necessary prerequisite to the development of a satisfactory affirmative action compliance program is the identification and analysis of problem areas inherent in minority employment and an evaluation of opportunities for utilization of minority group personnel. The contractor programs shall provide in detail for specific steps to guarantee equal employment opportunity keyed to the problems and needs of members of minority groups, including, when there are deficiencies, the development of specific goals and timetables for the prompt achievement of full and equal

employment opportunity. Each contractor shall include in his affirmative action compliance program a table of job classifications. This table should include, but need not be limited to, job titles, principal duties (and auxiliary duties, if any), rates of pay, and where more than one rate of pay applies (because of length of time in the job or other factors), the applicable rates. The affirmative action compliance program shall be signed by an executive official of the contractor.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective November 19, 1973, but may be observed earlier.

Dated October 10, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.73-22130 Filed 10-16-73;8:45 am]

Title 17—Commodity and Securities Exchanges

[Release Nos. 33-5429, 34-10422, 35-18112, 40-8025]

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

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

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

PART 251—INTERPRETATIVE RELEASES RELATING TO THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Request for Comments on Accounting Series Release No. 146

On August 24, 1973, the Commission issued Accounting Series Release No. 146 [38 FR 24635] (the text of which is printed below), stating its policy in regard to the accounting for subsequent business combinations by companies which had acquired their own shares in the two years prior to the combination, in effect stating that the principles set forth in Accounting Principles Board Opinion No. 16 would be acceptable by the Commission as proper accounting only if interpreted as set forth in the release. The Commission has concluded that it would be desirable to ask for comments from all interested parties on the contents of the release. Among the questions about which the Commission invites comment is the extent to which treasury shares acquired prior to the date of Accounting Series Release No. 146 should be considered in determining the applicability of pooling-of-interests accounting. Comments should be submitted to the Chief Accountant of the Commission on or before November 15, 1973. All material submitted will be considered a matter of public record. Until these comments have been considered and the Commission has stated its views thereon, the Commission will accept filings from registrants using principles of accounting for business combinations in accordance with practices deemed acceptable by public accountants prior to Accounting Series Release No. 146.

TEXT OF ACCOUNTING SERIES RELEASE No. 146

EFFECT OF TREASURY STOCK TRANSACTIONS ON ACCOUNTING FOR BUSINESS COMBINATIONS

In August 1970 the Accounting Principles Board (APB) of the American Institute of Certified Public Accountants (AICPA) issued Opinion No. 16, "Business Combinations," which identifies certain conditions which must be present (or in some cases absent) if a business combination is to be accounted for as a pooling-of-interests. Two of these conditions, which are set forth in paragraphs 47-c and 47-d, include provisions related to the reacquisition of voting common stock within two years prior to initiation and between initiation and consummation of a business combination which is planned to be accounted for by the pooling-of-interests method. The Commission has observed that these provisions have been subject to varying interpretations in practice and has concluded that certain of these interpretations are not compatible with concepts underlying the Opinion. Accordingly, this release sets forth the Commission's conclusions as to certain problems relating to the effect of treasury stock transactions on accounting for business combinations.

When cash or other assets are used or liabilities are incurred to effect a business combination, APB Opinion No. 16 concludes that the combination should be accounted for as a purchase. This concept might be circumvented if cash or other assets were used or liabilities were incurred to reacquire common shares and common shares were then exchanged to consummate the combination. Therefore, for the pooling-of-interests method to apply, paragraph 47-c of the Opinion requires that "none of the combining companies changes the equity interest of the voting common stock in contemplation of effecting the combination either within two years before the plan of combination is initiated or between the dates the combination is initiated and consummated; * * *." Further, paragraph 47-d stipulates that "each of the combining companies [may reacquire] shares of voting common stock only for purposes other than business combinations * * *."

In some cases it is difficult to determine the purposes of treasury stock acquisitions. An AICPA Accounting interpretation of Opinion No. 16 (No. 20 issued September 1971) states: "In the absence of persuasive evidence to the contrary, however, it should be presumed that all acquisitions of treasury stock during the two years preceding the date a plan of combination is initiated (or from October 31, 1970 to the date of initiation if that period is less than two years) and between initiation and consummation were made in contemplation of effecting business combinations to be accounted for as a pooling-of-interests. Thus, lacking such evidence, this combination would be accounted for by the purchase method regardless of whether treasury stock or unissued shares or both are issued in the combination." The Commission believes that this presumption and conclusion should be followed.

In determining the purposes of treasury stock acquisitions, it is ordinarily appropriate to focus on the intended subsequent distribution of common shares rather than on the business reasons for acquiring treasury shares. For example, shares may be reacquired because management believes the company is over-capitalized or considers that "the price is right," but such reasons do not overcome the presumption that they were acquired in contemplation of effecting business combinations to be accounted for as poolings-of-interests. On the other hand, the presumption may be overcome when shares are acquired for a specific use unrelated to business combinations such as stock option or purchase plans or stock dividends, are associated with a combination accounted for as a purchase, or are acquired to resolve an existing contingent share agreement. However, the mere assertion that common shares are reacquired for such purposes, even where the assertion is formalized by action of the board of directors reserving the treasury shares, does not provide persuasive evidence that they were not reacquired in contemplation of pooling-of-interests combinations. If a resolution of the board of directors or other statement of intent were sufficient to provide persuasive contrary evidence, the restrictions on treasury stock acquisitions would be totally ineffective. Accordingly, while a board resolution made prior to acquisition of treasury shares may be useful evidence as to corporate intent, reference also must be made to the actual or probable issuance of shares for purposes unrelated to pooling-of-interests business combinations.

When treasury shares are acquired during a period beginning two years prior to initiation and ending at the date of consummation of a business combination to be accounted for as a pooling-of-interests (hereinafter referred to as the "restricted period") the issuance of an equivalent number of shares prior to the date of consummation would generally provide persuasive evidence that the treasury shares were not acquired in contemplation of the combination. The shares issued may be treasury shares or previously unissued shares since, with regard to the equity interests of the common shareholders, there is no substantive difference between the two. Thus, a company might "cure" a condition which would preclude pooling-of-interests accounting by selling common shares prior to consummation of the combination. The "cure" could not be effected by merely retiring treasury shares.

Paragraph 47-d of APB Opinion No. 16 includes the statement that "treasury stock acquired for purposes other than business combinations includes shares for stock option and compensation plans and other recurring distributions provided a systematic pattern of reacquisition is established at least two years before the plan of combination is initiated." Further, "a systematic pattern of reacquisitions may be established for less than two years if it coincides with the adoption of a new stock option or compensation plan." In AICPA Accounting Interpretation No. 20 of Opinion No. 16, no reference is made to a systematic pattern of reacquisition, and some accountants have asserted that this test has been effectively superseded. The Commission does not accept this assertion. Accordingly, the Commission concludes that treasury shares acquired in the restricted period for recurring distributions should be considered "tained" unless they are acquired in a systematic pattern of reacquisitions established at least two years before the plan of combination is initiated (or coincidentally with the adoption of a new stock option or compensation plan) and there is reasonable expectation that shares will be issued for such purposes.

A systematic pattern of reacquisitions might be domonstrated by the reacquisition of a specified number of shares in successive time periods, e.g., 1,000 shares per month. A systematic pattern might also be demonstrated where, pursuant to a formal reacquisition plan, shares are acquired based on specified criteria such as the market price of the stock and cash availability. The criteria of the reacquisition plan must be sufficiently explicit so that the pattern of reacquisitions may be objectively compared to the plan. Unanticipated interruptions caused by legal constraints on a company's ability to reacquire shares would not upset an otherwise systematic pattern of reacquisitions.

The determination of whether there is reasonable expectation that shares will be issued for the stated purposes of acquiring the shares is a matter of judgment. Generally, there would appear to be such reasonable expectation where the following circumstances exist at the time a reacquisition plan is adopted or shares are reacquired:

1. As to stock options plans, warrants or convertible securities, the quoted price of the common shares is not less than 75 percent of the exercise or conversion price.

2. As to stock purchase or bonus plans or stock dividends, either (a) shares are reacquired to fulfill existing commitments or dividends declared or (b) based on a pattern of issuing shares for such purposes in the prior two years, the shares are reacquired to fulfill anticipated requirements in the succeeding year.

A systematic pattern of reacquisitions test would not apply to treasury shares acquired for issuance in a specific "purchase" business combination or to resolve an existing contingent share agreement from a prior business combination, as these issuances would not be regarded as recurring distributions. Thus, shares acquired and reserved for these purposes at the date a pooling-of-interests business combination is consummated would not be regarded as "tainted" when, based on current negotiations, presently existing earnings levels or market price of shares, etc., there is reasonable expectation that shares will be issued for the stated purposes.

APB Opinion No. 16 does not discuss treasury share acquisitions subsequent to consummation of a business combination. In specific fact situations, subsequent reacquisitions may be so closely related to the prior combination that they should be considered part of the combination plan. Thus, significant reacquisitions closely following a combination which otherwise qualifies as a pooling-of-interests may invalidate the applicability of that method. Conversely, significant reacquisitions following a combination accounted for as a purchase might be associated with that purchase and would not adversely affect subsequent pooling combinations.

Because of the varying interpretations which have existed in practice, and the confusion which restated financial statements may cause to investors, the Commission has concluded that the accounting for business combinations which were completed prior to the issuance of this release should not be revised. The interpretation set forth herein should be applied to all subsequent business combinations even though shares issued in these combinations may have been reacquired prior to the date of this release.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 5, 1973.

[FR Doc.73-22126 Filed 10-16-73;8:45 am]

Title 21—Food and Drugs

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

PART 80—DEFINITIONS AND STANDARDS OF IDENTITY FOR FOOD FOR SPECIAL DIETARY USE

Dietary Supplements of Vitamins and Minerals

Correction

In FR Doc. 73-15706 appearing at page 20730 in the issue of Thursday, August 2, 1973, in paragraph 25 of the preamble, the section reading "§ 0.1 (i) and (l)", should read "§ 80.1 (i) and (l)".

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

AMPROLIUM, ETHOPABATE, BACITRACIN METHYLENE DISALICYLATE

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (36-304V) filed by Merck Sharp & Dohme Research Labs., Div. of Merck & Co., Inc., Rahway, NJ 07065, proposing the safe and effective use of amprolium, ethopabate, and bacitracin methylene disalicylate in chicken feed. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in § 121.210(c), Table 1, by adding a new subitem a under item 7.1 as follows:

§ 121.210 **Amprolium.**

* * * * *

(c) * * *

TABLE 1.—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
*	*	*	*	*	*
7.1***					
a. 7.1		Bacitracin	4	For broiler chickens; do not feed to laying chickens; as sole source of amprolium; not for use as a treatment for outbreaks of coccidiosis; as bacitracin methylene disalicylate as provided by Code No. 028 in § 135.501(c) of this chapter; feed as the sole ration from the time chickens are placed on litter until past the time when coccidiosis is ordinarily a hazard; approval for this combination granted to firm No. 023 as identified in § 135.501(c) of this chapter.	To aid in prevention of coccidiosis where severe exposure to coccidiosis from *E. acervulina, E. maxima, E. brunetti* is likely to occur; for increased rate of weight gain in broiler chickens raised in floor pens.
*	*	*	*	*	*

Effective date. This order shall be effective on October 15, 1973.

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

Dated October 5, 1973.

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

[FR Doc.73-21921 Filed 10-16-73;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1301—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

Methaqualone and Its Salts

A final order was published in the FEDERAL REGISTER on October 4, 1973, (38 FR 27516) placing methaqualone and its salts in Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91-513).

As a result of that order, the Drug Enforcement Administration has received an inquiry concerning the effective date of Schedule II prescription requirements for methaqualone.

Although the order clearly noted that except where otherwise specified, Public Health and Safety necessitated that all Schedule II controls and requirements, became "effective on October 4, 1973," it is the purpose of this supplemental publication to resolve any possible question as to the application to methaqualone of sec. 309(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Title 21, United States Code, sec. 829(a)) which states, in pertinent part, that "No prescription for a controlled substance in Schedule II may be refilled."

Therefore, in conformity with the order published in the FEDERAL REGISTER on October 4, 1973, (38 FR 27516) all prescriptions for methaqualone substances became subject to §§ 1306.01–1306.06 and §§ 1306.11–1306.15 of Title 21 of the Code of Federal Regulations on October 4, 1973.

Dated October 12, 1973.

JOHN R. BARTLES, Jr.,
Acting Administrator, Drug Enforcement Administration, U.S. Department of Justice.

[FR Doc.73-22223 Filed 10-16-73;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-229]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
California	Marin	Fairfax, Town of				Oct. 9, 1973, Emergency.
Michigan	Ottawa	Grand Haven, Township of.				Do.
Virginia	Northumberland	Unincorporated areas.				Do.
Do.	Shenandoah	Strasburg, Town of.				Do.

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

Issued October 3, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-22000 Filed 10-16-73;8:45 am]

[Docket No. FI-228]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Virginia	Roanoke	Unincorporated areas.				Oct. 11, 1973, Emergency.

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

Issued October 4, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-22001 Filed 10-16-73;8:45 am]

[Docket No. FI-227]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Illinois	Cook	Wilmette, Village of.				Oct. 9, 1973, Emergency.
Kansas	Marion	Marion, City of				Oct. 3, 1973, Emergency.

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

Issued October 3, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-22002 Filed 10-16-73;8:45 am]

[Docket No. FI-231]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Pennsylvania	Allegheny	Forest Hills, Borough of.	----------	----------	----------	Oct. 15, 1973. Emergency.
Texas	Montgomery	Unincorporated areas.	----------	----------	----------	Do.

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

Issued October 9, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-22022 Filed 10-16-73;8:45 am]

[Docket No. FI-226]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Colorado	Routt	Hayden, Town of	----------	----------	----------	Oct. 10, 1973. Emergency.
Do	do	Steamboat Springs, Town of.	----------	----------	----------	Do.
Louisiana	East Baton Rouge Parish.	Baker, City of	I 22 033 0100 02 I 22 033 0100 03	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	City Hall, Clerk's Office, P.O. Box 308, Baker, La. 70714.	Sept. 11, 1970. Emergency. Oct. 19, 1973. Regular.
New Jersey	Ocean	Manchester, Township of.	----------	----------	----------	Oct. 10, 1973. Emergency.

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

Issued October 3, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-22004 Filed 10-16-73;8:45 am]

[Docket No. FI-230]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in this republication of areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of this republication is to supplement a consolidated list of communities published on Jan. 8, 1973, at 38 FR 1001. This supplemental republication lists the special flood hazard areas in communities which have been suspended from the program. The practice of issuing proposed identifications for comment or of delaying effective dates could tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective upon publication in the FEDERAL REGISTER. Section 1915.3 is amended by adding in alphabetical sequence this entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Arkansas	Yell	Dardanelle, City of.	H 05 149 0080 01 H 05 149 0080 02	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor's Office, Arkansas Valley Bank Bldg., Dardanelle, Ark. 72834.	July 1, 1970.
Florida	Charlotte	Unincorporated areas.	H 12 015 0000 05 through H 12 015 0000 37	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Planning and Zoning Department, Charlotte Company Courthouse, Room 309, Punta Gorda, Fla. 33950.	Aug. 7, 1971.
Do.	do.	Punta Gorda, City of.	H 12 015 2620 04 through H 12 015 2620 06	do.	Office of the City Clerk, City Hall, 326 West Marion Ave., Punta Gorda, Fla. 33950.	Oct. 30, 1970.
Do.	Levy	Yankeetown, Town of.	H 12 075 3320 02	do.	Town Clerk's Office, Town of Yankeetown, Yankeetown, Fla. 32698.	Aug. 20, 1971.
Do.	Manatee	Unincorporated areas.	H 12 081 0000 03 through H 12 081 0000 33	do.	Planning and Zoning Department, Manatee Company, 212 6th Ave., East, Bradenton, Fla. 33505.	June 26, 1971.
Do.	do.	Bradenton Beach, City of.	H 12 081 0345 01	do.	City of Bradenton Beach, City Hall, 207 First St., North, Bradenton Beach, Fla. 33510.	July 1, 1970.
Do.	Monroe	Key West, City of.	H 12 087 1580 01	do.	Office of the City Manager, City of Key West, City Hall, Key West, Fla. 33040.	June 19, 1970.
Do.	do.	Layton, City of.	H 12 087 1837 01	do.	City Hall, City of Layton, U.S. Highway 1, Layton, Fla. 33001.	July 1, 1970.
Do.	Palm Beach	Lantana, Town of.	H 12 099 1760 01 through H 12 099 1760 01	do.	Lantana Town Hall, Greynolds Circle, Lantana, Fla. 33460.	Mar. 12, 1971.
Do.	do.	Manalapan, Town of.	H 12 099 1910 01 H 12 099 1910 02	do.	Town Office, Manalapan Club, Landes End Rd., Manalapan, Fla. 33462.	June 17, 1970.
Do.	do.	Tequesta, Village of.	H 12 099 2982 03 H 12 099 2982 04	do.	Office of the Village Manager, Village Hall, 357 Tequesta Dr., Tequesta, Fla. 33458.	June 18, 1971.
Do.	Pinellas	Indian Rocks Beach, City of.	H 12 103 1479 01	do.	City Hall, City of Indian Rocks Beach, 1507 Bay Palm Blvd., Indian Rocks Beach, Fla. 33535.	July 18, 1970.
Do.	do.	Oldsmar, City of.	H 12 103 2310 08 through H 12 103 2310 10	do.	Office of the Mayor, Oldsmar, Fla. 33557.	May 21, 1971.
Do.	do.	Tarpon Springs, City of.	H 12 103 2960 02	do.	City Manager's Office, P.O. Box 715, Tarpon Springs, Fla. 33589.	May 14, 1971.
Do.	Sarasota	Sarasota, City of.	H 12 115 2780 05 through H 12 115 2780 08	do.	Office of the City Clerk and Auditor, 1565 1st St., Sarasota, Fla. 33578.	July 31, 1971.
Mississippi	Forrest and Lamar.	Hattiesburg, City of.	H 28 035 1050 01	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 940 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Office of the City Clerk, City Hall, Hattiesburg, Miss. 39402.	Mar. 31, 1970.
Texas	Calhoun	Port Lavaca, City of.	H 48 057 5460 05 through H 48 057 5460 12	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Office of the City Secretary, City Hall, Fulton St., Port Lavaca, Tex. 77979.	Aug. 27, 1971.
Do.	do.	Seadrift, City of.	H 48 057 6250 01 H 48 057 6250 02	do.	City Hall, P.O. Box 443, Seadrift, Tex. 77979.	Dec. 4, 1970.
Do.	Kleberg	Unincorporated areas.	H 48 273 0000 03 through H 48 273 0000 10	do.	Office of the County Judge, Kleberg County Courthouse, Kingsville, Tex. 78363.	Aug. 17, 1971.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Do.	do.	Kingsville, City of.	H 48 273 3700 04 through H 48 273 3700 06	do.	Office of the City Secretary, Box 1458, City Hall, 6th St., Kingsville, Texas 78363.	Feb. 26, 1971.
Do.	Montgomery	Pinehurst, City of.	H 48 339 5357 02	do.	Office of the City Tax Assessor-Collector, Johnson's Butane, 1627 West Strickland Dr., Orange, Tex. 77630.	July 2, 1971.
Do.	Nueces	Agua Dulce, City of.	H 48 355 0040 02	do.	Office of the City Secretary, Nueces County Bldg., 1514 2d St., Agua Dulce, Tex. 78330.	Mar. 27, 1971.
Do.	Orange	Unincorporated areas.	H 48 361 0000 02 through H 48 361 0000 12	do.	Office of the County Engineer, Room 107, Courthouse, Orange, Tex. 77630.	May 14, 1971.
Virginia		Chesapeake, City of.	H 51 550 0468 01 through H 51 055 0468 11	Bureau of Water Control Management, State Water Control Board, 2d Floor Davenport Bldg., 11 South 10th St., Richmond, Va. 23219. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Department of Planning, Public Service Bldg., 300 Cedar Rd., Chesapeake, Va. 23320.	July 18, 1970.

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

Issued October 9, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-21999 Filed 10-16-73;8:45 am]

[Docket No. FI-227]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

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

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
•	•	•	•	•	•	•
Louisiana	East Baton Rouge Parish.	Baker, City of	H 22 033 0100 02 H 22 033 0100 03	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	City Hall, Clerk's Office, P.O. Box 308, Baker, La. 70714.	Sept. 9, 1970, and Oct. 19, 1973.
Pennsylvania	York	East Manchester, Township of.	H 42 133 2244 01 through H 42 133 2244 09	Department of Community Affairs, Commonwealth of Pa., Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	East Manchester Township Municipal Bldg., Rural Delivery No. 1, Mount Wolf, Pa. 17347.	Oct. 19, 1973

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

Issued October 3, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-22003 Filed 10-16-73;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; FOSTER GRANDPARENT PROGRAM; OLDER AMERICANS COMMUNITY SERVICE PROGRAMS

On page 22986 of the FEDERAL REGISTER of August 28, 1973, there was published a notice of proposed regulatory development to amend §§ 3.261 and 3.262 to exclude compensation under the Foster Grandparent Program and Older Americans Community Services Programs from computation as income of the recipient in determining entitlement to pension, compensation, or dependency and indemnity compensation payable by the Veterans Administration. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

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

Effective date. These VA Regulations are effective May 3, 1973.

Approved October 10, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

1. In § 3.261(a), subparagraph (33) is added 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:*					
* * * * * * *					
(33) Foster Grandparent Program and Older Americans Community Services Programs payments (Public Law 93-29).	Excluded.....	Excluded.....	Excluded.....	Excluded.....	§ 3.262(q).
* * * * * * *					

2. In § 3.262, paragraph (q) is added to read as follows:

§ 3.262 Evaluation of income.

* * * * *

(q) *Payments Under Foster Grandparent Program and Older Americans Community Service Programs.*—Effective May 3, 1973, compensation received under the Foster Grandparent Program and Older Americans Community Service Programs (42 U.S.C. 3044b) will be excluded from income in claims for compensation, pension and dependency and indemnity compensation. (Pub. L. 93-29; 87 Stat. 55)

[FR Doc.73-22131 Filed 10-16-73;8:45 am]

PART 3—ADJUDICATION

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

INCOME AND NET WORTH; FAILURE TO RETURN QUESTIONNAIRE

On page 22650 of the FEDERAL REGISTER of August 23, 1973, there was published a notice of proposed regulatory development to amend § 3.661 relating to discontinuance of awards of pension or dependency and indemnity compensation because of the claimant's failure to complete and return the annual income questionnaire. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

No written comments have been received and the proposed regulation is hereby adopted without change and is set forth below.

Effective date. This VA Regulation is effective October 10, 1973.

Approved October 10, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

In § 3.661, paragraph (b) is amended to read as follows:

§ 3.661 Income and net worth questionnaires.

* * * * *

(b) *Failure to return questionnaire*—(1) *Discontinuance.*—Discontinuance of pension or dependency and indemnity compensation will be effective the last day of the year for which the actual income received or net worth was to be reported.

(2) *Resumption of benefits.*—Payment may be made, if otherwise in order, from the date of last payment if evidence of entitlement is received within 1 year from the date of termination of payments; otherwise benefits may not be paid for any period prior to date of receipt of the new claim.

[FR Doc.73-22132 Filed 10-16-73;8:45 am]

PART 3—ADJUDICATION

Subpart A—Pension Compensation, and Dependency and Indemnity Compensation

RUSSIAN RAILWAY SERVICE CORPS

A judgment in the case of Harry L. Hoskins et al. V. Stanley Resor, Secretary of the Army, in the United States District Court for the District of Columbia, dated March 30, 1971, held that members of the Russian Railway Service Corps were members of the Army of the United States during World War I. It was further held that these persons are entitled to honorable discharges and the rights appertaining thereto. This judgment was affirmed by the United States Court of Appeals for the District of Columbia Circuit and is now final. The Administrator of Veterans' Affairs promulgates a regulatory change to reflect that this judgment provides veteran status and benefits for the former members of the Corps with survivor benefits for their dependents. This change amends Part 3, Title 38, Code of Federal Regulations as set forth below.

It is found unnecessary to give preliminary notice and postpone the effective date until 30 days after publication thereof in the FEDERAL REGISTER (§ 1.12 of this chapter) because the regulatory change is ministerial in nature and not subject to exercise of discretion.

1. In § 3.7, paragraph (w) is added to read as follows:

§ 3.7 Persons included.

The following are included:

* * * * *

(w) *Russian Railway Service Corps.* Service during World War I as certified by the Secretary of the Army.

2. The cross reference immediately following § 3.7 is changed to read as follows:

CROSS REFERENCE: Office of Federal Employees' Compensation. See § 3.708.

This VA Regulation is effective October 10, 1973.

Approved October 10, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.73-22133 Filed 10-16-73;8:45 am]

PART 17—MEDICAL

State Home Facilities for Furnishing Nursing Home Care

Section 403, Pub. Law 93-72 (87 Stat. 179) amended section 5034(1), title 38, United States Code, to provide that the number of beds per thousand war veteran population which are required to provide adequate nursing home care be increased from one and one-half to two and one-half. Therefore, Appendix A is revised to establish the maximum number of beds allowed by 38 U.S.C. 5034(1) as amended by Public Law 93-82 to provide adequate nursing home care to war veterans residing in each State.

Compliance with the provisions of § 1.12, Title 38, Code of Federal Regulations, as to notice of proposed regulatory development, is unnecessary in this instance and would serve no useful purpose. This amendment merely adjusts the bed quotas in each State to reflect the increase in maximum number of beds authorized by Public Law 93-82.

Immediately following § 17.176, Appendix A is revised to read as follows:

APPENDIX A

(See § 17.171)

STATE HOME FACILITIES FOR FURNISHING NURSING HOME CARE

The maximum number of beds, as required by 38 U.S.C. 5034(1), to provide adequate nursing home care to war veterans residing in each State is established as follows:

State	War veteran population [1]	Number of beds
Alabama	372,000	930
Alaska	36,000	90
Arizona	241,000	602
Arkansas	222,000	555
California	2,846,000	7,115
Colorado	294,000	735
Connecticut	411,000	1,027
Delaware	70,000	175
District of Columbia	98,000	245
Florida	988,000	2,470
Georgia	517,000	1,292
Hawaii	79,000	197
Idaho	86,000	215
Illinois	1,393,000	3,482
Indiana	634,000	1,585
Iowa	329,000	822
Kansas	275,000	687
Kentucky	353,000	882
Louisiana	395,000	987
Maine	125,000	312
Maryland	538,000	1,345
Massachusetts	777,000	1,942
Michigan	1,052,000	2,630
Minnesota	478,000	1,195
Mississippi	214,000	535
Missouri	604,000	1,510
Montana	89,000	222
Nebraska	171,000	427
Nevada	77,000	192
New Hampshire	104,000	260
New Jersey	976,000	2,440
New Mexico	120,000	300
New York	2,258,000	5,645
North Carolina	532,000	1,330
North Dakota	58,000	145
Ohio	1,347,000	3,367
Oklahoma	334,000	835
Oregon	307,000	767
Pennsylvania	1,573,000	3,932
Rhode Island	130,000	325
South Carolina	271,000	677
South Dakota	71,000	177
Tennessee	456,000	1,140
Texas	1,362,000	3,405
Utah	125,000	312
Vermont	54,000	135
Virginia	556,000	1,390
Washington	488,000	1,220
West Virginia	209,000	522
Wisconsin	510,000	1,275
Wyoming	44,000	110
Puerto Rico (Commonwealth)	130,000	325

[1] Data as of December 31, 1972.

SOURCE: Reports and Statistics Service, Office of the VA Controller. (Based on last available Bureau of the Census data.)

(72 Stat. 1114; 38 U.S.C. 210.)

This VA Regulation is effective September 1, 1973.

Approved October 10, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.73-21990 Filed 10-16-73;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 31; Docket No. 73-48]

PART 542—FINANCIAL RESPONSIBILITY FOR REMOVAL OF OIL AND HAZARDOUS SUBSTANCES

On October 18, 1972, Congress enacted the Federal Water Pollution Control Act Amendments of 1972. Section 311(p) of this new legislation amends the previous oil pollution financial responsibility requirements of section 11(p) of the Federal Water Pollution Control Act (hereinafter called the Act): (1) To include, in addition to the liability for the cost of removal of oil, the liability for the cost of removing hazardous substances; (2) to provide a fine of not more than $10,000 for any owner or operator of a vessel who fails to comply with the financial responsibility requirements of the Act or any regulation issued thereunder; (3) to authorize the Secretary of the Treasury to refuse clearance to a vessel which does not have evidence that the financial responsibility requirements have been complied with; and (4) to authorize the Secretary of the Department in which the Coast Guard is operating to deny entry to and detain any vessel, which upon request, does not produce evidence that the financial responsibility provisions have been complied with.

On August 3, 1973, the President issued Executive Order No. 11735 delegating to the Federal Maritime Commission the responsibility, including issuance of the necessary implementing regulations, to carry out the provisions of subsections 311(p)(1) and 311(p)(2) of the Act.

By notice of proposed rulemaking published in the FEDERAL REGISTER on August 14, 1973 (38 FR 21941-21946), the Commission served notice that it intended to promulgate certain rules and regulations to implement the provisions and to accomplish the purpose of the aforementioned statutory provisions. Comments were received from nine (9) interested parties. The Commission has carefully considered the position of the commentators, and the final rules promulgated herein have been drafted with those comments and arguments in mind.

The proposed rules in most instances follow the wording of the Commission's General Order 27 (35 FR 15216) which concerns liability only for oil pollution. In every instance each reference to the previous sec. 11 of the Act has been changed to sec. 311 of the Federal Water Pollution Control Act, as amended, and all reference to the removal of "oil" has been changed to include "hazardous substances." In addition, for the reason discussed under § 542.1 below, all reference to "* * * liability for the discharge * * *" has been changed to "liability for the removal of * * *" In some instances minor changes in the wording have been made for the purposes of clarity and readability. Since these changes are not substantive they are not discussed in this analysis.

With respect to vessels, new secs. 311(f) and 311(g), of the Act impose similar liabilities for removal costs on not only owners or operators of vessels actually discharging oil or hazardous substances, but also on those "third party" owners or operators of vessels which cause the discharge of oil or hazardous substances from other vessels. So that there will be no dispute as to what liabilities are covered by the proposed rules and the evidence of financial responsibility forms incorporated therein by reference, the proposed rules and forms have been written to include the liabilities imposed by sec. 311(g) on "third party" owners or operators as well as the liabilities imposed by sec. 311(f) on owners or operators of vessels actually discharging oil or hazardous substances.

Virtually all of the commentators opposed implementation of the new regulations on October 18, 1973, as would be required by the proposed rules. They state that subsec. 311(b)(2) of the Act requires the Administrator of the Environmental Protection Agency (EPA) to issue rules listing the proscribed "hazardous substances" and defining what would constitute a "harmful quantity" of such substances. To date, the EPA has not published its proposed rules for formulation of such a list.

The commentators submit that before shipowners or operators will be able to apply for the appropriate certificates, it is essential that the "hazardous substances" to be covered by the rules should be specifically identified. In the absence of such identification, the nature and extent of the risk to be insured will not be known. It is therefore requested that the period by which applications must be filed for certificates of financial responsibility under the new rules be extended until after such time as the EPA has identified the substances in question.

The Commission is aware of the delay by the EPA in formulation and publication of its final "hazardous substance" list. Information obtained from the EPA indicates that the commentators' contentions as to the delay in publication of the final list are true.

The Act, however, specifically requires that liability for removal of hazardous substances attaches one year from the date of enactment, specifically October 18, 1937. However, equity and common sense dictate that the commentators' contention must be upheld—liability for removal of hazardous substances can in fact attach only when hazardous substances have been identified.

We have, therefore, included in our revised rule a new paragraph (u) in § 542.2 under the heading "Definitions", to wit:

* * * * *

(u) "Effective date" means the effective date of this Part 542, which shall be the date a list of hazardous substances, as designated by the Administrator of the Environmental Protection Agency pursuant to section 311(b)(2) of the Act becomes effective.

* * * * *

In addition, all references to the October 18, 1973, requirement for compliance with the provisions of this rule have been deleted from the revised rule, and the phrase "effective date" (as defined above) has been inserted in lieu thereof.

Only those sections to which comments were directly addressed or where significant amendments were made will be discussed below.

Section 542.1 Scope. This section has been amended where necessary to include the liability for removal of hazardous substances as well as oil and to change all references to section 11 of the Water

Quality Improvement Act of 1970 to section 311.

The last full sentence under this section has been omitted as it is no longer necessary because of the new definition under § 542.2(u) for "effective date".

Section 542.2 Definitions. Paragraphs (s) and (t) have been added to include the definitions of the terms "remove or removal" and "hazardous substances." These definitions are self-explanatory and taken from the Act itself.

As noted above, a new paragraph (u) has been added to include the definition of the term "effective date".

No commentators presented arguments in opposition to the provisions of this section. The changes regarding the definition of "effective date" are necessary to insure an orderly implementation of the provisions of the Act.

Section 542.4 Procedure for establishing financial responsibility. No significant changes were made other than the addition of "and San Juan, Puerto Rico" at the end of paragraph (a), which was inadvertently omitted from the list of Commission field offices. No comments were addressed to this specific section.

Section 542.5 Methods of establishing financial responsibility, forms and requirements. Section 542.5(a)(1) contains the Commission's "uniform endorsement" which is required to be included in all insurance policies and cover notes. This endorsement was contained in the original publication of General Order 27, but at the request of interested parties was changed several times by amendment to the rules to make clearer the Commission's intent and to more closely relate the language of the rules to the language of the enabling Act. Since some endorsements had already been filed with the Commission in the original wording, to avoid placing an undue burden on insurers and applicants the Commission prescribed in each of the amendments that the use of the new wording would be permissive at the discretion of the insurer or applicant. Since the endorsement must again be amended in these proposed rules to conform to the amendment to the enabling Act, all existing endorsements must be refiled and therefore there is no longer a need to provide for the permissive use of the alternative wording. Accordingly, all reference to such permissiveness has been deleted.

The substance of the uniform endorsement is included in the Commission's current insurance, bond, and guaranty form, and § 542.5(b) as previously worded also provided for the use of alternative language. For the reasons set forth above this permissiveness is no longer necessary and, therefore, such provisions are deleted from new § 542.5(b).

All comments which mentioned this section did so merely in the context of requesting additional time for compliance with the new rules, or were without sufficient merit to warrant discussion herein.

Section 542.9 Fees. Section 542.9(d) pertaining to application fees is changed to note that in accordance with new § 542.11(a) applicants for new Certificates under these rules who hold a Certificate issued under General Order 27, need not file a new $100 application fee, if application for the new Certificate is made prior to the effective date of this part.

All specific comments relating to the requirements for payment of new certification fees by previous certificate holders as required by new § 542.11(a) will be discussed under that section heading. No additional comments were received relative to this section.

Section 542.10 Enforcement. New § 542.10 is added to provide, in statutory language, the enforcement provisions added by the 1972 amendments to the Act. No comments were received relative to this section.

Section 542.11 Conversions. A new § 542.11 was proposed to provide for the filing of applications by persons who presently hold Certificates issued under the existing rules, i.e., General Order 27. This section provides for the filing of new applications by the owners and operators of the approximately 20,000 vessels presently certified for oil pollution responsibility pursuant to the provisions of General Order 27. Each of these owners and operators will be required to file new applications and new evidence of financial responsibility in order to comply with the 1972 amendments to the Act.

In order to accomplish the issuance of the new Certificates in an orderly manner, the new § 542.11 provides that those owners and operators presently holding valid oil pollution Certificates must file acceptable applications and evidence of financial responsibility prior to the effective date of this part. Upon such a filing the existing Oil Pollution Certificates held by such owners and operators will be deemed to be evidence of compliance with the new requirements until the new Certificates can be issued. Those owners and operators who do not make an acceptable filing within the time limit will be so notified and be required to return their oil pollution Certificates. According to this new section, upon failure to make a timely filing or upon issuance of a new Certificate the previously existing Certificate will become null and void.

Forms similar to the previous forms contained in General Order 27 are appended to these new rules and incorporated therein by reference. The wording of each of the forms has been changed to include, in addition to oil, the liability for removal of hazardous substances, and to conform to the rules herein.

Three comments were specifically addressed to this section, two of which offered their own revised language for this section. Basically the Commentators seek to insure that they would not be required to meet the October 18, 1973, deadline as set forth in the proposed rules (discussed and resolved previously), that new certification fees would not be required for issuance of new certificates to those already holding valid Oil Pollution Certificates, and that instead of filing the new application Form FMC-321 in accordance with § 542.4, that the Commission should merely issue an amended attachment to the current Form FMC-224 for the additional information needed to conform to the new rule.

Two commentators suggest that some method be devised where only those vessels which actually carry hazardous substances would be required to be certified as such, and thus insured as such. They further suggest that "blanket coverage" requirements be eliminated, and that Certificates be issued which would permit carriage of only specified hazardous substances applied for by the particular owner or operator in accordance with its particular requirements.

With regard to the requirement for new certification fees for those currently holding valid Oil Pollution Certificates under General Order 27, we state that the new service rendered by the Commission is one that is required by statute. The Commission is not only justified, but is required by law, to recover the costs of processing these new Certificates. There is no alternative but to require the payment of the certification fee where new Certificates are issued under new additional statutory requirements.

The decision to require entirely new application forms under these new rules was based upon the fact that the "old" application forms are geared, technically and legally, only to pollution by oil. In addition, the Commission staff is embarking on a new program of computerization of its water pollution financial responsibility operations. It is imperative that all information compiled for use by the computers be submitted in an up to date and uniform fashion.

As to the contention that the new Certificates be specifically tailored to the type of substance carried by a particular vessel, the Commission is not empowered by the Act to issue individual certificates for specifically named hazardous substances, nor would it be physically possible to do so. Similarly, the Commission has no authority to waive the requirements of the Act for those ships not qualified to be insured for carriage of certain hazardous substances. The statute is clear—all vessels not specifically exempted are required to evidence financial responsibility for removal of both oil and each and every hazardous substance so designated by the EPA.

Section 542.11 has been revised throughout in order to comply with the definition for "effective date" as set forth in § 542.2(u) in lieu of reference to October 18, 1973.

This rulemaking proceeding is not a major federal action significantly affecting the quality of the human environment within the meaning of National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.). Furthermore, the effect of implementation of these rules serves to benefit the overall environment, and thus the issuance of an environmental impact statement is not required in the certification procedures adopted.

Therefore, pursuant to subsections 311(p)(1) and 311(p)(2) of the Federal Water Pollution Control Act (86 Stat. 870) and section 3 of Executive Order 11735, Part 542 of Title 46 CFR is hereby revised to read as follows:

PART 542—FINANCIAL RESPONSIBILITY FOR REMOVAL OF OIL AND HAZARDOUS SUBSTANCES

Sec.
542.1 Scope.
542.2 Definitions.
542.3 Proof of financial responsibility, when required.
542.4 Procedure for establishing financial responsibility.
542.5 Methods of establishing financial responsibility; forms and requirements.
542.6 Issuance of Certificate of Financial Responsibility.
542.7 Denial, revocation, suspension, or modification of a Certificate.
542.8 Notice.
542.9 Fees.
542.10 Enforcement.
542.11 Conversions.

AUTHORITY: The provisions of this Part 542 issued under secs. 311(p)(1) and 311(p)(2) of the Federal Water Pollution Control Act, as amended (86 Stat. 870) and sec. 3 of Executive Order 11735. Upon the effective date, this Part 542 (General Order 31) shall supersede the regulations contained in General Order 27, issued September 30, 1970 (35 FR 15216).

§ 542.1 Scope.

The regulations contained in this part set forth the procedures whereby the owner or operator of every vessel over 300 gross tons, including any barge of equivalent size, but not including any barge that is not self-propelled and that does not carry oil or hazardous substances as cargo or fuel, using any port or place in the United States or the navigable waters of the United States for any purposes on or after the effective date of these rules, shall establish and maintain evidence of financial responsibility of $100 per gross ton, or $14 million, whichever is the lesser, to meet the liability to the United States to which any such vessel could be subjected pursuant to section 311, Federal Water Pollution Control Act, as amended, for the removal of oil or hazardous substances from the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone. Included also are the qualifications required by the Commission for issuance of Certificates and the basis for the denial, revocation, modification, or suspension of such Certificates.

§ 542.2 Definitions.

As used in this part, the following terms shall have the meanings indicated:

(a) "Act" means the Federal Water Pollution Control Act, as amended.

(b) "Commission" means Federal Maritime Commission.

(c) "Applicant" means any owner or operator, including a potential owner or operator, who has applied for a Certificate.

(d) "Certificant" means any person who has been issued, and holds, a Certificate.

(e) "Certificate" means a Certificate of Financial Responsibility (Pollution).

(f) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(g) "Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

(h) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.

(i) "Person" includes an individual, government, firm, corporation, association, or a partnership.

(j) "Owner" means any person owning a vessel. In a case where a certificate of registry has been issued, the owner shall be deemed to be the person or persons whose name or names appear upon the vessel's certificate of registry; provided, however, that where a certificate of registry has been issued in the name of the President or Secretary of an incorporated company pursuant to 46 U.S.C. 15, such incorporated company will be deemed to be the "owner".

(k) "Operator" means a bare-boat charterer or any other person except the owner, responsible for a vessel's operation and who mans, victuals, and supplies the vessel.

(l) "Insurer" means one or more insurance companies, underwriters, corporations or associations of underwriters, shipowners' protection and indemnity associations, or other persons acceptable to the Commission.

(m) "Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

(n) "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(o) "Contiguous zone" means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

(p) "Navigable waters of the United States" include the coastal territorial waters of the United States, the inland waters of the United States including the United States portion of the Great Lakes and the St. Lawrence Seaway, and the Panama Canal.

(q) "Cargo" includes both proprietary and non-proprietary cargo.

(r) "Fuel" means any oil or hazardous substance used or capable of being used to produce heat or power by burning.

(s) "Remove" or "removal" means the removal of oil or hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches.

(t) "Hazardous substance" means any substance designated as such by the Administrator of the Environmental Protection Agency pursuant to sec. 311(b)(2) of the Federal Water Pollution Control Act, as amended.

(u) "Effective date" means the effective date of this Part 542, which shall be the date a list of hazardous substances, as designated by the Administrator of the Environmental Protection Agency pursuant to section 311(b)(2) of the act, becomes effective.

§ 542.3 Proof of financial responsibility, when required.

(a) No vessel over 300 gross tons, including any barge of equivalent size, but not including any barge that is not self-propelled and that does not carry oil or hazardous substance as cargo or fuel, shall use any port or place in the United States or the navigable waters of the United States, on or after the effective date of these rules, for any purpose unless a Certificate has been issued covering such vessel.

(b) Vessels subject to the provisions of this part shall be presumed to be of the gross tonnage denoted in their certificates of registry or other marine documents acceptable to the Commission; provided, however, that if such a vessel has more than one gross tonnage, the higher one will apply.

§ 542.4 Procedure for establishing financial responsibility.

(a) Either owners or operators of vessels subject to § 542.3 must file an application on Form FMC–321 for a Certificate of Financial Responsibility (Pollution).[1] Persons who intend to become an owner or operator within the meaning of this part at a future date may file an application for a Certificate. Copies of Form FMC–321 may be obtained from the Secretary, Federal Maritime Commission, Washington, D.C. 20573, or at the Commission's offices at New York, New York; New Orleans, Louisiana; San Francisco, California, and San Juan, Puerto Rico.

(b) An applicant desiring to obtain a Certificate should file a completed application Form FMC–321 at least 45 days in advance of any of its vessels using any port or place in, or the navigable waters of, the United States. Applications will be processed in order of receipt. Requests for special consideration in the processing of an application, however, will be granted where applications involve bareboat charters or unusual situations, if good cause is shown by the applicant. All applications, evidence, documents, and other statements required to be filed with the Commission shall be in English, and any monetary terms shall be expressed in terms of U.S. currency. The Commission shall have the privilege of verifying any statements made or evidence submitted under the rules of this part.

(c) The application shall be signed by a duly authorized officer or representative of the applicant and, except in the case of a corporate officer when his title appears in the application or in the case of an individual owner or operator, be submitted with a copy of evidence of his authority. In the event of any nonmaterial change in the facts as reflected in

[1] All forms referred to in this part are filed as part of the original document.

the application, the applicant or certificant shall notify the Commission in writing no later than fifteen (15) working days following such change. For the purpose of this part, a nonmaterial change shall be one which does not result in an increase in the amount of financial responsibility necessary to qualify for a Certificate under the provisions of this part. In addition, if for any reason including a vessel's demise, sale, or transfer to an operator, a certificant ceases to be responsible for liabilities to which such vessel could be subjected under section 311 of the Act, the certificant shall follow the procedure set forth in § 542.6(b).

(d) Each applicant, insurer, surety, and guarantor shall furnish a written designation of a person in the United States as legal agent for service of process for the purposes of the rules of this part. Such designation must be acknowledged, in writing, by the designee. In any instance in which the designated agent cannot be served because of his death, disability, or unavailability, the Secretary, Federal Maritime Commission, will be deemed to be the agent for service of process. When serving the Secretary in accordance with the above provision, the U.S. Government must also serve the certificant, insurer, surety, or guarantor, as the case may be, by registered mail at its last known address on file with the Commission.

§ 542.5 Methods of establishing financial responsibility; forms and requirements.

(a) Every applicant must establish acceptable evidence of financial responsibility to meet his liability to the United States under the Act in the amount of $100 per gross ton, or $14 million, whichever is the lesser: *Provided, however,* That, if an applicant is, or for purposes of the rules of this part becomes, responsible for more than one vessel subject to this part, financial responsibility need only be established in an amount necessary to meet the maximum liability to which the largest vessel of such vessels (fleet) could be subjected. Evidence of such responsibility may be established by any one, or any combination, of the following methods:

(1) Filing with the Commission on insurance Form FMC–322 evidence of insurance issued by an acceptable insurer or insurance broker; or, in the alternatives, a signed copy of an acceptable cover note or signed copy of an acceptable insurance policy. When a cover note is submitted, the underlying insurance policy must be provided to the Commission as soon as possible. A deductible provision in any policy of insurance or cover note, except where the insurer agrees to be liable to the United States for the full amount of the deductible, will be unacceptable unless the applicant evidences supplemental coverage for the amount of the deductible by means of other acceptable insurance, surety bond, guaranty or self-insurance. If a policy of insurance or cover note is submitted, it must include the following uniform endorsement:

Any other provisions of this policy (or the policy evidenced by this cover note) notwithstanding: (1) Said policy insures any liability the assured may incur to the United States under sections 311 (f) and (g) of the Federal Water Pollution Control Act, as amended: provided, however, that the insurer's liability to the United States or to the assured in any event shall not exceed $100 per gross ton of the tonnage of the vessel in respect of which a claim may be made, or $14 million, whichever is the lesser, subject to any deductible as specifically set forth in Clause or Article — of said policy (or in this cover note); (2) the Insurer agrees that any claims incurred under the aforementioned sections 311 (f) and (g) may be brought directly against the Insurer, provided that where a claim is brought directly against the Insurer, the Insurer shall be entitled to invoke all rights and defenses, as set forth in section 311(f)(1) of the Federal Water Pollution Control Act, as amended, which would have been available to the assured if the action had been brought against said assured by the U.S. Government, and shall also be entitled to invoke all rights and defenses which would have been available to the Insurer if the action had been brought against him by the assured; and (3) termination or cancellation of said insurance including expiration by its terms, insofar as it relates to the assured's liability under section 311 of the Federal Water Pollution Control Act, as amended, shall not be effected until notice in writing has been given by the Insurer to the assured and to the Secretary of the Federal Maritime Commission at its office in Washington, D.C., and until after 30 days expire from the date such notice is actually received by the Commission, unless substitute evidence of financial responsibility already has been accepted by the Commission; provided, however, the Insurer shall remain liable for claims covered by said insurance arising by virtue of an event which had occurred prior to the effective date of such termination or cancellation.

(2) Filing with the Commission a surety bond on Form FMC–324 issued by a bonding company authorized to do business in the United States and acceptable to the Commission. Such surety bond shall evidence coverage for liability to the United States, in the amount specified in paragraph (a) of this section, to which a vessel could be subjected for the removal of oil or hazardous substances from the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone.

(3) Filing with the Commission for qualification as a self-insurer. Any such self-insurer must demonstrate financial responsibility by maintenance in the United States of working capital and net worth each in an amount calculated as in paragraph (a) of this section; *Provided, however,* That the Commission for good cause shown may waive the requirement as to the amount of working capital. With respect to the maintenance of working capital and/or net worth, the Commission may take into consideration all current contractual requirements to which the applicant is bound. This evidence of financial responsibility shall be supported by, and subject to, the following, which are to be submitted with the initial application and on a continuing fiscal year basis while the Certificate is in effect:

(i) A current semiannual balance sheet; *Provided, however,* the Commission for good cause shown may require only an annual balance sheet;

(ii) A current semiannual statement of income and surplus; *Provided, however,* the Commission for good cause shown may require only an annual statement of income and surplus;

(iii) An annual current balance sheet and an annual current statement of income and surplus to be certified by appropriate certified public accountants;

(iv) An annual current credit rating report by Dun & Bradstreet or any similar concern found acceptable to the Commission;

(v) All finanical statements required to be submitted under paragraph (a)(3) of this section shall be due within 120 days after the close of each of the aforementioned pertinent accounting periods; provided that if such financial statements have been furnished to other United States Government agencies, a copy thereof may be submitted;

(vi) Such additional financial information as the Commission may deem necessary in appropriate cases;

(vii) Upon request the Commission may grant reasonable extensions of the time limits provided by this subparagraph for filing the statements required by this part: *Provided,* That the request is received 15 days before the statements are due and provided further that such request sets forth good and sufficient reasons to justify the extension requested. In no event, however, will the Commission entertain requests for extensions of more than 60 days.

(4) Filing with the Commission a guaranty on Form FMC–325 by a guarantor acceptable to the Commission. Any such guaranty shall be in an amount calculated as in paragraph (a) of this section. An acceptable guarantor must comply with the provisions of paragraph (a)(3) of this paragraph, relating to self-insurers, except that the amount of net worth and working capital required to be demonstrated by such guarantor shall not be less than the aggregate amount of guarantees underwritten. As in the case of self-insurers, the Commission for good cause shown may waive the requirement as to the amount of working capital.

(5) Filing with the Commission on insurance Form FMC–323 evidence of insurance, issued by an acceptable insurer or insurance broker for purposes of obtaining a master Certificate as provided in § 542.6(d).

(6) Filing with the Commission a guaranty on Form FMC–326 issued by a guarantor acceptable to the Commission, for the purpose of obtaining a master Certificate as provided in § 542.6(d). An acceptable guarantor is defined in paragraph (a)(4).

(7) Filing with the Commission such other evidence of financial responsibility as the Commission shall, in its discretion, deem proper and acceptable: provided, however that such other evidence of financial responsibility shall in no way constitute an alteration or modification of the methods of establishing financial

responsibility prescribed in this paragraph (a).

(b) The Commission's application Form FMC–321, insurance Forms FMC–322 and FMC–323, surety bond Form FMC–324, and guaranty Forms FMC–325 and FMC–326, as set forth in and appended to this part, are hereby incorporated into the rules of this part.

(c) Any evidence of financial responsibility filed pursuant to the provisions of this part shall not prohibit the institution of claims for costs incurred by a vessel under the provisions of sec. 311 of the Act directly against the insurer or other person providing the evidence of financial responsibility required by this part. In the event, however, of any such claim brought directly against the insurer or other person providing the evidence of financial responsibility, such insurer or other person shall be entitled to invoke all rights and defenses, as set forth in sec. 311(f)(1) of the act, which would have been available to the owner or operator if the action had been brought against said owner or operator by the U.S. Government, and shall also be entitled to invoke all rights and defenses which would have been available to such insurer or other person if the action had been brought against him by said owner or operator.

(d) Any financial evidence submitted to the Commission under the rules of this part shall set forth in full the correct name of the person to whom the Certificate is to be issued.

(e) If any evidence filed with the application does not comply with the requirements of this part, or for any reason fails to provide adequate or satisfactory protection to the United States, the Commission will notify the applicant stating the deficiencies thereof.

(f) Financial data filed in connection with the rules of this part shall be confidential except in instances where such information becomes relevant in connection with hearings conducted pursuant to § 542.7.

§ 542.6 Issuance of Certificate of Financial Responsibility.

(a) Except as set forth in paragraph (d) of this section, where evidence of financial responsibility has been established, a separate Certificate covering each vessel shall be issued evidencing the Commission's finding of adequate financial responsibility to meet the liability to the United States to which such vessel could be subjected under sec. 311 of the Act for the cost of removal of oil or hazardous substances from the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone. The period covered by each Certificate shall be indeterminate unless a termination date has been specified thereon. A Certificate issued pursuant to this part, or copy thereof, must be carried on board the certificated vessel. Where it would be physically impossible for the Certificate or copy thereof to be carried aboard the certified vessel, it must be retained at a location in the United States and kept readily accessible for inspection by U.S. Government officials; provided, however, that where it would be physically impossible for the Certificate or copy thereof to be carried aboard the certified vessel, the Federal Maritime Commission Certificate number, preceded by the letters "FMC", must be marked upon each bow of such vessel in such manner as to be readily discernible, but in no event shall the letters and numbers used be smaller than three inches in size.

(b) Except in the case of a master Certificate as provided for in paragraph (d) of this section, if for any reason, including a vessel's demise, sale or transfer to an operator, a certificant ceases to be responsible for liabilities to which such vessel could be subjected under sec. 311 of the act, such certificant must within five (5) working days thereafter, complete the reverse side of the Certificate covering the involved vessel and return the Certificate to the Secretary of the Commission. If the Certicate covering a vessel subject to this paragraph has been lost or destroyed, the certificant must, within five (5) working days, submit the following written information to the Secretary:

(1) The number of the Certificate and the name of the vessel;

(2) The date on which the certificant ceased to be liable for the vessel;

(3) The name and mailing address of the person to whom the vessel was sold or transferred, if any;

(4) The location of the vessel on the date indicated in subparagraph (2) of this paragraph.

(c) In the event of the transfer of a vessel certificated pursuant to this part to an operator where the certificant, transferring such vessel, continues to be responsible for liabilities to which such vessel could be subjected under sec. 311 of the act, and continues to maintain on file with the Commission adequate evidence of financial responsibility with respect to such vessel, the existing Certificate will remain in effect and the new operator shall not be required to obtain an additional Certificate.

(d) In lieu of separate Certificates for each vessel, a person owning or operating vessels as a builder, scrapper, or seller may apply for a master Certificate to cover all vessels up to a specified, individual vessel, maximum gross tonnage, which such applicant may from time to time hold for the purposes of construction, scrapping or sale. The maximum gross tonnage to be specified on a particular master Certificate shall be that number of gross tons for which the applicant has evidenced acceptable financial responsibility. For purposes of obtaining a master Certificate, acceptable evidence of financial responsibility shall be established by the methods set forth in § 542.5(a), with the exceptions of insurance Form FMC–322 and guaranty Form FMC–325. Persons who have heen issued master Certificates must submit to the Secretary of the Commission, every six months beginning with the month in which the master Certificate is issued, reports indicating the name, previous name, or other identifying information and gross tonnage of every vessel covered by the master Certificate during the reporting period. Before any certificant, already holding a master Certificate, acquires a new vessel which is of a gross tonnage greater than the gross tonnage specified on his master Certificate, and such new vessel is to be acquired for purposes of construction, scrapping or sale, said certificant shall submit to the Commission new or amended evidence of financial responsibility in an amount necessary to cover such new, larger vessel. Failure to do so may result in the master Certificate being suspended or revoked, which would require the certificant to apply for separate Certificates for each of his vessels in accordance with the other provisions of this part.

§ 542.7 Denial, revocation, suspension, or modification of a Certificate.

(a) Prior to the denial, revocation, suspension, or modification of a Certificate, the Commission shall advise the applicant or certificant of its intention to deny, revoke, suspend, or modify, and shall state the reasons therefor. If the applicant or certificant within 20 days after the receipt of such advice requests a hearing, such hearing shall be granted by the Commission and conducted in accordance with the Commission's rules of practice and procedure (Part 502 of this chapter); provided, however, that a Certificate shall become null and void upon cancellation or termination of evidence of insurance, surety bond or guaranty. The procedural provisions of the Shipping Act, 1916 (46 U.S.C. 801), shall apply to all proceedings conducted under this part.

(b) A Certificate may be denied, revoked, suspended, or modified for any of, but not limited to, the following reasons:

(1) Making any willfully false statement to the Commission in connection with an application for a Certificate, or its continuance in effect;

(2) Circumstances whereby the applicant or certificant does not qualify as financially responsible in accordance with the requirements of the Commission;

(3) Failure to comply with or respond to lawful inquiries, rules, regulations, or orders of the Commission pursuant to the rules of this part.

§ 542.8 Notice.

Notice to the public of the issuance, denial, revocation, suspension, or modification of any Certificate shall be published in the FEDERAL REGISTER.

§ 542.9 Fees.

(a) This section establishes the application and certification fees which shall be imposed by the Federal Maritime Commission for processing application Form FMC–321 and issuance of Certificates of Financial Responsibility (Pollution).

(b) Applications filed pursuant to this part are subject to the application and certification fees set forth in paragraphs

(d) and (e) of this section. Applications returned to applicants for additional information or corrections will not require an additional application fee when resubmitted.

(c) Fees are payable in terms of U.S. dollars and may be paid by check, draft, or postal money order made payable to the Federal Maritime Commission. Cash will not be accepted.

(d) Except as provided in § 542.11(a) of this part, every application Form FMC–321 shall be accompanied by an application fee of $100 which shall not be refundable.

(e) In addition to the application fee a vessel certification fee for each vessel listed on the application, subject to a maximum total certification fee of $1,000 shall be paid by the applicant in accordance with the following gross tonnage schedule:

For each vessel over:	
300 to 1,200 gross tons	$2
1,200 to 5,000 gross tons	5
5,000 to 10,000 gross tons	10
10,000 to 30,000 gross tons	15
30,000 gross tons	25

Provided, however, That there shall be no certification fee assessed for Certificates issued to cover vessels of persons engaged in the building, scrapping, or sale of vessels when such vessels are being held solely for construction, sale, or scrapping.

(f) Certification fees will be refunded, on request, if (1) the application is withdrawn prior to the issuance of the Certificate or (2) the Certificate is denied pursuant to § 542.7(b)(2). Payments in excess of the applicable application and/or certification fee will be refunded only if overpayment is $2 or more.

(g) In any case necessitating the issuance of a new Certificate, such as, but not limited to, the addition of a vessel, change in name, or replacement of a lost Certificate, the individual vessel fee based on the particular vessel's gross tonnage shall apply: *Provided, however,* That, consistent with paragraph (e) of this section, the maximum total certification fee that an applicant will be assessed is $1,000.

§ 542.10 Enforcement.

(a) Any owner or operator of a vessel subject to sec. 311(p) of the Act who fails to comply with the provisions of said sec. 311(p) or these regulations shall be subject to a fine of not more than $10,000.

(b) Any vessel subject to sec. 311(p) of the Act which does not have a Certificate issued pursuant to this part, evidencing that the financial responsibility requirements of sec. 311(p)(1) of the Act have been complied with, may be refused by the Secretary of the Treasury the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91).

(c) Any vessel subject to sec. 311(p) of the Act, which upon request, does not produce a Certificate issued pursuant to this part, evidencing that the financial responsibility requirements of sec. 311(p)(1) of the Act have been complied with, may be (1) denied entry, by the the Secretary of the Department in which the Coast Guard is operating, to any port or place in the United States or the navigable waters of the United States, and (2) detained by said Secretary at the port or place in the United States from which it is about to depart for any other port or place in the United States.

§ 542.11 Conversions.

(a) Every owner or operator of a vessel subject to this part (General Order 31) who holds a valid Certificate of Financial Responsibility (Oil Pollution) issued pursuant to the provisions of General Order 27, and who is required to comply with the rules of this part (General Order 31) must, prior to the effective date of this part, file an application Form FMC–321 in accordance with § 542.4, and new evidence of financial responsibility as prescribed in § 542.5. Such application must be accompanied by appropriate certification fees as prescribed in § 542.9, but such owners and operators who comply with the provisions of this paragraph (a) shall not be required to submit the $100 application fee. The certification fees herein required shall be due and payable without regard to any prior certification fees paid under the provisions of General Order 27, but shall apply toward the $1,000 maximum provided in § 542.9 (e).

(b) On and after the effective date of this part, a valid Certificate of Financial Responsibility (Oil Pollution) shall be deemed evidence of compliance with the financial responsibility requirements of sec. 311(p) of the Act and this part, provided the holder thereof has complied with the provisions of paragraph (a) of this section by filing a properly executed application Form FMC–321, evidence of financial responsibility as required by the provisions of § 542.5 and appropriate certification fees. Such Certificate of Financial Responsibility (Oil Pollution) shall remain valid until revoked or until a Certificate is issued pursuant to § 542.6. A Certificate of Financial Responsibility (Oil Pollution) held by an owner or operator who has complied with paragraph (a) of this section shall become null and void upon failure of said owner or operator to maintain on file with the Federal Maritime Commission acceptable evidence of financial responsibility, as required by § 542.5(a).

(c) The Certificates of Financial Responsibility (Oil Pollution) held by an owner or operator who does not file a properly executed application Form FMC–321, evidence of financial responsibility covering both oil and hazardous substances, and appropriate certification fees in compliance with the filing requirements of paragraph (a) of this section shall automatically become null and void at 12:01 a.m., on the effective date of this part.

(d) Any self-insurer filing an application Form FMC–321 pursuant to this section or any guarantor executing a guaranty Form FMC–325 or 326 pursuant to this section on behalf of an applicant who on the effective date of this part has on file with the Federal Maritime Commission the financial information required by § 542.5(a)(3) need not refile such financial information, provided, however, all annual and semiannual financial information required thereafter by said § 542.5(a)(3) must be timely filed.

Effective date. The effective date of this part (General Order 31) will be the date determined in accordance with section 542.2(u).

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73-22162 Filed 10-16-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-1030, 02342]

PART 73—RADIO BROADCAST SERVICES

FM Table of Assignments

1. The Governments of Mexico and the United States have concluded and Agreement[1] concerning the allotment and use of frequency modulation broadcast (FM) channels in the 88 to 108 MHz band in the area within 199 miles (320 kilometers) of the common border between the two countries. A Public Notice announcing that the Agreement went into effect August 9, 1973, was issued by the Commission August 16, 1973 (Mimeo 05769).

2. The Agreement requires changes in the channel assignments for some communities in Arizona, California, New Mexico, and Texas listed in the Table of Assignments for FM broadcast stations (§ 73.202(b) of the Commission's rules and regulations). Since these changes conform to an Executive Agreement with a foreign nation and none of the channels required to be changed are presently authorized for use by any permittee or licensee, neither a notice of proposed rule making to amend the FM Table of Assignments pursuant to sec. 4 of the Administrative Procedure Act (5 U.S.C. 553 (a)(1)), nor an Order to Show Cause, pursuant to sec. 316 of the Communications Act of 1934, as amended, is necessary, and amendment of the FM Table of Assignments may be made effective on publication of this Order in the Federal Register.

3. The Agreement also includes in the allotment plan (Annex II Table B), Class A, B, and C noncommercial educational FM channels (201–220) for various communities in the four states. It is deemed appropriate to reflect this in Subpart C of Part 73 of the Commission's rules and regulations (governing non-

[1] "Agreement between the United States of America and the United Mexican States Concerning Frequency Modulation Broadcasting in the 88 to 108 MHz Band", popularly referred to as the "United States-Mexico FM Broadcasting Agreement".

commercial educational FM broadcast stations) by the addition of § 73.507.[2]

4. Accordingly, *it is ordered*, That, pursuant to authority found in secs. 4(i) and 303(r) of the Communications Act of 1934, as amended, § 73.202(b) of the Commission's rules and regulations is amended as concerns Arizona, California, New Mexico, and Texas to reflect the changes required by the aforementioned Agreement, as set forth in the attached Appendix A. *It is further ordered*, That Part 73 is amended by the addition of § 73.507 and making concomitant changes in §§ 73.202 and 73.501 as set forth in the attached Appendix B. These changes in the Commission's rules and regulations are effective October 17, 1973.

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

Adopted October 3, 1973.

Released October 10, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[3]

VINCENT J. MULLINS,
Acting Secretary.

APPENDIX A

1. Amend § 73.202(b) to read as follows for the states of Arizona, California, New Mexico, and Texas:

Arizona:	*Channel No.*
Ajo	252A.
Apache Junction	296A.
Benson	249A.
Bisbee	221A.
Casa Grande	288A.
Claypool	252A.
Clifton	237A.
Coolidge	280A.
Cottonwood	240A.
Douglas	237A.
Eloy	292A.
Flagstaff	225, 230.
Glendale	222.
Globe	262.
Holbrook	221A.
Kingman	224A.
Lake Havasu City	240A.
Mesa	227, 284.
Miami	276A.
Nogales	252A.
Page	228A.
Phoenix	233, 238, 245, 254, 268, 273.
Prescott	252A.
Safford	231, 256.
San Manuel	269A.
Show Low	228A.
Sierra Vista	265A.
Sun City	292A.
Tempe	250.
Tolleson	264.
Tucson	221A, 225, 229, 235, 241, 258.
Wickenburg	288A.
Willcox	252A.
Winslow	236, 247.
Yuma	226, 236.

California:	*Channel No.*
Alameda	224A.
Alturas	233.
Anaheim	240A.
Anderson	232A.
Apple Valley	272A.
Arcata	228A.
Arroyo Grande	237A.
Auburn	266.
Bakersfield	231, 243, 268, 300.
Banning	269A.
Barstow	232A.
Berkeley	231, 275.
Bishop	264.
Blythe	262.
Brawley	233, 241.
Burney	291.
Calexico	249A.
Calipatria	265A.
Camarillo	240A.
Carmel	269A.
Carlsbad	240A.
Cathedral City	276A.
Chico	229, 236.
Coachella	229.
Crescent City	232A.
Delano	253, 287.
Dinuba	255.
El Cajon	227.
El Centro	253.
Escondido	221A.
Eureka	222, 242.
Fairfield	237A.
Fallbrook	269A.
Ft. Bragg	224A, 237A.
Fowler	244A.
Fremont	285A.
Fresno	229, 238, 250, 266, 270, 274, 290.
Garden Grove	232A.
Gilroy	232A.
Glendale	270.
Hanford	279, 298.
Hemet	288A.
Hollister	228A.
Holtville	261A.
Imperial	257A.
Indio	262A.
Inglewood	280A.
Jackson	232A.
Kernville	272A.
King City	221A.
Lancaster	292A.
Lemoore	285A.
Livermore	269A.
Lodi	249A.
Lompoc	224A.
Long Beach	250, 272A, 288A.
Los Altos	249A.
Los Angeles	222, 226, 230, 234, 238, 242, 246, 254, 258, 262, 266, 274, 278, 282, 286, 290, 298.
Los Banos	240A.
Los Gatos	237A.
Madera	221A.
Mammoth Lakes	292A.
Manteca	244A.
Mariposa	284.
Marysville	260.
Merced	268.
Modesto	272A, 277, 281.
Mojave	249A.
Monterey	245.
Morro Bay	283.
Mt. Shasta	237A.
Needles	250.
Newport Beach	276A.
Oakdale	236.[1]
Oceanside	271.
Ojai	288A.
Ontario	228A.

California—Continued	*Channel No.*
Oroville	249A.
Oxnard	252A, 284.
Pacific Grove	285A.
Palm Springs	284.
Paradise	244A.
Pasadena	294.
Paso Robles	232A.
Porterville	259.
Quincy	240A.
Red Bluff	240A, 272A.
Redding	251, 282.
Redlands	244A.
Redondo Beach	228A.
Ridgecrest	224A.
Riverside	224A, 248, 256.
Roseville	228A.
Sacramento	223, 241, 245, 253, 263, 286, 293, 300.
Salinas	264, 273, 280A.
San Bernardino	236, 260.
San Clemente	300.
San Diego	231, 235, 243, 247, 251, 264, 268, 275, 279, 287, 293.
San Fernando	222A.
San Francisco	227, 235, 239, 243, 247, 251, 255, 259, 267, 271, 279, 283, 287, 291, 295.
San Jose	222, 253, 262, 293.
San Luis Obispo	227, 241.
San Mateo	299.
San Rafael	265A.
Santa Ana	244A, 292A.
Santa Barbara	229, 248, 260, 277.
Santa Clara	289.
Santa Cruz	256.
Santa Maria	256, 273.
Santa Monica	276A.
Santa Paula	244A.
Santa Rosa	257A, 261A.
Seaside	296A.
Sierra Madre	296A.
Sonora	224A.
South Lake Tahoe	261A, 276A.
Stockton	257A, 297.
Susanville	224A.
Taft	280A.
Thousand Oaks	224A.
Tracy	265A.
Truckee	269A.
Tulare	235, 294.
Turlock	226.
Twentynine Palms	239.
Ukiah	233, 277.
Ventura	236, 264.
Victorville	252A.
Visalia	225.
Walnut Creek	221A.
Wasco	249A.
Weed	257A.
West Covina	252A.
Willows	224A.
Woodland	273.
Yreka	249A.
Yuba City	280A.
New Mexico:	
Alamogordo	232A, 288A.
Albuquerque	222, 227, 231, 242, 258, 262, 300.
Artesia	225.
Aztec	235.
Belen	249A.
Carlsbad	221A.
Clayton	228A.
Clovis	256, 260.

[1] Any application must specify maximum power and antenna height, or the equivalent considering terrain.

[2] Not included are seven Class D noncommercial educational stations in California in the allotment plan. In this respect, all existing Class D facilities in the border area are provided for with existing facilities except Station KTAI, Kingsville, Texas, which is being required to change its operation from Channel 220 to Channel 216A.

[3] Commissioner Robert E. Lee absent.

New Mexico—Continued	Channel No.
Deming	232A.
Espanola	272A.
Eunice	265A.
Farmington	225, 245.
Gallup	229, 233.
Grants	237A.
Hobbs	231, 239.
Jal	296A.
Las Cruces	276A, 280A.
Las Vegas	265A.
Lordsburg	249A.
Los Alamos	253.
Lovintgon	269A.
Mesilla Park	285A.
Portales	237A.
Raton	232A.
Roswell	235, 246.
Ruidoso	228A.
Santa Fe	238, 247.
Santa Rosa	240A.
Silver City	224A.
Socorro	224A.
Taos	257A.
Truth or Consequences	244A.
Tucumcari	224A.
Tularosa	224A.
Texas:	
Abilene	257A, 264, 286, 300.
Alice	221A, 272A.
Alpine	224A.
Alvin	271.
Amarillo	226, 231, 250, 254, 270.
Andrews	288A.
Arlington	235.
Atlanta	257A.
Austin	229, 238, 252A, 264, 272A.
Ballinger	276A.
Bay City	245.
Beaumont	231, 236, 248, 299.
Beeville	285A.
Belton	292A.
Big Lake	252A.
Big Spring	237A.
Bishop	296A.
Bonham	252A.
Borger	282.
Brady	237A.
Breckenridge	228A.
Brenham	292A.
Brownsfield	292A.
Brownsville	258, 262.
Brownwood	257A, 268, 281.
Bryan	252A.
Burnet	296A.
Cameron	269A.
Canton	244A.
Canyon	296A.
Carrizo Springs	228A.
Childress	244A.
Cleveland	295.
Coleman	296A.
College Station	221A.
Colorado City	292A.
Columbus	252A.
Comanche	232A.
Corpus Christi	230, 238, 243, 256, 260.
Corsicana	300.
Cotulla	249A.
Crane	265A.
Crockett	224A.
Crystal City	272A.
Cuero	249A.
Dalhart	240A.
Dallas	223, 250, 254, 262, 266, 275, 279, 283, 287.
Del Rio	232A.
Denison	269A.
Denton	291.
Devine	232A.
Dibell	238.
Dumas	237A.

Texas—Continued	Channel No.
Eagle Pass	224A.
Eastland	244A.
Edinburg	281, 300.
El Paso	222, 226, 230, 234, 238, 242, 248, 260, 271.
Fabens	276A.
Falfurrias	292A.
Farwell	252A.
Floydada	237A.
Fort Stockton	232A.
Fort Worth	230, 242, 246, 258, 271, 298.
Fredericksburg	266.
Freer	240A.
Gainesville	233.
Galveston	293.
Georgetown	244A.
Gonzales	292A.
Greenville	228A.
Hamilton	221A.
Harlingen	233, 241.
Hebbronville	269A.
Henderson	261A.
Hereford	292A.
Hillsboro	273.
Hondo	221A.
Houston	229, 233, 239, 243, 250, 256, 262, 266, 275, 281, 289.
Huntsville	269A.
Jacksonville	293.
Jasper	272A.
Junction	228A.
Kenedy-Karnes	232A.
Kermit	292A.
Kerrville	232A.
Kilgore	240A.
Killeen	227.
Kingsville	224A, 249A.
La Grange	285A.
Lake Jackson	297.
Lamesa	262, 284.
Lampasas	257A.
Laredo	224A, 235, 251.
Levelland	288A.
Livingston	221A.
Llano	285A.
Longview	289.
Lubbock	229, 233, 242, 258, 266, 273.
Lufkin	257A, 286.
Marfa	228A.
Marlin	244A.
Marshall	280A.
Mathis	252A.
McAllen	245, 253.
McCamey	237A.
McKinney	237A.
Memphis	279.
Mercedes	292A.
Merkel	272A.
Mexia	252A.
Midland	222, 227, 271.
Mineral Wells	240A.
Mission	288A.
Monahans	260, 277.
Mt. Pleasant	264.
Muleshoe	276A.
Nacogdoches	221A, 277.
New Boston	240A.
New Braunfels	221A.
Odessa	245, 250, 256.
Orange	283, 291.
Ozona	232A.
Palestine	232A.
Pampa	262.
Paris	257A.
Pasadena	223.
Pecos	252A.
Perryton	240A.
Plainview	247.
Pleasanton	252A.
Port Arthur	227, 253.
Port Lavaca	240A.
Premont	285A.

Texas—Continued	Channel No.
Quanah	265A.
Ralls	252A.
Raymondville	269A.
Refugio	292A.
Rio Grande City	249A.
Rockport	272A.
Rosenberg	285A.
Rusk	249A.
San Angelo	225, 230, 234, 248.
San Antonio	225, 241, 247, 258, 262, 270, 274, 283, 298.
San Marcos	279.
San Saba	244A.
Seguin	287.
Seminole	280A.
Seymour	232A.
Shamrock	224A.
Sherman	244A.
Silsbee	269A.
Sinton	267, 277.
Slaton	224A.
Snyder	269A.
Sonora	221A.
Spearman	252A.
Stamford	221A.
Stephenville	252A.
Sweetwater	244A.
Taft	288A.
Taylor	221A.
Temple	285A.
Terrell	296A.
Terrell Hills	292A.
Texarkana	251, 273.
Tulia	285A.
Tyler	226, 257A, 268.
Uvalde	237A.
Vernon	272A.
Victoria	221A, 236, 254.
Waco	238, 248, 260. *296A.
Weslaco	285A.
Wichita Falls	225, 236, 260. 277.
Winnsboro	285A.

APPENDIX B

1. Section 73.202(a) is amended by adding the following language at the end of the section to read as follows:

§ 73.202 Table of assignments.

(a) * * * There are specific noncommercial educational FM assignments (Channels 201–220) for various communities in Arizona, California, New Mexico, and Texas. These are set forth in § 73.507.

* * * * *

2. In § 73.501 a new paragraph (c) is added to read as follows:

§ 73.501 Channels available for assignment.

* * * * *

(c) There are specific noncommercial educational FM assignments (Channels 201–220) for various communities in Arizona, California, New Mexico, and Texas. These are set forth in § 73.507.

3. Section 73.507 is added to read as follows:

§ 73.507 Noncommercial educational channel assignments under the United States-Mexico FM Broadcast Agreement.

(a) The Governments of Mexico and the United States are parties to an Agreement providing a table of allotments of

FM channels in the area within 199 miles (320 kilometers) of the common border. The following table sets forth the assignments of Classes A, B, and C noncommercial educational FM channels (201–220) to communities in the affected portions of Arizona, California, New Mexico, and Texas:

	Channel No.
Arizona:	
Ajo	220.
Douglas	201, 205A, 211A.
Globe	211A.
Kingman	211A, 220.
McNary	201A.
Nogales	217.
Parker	211A.
Phoenix	202, 208A, 212A, 218.
Prescott	208A, 214.
Safford	215, 220A.
Tucson	213.
Wickenburg	209A.
Yuma	201A, 205A.
California:	
Claremont	204A.
Long Beach	201A.
Los Angeles	205A, 214, 218.
Northridge	203A.
Pasadena	207.
Redlands	206A.
Riverside	209A.
San Bernardino	220.
San Diego	202A, 208.
Santa Barbara	218.
Santa Monica	210.
New Mexico:	
Alamogordo	201, 208A.
Artesia	219A.
Carlsbad	211A, 215.
Deming	218A.
Hobbs	211A.
Las Cruces	209A, 214.
Lordsburg	220A.
Lovington	220A.
Roswell	213, 217A.
Silver City	212, 217A.
Socorro	208A, 216.
Truth or Consequences	220A.
Texas:	
Alpine	219.
Andrews	209A.
Austin	204A, 208, 214A.
Ballinger	211A.
Beeville	218A.
Big Lake	211A.
Big Spring	203, 207A.
Boerne	210A.
Bracketville	212A.
Brady	213A.
Brownsville	202A.
Brownwood	205, 212A.
Carrizo Springs	201A.
Coleman	220A.
Colorado City	211A.
Corpus Christi	212, 220A.
Cotulla	203A.
Crane	205A.
Crystal City	214A.
Cuero	210A.
Del Rio	204, 214A.
Eagle Pass	208, 213A.
Edinburg	203A.
Eldorado	219A.
El Paso	203, 208A.
Falfurrias	218A.
Fort Stockton	201, 206A.
Fredericksburg	201A.
Freer	214A.
Goliad	216A.
Gonzales	201A.
Harlingen	205A.
Hebbronville	220A.
Hondo	202A.
Junction	212A.
Kenedy-Karnes	220A.
Kermit	212A.
Kerrville	216A.
Kingsville	216A.
Lamesa	210A.
Laredo	201A, 210.
Llano	203A.
Marfa	203A.
Midland	211A.
Monahans	210A.
New Braunfels	202A.
Odessa	213A, 217.
Ozona	213A.
Pearsall	213A.
Pecos	205A.
Port Lavaca	201A.
Presidio	202A.
Raymondville	201A.
Rio Grande City	201A.
Rockport	217A.
Rocksprings	210A.
San Angelo	215, 220A.
San Antonio	206, 212A, 218A.
Sanderson	207A.
San Marcos	219A.
San Saba	210A.
Seguin	215A.
Seminole	205A.
Sonora	211A.
Sweetwater	213A.
Uvalde	216A.
Van Horn	202A.
Victoria	203A.
Zapata	202A.

[FR Doc.73-22060 Filed 10-16-73;8:45 am]

[Docket 19545; 02632]

USE OF LAND MOBILE FREQUENCIES ABOARD AIRCRAFT: CORRECTION

In the Matter of Amendment of Parts 89, 91, and 93 of the Commission's Rules concerning use of land mobile frequencies aboard aircraft.

Appendix B to the Commission's Report and Order, FCC 73-819 (38 F.R. 22013), released August 8, 1973, is corrected by amending the introductory text of paragraph (a) and by adding paragraph (d), which was inadvertently omitted, to Sections 89.156, 91.162, and 93.164 to read as follows:

§ 89.156 Operations on broad aircraft.

(a) Except as provided in paragraph (b), (c), and (d) of this section, mobile stations first authorized after September 14, 1973, under this part may be operated aboard aircraft for air-to-mobile, air-to-base, air-to-air and air-to-ship communications subject to the following:

(1) Operations are limited to aircraft that are regularly flown at altitudes below one mile above the earth's surface;

(2) Transmitters are to operate with an output power not to exceed ten watts;

(3) Operations are subject to non-interference to land-based systems by transmitters operated aboard aircraft;

(4) Such other conditions, including additional reductions of altitude and power limitations, as may be required to minimize the interference potential to land-based systems by transmitters operated aboard aircraft.

(b) Exceptions to the altitude and power limitations set forth in paragraph (a) of this section may be authorized upon showing of unusual operational requirements which justify departure from those standards, provided that, the interference potential to regular land-based operations would not thereby be increased.

(c) Mobile stations operated aboard aircraft under this part under licenses in effect September 14, 1973, may be continued without regard to provisions of paragraph (a) of this section, as follows:

(1) Operations may be continued only for the balance of the term of such licenses if aircraft involved are regularly flown at altitudes above one-mile above earth's surface,

(2) Operations may be continued for one additional renewal license term if the aircraft involved are regularly flown at altitudes below one-mile above the earth's surface.

(d) Operation of radiolocation mobile stations may be authorized without regard to limitations and conditions set forth in paragraphs (a), (b), and (c) hereof.

§ 91.162 Operations on board aircraft.

(a) Except as provided in paragraph (b), (c) and (d) of this section, mobile stations first authorized after September 14, 1973, under this part may be operated aboard aircraft for air-to-mobile, air-to-base, air-to-air, and air-to-ship communications subject to the following:

(1) Operations are limited to aircraft that are regularly flown at altitudes below one mile above the earth's surface;

(2) Transmitters are to operate with an output power not to exceed ten watts;

(3) Operations are subject to non-interference to land-based systems by transmitters operated aboard aircraft;

(4) Such other conditions, including additional reductions of altitude and power limitations, as may be required to minimize the interference potential to land-based systems by transmitters operated aboard aircraft.

(b) Exceptions to the altitude and power limitations set forth in paragraph (a) of this section may be authorized upon showing of unusual operational requirements which justify departure from those standards, provided that, the interference potential to regular land-based operations would not thereby be increased.

(c) Mobile stations operated aboard aircraft under this part under licenses in effect September 14, 1973, may be continued without regard to provisions of paragraph (a) of this section, as follows:

(1) Operations may be continued only for the balance of the term of such licenses if aircraft involved are regularly flown at altitudes above one-mile above earth's surface,

(2) Operations may be continued for one additional renewal license term if the aircraft involved are regularly flown at altitudes below one-mile above the earth's surface.

(d) Operation of radiolocation mobile stations may be authorized without regard to limitations and conditions set forth in paragraphs (a), (b), and (c) hereof.

§ 93.164 Operations on board aircraft.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, mobile stations first authorized after September 14, 1973, under this part may be operated aboard aircraft for air-to-mobile, air-to-base, air-to-air and air-to-ship communications subject to the following:

(1) Operations are limited to aircraft that are regularly flown at altitudes below one mile above the earth's surface;

(2) Transmitters are to operate with an output power not to exceed ten watts;

(3) Operations are subject to non-interference to land-based systems by transmitters operated aboard aircraft;

(4) Such other conditions, including additional reductions of altitude and power limitations, as may be required to minimize the interference potential to land-based systems by transmitters operated aboard aircraft.

(b) Exceptions to the altitude and power limitations set forth in paragraph (a) of this section may be authorized upon showing of unusual operational requirements which justify departure from those standards, provided that, the interference potential to regular land-based operations would not thereby be increased.

(c) Mobile stations operated aboard aircraft under this part under licenses in effect September 14, 1973, may be continued without regard to provisions of paragraph (a) of this section, as follows:

(1) Operations may be continued only for the balance of the term of such licenses if aircraft involved are regularly flown at altitudes above one-mile above earth's surface,

(2) Operations may be continued for one additional renewal license term if the aircraft involved are regularly flown at altitudes below one-mile above earth's surface.

(d) Operation of radiolocation mobile stations may be authorized without regard to limitations and conditions set forth in paragraphs (a), (b), and (c) hereof.

Released October 11, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-22058 Filed 10-16-73;8:45 am]

Title 50—Wildlife and Fisheries

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

SUBCHAPTER F—AID TO FISHERIES

PART 250—FISHERIES LOAN FUND PROCEDURES

Change of Interest Rate

Public Law 89-85 amended section 4 of the Fish and Wildlife Act of 1956 by providing, among other things, that fisheries loans shall "Bear an interest rate of not less than (a) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (b) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purpose."

The average market yield of such outstanding obligations has trended upward since August 1972. The rate determined by the Secretary of the Treasury for the month of September, in accordance with the provisions of the Act quoted above, is 7⅝ percent. Consequently, the interest rate charged on all fisheries loans which may be granted hereafter shall be changed from 7½ percent to 8 percent in order to be consistent with the determinations of the Secretary of the Treasury and with the Act, as amended.

Section 250.10, Part 250, Fisheries Loan Fund Procedures is revised to read as follows:

§ 250.10 Interest.

The rate of interest on all loans which may be granted is fixed at 8 percent per annum.

Effective Date. This revision shall be effective October 17, 1973.

Dated October 9, 1973.

By Order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,
Administrator.

[FR Doc.73-22091 Filed 10-16-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Petroleum Products Price Ceilings

These amendments are designed to establish new ceilings on prices charged for certain special petroleum products (gasoline, No. 2 heating oil, and No. 2-D diesel fuel) at all levels of distribution and sale. These ceiling prices are initiated today due to the Council's proposed rulemaking which is published elsewhere in this issue of the FEDERAL REGISTER, and are to remain in effect until no later than October 31, 1973. These rules are, therefore, temporary, but are a necessary part of the overall effort to stabilize prices for these special products while the formulation of new permanent rules is proceeding.

The rules issued herein establish fixed ceiling prices for special products which apply to all sellers of these products, including refiners, resellers and all classes of retailers for the period ending October 31, 1973.

Retailers' and reseller-retailers' ceiling prices on special products are further adjusted upward in § 150.355 to reflect costs incurred between the September 28 adjustment and October 15. This adjustment permits these sellers of special products to reflect, in the new ceiling prices, those price increases charged to retailers by sellers of these products after the Council's September 28 adjustment. No similar adjustment is required for sales by a refiner-retailer since these increased costs of imports and domestic crude petroleum have already been allocated under the refiner's cost allocation formula. The new ceiling price rule is effective at noon on Monday, October 15, 1973, and the new ceiling price must be posted by retailers by October 20, 1973.

The price for special products which may be charged by a refiner in all sales except retail sales is established as the weighted average price which was actually charged by the refiner to a class of purchaser on October 14. This amendment to the base price increase rules of § 150.358 therefore establishes a maximum ceiling price which a refiner may not exceed in his sales of special products at other than retail during the period ending October 31, 1973. This measure will stabilize the price of special products by preventing any further pass through of increased costs during the Council's rulemaking proceedings. No change is necessary in the allocation formula for a refiner's price computations, but the October 14, 1973 weighted average transaction price may not be increased during this period.

The price for non-retail sales of special products by resellers is also stabilized at the October 14, 1973 level during the same period. A reseller's ceiling price includes his product cost increases incurred prior to October 15, 1973, and after May 15, 1973. Computation of the weighted average unit cost of inventory on this basis will assure the recovery of costs up to the October 14 date, but eliminate any further pass through of costs to the retail level until the Council's new rules are promulgated.

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

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing Part 150 of Title 6 of the Code of Federal Regulations is amended as follows, effective 11:59 a.m., e.s.t., October 15, 1973.

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

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

Paragraph 1. Section 150.352 is amended by adding a new definition after the definition of "retailer" to read as follows:

§ 150.352 Definitions.

* * * * * * *

"Special products" means gasoline, No. 2 heating oil and No. 2-D diesel fuel.

* * * * * * *

Par. 2. Paragraph (b) of § 150.355 is amended in the definition of "Increased costs of imports and domestic crude petroleum" to read as follows:

§ 150.355 Ceiling price rule: Retail sales of gasoline, No. 2–D diesel fuel and No. 2 heating oil.

* * * * *

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

"Increased costs of imports and domestic crude petroleum" means (1) with respect to a refiner-retailer, the increased costs of imports and domestic crude petroleum as calculated pursuant to § 150.356(d)(1); and (2) with respect to a retailer or reseller-retailer, the difference between the weighted average unit cost of the product concerned in inventory on October 14, 1973 and the weighted average unit cost of the product concerned in inventory on May 15, 1973. If a particular product was not in inventory on May 15, 1973 or October 14, 1973, the dates for computing the increased costs are the most recent days preceding those respective dates when the seller had the product in inventory.

* * * * *

Par. 3. Paragraph (c)(1) of § 150.355 is amended by changing the time and date "5 p.m., e.s.t., September 28, 1973" to read "11:59 a.m., e.s.t., October 15, 1973".

Par. 4. Paragraph (e) of § 150.355 is amended by changing the date "October 5, 1973" to read "October 20, 1973".

Par. 5. Section 150.358(b) is revised to read as follows:

§ 150.358 Price rule: Refiners.

* * * * *

(b) *Rule.* (1) A refiner may not charge a price for an item in excess of the base price of that item except to the extent permitted pusuant to the provisions of paragraphs (c) through (k) of this section.

(2) Notwithstanding the provisions of paragraphs (c) through (k) of this section, effective 11:59 a.m., e.s.t., October 15, 1973, no refiner may charge to any class of purchaser a price for any special product which exceeds the weighted average price at which that special product was lawfully priced in transactions with the class of purchaser concerned on October 14, 1973, or if none occurred on that date, in the transaction next preceding October 14, 1973. In computing the price on October 14, 1973, a refiner may not exclude any temporary special sale, deal or allowance in effect on October 14, 1973.

* * * * *

Par. 6. Section 150.359 is revised in paragraph (b) to read as follows:

§ 150.359 Price rule: Resellers and retailers.

* * * * *

(b) *Definition.* As used in this section—

"Increased costs of imports and domestic crude petroleum" means (1) with respect to covered products other than special products, the difference between the weighted average unit cost of the product concerned in inventory and the weighted average unit cost of that product in inventory on May 15, 1973, and (2) with respect to special products, effective 11:59 a.m., e.s.t., October 15, 1973, the difference between the weighted average unit cost of the special product concerned in inventory on October 14, 1973 and the weighted average unit cost of that special product in inventory on May 15, 1973. If a particular product was not in inventory on May 15, 1973 or October 14, 1973, the dates for computing the increased costs are the most recent days preceding those respective dates when the seller had the product in inventory.

* * * * *

[FR Doc.73-22276 Filed 10-15-73;4:53 pm]

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 TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Bonds and Other Evidences of Indebtedness

Correction

In FR Doc. 73-21336, appearing at page 27840 in the issue of Tuesday, October 9, 1973, in § 1.1232-1(c)(3) after the words "on such date" insert "and at all times thereafter), the provisions of § 1232(a)(3) (relating to".

DEPARTMENT OF AGRICULTURE

[7 CFR Part 811]

Agricultural Stabilization and Conservation Service

CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Proposed Determination for Calendar Year 1974

Notice is hereby given that the Secretary of Agriculture, pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922, 7 U.S.C. 1101), is considering the determination of the amount of sugar needed to meet the requirements of consumers in the continental United States in 1974 and the establishment of sugar quotas for the calendar year 1974.

In accordance with the rulemaking requirements of 5 U.S.C. 553 (80 Stat. 378), all persons who desire to submit written data, views or arguments for consideration in connection with the proposed regulation shall file the same in duplicate with the Director, Sugar Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250, no later than October 23, 1973. The period in which comments can be submitted is considered reasonable in view of the statutory requirement to issue the regulation during October and the fact that the interested persons are familiar with the issues involved.

The proposed determination of 1974 sugar requirements for the continental United States and the quotas for calendar year 1974 are set forth essentially in form and language appropriate for issuance, if adopted by the Secretary as follows:

Basis and purpose and bases and considerations. The distribution of quota sugar in the United States during the twelve months ended August 31, 1973 amounted to 11,547,000 short tons, raw value. That quantity was about 42,000 tons more than the quantity distributed in the preceding twelve month period.

Population is growing at an annual rate of about 0.75 percent. Accordingly, population during calendar year 1974 should be about 1.00 percent greater than in the twelve month period ended August 31, 1973. At recent per capita rates, distribution in 1974 might be expected to approximate 11,585,000 tons.

The cane sugar refining industry customarily has refining losses of about 65,000 tons annually. Therefore, it would appear that new quota supplies of 11,650,000 could have the effect of maintaining refiners' inventories of quota sugar at year end 1974 at the same level as at the beginning of the year.

During the first eight months of 1973, the domestic price of raw sugar fluctuated from a low 9.14 cents per pound as an average for February to a high of 10.75 cents per pound as an average for August. The average for the eight month period was 9.87 cents per pound or 9.4 percent more than the 9.02 cents per pound average for the first eight months of 1972. The price on September 27 was 11.05 cents per pound, or 104.0 percent of the price referred to in section 201 of the Act. In developing this determination, consideration has been given to maintaining prices in 1974 that will carry out the price objective set forth in section 201(b) of the Act.

The price objective is a price for raw sugar which will maintain the same ratio between such price and the average of the parity index (1967=100) and the wholesale price index (1967=100) as the ratio that existed between (1) the simple average of the monthly price objective calculated for the period September 1, 1970, through August 31, 1971, under section 201 of the Act as in effect immediately prior to the date of enactment of the Sugar Act Amendments of 1971 (8.54 cents per pound), and (2) the simple average of such two indexes for the same period (115.4). Adjustments shall be made in the determination of requirements during the period November through February whenever the simple average price for raw sugar over seven consecutive market days is three percent or more above or below the average price objective for the previous two calendar months. The percentage is increased to four percent for the March through October period.

In consideration of these matters, it is determined that 11.7 million short tons, raw value, is the quantity of sugar needed to meet the requirements of consumers in the continental United States and to attain the price objective of the Act.

The quota for Southern Rhodesia has been withheld pursuant to Executive Order 11322 issued on January 5, 1967, and is prorated herein to Western Hemisphere countries pursuant to section 202(d)(1)(B) of the Act.

On the basis of information currently available to the Department, it is herein determined, pursuant to section 202(d)(3) of the Act, that total quotas be withheld and not established for the Bahamas and Uganda for calendar year 1974. The total quantity of quotas withheld from the Bahamas and Uganda are prorated herein to other foreign countries in the same manner as deficits under section 204 of the Act.

Pursuant to section 202(d)(4) of the Act and on the basis of current 1973 requirements the 1974 quotas for the West Indies, Peru and Venezuela are reduced by 159,309, 12,793 and 8,428 short tons, raw value, respectively.

It is also determined on the basis of information currently available to the the Department that no reduction is required at this time, pursuant to section 202(d)(3) and (4) of the Act, in the quotas established herein for other foreign countries. This action is based on the tentative assumption that each such country will fill its 1973 quota within a reasonable tolerance and that facts will be submitted which will support a finding that any deficit and/or shortfall in a country's 1973 quota was due to force majeure.

Production of sugar in Puerto Rico is not expected to exceed 295,000 short tons, raw value, while requirements for consumption in Puerto Rico are expected to be of the order of 140,000 tons. It appears that the quantity of sugar from Puerto Rico available for shipment to the continental United States would not be more than 155,000 tons. It is now estimated that the Domestic Beet sugar area may have about 300,000 tons lower effective inventory of sugar as of January 1, 1974 than at the beginning of 1973. The size of the effective inventory limits marketings of domestic beet sugar until new crop becomes available. Therefore, it appears that the Domestic Beet sugar area will be unable to market sugar in excess of 3,500,000 short tons, raw value. Accordingly, deficits are herein determined in the quotas for Puerto Rico and the Domestic Beet sugar area of 700,000 and 144,333 short tons, raw value, respectively, and such total quantity of 844,333 short tons, raw value, is herein allocated, pursuant to section 204(a) of the Act, to the Republic of the Philippines and Western Hemisphere countries with 1974 quotas in effect.

Sec.
811.30 Sugar requirements 1974.
811.31 Quotas for domestic areas.
811.32 Proration and allocation of deficits in quotas.
811.33 Quotas for foreign countries.
811.34 Applicability of quotas.
811.35 Restrictions on importations and marketings within quotas.

AUTHORITY: Sections 811.30 to 811.35 issued under Sec. 403, 61 Stat. 932, 7 U.S.C. 1153; Secs. 201, 202, 204, 207, 208, 209, 210; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 927, as amended, and 928, as amended; 7 U.S.C. 1111, 1112, 1114, 1117, 1118, 1119, 1120 and Public Law 92-138 approved October 14, 1971.

§ 811.30 Sugar requirements 1974.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1974 is hereby determined to be 11,700,00^ short tons, raw value.

§ 811.31 Quotas for domestic areas.

(a)(1) For the calendar year 1974, domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act in column (1), and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act in column (2), as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,644,333	No limit
Mainland cane sugar	1,625,667	No limit
Texas cane	100,000	No limit
Hawaii	1,110,000	39,672
Puerto Rico	855,000	168,000

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1974 Puerto Rico and the Domestic Beet Area will be unable by 700,000 and 144,333 short tons, raw value, respectively, to fill their quotas established in paragraph (a)(1) of this section. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in paragraph (a)(1) of this section.

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

§ 811.32 Proration and allocation of deficits in quotas.

(a) The deficit in the Puerto Rican and the Domestic Beet Area quotas determined in paragraph (a)(2) of § 811.31 of 844,333 short tons, raw value, is hereby prorated and allocated pursuant to section 204(a) of the Act, by allocating 30.08 percent or 253,975 short tons, raw value, to the Republic of the Philippines and by prorating the remaining 590358 short tons, raw value, to Western Hemisphere countries on the basis of quotas determined herein pursuant to section 202.

(b) In establishing deficit prorations herein for Western Hemisphere countries consideration has been given to the purchase of U.S. agricultural commodities by such countries, by determining that the value of U.S. agricultural exports to each such country exceeded the total net receipts f.a.s. port of shipment derived from the sale of sugar from deficit prorations imported from each such country during the most recent 12-month period for which data are available. Each foreign country which is unable to fill its quota including its deficit proration has the responsibility to notify the Secretary the extent of and reasons for such shortfall.

§ 811.33 Quotas for foreign countries.

(a) The quotas or prorations for foreign countries limiting the quantities of sugar which may be imported into the continental United States during the calendar year 1974 for consumption therein and the amounts of such quotas and prorations that may be filled by direct-consumption sugar are hereby established as set forth in the following paragraphs (b), (c), (d), (e), and (f) of this section.

(b) For the calendar year 1974, the quota for the Republic of the Philippines is 1,445,812 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202(b) of the Act, 253,975 short tons established pursuant to section 204 of the Act and 65,817 short tons established pursuant to section 202(d) of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202(b) of the Act, only 59,920 short tons, raw value, may be filled by by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1974, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. In column (3) a portion of the deficit proration in the quotas of Puerto Rico and the Domestic Beet area amounting to 590,358 short tons, raw value, is herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act, on the basis of quotas determined herein pursuant to section 202. Total quotas and prorations are shown in column (4).

Production area	Basic quotas	Temporary quotas and prorations pursuant to Sec. 202 (d) [1]	Deficits and deficit prorations	Total quotas and prorations
	(Short tons, raw value)			
Dominican Republic	413,904	175,243	134,837	723,984
Mexico	366,047	154,980	119,246	640,273
Brazil	356,993	151,147	116,297	624,437
Peru	245,862	83,958	75,485	405,305
West Indies	13,743	5,626	4,433	23,802
Ecuador	52,708	22,316	17,171	92,195
Argentina	49,474	20,947	16,117	86,538
Costa Rica	44,624	18,895	14,537	78,056
Colombia	43,977	18,619	14,326	76,922
Panama	41,714	17,662	13,589	72,965
Nicaragua	41,714	17,662	13,589	72,965
Venezuela	33,453	11,463	10,280	55,196
Guatemala	38,157	16,155	12,430	66,742
El Salvador	27,809	11,774	9,059	48,642
British Honduras	21,989	9,310	7,163	38,462
Haiti	20,048	8,488	6,531	35,067
Honduras	7,761	3,285	2,528	13,574
Bolivia	4,204	1,781	1,370	7,355
Paraguay	4,204	1,781	1,370	7,355
Australia	162,328	44,930	----	207,258
Republic of China	67,583	18,706	----	86,289
India	64,996	17,990	----	82,986
South Africa	45,918	12,709	----	58,627
Fiji Islands	35,570	9,846	----	45,416
Mauritius	23,929	6,624	----	30,553
Swaziland	23,929	6,624	----	30,553
Thailand	14,875	4,117	----	18,992
Malawi	11,964	3,311	----	15,275
Malagasy Republic	9,701	2,685	----	12,386
Ireland	5,351	0	----	5,351
Total	2,294,529	878,634	590,358	3,763,521

[1] Proration of the quota withheld from Cuba, Southern Rhodesia, Bahamas, Uganda, West Indies, Peru, and Venezuela.

(d) The importation of raw sugar within the annual quotas from foreign countries will be authorized on the basis of applications on Form SU-3 in accordance with the provisions of Part 817 of this chapter. Applications to import raw sugar from the Republic of the Philippines, before final approval, must be supplemented by certification from the Sugar Quota Administrator for the Government of the Philippines granting the applicant the permission to export sugar to the U.S. market.

(e) For the calendar year 1974, the quantity of each proration established in paragraph (c) of this section that may be filled by direct-consumption sugar pursuant to section 207(e) of the Act is as follows:

Country:	*Short tons, raw value*
Ireland	5,351
Panama	3,817

(f) For the calendar year 1974, the quota for liquid sugar for foreign coun-

tries as a group is 2,000,000 gallons of sirup of cane juice of the type of Barbados molasses, limited to liquid sugar containing soluble nonsugar solids (excluding any foreign substances that may have been added or developed in the product) of more than five percent of the total soluble solids, which is not to be used as a component of any direct-consumption sugar but is to be used as molasses without substantial modification of its characteristics after importation.

§ 811.34 Applicability of quotas.

(a) All sugar and liquid sugar marketed or imported into the continental United States is subject to the provisions of Part 816 or Part 817 of this chapter which prescribe the time, manner, and conditions under which quotas and prorations are filled by the marketing and importation of sugar or liquid sugar.

(b) The quantitative limitations established by §§ 811.31 to 811.33, inclusive, do not apply to sugar or liquid sugar marketed or imported pursuant to section 211 and 212 of the Act in accordance with the provisions of Part 816 or Part 817 of this chapter.

§ 811.35 Restrictions on importation and marketing within quotas.

Subject to the provisions of Parts 816 and 817 of this chapter all persons are prohibited from bringing or importing into or marketing in the continental United States, (a) any sugar or liquid sugar from any country for which no quota is established or in excess of or after the applicable quota or quantity set forth in §§ 811.31 to 811.33 inclusive has been filled, or (b) any sugar or liquid sugar as direct-consumption sugar from any country for which no direct-consumption sugar limitation is established or after the direct-consumption portion of the applicable quota has been filled.

Signed at Washington, D.C., on October 12, 1973.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-22140 Filed 10-12-73;3:09 pm]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 125]

USE OF INTERNATIONAL UNITS FOR VITAMINS A AND D

Notice of Proposed Rulemaking

Correction

In FR Doc. 73-15696 appearing on page 20749 in the issue of Thursday, August 2, 1973, the effective date in the last paragraph reading "September 1, 1974", should read "September 1, 1973".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-SW-67]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the control zone and transition area in the McAllen, Tex., terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Divisions, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received by November 1, 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 Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

(1) In § 71.171 (38 FR 351), the McAllen, Tex., control zone is amended to read:

MCALLEN, TEX.

Within a 5-mile radius of Miller International Airport (latitude 26°10'40" N., longitude 98°14'25" W.); within 3 miles each side of the McAllen VOR 095° radial extending from the 5-mile radius zone to 10 miles east of the VOR and within 2 miles south and 1.5 miles north of the McAllen VOR 321° radial extending from the 5-mile radius zone to 6 miles northwest of the VOR, excluding the portion outside the United States.

(2) In § 71.181 (38 FR 435), the McAllen, Tex., transition area is amended to read:

MCALLEN, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Miller International Airport (latitude 26°10'40" N., longitude 98°14'25" W.); within 3.5 miles each side of the McAllen VOR 095° radial extending from the 5-mile radius area to 11.5 miles east of the VOR; and within 4 miles south and 5 miles north of the McAllen VOR 321° radial extending from the 5-mile radius area to 18.5 miles northwest of the McAllen VOR, excluding the portion outside the United States.

The proposed amendment to the northwest affecting the control zone and transition area is to reinstate as controlled airspace these areas which were inadvertently omitted in Airspace Docket No. 72-SW-37 and provide controlled airspace for aircraft executing VOR, NDB, and ILS standard instrument approaches to runway 13.

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

Issued in Fort Worth, TX, on October 5, 1973.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.73-22063 Filed 10-16-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 70-21; Notice 2]

MOTOR VEHICLE SAFETY STANDARDS

Further Notice On Spray Protectors Standard

A notice of a proposed motor vehicle safety standard concerning Spray Protectors was issued on September 4, 1970 (Docket 70-21) (35 FR 14091). The NHTSA has decided on the basis of comments received and other available information that further research should be conducted before issuing a rule on this subject. Accordingly, no such rule will be issued without another notice of proposed rulemaking and opportunity for public comment.

(Sections 103, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on October 11, 1973.

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

[FR Doc.73-22069 Filed 10-16-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19841; FCC 73-1034]

FM BROADCAST STATIONS

Proposed Table of Assignment, Princeton, Ill.

Notice of proposed rulemaking. In the matter of amendment of § 73.202(b),

Table of assignments, FM Broadcast Stations. (Princeton, Illinois) Docket No. 19841, RM-2087.

1. The Commission has before it for consideration the above-captioned petition for rule making filed September 22, 1972 (supplement filed October 30, 1972), by James W. Yeazel (petitioner), which requests the amendment of § 73.202(b) of the Commission's Rules and Regulations by adding FM Channel 252A to Princeton, Illinois.

2. Princeton, with a population of 6,959, is the seat of Bureau County, population 38,541 [1], and is located 50 miles east of Moline, Illinois. It has one Class IV AM station and the requested channel would be the first FM assignment to Princeton and Bureau County. Petitioner states that if Channel 252A is assigned, he will promptly file an application for construction permit for a new station.

3. In support of his request petitioner states that Princeton had a steady population growth of 2.5 percent between 1960 and 1970, and it appears that this growth will continue especially since it lies within the Illinois Valley Industrial Complex, the development of which over the past 10 years has been considerable. He adds that four major industries employ over 1,000 persons in addition to those employed in the many other business establishments. He states that a full-time station as is proposed could provide adequate coverage in matters of civil defense, severe weather warnings, and in other times of emergency.

4. The above petition was filed contingent upon the assignment of Channel 252A to Shorewood, Illinois (Docket No. 19550), which required a change in the assignment at Ottawa, Illinois, from Channel 252A to Channel 237A. A Report and Order was adopted in Docket No. 19550, August 2, 1973 (FCC 73-842), which assigned Channel 252A to Crest Hill, Illinois, a neighboring community to Shorewood, and changed the assignment at Ottawa to Channel 237A. The assignments became effective September 14, 1973. If Channel 252A were to be assigned to Princeton, Illinois, it would be contingent upon Station WOLI at Ottawa's operating on Channel 237A.

5. It appears from petitioner's presentation that Channel 252A could be assigned to Princeton, Illinois without any other changes in the FM Table of Assignments and in conformance with the Commission's minimum mileage separation rule. In view of the foregoing information and the fact that there is no local FM broadcast transmission service in Princeton, we believe the proposal merits exploration in a rule making proceeding.

6. In view of the foregoing and pursuant to the authority found in Sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the FM Table of Assignments (§ 73.202(b) of the rules) with respect to the city listed below as follows:

City	Channel No.	
	Present	Proposed
Princeton, Ill.		252A

7. *Showings required.* Comments are invited on the proposal set forth and discussed above. Proponent will be expected to answer whatever questions, if any, which are raised in the Notice and other questions that may be presented by initial comments. The proponent is expected to file comments even if nothing more than to incorporate by reference the petition, and is expected to state its intention to apply for the channel, if assigned, and, if authorized, to promptly build the station. Failure to make this showing may result in the denial of the petition.

8. *Cut-off procedure.* As in other recent FM rulemaking proceedings, the following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rulemaking which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that they will not be considered in connection with the decision herein.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before November 16, 1973, and reply comments on or before November 26, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

10. In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

11. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street, N.W.).

Adopted October 3, 1973.

Released October 10, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-22125 Filed 10-16-73;8:45 am]

[1] All population figures are from the 1970 U.S. Census.

[2] Commissioner H. Rex Lee absent.

FEDERAL MARITIME COMMISSION

[46 CFR Part 528]

[Docket No. 73-64]

SELF-POLICING SYSTEMS

Notice of Proposed Rule-Making

By FEDERAL REGISTER notice of February 23, 1973 (38 FR 4982-4993) the Commission announced a proposed rulemaking under Docket No. 73-5 to establish a new Part 544 to Title 46 CFR for the purpose of incorporating all of its rules and guidelines pertaining to section 15 agreements into one comprehensive rule and to make such changes and additions as appeared necessary to cover all aspects of the filing and modification requirements of section 15 agreements.

On June 14, 1973, the Commission suspended the procedure schedule in Docket No. 73-5, pending further notice, in order to permit a reevaluation of the proposed rules.

As a result of such reevaluation, the Commission has decided to modify its proposed rules to remove or to mitigate requirements and provisions which it now deems may be objectionable or burdensome and to add or to augment other provisions and requirements which it now believes to be necessary to strengthen or to clarify certain provisions.

Included among the rules in Docket No. 73-5 is General Order 7, Self-Policing Systems, 46 CFR Part 528. Because the proposed changes to these rules are especially important and are expected to generate considerable interest, we have decided to sever them from the proposed rulemaking in Docket No. 73-5 and to establish a separate rulemaking proceeding with respect thereto in order not to delay action on the other rules. Consequently, self-policing rules will remain under General Order 7 and Part 528 of 46 CFR.

In Docket No. 73-5 we proposed to change the self-policing rules in the following respects:

1. To require that every self-policing system provide for an individual or body who is directed to constantly police the activities of the members through inspection of books and records, surprise audits and investigations of rumors of malpractices.

2. To require that a copy of all records of self-policing activities be maintained in the United States regardless of location of the headquarters of the conference or rate agreement.

3. To require that the identity of the party found to have committed a violation be disclosed after final disposition of the self-policing proceeding.

The Commission now considers that the requirement to maintain a neutral person or body to perform the policing function could impose an undue economic burden on conferences or rate agreements with limited resources or where the need for a sophisticated self-policing system is questionable. Accordingly, we are permitting an exception to the neutral body requirement where it can be demonstrated that it is not abso-

lutely necessary and would create an undue hardship.

The requirement that a copy of all self-policing records must be maintained in the United States could create serious problems on the grounds that many countries have laws prohibiting disclosure outside the country and it might create an economic burden on the parties to ratemaking agreements to maintain duplicate sets of records. The laws of other countries notwithstanding, the Commission has a duty to keep itself informed as to the efficacy of self-policing by the conferences and rate agreements under its jurisdiction. To do this it must have access to records and other documents evidencing the manner in which self-policing is being conducted. However, to relieve conferences and rate agreements of the burden of maintaining duplicate records, we are modifying our requirement in this respect to provide that copies of records of self-policing activities will be made available to the Commission or any other appropriate governmental authority upon request. Also, we are allowing the names of the parties involved in any self-policing activity to be deleted from such records.

In reconsidering the requirement that the identity of the party in violation be disclosed upon completion of the self-policing proceeding, the Commission takes note of the apparent fear of the steamship lines that they would be placing themselves in double jeopardy, first to the policing body and then to the Commission. However, our intent in this respect is not to have the opportunity to inject ourselves into the policing activity but to be able to see how energetically policing is being administered and how effective it is in deterring repeated offenses. Therefore, to dispel any fear of double jeopardy, in lieu of disclosing the actual identity of the party in violation, we are proposing that each member of a conference or rate agreement be assigned a coded identity for reporting purposes.

Upon re-examination of our original proposed rules, we find that the requirement that a separate neutral person or body be appointed to perform self-policing functions is not clearly stated. Therefore, to avoid any misinterpretation, we are adding language to make this perfectly clear.

In addition, we are making other language additions and changes in recognition of the fact that policing will no longer be conducted exclusively on the basis of complaints but will also consist of self-generated investigations by the policing body.

Also, with respect to a proven violation, we are requiring that the offense be specifically described in lieu of stating the nature thereof. We do this on the basis of present comparative experience between the few reports we now receive which define the offense exactly and the majority which only identify it within a generic category. We find the specific description to be much more useful in evaluating self-policing and in recognizing possible problem areas in a particular trade.

As we stated in Docket 73-5, existing self-policing systems have generally failed to achieve their purpose. This is demonstrated by the fact that malpractices have been extant in many of our foreign trades and yet little or no policing action has ever been reported.

The primary cause for this failure is, in our opinion, the fact that practically all self-policing systems rely solely on the filing of complaints for the investigation and discovery of malpractices and have no procedure for the continuing surveillance of their member lines' activities. Admittedly, General Order 7, by the manner in which it is couched, encourages this type of system. However, the legislative history to Public Law 87-346 (75 Stat. 764) clearly shows that Congress intended for the carriers and other persons subject to the Shipping Act, 1916, to vigorously and actively police their concerted activities carried out pursuant to the Commission's approval.

Another reason for this failure, we feel, is that in most instances self-policing is essentially the responsibility of the conference chairman or secretary who, because of a multitude of other duties and a limited staff, does not have the time nor the facilities to conduct an effective, full-time policing program.

For these reasons and in these respects the Commission considers it necessary to modify its self-policing rules to require more active and more effective self-policing and to increase its surveillance over such activity to insure that this is achieved.

Therefore, pursuant to sec. 4 of the Administrative Procedure Act (5 U.S.C. 553) and secs. 15, 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820 and 841A), notice is hereby given that the Commission proposes to revise Part 528 of Title 46 CFR. As proposed to be revised, Part 528 would read as follows:

PART 528—SELF-POLICING SYSTEMS

Sec.

AUTHORITY: The provisions of this Part 528 issued under secs. 15, 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820, and 841 (a)).

§ 528.1 Scope and purpose.

Section 15 of the Shipping Act, 1916, as amended by Public Law 87-346 (75 Stat. 763-4) provides that the Commission shall disapprove an agreement thereunder if, after notice and hearing, it finds inadequate policing of the obligations of the agreement. This amendment makes it necessary that provision for self-policing be included in certain section 15 agreements and that the Commission be informed of the manner in which such provision is being carried out. The requirements set forth below are to aid the Commission in determining the existence and adequacy of self-policing systems in accordance with the statutory objective.

§ 528.2 General requirements; section 15 agreements.

(a) Conference agreements and other rate-fixing agreements between common carriers by water in the foreign and domestic offshore commerce of the United States or other persons subject to the Shipping Act, 1916, whether or not previously approved, shall contain agreement provisions describing the method or system used by the parties in policing the obligations under the agreement, including the procedure for handling complaints and the function and authority of every person having responsibility for administering the system.

(b) Every self-policing system must provide for a separate individual or body,[1] not affiliated with any member line, that is directed to constantly police the activities of the members through inspection of books and records, surprise audits, inspection of billings, classifications, bills of lading and other documents, investigations of rumors or complaints of malpractices, and through use of any other method of surveillance that would tend to affirmatively disclose whether members are adhering to the letter and spirit of the agreement and the tariffs of the members. Inherent in such a requirement is the necessity for unqualified agreement by the members to make all such information, wherever located, available to the individual or body selected to perform such policing upon demand, with or without notice.

(c) Every self-policing system must provide that, upon request, a copy of all records of self-policing activities will be made available to the Commission or any other appropriate governmental body. Such copy may delete the names of all parties involved.

§ 528.3 Self-policing provisions; specific requirements.

Every self-policing system required under § 528.2 shall, as a minimum, contain specific provisions as follows:

(a) *Offenses (general).* A statement that any malpractice or breach of any provision(s) of the agreement, the tariff, or the rules and regulations thereunder, will be subject to self-policing sanctions;

(b) *Permissible penalties (liquidated damages).* A statement specifying the maximum penalties (liquidated damages) or range of penalties (liquidated damages) or the method by which such penalties (liquidated damages) shall be calculated which may be assessed against a member upon finding that such member has committed an offense. The statement may specify penalties (liquidated damages) for specific offenses and/or a general category of offenses and may relate to each and every offense, or to the number of times the member has

[1] Subject to Commission approval and demonstration that the maintenance of a separate individual or body would place an undue burden on the conference or rate agreement, the chairman or secretary may be designated to perform the self-policing functions provided such person is qualified, has adequate staff and facilities to properly carry out his self-policing duties and has no affiliation with any member line.

previously been found guilty of an offense;

(c) *Impartial adjudication.* A statement designating or which describes the manner of designating a totally disinterested person or body unaffiliated with the conference or ratemaking agreement or any member thereof or a statement providing for the selection, on an ad hoc basis, of a panel of arbitrators in accordance with the traditional rules of commercial arbitration and vesting such person, body, or panel with the final authority to adjudicate disputes and assess penalties (liquidated damages) within the scope of the self-policing system. Such person, body, or panel shall not perform any duties under the self-policing system including investigation and/or prosecution. Depending upon the type of self-policing system used by the conference, this person, body, or panel may be the tribunal before which self-policing disputes are adjudicated solely and finally or may be designated as an appellate tribunal limited to the function of reviewing an initial determination of guilt and/or assessment of penalties (liquidated damages) made by the conference itself or by any other body designated by it to so act. In the latter event, the person, body, or panel shall independently review the record of the initial proceeding upon demand of the accused, the conference or the complainant and shall have full authority to affirm, modify, or set aside any finding of fact, conclusion of law, or level of penalties (liquidated damages) assessed and shall not be bound by the results of any prior determination; and

(d) *Procedural guarantees to accused member.* A statement incorporating the following elements of fundamental procedural fairness to an accused member:

(1) A member accused of an offense, malpractice, or breach shall be charged in writing a reasonable time prior to the initial hearing and such charges shall fairly apprise the accused member of the nature of the charges so as to permit it to frame an adequate defense: *Provided*, That such charges need not reveal the identity of the complainant;

(2) The accused member shall be furnished with all evidence a reasonable time prior to the initial hearing: *Provided*, That evidence developed thereafter shall also be furnished to the accused and a delay granted, if necessary, to allow the accused to frame an adequate defense and provided that evidence which would reveal the identity of the complainant may be deleted or summarized;

(3) The person, body, or panel required under paragraph (c) of this section shall be furnished only such evidence as is furnished to the accused under paragraph (d)(2) of this section and such evidence as the accused may wish to furnish;

(4) The accused member shall be given a full and fair opportunity to rebut or explain any evidence or material and to present evidence of mitigating or extenuating circumstances; and

(5) The person, body, or panel required under paragraph (c) of this section may consider only such evidence and material properly furnished to it pursuant to this section in reaching its decision and assessing penalties (liquidated damages).

§ 528.4 Reporting requirements.

(a) Twice each year, once during the month of January and once during the month of July, there shall be filed with the Commission by the conferences and carriers subject to these rules, or by any person to whom they have delegated the self-policing authority, a report showing the nature and basis (complaint, routine surveillance, etc.) of each investigation initiated or docketed during the preceding 6-month period; a coded identification of the party[2] under investigation; the status or findings with respect to each investigation; and with respect to violations found, a specific description of the offense and the exact amount of the penalty (liquidated damages) or other sanction imposed.

(b) For the purpose of this section any matter investigated or any initial complaint received by the conferences and carrier members or by any person to whom they have delegated the self-policing authority, shall be reported on the semiannual report to the Commission. Such report must be made even though subsequent investigation during the reporting period may establish that no violation has occurred. In the event that no matters are investigated nor any initial complaints received during the 6-month period, or no actions were taken on matters reported in the previous 6-month period, a negative report so stating shall be filed.

§ 528.5 Filing of amendments to approved agreements.

All agreements previously approved under section 15 shall, if necessary, be amended to conform to the requirements of this part. Such amendments shall be filed with the Commission within (60) days from the date of publication of these rules in the FEDERAL REGISTER.

§ 528.6 Two party rate-fixing agreements.

Any group with rate-fixing authority under an approved agreement which has no more than two signatory parties to the agrement shall be excepted from all requirements of this part.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 3, 1973, an original and 15 copies of their views or arguments pertaining to the proposed amended rules. All suggestions for changes in the text as set out above should be accompanied by drafts of the language deemed necessary to accomplish the desired change and by statement and arguments in support thereof.

The Federal Maritime Commission, Bureau of Hearing Counsel, shall participate in the proceeding and shall file Reply to Comments on or before December 28, 1973, serving an original and 15 copies on the Federal Maritime Commission and one copy to each party who filed written comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before January 8, 1974.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73-22161 Filed 10-16-73;8:45 am]

[2] Members of an agreement must be assigned an identification code which shall remain constant for the duration of their participation therein.

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1064]

[No. MC-C-6829; No. MC-C-6829 (Sub. No. 1)]

BAGGAGE EXCESS VALUE DECLARATION

Limitation of Free Baggage Allowance

Limitation of free baggage allowance—Greyhound Lines—petition for investigation; No. MC-C-6829. Limitation of free baggage allowance—reasonableness of the $50 limitation; No. MC-C-6829 (Sub-No. 1).

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 18th day of September 1973.

Upon consideration of the record in the above-entitled proceedings (including the prior report and order of the Commission at 115 M.C.C. 566), and of

1. Joint petition of National Bus Traffic Association, Inc., and National Association of Motor Bus Owners, filed November 20, 1972, for (a) reopening, reconsideration, and modification of the regulations promulgated in No. MC-C-6829, (b) consolidation of No. MC-C-6829 (Sub-No. 1) with No. MC-C-6829, and (c) postponement of the effective date of the regulations promulgated in No. MC-C-6829;

2. Reply of Dr. Lincoln Smith, filed December 7, 1972; and

It appearing, that on July 11, 1972, an investigation proceeding was instituted in No. MC-C-6829 (Sub-No. 1) to determine (1) the adequacy of the existing $50 "free" baggage allowance, and (2) the possibility of adopting a regulation requiring a minimum $250 or some other "free" baggage allowance, and provision was made for the filing of representations by any person or persons supporting or opposing the requirements proposed;

And it further appearing, that investigation of the matters and things involved in these proceedings has been made and that the Commission has made and filed a report herein containing its findings of fact and conclusions and tentative conclusions thereon, which report is hereby referred to and made a part hereof;

It is ordered, That said petition, except to the extent granted in the said report, be, and it is hereby, denied.

It is further ordered, That additional written statements of facts, views, and arguments respecting the tentative conclusions reached in the said report, the modifications and rules proposed therein, and any other pertinent matter, are hereby invited to be submitted by any interested person, whether or not such person is already a party to this proceeding, on or before November 23, 1973, and a copy of such statements shall be served upon petitioner and all parties presently on record in the proceeding.

And it is further ordered, That a notice of the proposed rules, as set forth in appendix B to the said report, will be published in the FEDERAL REGISTER, that written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission at Washington, D.C., during regular business hours; and that notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of this Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

§ 1064.1 Minimum permissible limitations for baggage liability.

No motor common carrier of passengers and baggage subject to part II of the Interstate Commerce Act shall by tariff provision limit its liability for loss or damage to baggage checked by a passenger transported in regular-route or special operations to an amount less than $250 per adult ticket, unless the said passenger fails to attach securely to the baggage appropriate identification indicating in a clear and legible manner the name and address to which the baggage should be forwarded if lost and subsequently recovered, in which case an appropriate lesser limitation shall be permitted.

§ 1064.2 Notice of passenger's ability to declare excess value on baggage.

(a) All motor common carriers of passengers and baggage subject to part II of the Interstate Commerce Act, which provide in their tariffs for the declaration of baggage value in excess of a free baggage allowance limitation, shall provide clear and adequate notice to the public of the opportunity to declare such excess value on baggage.

(b) The notice referred to in paragraph (a) shall be in large and clear print, and shall state as follows:

NOTICE—BAGGAGE LIABILITY

This motor carrier is not liable for loss or damage to properly identified* baggage in an amount exceeding $_____. If a passenger desires additional coverage for the value of his baggage he may, upon checking his baggage, declare that his baggage has a value in excess of the above limitation and pay a charge as follows: _____

*IDENTIFY YOUR BAGGAGE

Under ICC regulations, lower liability limitations apply unless baggage is properly identified. Luggage tags should identify clearly the name and address to which lost baggage should be forwarded. Free luggage tags are available at all ticket windows and baggage counters.

The statement of charges for excess value declaration shall be clear, and any other pertinent provisions may be added at the bottom in clear and readable print.

(c) The notice referred to in paragraphs (a) and (b) shall be (i) placed in a position near the ticket seller, sufficiently conspicuous to apprise the public of its provisions, (ii) placed on a form to be attached to each ticket issued (and the ticket seller shall, where possible, provide oral notice to each ticket purchaser to read the form attached to the ticket), (iii) placed in a position at or near any location where baggage may be checked, sufficiently conspicuous to apprise each passenger checking baggage of its provisions, and (iv) placed in a position at or near the bus entrance, sufficiently conspicuous to apprise each boarding passenger of the provisions of the said notice.

§ 1064.3 Baggage excess value declaration procedures.

All motor common carriers of passengers and baggage subject to part II of the Interstate Commerce Act, which provide in their tariffs for the declaration of baggage value in excess of a free baggage allowance limitation, shall provide for the declaration of excess value on baggage at any time or place where provision is made for baggage checking, including (i) at a baggage checking counter until 15 minutes before scheduled boarding time, and (ii) at the side of the bus or at a baggage checking counter in reasonable proximity to the boarding area during boarding at a terminal or any authorized service point.

[FR Doc.73-22171 Filed 10-16-73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 21]

VOCATIONAL REHABILITATION

Dates of Eligibility

The proposed amendments to § 21.42 define and categorize the periods of basic eligibility in more simple and citable terms.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (27H), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before November 15, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make any regulations that are adopted effective the date of final approval.

1. Section 21.42 is revised to read as follows:

§ 21.42 Dates of eligibility.

Basic dates			Extension under § 21.41(a)–(e)			Extension under § 21.41(f)	
(1) Date disability incurred.	(2) Date of discharge.[1]	(3) Basic termination date (Last pay date).	If the basic termination date is less than 4 years away or has already passed, consideration should first be given for the 4-year extension and § 21.41 (a) through (e). See Columns (4) and (5).	(4) Beginning and ending date of critical[2] period § 21.41(a) through (e).	(5) Extended termination date under § 21.41(a) through (e) (last pay date).	If veteran does not have sufficient training time for completion of rehabilitation by his basic termination date or by any applicable extension under § 21.41(a) through (e), then extension under § 21.41(f) should be considered. See Column (6).	(6) Extended termination date under § 21.41(f) Seriously Disabled.
(a) 9-16-40 to 7-25-47.	After 9-15-40.	9 years after discharge date.		4 years and 9 months to 5 years after discharge date.	13 years after discharge date.[3]		6-30-75 or 10 years after termination date whichever is later.[5]
(b) 7-26-47 to 6-26-50.	Before 10-15-62.	10-14-71.		7-14-67 to 10-14-67	10-14-75		
	After 10-14-62.	9 years after discharge date.		4 years and 9 months to 5 years after discharge date.	13 years after discharge date.[3]		
(c) 6-27-50 to 1-31-55.	After 6-26-50.	9 years after discharge date.[4]		4 years and 9 months to 5 years after discharge date.	13 years after discharge date.[4]		
(d) After 1-31-55.	Before 10-15-62.	10-14-71.		7-14-67 to 10-14-67.	10-14-75.		
	After 10-14-62.	9 years after discharge date.		4 years and 9 months to 5 years after discharge date.	13 years after discharge date.		

[1] Date of discharge refers to the first unconditional discharge or release following the period of service in which the disability occurred.

[2] Critical period is the 90-day period immediately preceding the date falling exactly 4 years prior to the veteran's basic termination date. It is a 90-day period which permits the veteran time to complete counseling and select an objective which can be reached within the 4-year period immediately following.

[3] When extended termination date under §21.41(a) through (e) for these service dates has expired, further extension may only be granted if the veteran qualifies under §21.41(f).

[4] In no case was basic termination date (last pay date) earlier than 8-19-63 or extended termination date earlier than 8-19-67.

[5] Applicable termination date is 9 years after discharge or 13 years if training was extended under § 21.41(a) through (e).

2. In § 21.43, paragraph (b) is amended to read as follows:

§ 21.43 Severance of service connection—reduction to noncompensable degree.

* * * * *

(b) *Reduction while in training.* If the proposed rating action is taken while the veteran is in training and results in a reduction to a noncompensable rating of his disability, the veteran may be retained in training until the attainment of his objective, except if "discontinued" under § 21.283 he may not reenter. See also § 21.252.

* * * * *

Approved October 10, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.73-21989 Filed 10-16-73;8:45 am]

COST OF LIVING COUNCIL

[6 CFR Part 150]

PHASE IV PRICE REGULATIONS

Notice of Proposed Rulemaking

Notice is hereby given that, pursuant to the authority of Executive Orders 11695 and 11730, the Cost of Living Council, as part of its continuing review of the operation of price controls with respect to the petroleum industry, is considering the adoption of certain amendments to the Phase IV petroleum regulations to be effective October 31, 1973.

The proposed amendments represent substantive changes in the manner by which sellers of special petroleum products (gasoline, No. 2–D diesel fuel and No. 2 heating oil) at all sales levels must compute their selling prices for those products. New rules governing non-product cost allocation for refiners and other technical changes are also included in these regulations. While these regulations are under consideration by the Council, price ceilings have been imposed upon all prices charged for these petroleum products at all sales levels. Notice of this ceiling price imposition appears in amendments to Part 150, published elsewhere in this edition of the FEDERAL REGISTER.

The proposed rulemaking would only change the basic rules for gasoline, No. 2–D diesel fuel and No. 2 heating oil. All other petroleum products would remain subject to the rules under which they are now controlled. These new rules are designed to establish an orderly, more simplified system by which sellers of the special petroleum products determine maximum price levels and pass through costs from one sales level to another. This new system insures that no discrimination will exist among petroleum marketers in the method of establishing prices for petroleum products. The proposed rules would in no manner alter the general principle that all increased costs of imports and domestic crude petroleum may be passed through at every level of distribution in order to encourage a maximum expansion of supplies of petroleum products.

Under this new system, the present retail price ceiling is removed and the pass-through of increased petroleum costs by refiners, resellers and retailers is limited to full penny increments. Fractional cost increases cannot be passed forward, but all increases in one cent increments may be passed through by all distributors, including retailers.

CRUDE PETROLEUM

Included in this proposed rule making is a technical amendment to the existing pricing rule of § 150.354 for producers of released domestic crude petroleum. Some confusion has arisen concerning the price which may be charged under the pricing formula. The new rule clarifies the formula price by stating that the lesser of either the formula price or the market price is to be the price for released crude petroleum.

REFINERS' PRICING RULES FOR SPECIAL PRODUCTS

Several changes are made in the refiners' pricing rule of § 150.358, which is renumbered as § 150.355. Sales of special products at retail are made subject to this section and old § 150.355 which contained the ceiling price rules for special products is revoked. Special product retail sales prices are measured by the ceiling price in effect on October 31, 1973, or the base price (determined in the same manner as for nonretail sales) whichever is greater, plus allowable cost increases. Upward adjustments to special product prices must be made only in one cent increments measured from the October 31 ceiling price level.

The one cent increment rule further extends to a special product sold at other than retail by a refiner, but these penny adjustments must be measured from the selling price on October 31, 1973. Downward changes in base prices for these special products must also be reflected only in whole penny adjustments from the October 31 selling price level.

An allocation formula has been included to provide for the allocation of nonproduct cost increases in a manner similar to that used in allocating increased costs of product in § 150.356. These new rules concern the allocation of nonproduct costs only at the refinery and require prenotification any time a price is to be charged in excess of a base price. A refiner's nonproduct costs

incurred in other operations, such as reselling or retailing, are not includable in these cost computations. The allocation rule specifies further that price increases above base prices of special products are to be made by the penny increment to the ceiling price of October 31 for retail sales, and to the selling price of October 31 for other than retail sales. The price reduction rule is retained, with the added provision for special product price reductions to be made in one penny amounts.

REFINERS' ALLOCATION OF INCREASED PRODUCT COSTS

The allocation formula of § 150.356 is not changed by this rulemaking, although the superscript "n" is altered to more accurately represent seasonal changes. The proposed "n" would involve a "floating" three month period of the preceding year, with the middle month of the period corresponding to the current month represented in the formula by "u." The pricing rules for products refined by the refiner are modified to permit increases in special product base prices only in one cent increments to conform with the rules of new § 150.355. The rules concerning the method of allocating cost increases computed under the general formula are clarified in § 150.356, to permit the refiner to assign such costs in the manner he considers best.

A new paragraph is inserted in this section also to add clarification and specificity in the manner for carrying over costs from one month to be recouped in a later month. For a special product, the unused cost must be applied in the subsequent month by a method that adjusts for quantity changes for that special product between the two months. Other products may bear their unused cost allocation according to the refiner's chosen method of allocation, equally applied to each class of purchaser.

RESELLERS AND RETAILERS

With the institution of a system of cost pass-through at all levels of sales, the resellers' and retailers' price rule of § 150.359 is expanded to include nonrefiners' retail sales of special products. The one penny rule is also applied for special product prices at retail and resale levels. Increased costs are added to the May 15 selling price for retail sales by one penny increments to the October 31 ceiling price and for other than retail sales by penny increments to the October 31 selling price.

A price decrease provision is added to this section, to require that prices fully reflect costs on a dollar-for-dollar basis. For special products this price decrease occurs in the same manner as the price increases.

NEW ITEM

An addition to the new item base price determination in § 150.361 is made to accommodate the new reseller rule of § 150.359. The price for a new item sold by resellers and retailers is that of the nearest comparable outlet; costs are determined by the cost of the new item when first offered for sale.

POSTING AND RECORDS

The posting rule of § 150.362 is amended to incorporate the gasoline octane posting requirement and the rule for posting maximum prices of gasoline and No. 2-D diesel fuel at retail sales. Each adjustment to these maximum prices would be reflected in the posted price.

With respect to No. 2 heating oil price increases under new § 150.355 or new § 150.359, the rule of § 150.363 is amended to include the reporting requirement previously in effect. The new rule applies to retail sales of this item and requires that reports be submitted by the fifth day after the increase is implemented.

In issuing this notice of proposed rulemaking, the Council is inviting public comment on these amended petroleum industry price control rules contemplated for the remaining term of Phase IV.

Interested persons are invited to participate in the rulemaking by submitting written data, views or arguments with respect to the proposed regulations set forth in this notice to the Executive Secretariat, Cost of Living Council, 2000 M Street NW., Washington, D.C. 20508.

Comments should be identified on the outside envelope and on the document submitted with the designation "Proposed Phase IV Petroleum Amendments," and should be organized so that those comments dealing with a particular rule are on a separate page from those dealing with other rules. Ten copies should be submitted. All comments received by October 25, 1973, will be considered by the Council before final action is taken on the proposed regulations. The proposed regulations may be changed in light of the comments received. All comments received in response to this notice will be available for examination and copying by interested persons at the Cost of Living Council, 2000 M Street NW., Washington, D.C. 20508, during the hours of 9 a.m. to 5 p.m., Monday through Friday. Submissions may be inspected both before and after the ending date for comment.

(Economic Stabilization Act of 1970; as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1480.)

In consideration of the foregoing it is proposed to amend Part 150 of Title 6 of the Code of Federal Regulations as set forth below.

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

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

Paragraph 1. The definition of "Base price" in § 150.352 is amended by changing the reference to "§ 150.358" to read "§ 150.355".

Par. 2. The definition of "Ceiling price" in § 150.352 is amended by deleting the phrase "§ 150.355 with respect to No. 2-D diesel fuel, No. 2 heating oil and gasoline and".

Par. 3. Section 150.354 is amended in the first sentence of paragraph (c)(3) to read as follows:

§ 150.354 Ceiling price rule: Crude petroleum.

* * * * *

(c) *Rule.*

* * * * *

(3) *Released crude.*—Notwithstanding paragraph (c)(1) of this section, if during a particular month new crude petroleum which could be sold at other than the ceiling price pursuant to paragraph (c)(2) of this section is produced from a property, the entire base production control level crude petroleum for that month may be sold at a price which exceeds the ceiling price provided that the maximum price charged per barrel of that base production control level crude petroleum does not exceed the lesser of (i) the current free market price for the particular quality or grade of crude petroleum as (ii) the price derived pursuant to the following:

$$P_{max} = P_c + \left[\frac{C_{pr}}{C_{bpcl}} - 1\right][P_m - P_c]$$

Where:

P_{max} = Maximum price that may be charged for the crude petroleum (other than new crude) purchased from the property (dollars per barrel);
P_c = Ceiling price of the crude petroleum (dollars per barrel);
C_{bpcl} = Base production control level for property (barrels);
C_{pr} = Total amount of crude petroleum produced from the property during the month (barrels); and
P_m = Current free market price of the particular quality and grade of crude petroleum (dollars per barrel).

Par. 4. Section 150.355 is revised to read as follows:

§ 150.355 Price rule: Refiners.

(a) *Applicability.*—This section applies to each sale of a covered product which is refined by a refiner or commingled for accounting purposes with a product refined by a refiner. This section does not apply to sales of covered products by a refiner-reseller which are subject to § 150.359.

(b) *Rule.*—(1) A refiner may not charge to any class of purchaser a price for a covered product other than a special product in excess of the base price of that covered product except to the extent permitted pursuant to the provisions of paragraphs (c) through (k) of this section.

(2) With respect to a sale at retail, a refiner-retailer may not charge to any class of purchaser a price for a special product in excess of the ceiling price for that special product in effect on October 31, 1973, except to the extent that the base price of that special product exceeds the October 31, 1973, ceiling price pursuant to the provisions of paragraph (g) of this section and except to the extent that a price may be charged in excess of the base price for the item pursuant to the provisions of paragraphs (c)

through (k) of this section. Whenever the base price for the special product concerned falls below the October 31, 1973, ceiling price even in less than full penny amounts, that ceiling price must be reduced in full penny decrements until it does not exceed the base price.

(3) With respect to a sale at other than retail a refiner may not charge to any class of purchaser a price for a special product in excess of the weighted average price at which that special product was lawfully priced in transactions with the class of purchaser concerned on October 31, 1973, or if none occurred on that date, in the transaction next preceding October 31, 1973, except to the extent that the base price of that special product exceeds the October 31, 1973, selling price pursuant to the provisions of paragraph (g) of this section and except to the extent that a price may be charged in excess of the base price for the item pursuant to the provisions of paragraphs (c) through (k) of this section. Whenever the base price for the special product concerned falls below the October 31, 1973, selling price even by less than full penny amounts, that selling price must be reduced in full penny decrements until it does not exceed the base price. Any adjustment below the October 31, 1973, selling price or other authorized price must be applied in full penny decrements.

(c) *Price increases.*—(1) A price in excess of the base price of an item in a product line may be charged only to recover on a dollar-for-dollar basis those net increases in allowable costs that have been incurred with respect to the product line since the period for determining base cost and which the refiner continues to incur.

(2) For the purpose of determining whether net allowable costs have been incurred which permit the charging of a price in excess of the base price, base costs shall be compared with current costs. Current costs which exceed base costs may be used to justify a price in excess of the base price. "Allowable costs" under this section means nonproduct costs attributable to refining operations and exclude any costs attributable to marketing operations other than sales to wholesalers of covered products.

(d) *Application of price increases.*—(1) A firm may not increase prices pursuant to this section until it complies with the prenotification requirements of Subpart H of this part.

(2) A firm which is authorized to charge a prenotified percentage price increase pursuant to Subpart H of this part with respect to a product line by virtue of cost justification determined in accordance with this section, shall apply that percentage price increase as follows:

(i) A refiner may charge a price in excess of the base price of a special product at a particular level of distribution which reflects that part of the total allowable percentage price increase with respect to the product line allocable to sales of that special product at that particular level of distribution provided that (A) the amount of increase above the base price is calculated by use of the formula in subparagraph (3) of this paragraph, (B) the amount of increased costs allocable to that special product at the particular level of distribution is equally applied to each class of purchaser and (C) any adjustment to a base price for a special product sold at retail must be made in full penny increments to the ceiling price for that special product in effect on October 31, 1973, and any adjustment to a base price for a special product sold at other than retail must be made in full penny increments to the October 31, 1973, selling price as computed in paragraph (b)(3) of this section.

(ii) A refiner may charge a price in excess of the base price of its covered products other than special products which reflects that part of the total allowable percentage price increase with respect to the product line allocable to sales of those products or sales of special products not otherwise allocated pursuant to paragraph (d)(2)(i) of this section provided that the amount of increase above the base price is calculated by use of the formula in paragraph (d)(3) of this section and provided that the amount of increased costs allocated to a covered product other than a special product is equally applied to each class of purchaser.

(3) *Allocation formula.*

20-000 17, 335

$$D_{ij}{}^{n}=\frac{F\left[\left(\frac{S_i{}^{n}}{S^{n}}\right)\left(\frac{S_{ij}{}^{n}}{S_i{}^{n}}\right)\right]}{q_{ij}{}^{u}}$$

Where:

D = The dollar increase that may be applied to each base price of a covered product.

F = The total dollar amount of the cost justification for the product lines represented by the percentage shown on line 12 of Schedule C of Form CLC–22.

p = The unit price of a covered product other than crude petroleum.

q = The quantity or volume of a covered product other than crude petroleum.

$S=\sum_{i=1}^{4}\sum_{j=1}^{3}[p_{ij}q_{ij}]$ which is the total sales of all covered products other than crude petroleum.

$S_i=\sum_{j=1}^{3}[p_{ij}q_{ij}]$ which is the total sales of a specified covered product or products other than crude petroleum.

$S_{ij}=p_{ij}\,q_{ij}$ which is the total sales of a specific covered product or products other than crude petroleum at a specific level of distribution.

The type of covered product is referenced by the subscript i:

$i=1$ represents No. 2 heating oil.
$i=2$ represents gasoline.
$i=3$ represents No. 2–D diesel fuel.
$i=4$ represents all covered products other than special products.

The category of purchaser or level of distribution is referenced by the subscript j:

$j=1$ represents sales to ultimate consumers.
$j=2$ represents sales to retailers.
$j=3$ represents sales to wholesalers.

Superscript

n = The consecutive three-month period of the preceding year such that the middle month of the period corresponds to the current month.

u = The current month. Quantities calculated for the current month will be estimates which should be based on the best available data.

Mathematical Term

Σ Represents a calculation by summing with respect to the designated subscript all terms designated in the superscript.

(e) *Price reductions.*—(1) A price charged for a covered product other than a special product in excess of the base price may continue to be charged only as long as the net increases in allowable costs which support that price in excess of the base price continue to be incurred. Price reductions for a covered product other than a special product shall be made whenever necessary to assure that, for any fiscal quarter the weighted average of all price increases and price decreases in a product line does not exceed the percentage of cost justification for that line.

(2) A price charged in excess of the base price for a special product may continue to be charged only as long as the net increases in allowable costs which support that price in excess of the base price continue to be incurred. Price reductions for special products shall be made in full penny increments whenever and to the extent necessary to assure that, for any fiscal quarter, the weighted average of all price increases and price decreases in a product line does not exceed the percentage of cost justification for that line.

(f) *Productivity gains.*—(1) Increases in allowable costs shall be reduced to reflect productivity gains. For the purpose of determining whether a price may be charged above a base price pursuant to this section, productivity gains shall be calculated on the basis of the average percentage gain in the applicable industrial category, as set forth in the table in the Appendix to Subpart E. To the extent provided in the table in the Appendix, productivity gains shall be taken into account in the calculation of all price increases during any fiscal year but only until the full productivity offset, derived from the Appendix and calculated under paragraph (f)(2) of this section, has been used within that fiscal year.

(2) For the purpose of determining the extent to which a price icnrease is justified, each refiner shal calculate the sum of all of its labor costs (of the type required to be included as ocsts in reporting and prenotification forms issued pursuan tto Subpart H of this part, as a percentage of sales for the product line concerned, and shall multiply that per-

centage by the average annual rate of productivity gain for the applicable industrial category, as set forth in the table in the Appendix to Subpart E. The result is the productivity gain ,stated as a percentage, by which the total cost increase must be reduced in order to be an allowable cost for the purposes of a price increase under this section.

(3) If the product line concerned extends to more than one industrial category, the average percentage gain in productivity in each category must be weighted in proportion to the ratio which its estimated sales in each industrial category for the most recently completed fiscal quarter bears to the total sales of that product line for that quarter.

(g) *Base price*—(1) *General rule.*—The base price for sales of an item by a refiner is the weighted average price at which the item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, plus increased costs of imports and domestic crude petroleum incurred between the month of measurement and the month of May 1973 and measured pursuant to the provisions of § 150.356. In computing the base price, a firm may not exclude any temporary special sale, deal or allowance in effect on May 15, 1973.

(2) *Special products.*—Notwithstanding the general rule in paragraph (g)(1) of this section, for computing the base price for special products sold at retail, the increased costs of imports and domestic crude petroleum may only be added to the May 15, 1973, selling price in full penny increments above or below the ceiling price in effect for that special product on October 31, 1973. For computing the base price for special products sold at other than retail, the increased costs of imports and domestic crude petroleum may only be added to the May 15, 1973, selling price in full penny increments above or below the October 31, 1973, selling price of that special product as computed in paragraph (b)(3) of this section.

(3) *Imputed prices and costs.*—(i) If no transactions occurred on May 15, 1973, the most recent day preceding May 15, 1973, when a transaction occurred shall be used for purposes of computing the base price. If a refiner first offered an item for sale after May 15, 1973, and prior to the effective date of this paragraph, the first day when the item was offered for sale shall be used for purposes of computing the base price.

(ii) If no costs of imports and domestic crude petroleum were incurred during the month of May 1973, the base month for computing the increased costs of imports and domestic crude petroleum is the most recent month preceding May 1973 when the refiner incurred costs of imports and domestic crude petroleum. If a refiner first offered an item for sale after May 15, 1973, the base month for computing the increased costs of imports and domestic crude petroleum is the month when the item was first offered for sale.

(h) *Base cost*—(1) *Base costs.*—Base costs are the net allowable costs incurred with respect to the product line concerned and are calculated as follows:

(i) *Input costs.* The base cost with respect to costs of labor, crude petroleum and other input costs is the rate at which those costs were being incurred on May 15, 1973. If no input costs were incurred on that day, the base cost is the rate at which those costs were being incurred on the next day preceding May 15, 1973, on which input costs were incurred.

(ii) *All other costs.*—The base cost with respect to all costs other than input costs is the rate at which costs were being incurred on May 15, 1973. However, if the base cost with respect to any costs other than an input cost cannot reasonably be determined by the method prescribed in the preceding sentence, that base cost is the average cost throughout the last fiscal quarter which ended before May 15, 1973, in which costs were incurred with respect to the product line concerned as calculated in accordance with forms and instrutions issued by the Cost of Living Council.

(2) *New items.*—The base cost with respect to input costs for each new item, as defined in accordance with § 150.361, is calculated as of the date on which the new item concerned was first sold or leased in arms-length trading between unrelated persons. The base cost with respect to al lother costs which cannot be calculated on the first day of sale is the average cost incurred throughout the fiscal quarter in which the new item concerned was first sold or leased in arms-length trading between unrelated persons.

(i) *Current cost*—(1) *Current costs.*—Current costs are the net allowable costs incurred during the current cost period with respect to the item concerned excluding increased costs of imports and increased costs of domestic crude petroleum incurred after May 15, 1973, and measured pursuant to § 150.356.

(2) *Input costs.*—The current costs with respect to costs of labor, crude petroleum and other input costs is the rate at which those costs were being incurred on the last full day of business in the current cost period.

(3) *All other costs.*—The current cost with respect to all costs other than input costs is the rate at which those costs were being incurred on the last full day of business in the current cost period. However, if the current cost with respect to all costs other than input costs cannot reasonably be determined by the method prescribed in the preceding sentence, that current cost is the average cost incurred throughout the current cost period with respect to these costs as calculated in accordance with forms and instructions issued by the Cost of Living Council.

(4) *Current cost period.*—The current cost period is the last accounting month preceding the date of signature of the prenotification document submitted in accordance with Subpart H of this part except that with respect to input and other costs which may be calculated as of a date certain, the rate at which these costs are incurred on the day which is the date of signature of the prenotification document may be considered the rate on the last full day of the current cost period.

(j) *Profit margin limitation.*—A refiner which charges a price for any item in excess of the base price for that item in any fiscal year may not for the fiscal year in which the price increase is charged, exceed its base period profit margin as defined in § 150.31 of this part.

(k) *Certification.*—Each refiner of gasoline must with respect to each sale of gasoline certify in writing to the purchaser the octane number of the gasoline sold.

Par. 5. Section 150.356 is revised to read as follows:

§ 150.356 Allocation of refiner's increased costs of imports and domestic crude petroleum.

(a) *Scope.*—This section prescribes the requirements governing the inclusion of a refiner's increased costs of imports and domestic crude petroleum in the computation of its base prices pursuant to § 150.355(g) for covered products, which it refines or commingles for accounting purposes with products it refines. This section does not apply to increased costs of imports and increased costs of domestic crude petroleum for products a refiner resells as a refiner-reseller pursuant to § 150.359.

(b) *Definitions.*—For purposes of this section—

"Cost of domestic crude petroleum" means (1) For purposes of arms-length transactions the purchase price provided that it conforms with the requirements of § 150.354. (2) For purposes of a transaction between affiliated entities, the posted price for the new crude petroleum and the posted price or price determined pursuant to § 150.354(c)(3) for base production control level crude petroleum. If there is no posted price in a particular field, the related price for that grade of new domestic crude petroleum which is most similar in kind and quality at the nearest field for which the price is posted and the price determined pursuant to § 150.354(c)(3) for base production control level crude petroleum.

"Firm" means a parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls.

"Increased costs of domestic crude petroleum" means the difference between the total cost of domestic crude petroleum during the month of measurement and the total cost of domestic crude petroleum during the month of May, 1973. Increased costs of domestic crude petroleum also means the difference between the total cost of a purchased domestic petroleum product commingled for accounting purposes during the month of measurement and the total cost of that product commingled for accounting purposes during the month of May, 1973.

"Increased costs of imports" means, for an imported product, the difference between the total landed cost for that product landed during the period of measurement and the total landed cost of that product landed during the month of May, 1973.

"Landed cost" means: (1) For purposes of complete arms-length transactions, the purchase price at the point of origin plus the actual transportation

cost. (2) For purposes of products purchased in arms-length transactions and shipped pursuant to a transaction between affiliated entities, the purchase price at the point of origin plus the transportation cost computed by use of the accounting procedures generally accepted and consistently and historically applied by the firm concerned. (3) For purposes of products purchased in a transaction between affiliated entities and shipped pursuant to an arms-length transaction, the cost of the product computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned plus the actual transportation cost. (4) For purposes of products purchased and shipped pursuant to a transaction between affiliated entities, the costs of the product and the transportation, both computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned.

"Transactions between affiliated entities" means all transactions between entities which are part of the same firm and transactions with entities in which the firm has a beneficial interest to the extent of entitlement of covered product by reason of the beneficial interest.

(c) *Allocation of increased costs*—(1) *General rule.*

(i) *Special products.*—In computing base prices for sales of a special product at a particular level of distribution, a refiner may increase its May 15, 1973, selling prices to each class of purchaser each month beginning with October 1973 by an amount to reflect the increased costs of imports and increased costs of domestic crude petroleum attributable to sales of that special product at that level of distribution using the differential between the month of measurement and the month of May, 1973 provided that the amount of increased costs used in computing a base price is calculated by use of the general formula set forth in subparagraph (2) and provided that any adjustment to a May 15, 1973, selling price for a special product must be applied in full penny increments in accordance with the provisions of § 150.-355(g). To the extent that a refiner does not allocate its increased costs for a special product pursuant to this provision, it may include that part of its increased costs attributable to sales of that special product at that level of distribution in computing its base prices for covered products other than special products pursuant to paragraph (c)(1)(ii) of this section.

(ii) *Other than special products.*—In computing base prices for a covered product other than a special product, a refiner may increase its May 15, 1973, selling price to each class of purchaser each month beginning with October 1973 by an amount to reflect the increased costs of imports and increased costs of domestic crude petroleum attributable to sales of covered products other than special products or sales of special products not otherwise allocated pursuant to paragraph (c)(1)(i) of this section using the differential between the month of measurement and the month of May 1973, provided that the amount of increased costs used in computing a base price is calculated by use of the general formula set forth in paragraph (c)(2) of this section and provided that the amount of increased costs included in computing base prices of a particular covered product other than a special product must be equally applied to each class of purchaser. In apportioning the total amount of increased costs allocable to covered products other than special products, a refiner may apportion the total amount of increased costs to a particular covered product other than a special product at a particular level of distribution in whatever amount he deems appropriate.

(2) *General formula.*

$$D_{ij^u}=\frac{\left[A\times\frac{S_{i^o}}{S^o}+B\right]\frac{S_{ij^o}}{S_{i^o}}}{q_{ij^u}}$$

Where—

D = The dollar increase that can be applied to each May 15, 1973 selling price of the covered product concerned to each class of purchaser to compute the base price to each class of purchaser.

p = The unit price of a covered product other than crude petroleum For imported products, the landed cost.

q = The quantity or volume of a covered product other than crude petroleum

C = The unit cost of crude petroleum.

Q = The quantity or volume of crude petroleum.

$S=\sum_{i=1}^{4}\sum_{j=1}^{3}[p_{ij}q_{ij}]$ which is the total sales of all covered products other than crude petroleum.

$S_i=\sum_{j=1}^{3}[p_{ij}q_{ij}]$ which is the total sales of a specific covered product or products other than crude petroleum.

$S_{ij}=p_{ij}\ q_{ij}$ which is the total sales of a specific covered product or products other than crude petroleum at a specific level of distribution.

$$A=\sum_{k}[C_{k^t}Q_{k^t}-C_{k^o}Q_{k^o}-X^o(Q_{k^t}-Q_{k^o})]$$

Where

$X^o=\frac{\sum_{k=1}^{2}[C_{k^o}Q_{k^o}]}{\sum_{k=1}^{2}[Q_{k^o}]}$ which is the average unit cost of crude petroleum.

$$B=\sum_{k}p_{ik^t}q_{ik^t}-p_{ik^o}q_{ik^o}-Y^o(q_{ik^t}-q_{ik^o})]$$

Where

$$Y^o=\frac{\sum_{j=1}^{3}[p_{ij^o}q_{ij^o}]}{\sum_{j=1}^{3}[q_{ij^o}]}-\frac{\sum_{j=1}^{2}[p_{ij^o}q_{ij^o}(p_{ij^o}-p_{i3^o})]}{\sum_{j=1}^{2}[p_{ij^o}q_{ij^o}]}$$

The type of covered product is referenced by the subscript i:

$i=1$ represents No. 2 heating oil.

$i=2$ represents gasoline.

$i=3$ represents No. 2-D diesel fuel.

$i=4$ represents all covered products other than special products.

The category of purchaser or level of distribution is referenced by the subscript j:

$j=1$ represents sales to ultimate consumers.

$j=2$ represents sales to retailers.

$j=3$ represents sales to wholesalers.

The origin of a covered product is referenced by the subscript k:

$k=1$ represents domestic origin.

$k=2$ represents foreign origin or import.

SUPERSCRIPTS

n = The consecutive three-month period of the preceding year such that the middle month of the period corresponds to the current month.

o = The month of May 1973.

t = The month of measurement. (The month of measurement is the month preceding the current month.)

u = The current month. Quantities calculated for the current month will be estimates which should be based on the best available data.

MATHEMATICAL TERM

Σ Represents a calculation by summing with respect to the designated subscript all terms designated in the superscript.

(d) *Carryover of Unused Costs.*—(i) If in any month beginning with October 1973, a firm establishes a base price for a special product at a particular level of distribution which does not include the entire amount of the dollar increase calculated pursuant to the general formula and allowable under paragraph (c)(1)(ii) of this section the unused portion amount is not used to increase a May 15, 1973, selling price pursuant to paragraph (c)(1)(ii) of this section the unused portion of the dollar increase may be added to the May 15, 1973, selling price to compute the base price for that special product at that level of distribution for a subsequent month provided that the unused portion is adjusted by multiplying it by ratio that the quantity of the special product in the initial month of calculation bears to the quantity of that special product in the subsequent month of calculation.

(ii) If, in any month beginning with October 1973, a firm establishes base prices for covered products other than special products which do not reflect the entire amount of increased costs of imports and increased costs of domestic crude petroleum calculated pursuant to the general formula and allowable under paragraph (c)(1)(ii) of this section, the total amount of those unused costs may be used to compute base prices for covered products other than special products in a subsequent month provided that the amount of the unused costs included in computing the base prices of a particular covered product other than a special product is equally applied to each class of purchaser.

(e) *Affiliated entities.*—For purposes of this section, transactions between affiliated entities may be used to calculate increased costs. Whenever a firm uses a landed cost which is computed by use of its customary accounting procedures, the Council may allocate such costs between the affiliated entities if it determines that such allocation is necessary to reflect the actual costs of those entities or the Council may disallow any costs which it determines to be in excess of the proper measurement of costs. Costs incurred in transactions in which covered products are obtained which are resold without being refined by the firm or commingled for accounting purposes may not be included in the calculation of the general formula.

Par. 6. Section 150.358 is revoked.

Par. 7. Section 150.359 is revised to read as follows:

§ 150.359 Price rule: Resellers and retailers.

(a) *Applicability.*—This section applies to each sale of a covered product other than a sale by a refiner which is subject to § 150.355. Sellers subject to this section are refiner-resellers, resellers, reseller-retailers and retailers.

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

"Increased costs" means the difference between the weighted average unit cost of an item in inventory during the current pricing period and the weighted average unit cost of that item in inventory on May 15, 1973. If a particular item was not in inventory on May 15, 1973, the date for computing the cost is the most recent day preceding May 15, 1973, when the seller had the item in inventory.

"Pricing period" means any time period at the close of which the seller, in accordance with its customary and historical pricing practices and at its lowest customary pricing levels would normally reprice its covered products.

(c) *Price rule.*—(1) A seller may not charge a price for any item subject to this section which exceeds the weighted average price at which the item was lawfully priced by the seller in transactions with class of purchaser concerned on May 15, 1973, plus an amount which reflects on a dollar-for-dollar basis, increased costs of the item.

(2) Notwithstanding paragraph (c)(1) of this section, with respect to special products sold at retail, the increased costs may only be added to the May 15, 1973, selling price in penny increments to the ceiling price in effect for that special product on October 31, 1973. With respect to special products sold at other than retail, the increased costs may only be added to the May 15, 1973, selling price in full penny increments to the October 31, 1973, selling price of that special product as computed in paragraph (b)(3) of § 150.355.

(3) A seller which charges a price for a covered product other than a special product which exceeds the weighted average price at which the product was lawfully priced by the seller in transactions on May 15, 1973, must decrease the price of that product whenever the increased costs in the current pricing period are less than the increased cost in the most recently completed pricing period.

(4) Notwithstanding subparagraph (c)(3) of this section with respect to a special product sold at retail, whenever the increased costs in the current pricing period are less than the increased cost in the most recently completed pricing period the seller must decrease the price of that product in full penny increments to the ceiling price in effect for that special product on October 31, 1973. With respect to a special product sold at other than retail, whenever the increased costs in the current pricing period are less than the increased costs in the most recently completed pricing period the seller must decrease the price of that product in full penny increments to the October 31, 1973, selling price computed pursuant to the provisions of paragraph (b)(3) of § 150.355. Any other adjustment in price for a special product sold at other than retail below the October 31, 1973 selling price or other authorized price must be applied in full penny increments.

(5) In computing the May 15, 1973, selling price, a firm may not exclude any temporary special sale, deal or allowance in effect on May 15, 1973. If no transaction occurred on May 15, 1973, the most recent day preceding May 15, 1973, when a transaction occurred shall be used for purposes of applying the price rule. If the seller first offered an item for sale after May 15, 1973, and prior to the effective date of this subparagraph, the first day when the item was offered for sale shall be used for purposes of applying the price rule.

(d) *Certification.*—Each seller with respect to each sale of gasoline other than a retail sale must certify in writing to the purchaser the octane number of the gasoline sold.

Par. 8. Section 150.361 is amended by adding a new paragraph (b)(3) to read as follows:

§ 150.36 New item and lease rule.

* * * * *

(b) *Base price determination.*

* * * * *

(3) *Resellers.*—A reseller, reseller-retailer, retailer, or refiner-reseller offering a new item, shall for purposes of applying the price rule § 150.359(c) determine the May 15 selling price for that item as the price at which that item is priced in transaction at the nearest comparable outlet on the day when the item is first offered for sale. For purposes of computing the "increased costs," the cost of the item first offered for sale shall be used rather than the May 15, 1973 cost.

Par. 9. Section 150.362 is revised to read as follows:

§ 150.362 Price information and posting.

(a) Each seller of covered products shall maintain records of its base prices, base production control levels, and ceiling prices and shall make available upon request by a customer, the base price, base production control levels or ceiling price of any item being offered for sale to that customer.

(b) No later than 11:59 p.m., local time, November 7, 1973, each retail seller of gasoline and No. 2-D diesel fuel shall post the maximum permissible price allowed to be charged pursuant to § 150.355(b) or § 150.359(c) in a prominent place on each pump used to dispense gasoline or No. 2-D diesel fuel in retail sales and the octane number of that gasoline. Whenever an adjustment is made to the maximum permissible price each retail seller must adjust his posted price. Posting must be in the form and manner prescribed by the Cost of Living Council.

Par. 10. Section 150.363 is amended by adding a new paragraph (a)(3) to read as follows:

§ 150.363 Reports and recordkeeping.

(a) *Reports.*

* * * * *

(3) *No. 2 heating oil sellers.*—Any retail seller of No. 2 heating oil which increases the price of No. 2 heating oil pursuant to § 150.355(b) or § 150.359(c) must submit a report in accordance with the forms and instructions issued by the Cost of Living Council by the fifth day following the date on which the price is increased.

[FR Doc.73-22275 Filed 10-15-73;4:52 pm]

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

Agency for International Development

[Redelegation of Authority No. 99.1.35]

A.I.D. AFFAIRS OFFICER, MEXICO

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the A.I.D. Affairs Officer, Mexico, the authority to sign and approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $25,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole or in part, by said A.I.D. Affairs Officer only to the person or persons designated by the A.I.D. Affairs Officer as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for the Mission, or until the redelegation is revoked by the A.I.D. Affairs Officer, whichever shall first occur. The authority so redelegated by the A.I.D. Affairs Officer may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the A.I.D. Affairs Officer may be exercised by duly authorized persons who are performing the functions of the A.I.D. Affairs Officer in an acting capacity.

This redelegation of authority shall be effective October 1, 1973.

Dated September 25, 1973.

JOHN F. OWENS,
Director, Office of Contract Management.

[FR Doc.73-22136 Filed 10-16-73;8:45 am]

[Redelegation of Authority No. 99.1.38]

MISSION DIRECTOR, USAID, COLOMBIA

Redelegation of Authority Regarding Contracting Functions No. 99.1.38

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 F.R. 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Director, USAID, Colombia, the authority to sign or approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole, or in part, by said Mission Director at his discretion to the person or persons designated by the Mission Director as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for the Mission, or until the redelegation is revoked by the Mission Director, whichever shall first occur. The authority so redelegated by the Mission Director may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Mission Director may be exercised by duly authorized persons who are performing the functions of the Mission Director in an acting capacity.

This redelegation of authority shall be effective October 1, 1973.

Dated September 25, 1973.

JOHN F. OWENS,
Director, Office of Contract Management.

[FR Doc.73-22137 Filed 10-16-73;8:45 am]

[Redelegation of Authority No. 99.1.16]

MISSION DIRECTOR, USAID, LAOS

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Director, USAID, Laos, the authority to:

1. Sign contracts for commodities without monetary limitation;

2. Sign or approve U.S. Government contracts and grants (other than grants to foreign governments or agencies thereof) and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $500,000 or local currency equivalent;

3. Sign contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole or in part, by said Mission Director at his discretion to the person or persons designated by the Mission Director as contracting officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of contracting officer for the Mission, or until the redelegation is revoked by the Mission Director, whichever shall first occur. The authority so redelegated by the Mission Director may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Mission Director may be exercised by duly authorized persons who are performing the functions of the Mission Director in an acting capacity.

This redelegation of authority shall be effective October 1, 1973.

Dated September 27, 1973.

JOHN F. OWENS,
Director Office of contract Management.

[FR Doc.73-22134 Filed 10-16-73;8:45 am]

[Dedelegation of Authority No. 99.1.33]

REGIONAL DEVELOPMENT OFFICER, ARGENTINA

Redelegation of Authority Regarding Contracting Functions No. 99.1.33

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Regional Development Officer, Argentina, the authority to sign and approved:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $25,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limtaton.

The authority herein delegated may be redelegated in writing, in whole or in part, by said Regional Development Officer only to the person or persons designated by the Regional Development Officer as Contractng Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for the Mission, or until the redelegation is revoked by the Regional Development Officer, whichever shall first occur. The authority so redelegated by the Regional Development Officer may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Regional Development Officer may be exercised by duly authorized persons who are performing the functions of the Regional Development Officer in an acting capacity.

This redelegation of authority shall be effective on October 1, 1973.

Dated September 24, 1973.

JOHN F. OWENS,
Director, Office of Contract Management.

[FR Doc.73-22135 Filed 10-16-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

MILITARY AIRLIFT COMMITTEE OF THE NATIONAL DEFENSE TRANSPORTATION ASSOCIATION

Notice of Meeting and Agenda

OCTOBER 10, 1973.

The Military Airlift Committee of the National Defense Transportation Association will hold meetings on November 8, 1973, beginning at 9 a.m. e.s.t., and on November 9, 1973, beginning at 8:30 a.m. e.s.t. at General Motors Training Center, GM Technical Center, Warren, Michigan.

The NDTA Military Airlift Committee, serving as an industry advisory committee, advises the Commander of the Military Airlift Command on broad management problems pertaining to military airlift, including the augmentation of military forces by civilian industry. Briefings and presentations, in consonance with the theme, "Computerized Management Information Systems," will be featured.

Summary of agenda:

THURSDAY, NOVEMBER 8, 1973

9:00	Welcoming and Opening Remarks.
9:10	Keynote Address.
9:40	GM Scheduling, Distribution, and Transportation Systems.
10:40	Break.
10:55	Military Airlift Command Integrated Management System.
11:35	Military Air Integrated Reporting System.
12:00	Luncheon.
1:15	Tour of GM Tech Center.
3:45	Executive Session.

FRIDAY, NOVEMBER 9, 1973

8:30	Opening Remarks.
8:35	Systems Support Concepts and Management Ad Hoc Study Report.
8:50	Airlines Operations Management Systems.
9:25	Management Reports/Planning.
10:00	Inventory Control Systems.
10:35	Break.
10:50	Avis Wizard System.
11:25	Financial Management.
12:00	Adjournment.

The meeting is open for general public attendance, but this does not include participating in the proceedings or questioning the briefers and Committee members. Seating for the general public is limited and will be on a first-come-first-served basis. If a member of the general public wishes to make a formal oral statement germane to the meeting, he may submit a formal application, including the substance of the statement, to the Commander, Military Airlift Command, in advance of the meeting. (Address: Headquarters Military Airlift Command, Attention: Executive Agent, Military Airlift Committee, Scott Air Force Base, Illinois 62225.) Formal written statements may be submitted to the above at any time before or after the meeting.

STANLEY L. ROBERTS,
USAF, Colonel, Chief, Legislative Division Office of The Judge Advocate General.

[FR Doc.73-22090 Filed 10-16-73;8:45 am]

SCIENTIFIC ADVISORY BOARD

Notice of Meeting

OCTOBER 9, 1973.

The USAF Scientific Advisory Board Fall General Meeting will be held on October 18, 1973, from 9 a.m. until 5 p.m., and on October 19, 1973, from 8:30 a.m. until 12:30 p.m. The meetings will be closed to the public.

The Board will receive classified briefings on National security issues.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

STANLEY L. ROBERTS,
Colonel, USAF Chief, Legislative Division Office of The Judge Advocate General.

[FR Doc.73-22244 Filed 10-16-73;8:45 am]

Department of the Army

CLARK-HILL LAKE, GEORGIA-SOUTH CAROLINA

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

By virtue of the authority vested in the Secretary of Agriculture and the Secretary of the Army by the Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505a, 505b) it is ordered as follows:

(1) The lands under the jurisdiction of the Department of the Army described in Exhibit A, attached hereto and made a part hereof, which are within or adjacent to the exterior boundary of the Sumter National Forest, South Carolina, are hereby transferred from the jurisdiction of the Secretary of the Army to the jurisdiction of the Secretary of Agriculture, subject to outstanding rights or interests of record and to such continued use by the Corps of Engineers as is necessary for the construction, protection, and unrestricted operation, maintenance, and administration of the water storage and flood control facilities and functions of Clark Hill Lake.

(2) The National Forest lands described in Exhibit B, attached hereto and made a part hereof, which are a part of the Sumter National Forest, South Carolina, are hereby transferred from the jurisdiction of the Secretary of Agriculture to the jurisdiction of the Secretary of the Army.

Pursuant to section 2 of the aforesaid Act of July 26, 1956, the National Forest lands transferred to the Secretary of the Army by this order are hereafter subject only to laws applicable to Department of the Army lands comprising the Clark Hill Lake Project. The Department of the Army lands transferred to the Secretary of Agriculture by this order are hereafter subject to the laws applicable to the lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended.

Effective date. This order will be effective October 17, 1973.

Dated July 30, 1973.

J. PHIL CAMPBELL,
Acting Secretary of Agriculture.

HOWARD H. CALLAWAY,
Secretary of the Army.

EXHIBIT A

LANDS TRANSFERRED FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF AGRICULTURE

The following listed tracts acquired by the Department of the Army for or in connection with the Clark Hill Lake Project in McCormick County, South Carolina:

Segment J: All of Tract 939–1, and portions of Tracts 938, 943, 981.

Segment K: All of Tracts 1000, 1001–1, 1001–2, 1001–3, 1002, 1004, 1005–C, 1006, 1008, 1009, 1011, 1012, 1017, 1018, 1021, 1022, 1024, 1027, 1032, 1034, 1037, 1039, 1043, 1044, 1047, 1048, 1052, 1053, 1054, 1056, 1057, 1058, 1059, 1061, 1063, 1064, 1066, 1067, 1068, 1069, 1071, 1072, 1073, 1076, 1077, 1078, 1079, 1081–1, 1081–2, 1082, 1083, 1086, 1087, 1088, 1092, 1093, 1096, 1097.

Segment N: All of Tract 1332 and portion of Tract 1300.

The lands listed above consist of 6,952 acres, more or less. Legal descriptions of the transferred tracts and Real Estate Segment Maps depicting their location are on file in the office of the District Engineer, U.S. Army Engineer District, Savannah, Georgia, and the office of the Forest Supervisor, Francis Marion and Sumter National Forests, Columbia, South Carolina.

EXHIBIT B

LANDS TRANSFERRED FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF THE ARMY

The following listed tracts acquired by the Forest Service for the Sumter National Forest in McCormick County, South Carolina.

Segment A: All of Tract 331.

Segment B: All of Tracts 332, 36, 282.

Segment C: All of Tracts 282a, 281c, 281c–I, 140II, 140I, 139, 140.

Segment D: All of Tracts 35A, 273.

Segment E: All of Tract 220t.

Segment F: All of Tracts 220V, 35b.

Segment G: All of Tracts 37, 186, 35, 771.

Segment H: All of Tracts 165, 287, 348, 292, 207.

Segment I: All of Tract 297.

The lands listed above consist of 4,972 acres more or less. Legal descriptions of the transferred tracts and Real Estate Segment Maps depicting their location are on file in the office of the District Engineer, U.S. Army Engineer District, Savannah, Georgia, and the Office of the Forest Supervisor, Francis Marion and Sumter National Forests, Columbia, South Carolina.

[FR Doc.73–22158 Filed 10–16–73;8:45 am]

DEPARTMENT OF JUSTICE

Office of the Secretary

COUNTY OF DUTCHESS, ET AL.

Proposed Consent Judgment in Action To Enjoin Discharge of Pollutants

In accordance with Departmental Policy, 28 CFR § 50.7, 38 FR 19020, notice is hereby given that on September 21, 1973, a proposed partial final judgment in *United States* v. *The County of Dutchess, et al.* was lodged with the United States District Court for the Southern District of New York. The proposed judgment would permanently enjoin the defendants, their successors and assigns from depositing, causing or suffering the deposit of refuse into the Wappinger Creek from the Dutchess County Airport Landfill, except such discharges as may occur while the defendants are in full compliance with the provisions of the partial final judgment relating to construction and operation of the landfill.

The Department of Justice will receive until November 16, 1973, written comments relating to the proposed judgment. Comments should be addressed to the United States Attorney, Southern District of New York, United States Courthouse, Foley Square, New York, New York, and refer to *United States* v. *The County of Dutchess, et al.*, D.J. Ref. 90–5–1–1–333.

The proposed consent decree may be examined at the office of the United States Attorney, at the above address; the Region II Office of the Environmental Protection Agency, Room 908, 26 Federal Plaza, New York, New York 10007; the Clerk of the District Court, Southern District of New York, United States Courthouse, Foley Square, New York, New York; and the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Room 2623, Department of Justice Building, Ninth Street and Pennsylvania Avenue, Northwest, Washington, D.C. A copy of the proposed consent judgment may be obtained in person or by mail from the Pollution Control Section. In requesting a copy, please enclose a check in the amount of $3.00 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

WALLACE H. JOHNSON,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc.73–22200 Filed 10–16–73;8:45 am]

Drug Enforcement Administration

[Docket No. 73–19]

PATRICK A. LOREY, D.O.

Notice of Hearing

Notice is hereby given that on July 24, 1973, the Drug Enforcement Administration, Department of Justice, issued to Patrick A. Lorey, D.O., Tombstone, Arizona, an Order to Show Cause as to why the Drug Enforcement Administration should not deny the Application for Registration under the Controlled Substances Act of 1970, of the Respondent, executed on May 1, 1973, pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since said order was received by Dr. Lorey, and written request for a hearing having been filed with the Acting Administrator of the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on October 26, 1973, in room 7444, Federal Office Building, 230 North First Street, Phoenix, Arizona 85025.

Dated October 12, 1973.

JOHN R. BARTELS, Jr.,
Acting Administrator, Drug Enforcement Administration.

[FR Doc.73–22222 Filed 10–16–73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[INT FES 73–60]

OUTER CONTINENTAL SHELF OFFSHORE MISSISSIPPI, ALABAMA, AND FLORIDA

Notice of Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement relating to a possible Outer Continental Shelf general oil and gas lease sale of 147 tracts of submerged lands on the Outer Continental Shelf in the Gulf of Mexico offshore Mississippi, Alabama, and Florida.

Single copies of the final environmental statement can be obtained from the Office of the Manager, Gulf Outer Continental Shelf Office, Bureau of Land Management, Suite 3200, The Plaza Tower, 1001 Howard Avenue, New Orleans, Louisiana 70113, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240. Additional copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151.

Copies of the final environmental statement will also be available for public review in the main public libraries in the following cities: Gulfport, Mississippi; Mobile, Alabama; and Pensacola, Panama City, Tallahassee, Tampa, and St. Petersburg, Florida.

CURT BERKLUND,
Director, Bureau of Land Management.

Approved: October 16, 1973.

WILLIAM W. LYONS,
Deputy Under Secretary of the Interior.

[FR Doc.73–22288 Filed 10–16–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 3]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1974)

The CCC Monthly Sales List for the fiscal year ending June 30, 1974, published in 38 FR 19259 is amended as follows:

1. Section 13 entitled "Corn—Unrestricted Use Sales—bulk—storable—basis Grade 2 yellow corn—15.1 to 15.5 moisture—in-store" published in 38 FR 19260 as amended in 38 FR 26012 is revised to read as follows:

The minimum price will be the market price but not less than the formula price. The formula price is the 1973 county loan rate where stored plus the monthly markup shown in this section plus transit value, if any.

MONTHLY MARKUPS—CENTS PER BUSHEL

1973

October	23
November	23
December	23

1974

January	23
February	25
March	27
April	29
May	31
June	33

Loan differentials will be applied in determining the formula price of other grades or qualities.

2. Section 17 entitled "Grain Sorghum—Unrestricted Use Sales" (bulk—storable—basis Grade 2 or better in-store) published in 38 FR 19260 is revised to read as follows:

The minimum price is the market price but not less than the formula price.

At designated terminals the formula price is the 1973 county loan rate where stored plus the monthly markup shown in this section plus 7 cents per hundredweight or the transit value, whichever is higher.

Outside of designated terminals the formula price is the county loan rate where stored plus the monthly markup shown in this section plus the transit value, if any.

Loan differentials will be applied in determining the formula price of other grades and qualities.

MONTHLY MARKUPS—CENTS PER HUNDREDWEIGHT

1973

October	39½
November	39½
December	39½

1974

January	39½
February	43
March	46½
April	50
May	53½
June	57

3. The provisions of section 46 entitled "Flaxseed—Unrestricted Use Sales" (bulk—storable—basis Grade 1—in-store Minneapolis and Duluth/Superior) published in 38 FR 19261 are deleted.

Effective date 2:30 p.m. (EDT) September 28, 1973.

Signed at Washington, D.C. on October 11, 1973.

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

[FR Doc.73-22106 Filed 10-16-73;8:45 am]

Cooperative State Research Service

COOPERATIVE FORESTRY RESEARCH ADVISORY BOARD

Notice of Meeting

The Cooperative Forestry Research Advisory Board will meet October 29–30, 1973, in Washington, D.C.

The meeting is open to the public and will be held in Room 3840 on the 29th and Room 3056 on the 30th in the South Building of the Department of Agriculture, starting at 9 a.m.

The Advisory Board will consider procedures appropriate for administration of competitive grants as a part of the McIntire-Stennis Cooperative Forestry Research Program.

The names of Board members and agenda are available upon request to the Recording Secretary of the Board, R. L. Lovvorn, USDA, CSRS, Washington, D.C. 20250. Written statements may be filed with the Board before or after the meeting.

R. L. LOVVORN,
Administrator.

[FR Doc.73-22098 Filed 10-16-73;8:45 am]

[Designation No. AO 26]

Farmers Home Administration

DESIGNATION OF EMERGENCY AREAS

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in South Dakota:

Campbell	McPherson
Edmunds	

The Secretary has further found that such general need for agricultural credit existing in these areas cannot be met temporarily by private, cooperative, or other responsible sources at reasonable rates and terms for loans for similar purposes and periods of time, and that the need for such credit in such areas is the result of a natural disaster consisting of drought during the 1973 crop year in these three counties; severe hailstorms in Campbell County June 16, July 1, and July 9, 1973; and hailstorms during late May, mid-June, and July 1, 1973, in McPherson County.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-24, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Richard F. Kneip that such designation be made.

Applications for Emergency loans must be received by this Department prior to December 3, 1973, for physical losses and prior to July 3, 1974, for production losses, except that qualified borrowers who received initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

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

J. R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.73-22159 Filed 10-17-73;8:45 am]

Forest Service

ADVISORY COMMITTEE ON STATE AND PRIVATE FORESTRY

Notice of Meeting and Agenda

The Advisory Committee on State and Private Forestry will meet in Portland, Oregon, November 7–9, 1973.

November 7, the meeting will convene in the Benson Hotel at 8:30 a.m. An abbreviated agenda follows:

8:30–10:15 a.m. Statements from USDA agencies on current activities in the field of state and private forestry.

10:15 a.m.–12:15 p.m. Panel presentation on opportunities for increasing the timber supply on non-industrial private forest lands.

1:30–5:00 p.m. The forest insect situation in the Pacific Northwest;

FALCON (Advanced logging systems);

Land Use Planning in the State of Washington.

November 8 will be an all day flield trip starting from the Benson Hotel at 8:00 a.m. and returning at 5:00 p.m.

On-the-ground application of the Oregon Forest Practice Act and service foresters and private consultant assistance to private forest landowners.

November 9, the meeting will convene at 8:30 a.m. in the Benson Hotel for Committee deliberations on the items discussed and observed on the previous two days and other items pertaining to the cooperative forestry programs. The meeting will adjourn at noon on Friday.

The purpose of this meeting is to provide committee advice to the Secretary of Agriculture and the various agencies of the Department directly concerned with cooperative forestry programs.

The meeting will be open to the public. Persons who wish to attend should notify:

Mr. Lloyd Soule
USDA-Forest Service
319 SW Pine Street
Portland, Oregon 97208
Telephone: 503-221-3625

Written statements may be filed with the committee before or after the meeting. Such statements should be addressed to:

Mr. Donald Pomerening, Executive Secretary
USDA-Forest Service
Room 3246, South Building
Washington, D.C. 20250

EINAR L. ROGET,
Associate Deputy Chief for
State and Private Forestry.

OCTOBER 10, 1973.

[FR Doc.73-22095 Filed 10-16-73;8:45 am]

MULTIPLE USE PLAN—CAMP-TOLAN PLANNING UNIT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Multiple Use Plan for the Camp-Tolan Planning Unit, USDA-FS-DES (Adm) 74-33.

The environmental statement concerns the proposed implementation of a revised Multiple Use Plan for the Camp-Tolan Planning Unit, Sula Ranger District, Bitterroot National Forest, Ravalli County, Montana. About 40,000 acres of National Forest land are affected. The planning unit is divided into 7 subunits (management units) of similar resource potential and limitations to management. Significant values, management direction, and specific statements to guide land management have been developed for each subunit.

This draft environmental statement was filed with CEQ on October 10, 1973.

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

USDA, Forest Service
So. Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, DC 20250
USDA, Forest Service
Northern Region
Federal Building, Room 3077
Missoula, Montana 59801
USDA, Forest Service
Bitterroot National Forest
316 North Third Street
Hamilton, Montana 59840
USDA, Forest Service
Sula Ranger District
Sula, Montana 59871

A limited number of single copies are available upon request to:

Orville L. Daniels, Forest Supervisor
Bitterroot National Forest
316 No. Third Street
Hamilton, Montana 59840
John Lowell, District Ranger
Sula Ranger District
Sula, Montana 59871

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

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

Comments concerning the proposed action and requests for additional information should be addressed to Orville L. Daniels, Forest Supervisor, Bitterroot National Forest, 316 North Third Street, Hamilton, Montana 59840. Comments must be received by December 10, 1973, in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief,
Forest Service.

OCTOBER 11, 1973.

[FR Doc.73-22104 Filed 10-16-73;8:45 am]

PROPOSAL FOR VEGETATION CONTROL BY MECHANICAL TREATMENT IN STATE OF ARIZONA

Notice of Availability of Final 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 final environmental statement for a Proposal for Vegetation Control by Mechanical Treatment in the State of Arizona. USDA-FS-FES (Adm) 73-67.

The environmental statement considers probable environmental effects of the proposed program.

The final evironmental statement was filed with CEQ on October 10, 1973.

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

USDA, Forest Service
South Agriculture Bldg., Rm. 3230
14th St. & Independence Ave., S.W.
Washington, D.C. 20250
USDA, Forest Service
Southwestern Region
517 Gold Avenue, S.W.
Albuquerque, New Mexico 87102
Coronado National Forest
130 S. Scott
Tucson, Arizona 85702
Kaibab National Forest
101 W. Bill Williams Ave.
Williams, Arizona 86046
Prescott National Forest
344 South Cortez
Prescott, Arizona 86301
Sitgreaves National Forest
203 W. Hopi Drive
Holbrook, Arizona 86025

A limited number of single copies are available upon request to William D. Hurst, Regional Forester, Southwestern Region, U.S. Forest Service, 517 Gold Avenue SW., Albuquerque, New Mexico 87102.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151; and Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Arizona 86001. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

PHILIP L. THORNTON,
Deputy Chief,
Forest Service.

OCTOBER 11, 1973.

[FR Doc.73-22105 Filed 10-16-73;8:45 am]

SANTA FE NATIONAL FOREST LIVESTOCK ADVISORY BOARD

Notice of Meeting

The Santa Fe National Forest Livestock Advisory Board will meet at 0930, November 1, 1973, at the First National Bank, Cordova Office, 701 Camino de los Marquez, Santa Fe, New Mexico.

The purpose of this meeting is to discuss the Forest transfer policy, Forest Land Use Planning Program, a brief review of select permittee problems, and will be followed by a field review of the range development program on Glorieta Mesa, Pecos Ranger District.

The meeting will be open to the public. Persons who wish to attend the field trip should notify Mr. John T. Drake, Range Staff Officer, Santa Fe National Forest, at 982-3801, Extension 540, in order to coordinate transportation arrangements. Written statements may be filed with the committee before or after the meeting.

CHRISTOBAL B. ZAMORA,
Forest Supervisor.

October 9, 1973.

[FR Doc.73-22092 Filed 10-16-73;8:45 am]

CLARK-HILL LAKE, GEORGIA-SOUTH CAROLINA

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

CROSS REFERENCE: For a document issued jointly by the Department of the Army and the Department of Agriculture concerning the interchange of administrative jurisdiction of Clark-Hill Lake in Georgia and South Carolina, see FR Doc. 73-22158, *supra*.

Office of the Secretary

TETON NATIONAL FOREST

Transfer of Certain Lands

In compliance with section 2 of the act of August 25, 1972 (Public Law 92-404), 86 Stat. 619, notice is hereby given that pursuant to the authority vested in the Secretary of Agriculture, the following lands are hereby transferred from the administrative jurisdiction of the Forest Service, U.S. Department of Agriculture to the administrative jurisdiction of the National Park Service, U.S. Department of the Interior.

Those certain lands now administered as part of the Teton National Forest, situated, lying, and being in the Sixth Principal Meridian, Teton County, Wyoming, and being more particularly described as follows:

T. 47 N., R. 115 W., (Unsurveyed Protraction Diagram No. 6)
Sec. 4, that part northwesterly of a line extending southwesterly from the confluence of North Fork Sheffield Creek and main Sheffield Creek in Sec. 34, T. 48 N., R. 115 W., to a prominent point, elevation 7,780, in Sec. 8, T. 47 N., R. 115 W;
Sec. 5, all; Sec. 7, all;
Sec. 6, all;
Secs. 8 and 9, those parts northwesterly and west of a line extending southwesterly from the confluence of North Fork Sheffield Creek and main Sheffield Creek in Sec. 34, T. 48 N., R. 115 W., to a prominent point, elevation 7,780, in Sec. 8; thence due south to the south line of Sec. 8, T. 47 N., R. 115 W.

T. 47 N., R. 116 W.,
Sec. 1, all; Sec. 9, all;
Sec. 2, all; Sec. 10, all;
Sec. 3, all; Sec. 11, all;
Sec. 4, all; Sec. 12, all.

T. 48 N., R. 115 W., (Unsurveyed-Protraction Diagram No. 6)
Secs. 15 and 16, those parts west of a line extending southerly along the east bank of the Snake River from the north line of Sec. 16 to the south line of Sec. 15;
Sec. 17, all; Sec. 19, all;
Sec. 18, all; Sec. 20, all;
Secs. 21, 22, and 28, those parts west of a line extending southerly along the east bank of the Snake River from the north line of Sec. 22 to Sheffield Creek in Sec.

28; thence southeasterly along the east bank of Sheffield Creek from its junction with the Snake River to the south section line of Sec. 28;
Sec. 29, all;
Sec. 30, all;
Sec. 31, all;
Sec. 32, all;
Secs. 33 and 34, those parts south and west of a line extending southerly along the north bank of Sheffield Creek from the north line of Sec. 33 to its confluence with the North Fork Sheffield Creek in Sec. 34; thence extending southwesterly from the confluence of North Fork Sheffield Creek and main Sheffield Creek to a prominent point, elevation 7,780, in Sec. 8, T. 47 N., R. 115 W.

T. 48 N., R. 116 W.,
Sec. 10, lots 1 and 2 and that part of lot 3 lying east of the Targhee National Forest boundary;
Sec. 11, lots 1 to 4 inclusive;
Sec. 12, lots 1 to 4 inclusive;
Sec. 13, all;
Sec. 14, all;
Secs. 15, 16, and 21, those parts east and south of the Targhee National Forest boundary;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all;
Secs. 28 and 33, those parts east of the Targhee National Forest boundary;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all.

The areas described aggregate 23,777.22 acres, more or less, including lands inundated by water areas.

Effective date. October 17, 1973.

ROBERT W. LONG,
Assistant Secretary of Agriculture.

October 12, 1973.

[FR Doc.73-22099 Filed 10-16-73;8:45 am]

DEPARTMENT OF COMMERCE

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

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

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Requests for licensing information should be directed to the address cited with each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Requests for licensing information should be directed to the address cited below for each agency.

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

U.S. Department of Health, Education, and Welfare; National Institutes of Health; Chief, Patents Branch; Westwood Building; Bethesda, MD 20014.

Patent 3,734,930: Direct Synthesis of (Trans-Delta) 9-Tetrahydrocannabinol from Olivetol and (+)—Trans-De Ta 2-Carene Oxide; filed 22 September 1971, Patented 23 May 1973; not available NTIS.

U.S. Department of the Interior; Branch of Patents; 18th and C Streets NW.; Washington, D.C. 20240.

Patent Application 383,233: Preparation of High Flux Cellulose Acetate Membranes and Hollow Fibers from Prefabricated Low Flux Specimens; filed 27 July 1973; PC $3.00/MF $1.45.

Patent Application 383,234: Support for Dynamic Membrane; filed 27 July 1973; PC $3.00/MF $1.45.

Patent 3,728,671: Multiple Electrode, Directional, Acoustic Source; filed 30 April 1970, Patented 17 April 1973; not available NTIS.

U.S. Department of the Army; Chief, Patents Division; Office of Judge Advocate General; Patent Division Room 2C-455; Pentagon; Washington, D.C. 20310.

Patent 3,567,382: Isocyanide Indicator; filed 23 April 1968, Patented 2 March 1971; not available NTIS.

Patent 3,573,185: Anodic Sputtering; filed 16 December 1968, Patented 30 March 1971; not available NTIS.

Patent 3,599,077: High-Efficiency, Controllable DC to AC Converter; filed 18 June 1970, Patented 10 August 1971; not available NTIS.

Patent 3,605,136: Powered Litter Rack; filed 27 October 1969, Patented 20 September 1971; not available NTIS.

Patent 3,624,552: Glass Laser Coupling Reflector; filed 5 August 1969, Patented 30 November 1971; not available NTIS.

Patent 3,628,861: Multibeam Optical Wave Transmission; filed 4 August 1969, Patented 21 December 1971; not available NTIS.

Patent 3,629,580: Method and Apparatus for Obtaining High Resolution X-Ray Interference Patterns; filed 13 July 1970, Patented 21 December 1971; not available NTIS.

Patent 3,629,601: High-Resolution Optical Upconverter; filed 15 May 1970, Patented 21 December 1971; not available NTIS.

Patent 3,645,633: Chromacorder; filed 11 January 1971, Patented 29 February 1972; not available NTIS.

Patent 3,645,694: Autorotating Body Gas Detector and Method of Using the Same; filed 16 September 1968, Patented 29 February 1972; not available NTIS.

Patent 3,646,358: Optical Upconverter; filed 15 May 1970; Patented 29 February 1972; not available NTIS.

Patent 3,646,445: Adaptive Extremal Coding of Analog Signals; filed 2 October 1970, Patented 29 February 1972; not available NTIS.

Patent 3,646,457: High Speed Greatest of Comparator Circuit; filed 6 October 1965, Patented 29 February 1972; not available NTIS.

Patent 3,646,484: Diode Switched RF Attenuator; filed 8 July 1970, Patented 29 February 1972; not available NTIS.

Patent 3,646,526: Fifo Shift Register Memory with Marker and Data Bit Storage; filed 17 March 1970, Patented 29 February 1972; not available NTIS.

Patent 3,646,818: Compensated Output Solid-State Differential Accelerometer; filed 8 January 1970, Patented 7 March 1972; not available NTIS.

Patent 3,647,170: Helicopter Sling Load Electrical Connector; filed 4 May 1970, Patented 7 March 1972; not available NTIS.

Patent 3,653,355: Mud Anchor; filed 6 August 1970, Patented 4 April 1972; not available NTIS.

Patent 3,653,432: Apparatus and Method for Undirectionally Solidifying High Temperature Material; filed 1 September 1970, Patented 4 April 1972; not available NTIS.

Patent 3,654,544: Thermal Equilibrium Regulator for a Thermoelectric Power Source; filed 13 January 1970, Patented 4 April 1972; not available NTIS.

Patent 3,654,553: Remotely Sensing Optical Tachometer; filed 1 July 1970, Patented 4 April 1972; not available NTIS.

Patent 3,656,002: Switching Circuit; filed 24 November 1970, Patented 11 April 1972; not available NTIS.

Patent 3,657,534: Digital Scale For Tomography and Method of Using Same; filed 12 March 1970, Patented 18 April 1972; not available NTIS.

Patent 3,662,649: Self-Locking Hydraulic Linkage; filed 23 March 1970, Patented 16 May 1972; not available NTIS.

U.S. Atomic Energy Commission; Assistant General Counsel for Patents; Washington, D.C. 20545.

Patent 3,429,187: Ring Slit Conifuge; filed 22 November 1967, Patented 25 February 1969; not available NTIS.

Patent 3,577,344: Fibrous Thermal Insulation and Method of Making Same; filed 29 January 1969, Patented 4 May 1971; not available NTIS.

Patent 3,604,251: A Capacitive Ultrasonic Device for Non-Destructively Testing a Sample; filed 18 April 1969, Patented 14 September 1971; not available NTIS.

Patent 3,711,327: Plasma Arc Sprayed Modified Alumina High Emittance Coatings for Noble Metals; filed 4 January 1968, Patented 16 January 1973; not available NTIS.

Patent 3,711,394: Continuous Oxygen Monitoring of Liquid Metals; filed 29 October 1970, Patented 16 January 1973; not available NTIS.

Patent 3,711,744: Passive Energy Dump for Superconducting Coil Protection; filed 1 June 1972, Patented 16 January 1973; not available NTIS.

Patent 3,715,535: Acceleration Actuated Switch; filed 20 July 1971, Patented 6 February 1973; not available NTIS.

Patent 3,716,782: Capacitance Gage for Measuring Small Distances; filed 3 June 1971, Patented 13 February 1973; not available NTIS.

Patent 3,718,720: Method for Manufacturing Fibrous, Carbonaceous Composits Having Near Isotropic Properties; filed 12 January 1971, Patented 27 February 1973; not available NTIS.

Patent 3,720,098: Ultrasonic Apparatus and Method for Non-destructively Measuring the Physical Properties of a Sample; filed 22 March 1971, Patented 13 March 1973; not available NTIS.

Patent 3,720,777: Low Loss Conductor for A.C. or D.C. Power Transmission; filed 25 August 1971, Patented 13 March 1973; not available NTIS.

Patent 3,723,013: Alignment System; filed 23 October 1970, Patented 27 March 1973; not available NTIS.

Patent 3,724,215: Decomposed Ammonia Radioisotope Thruster; filed 19 May 1971, Patented 3 April 1973; not available NTIS.

Patent 3,724,373: Retarded Glide Bomb; filed 15 December 1970, Patented 3 April 1973; not available NTIS.

Patent 3,725,688: Digital Subtraction Device; filed 3 September 1971, Patented 3 April 1973; not available NTIS.

Patent 3,725,940: Horizontal Vehicle Mounted Omnidirectional Loop Antenna Having a Shorting Stub; filed 8 February, Patented 3 April; not available NTIS.

Patent 3,726,642: Suppression of Corrosion of Iron in Sodium; filed 29 December 1971, Patented 10 April 1973; not available NTIS.
Patent 3,726,768: Nickel Plating Baths Containing Aromatic Sulfonic Acids; filed 23 April 1971, Patented 10 April 1973; not available NTIS.
Patent 3,727,077: Small Current Integrator; filed 25 August 1971, Patented 10 April 1973; not available NTIS.
Patent 3,727,083: All Bonded Thermionic Energy Converter; filed 1 September 1970, Patented 10 April 1973; not available NTIS.
Patent 3,728,047: Solids Accumulator Pump System; filed 13 September 1971, Patented 17 April 1973; not available NTIS.
Patent 3,729,585: Device and Method for Improving the Vertical Resolution of a Two-Dimensional Television-Based Radiation Detection System; filed 26 August 1971, Patented 24 April 1973; not available NTIS.
Patent 3,730,422: Continuous Flow Centrifuge with Means for Reducing Pressure Drop; filed 25 May 1971, Patented 1 May 1973; not available NTIS.
Patent 3,739,689: Apparatus for Leaching Core Material from Sheared Segments of Clad Nuclear Fuel Pins; filed 12 February 1971, Patented 1 May 1973; not available NTIS.
Patent 3,731,100: Monitor of the Concentration of Radioactive Iodine in a Stream of Gas; filed 7 April 1971, Patented 1 May 1973; not available NTIS.
Patent 3,733,546: Beam Current Position, Intensity and Profile Monitoring by Resistive Detection of Beam Image Wall Currents; filed 21 July 1971, Patented 15 May 1973; not available NTIS.
Patent 3,734,826: Method of Suppressing the Formation of Methyl Iodine in a Water-Cooled Nuclear Reactor; filed 20 July 1972; Patented 22 May 1973; not available NTIS.
Patent 3,735,010: Skull-Melting Crucible; filed 23 August 1972, Patented 22 May 1973; not available NTIS.
Patent 3,735,736: Method for Growing Edible Aquatic Animals on a Large Scale; filed 8 February 1971, Patented 29 May 1973; not available NTIS.
Patent 3,736,430: Position Indicating System and Method Therefor; filed 23 October 1969, Patented 29 May 1973; not available NTIS.
Patent 3,736,755: Irrigation System; filed 23 February 1972, Patented 5 June 1973; not available NTIS.
Patent 3,736,798: Permanent Magnet Probe Flowmeter; filed 24 June 1971, Patented 5 June 1973; not available NTIS.
Patent 3,737,309: Novel Platinum-Rhodium-Tungsten Alloy; filed 15 February 1972, Patented 5 June 1973; not available NTIS.
Patent 3,738,154: Method of Measuring Entrained Gas in a Liquid Using a Converging-Diverging Nozzle; filed 20 October 1971, Patented 12 June 1973; not available NTIS.
Patent 3,740,118: Self Strain Biased Ferroelectric Electrooptics; filed 1 December 1971, Patented 19 June 1973; not available NTIS.
Patent 3,740,274: High Post-Irradiation Ductility Process; filed 20 April 1972, Patented 19 June 1973; not available NTIS.
Patent 3,741,735: Coating Molybdenum with Pure Gold; filed 8 January 1964, Patented 26 June 1973; not available NTIS.

[FR Doc.73-22138 Filed 10-16-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 3B2906]

CIBA-GEIGY CORP.

Notice of Filing Petition for Food Additive

Pursuant to provision of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B2906) has been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing that § 121.2564 *Ethylene-acrylic acid copolymers* (21 CFR 121.-2564) be amended to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant and/or stabilizer in ethylene acrylic acid copolymers that contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the Office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the Office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated October 8, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-22108 Filed 10-11-73;8:45 am]

[FAP 2A2774]

E. I. DU PONT DE NEMOURS & CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 27 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), E. I. du Pont de Nemours & Co., Wilmington, DE 19898, has withdrawn its petition (FAP 2A2774), notice of which was published in the FEDERAL REGISTER of March 16, 1972 (37 FR 5516), proposing the issuance of a food additive regulation to provide for the safe use of dichlorotetrafluorethane (also designated food propellant 114) as a propelling agent for foods from pressure-dispensed separation packages.

Dated October 10, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-22109 Filed 10-11-73;8:45 am]

[FAP 4B2937]

KELCO COMPANY

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B2937) has been filed by Kelco Company, 8355 Aero Drive, San Diego, CA 92123, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of xanthan gum as a suspension aid or stabilizer employed in the manufacture of paper and paperboard intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the Office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the Office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated October 5, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-22110 Filed 10-16-73;8:45 am]

CONTROLLED SUBSTANCES ADVISORY COMMITTEE

Notice of Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announces establishment by the Secretary, Department of Health, Education, and Welfare, on September 27, 1973, of the following public advisory committee:

Designation. Controlled Substances Advisory Committee.

Purpose. The committee will (1) advise the Commissioner of Food and Drugs regarding the scientific and medical evaluation of all information gathered by the Department of Health, Education, and Welfare and the Department of Justice with regard to safety, efficacy, and abuse potential of drugs or other substances classified as stimulants, sedatives, hypnotics, or analgesics and (2) recommend actions to be taken by the Department of Health, Education, and Welfare with regard to control of such drugs or other substances.

Authority for this committee will expire September 27, 1974, unless the Secretary, Department of Health, Educa-

tion, and Welfare, formally determines otherwise.

Dated October 11, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-22122 Filed 10-16-73;8:45 am]

PANEL ON REVIEW OF ANTIMICROBIAL AGENTS

Notice of Cancellation of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of September 28, 1973 (38 FR 27102), public advisory committee meetings for the month of October and other required information in accordance with provisions set forth in sec. 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Panel on Review of Antimicrobial Agents scheduled for October 25-27 is canceled.

Dated October 11, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-22123 Filed 10-16-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PANEL ON REVIEW OF CONTRACEPTIVES AND OTHER VAGINAL DRUG PRODUCTS

Notice of Meetings; Correction

In FR Doc. 73-20710, appearing at page 27104 in the issue of Friday, September 28, 1973, the time of the open portion on October 19 for Committee No. 13 (Panel on Review of Contraceptives and Other Vaginal Drug Products) has been extended and should read "Open, October 19."

Dated October 12, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-22230 Filed 10-16-73;8:45 am]

National Institutes of Health

NATIONAL ADVISORY COMMISSION ON MULTIPLE SCLEROSIS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Commission on Multiple Sclerosis on October 27, 1973, at the Holiday Inn of La Guardia, 100-15 Ditmars Blvd., E. Elmhurst, New York. This meeting will be open to the public from 10 a.m. to 4 p.m. and will continue the investigation into the most promising avenues for research leading to causes of and preventives and treatments for multiple sclerosis. Attendance by the public will be limited to space available.

1. The Institute Information Officer who will furnish summaries of the meeting and rosters of committee members is: Mrs. Ruth Dudley, Building 31, Room 8A03, phone: 496-5751.

2. The Executive Director from whom substantive program information may be obtained is: Dr. Harry M. Weaver, Room 8A11, Building 31A, NIH, phone: 496-3523.

Dated October 9, 1973.

JOHN F. SHERMAN,
Deputy Director, NIH.

[FR Doc.73-22087 Filed 10-16-73;8:45 am]

BREAST CANCER EPIDEMIOLOGY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Breast Cancer Epidemiology Committee, National Cancer Institute, October 31, 1973, 9 a.m., National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public from 9 a.m. to 3 p.m., October 31, 1973, to discuss the results of the "Genetics and Human Breast Cancer" workshop which took place on September 10 and 11, 1973, and closed to the public from 3 p.m. to 4 p.m., October 31, 1973 to review contracts in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301-496-1911), will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Bernice T. Radovich, Executive Secretary, Landow Building, Room B404, National Institutes of Health, Bethesda, Maryland 20014 (301-496-6773) will provide substantive program information.

Dated October 10, 1973.

JOHN F. SHERMAN,
Deputy Director, NIH.

[FR Doc.73-22102 Filed 10-16-73;8:45 am]

BREAST CANCER TREATMENT COMMITTEE'S SURGICAL ADJUVANT SUBCOMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Breast Cancer Treatment Committee's Surgical Adjuvant Subcommittee, National Cancer Institute, October 30-31, 1973 from 9 a.m. to 5 p.m., each day, National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public to discuss the common features desired in protocols designed for breast cancer adjuvant therapy. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Mary E. Sears, Executive Secretary, Landow Building, Room A-416, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6773) will provide substantive program information.

Dated October 9, 1973.

JOHN F. SHERMAN,
Deputy Director, NIH.

[FR Doc.73-22086 Filed 10-16-73;8:45 am]

DEVELOPMENTAL RESEARCH WORKING GROUP

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Developmental Research Working Group, National Cancer Institute, November 2, 1973, at 9 a.m., National Institutes of Health, Building 37, Conference Room 1B-04. This meeting will be open to the public from 9 to 9:30 a.m., November 2, 1973, to discuss Segment program objectives and contract management practices. Attendance by the public will be limited to space available. The meeting will be closed to the public from 9:30 a.m. until adjournment November 2, 1973, to review four contracts in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of P. L. 92-463.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Maurice L. Guss, Executive Secretary, Building 37, Room 1B-14, National Institutes of Health, Bethesda, Maryland 20014 (301/496-3323) will provide substantive program information.

Dated October 10, 1973.

JOHN F. SHERMAN,
Deputy Director, NIH.

[FR Doc.73-22101 Filed 10-16-73;8:45 am]

PRESIDENT'S CANCER PANEL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, October 23, 1973, 9:30 a.m. to 3:00 p.m., National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 9:30 a.m. to 11:30 a.m., for a report from the Director, National Cancer Institute and to discuss the Cancer Control Program. The meeting will be closed to the public from 1:30 p.m. to 3:00 p.m., for review and discussion of the proposed

fiscal year 1975 budget in accordance with the provisions set forth in section 552(b)(5) of Title 5 U.S. Code and 10 (d) of Public Law 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5854) will provide substantive program information.

Dated October 12, 1973.

JOHN F. SHERMAN,
Deputy Director, NIH.

[FR Doc.73–22103 Filed 10–16–73;8:45 am]

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the NANDS Council Research Subcommittee, November 1, 1973, at 8:30 a.m., in the Gallery Room, Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland. This meeting will be open to the public from 8:30 a.m. to 10:30 a.m., on November 1, 1973, to discuss program planning and program accomplishments and closed to the public from 10:30 a.m., November 1, 1973, until the conclusion of the meeting to review, discuss and evaluate and/or rank research grant applications in accordance with the provisions set forth in section 552(b)4 of Title V, U.S. Code and section 10(d) of P.L. 92–463. Attendance by the public will be limited to space available.

1. The Institute Information Officer who will furnish summaries of the meeting and rosters of committee members is:

Mrs. Ruth Dudley, Building 31, Room 8A03, phone: 496–5751.

2. The Executive Secretary from whom substantive program information may be obtained is:

Dr. O. Malcolm Ray, Room 7A18A, Westwood Building, NIH, phone: 496–7220.

Date: October 10, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health.)

[FR Doc.73–22100 Filed 10–16–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N–73–202]

CALLIMONT

Order of Suspension

In the matter of Callimont, OILSR No. 0–1376–44–57, Administrative Proceedings Division File No. Z–218.

Notice is hereby given that on June 21, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, published in the FEDERAL REGISTER a notice of proceedings and opportunity for hearing, pursuant to 44 U.S.C. 1508, informing the Developer of alleged untrue statements or omissions of material facts in the Developer's Statement of Record. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of said notice. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Order of Suspension is being issued as follows:

ORDER OF SUSPENSION

1. The Flintlock Corp., hereinafter referred to as the Developer, being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90–448) (15 U.S.C. 1701 et seq.) and the Rules and Regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, has filed its Statement of Record covering its subdivision, located in Pennsylvania (OILSR No. 0–1376–44–57), which became effective on November 30, 1970, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. Pursuant to lawful delegation, as authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstatae Land Sales Full Disclosure Act has been vested in the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), if it appears to the Interstate Land Sales Administrator at any time that a Statement of Record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the Administrator may, after notice, and after an opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the Statement of Record.

4. A notice of proceeding and opportunity for hearing was published in the FEDERAL REGISTER on June 21, 1973, pursuant to 44 U.S.C. 1508, informing the Developer of information obtained by the Office of Interstate Land Sales Registration showing an untrue statement of a material fact or an omission of a material fact required to be stated therein or necessary to make the statements therein not misleading in the above-specified Statement of Record. The Developer was notified of his right to request a hearing and that if he failed to request a hearing he would be deemed in default and the proceedings would be determined against him, the allegations of which would be determined to be true. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of publication of said Notice of Proceedings and Opportunity for Hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective October 17, 1973. This Order of Suspension shall remain in full force and effect until the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing regulations.

Any sales or offers to sell made by the Developer or its agent, successors, or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

Issued in Washington, D.C., October 10, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales
Administrator.

[FR Doc.73–22127 Filed 10–16–73;8:45 am]

[Docket No. N–73–203]

WILLAMINA ORCHARD TRACTS

Order of Suspension

In the matter of Willamina Orchard Tracts OILSR No. 0–1279–43–17 Administrative Proceedings Division File No. Z–198.

Notice is hereby given that on June 21, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, published in the FEDERAL REGISTER a notice of proceedings and opportunity for hearing, pursuant to 44 U.S.C. 1508, informing the Developer of alleged untrue statements or omissions of material facts in the Developer's Statement of Record. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of said notice. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Order of Suspension is being issued as follows:

ORDER OF SUSPENSION

1. Standard Growth Properties, Inc., hereinafter referred to as the Developer, being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90–448) (15 U.S.C. 1701 et seq.) and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, has filed its Statement of Record covering its subdivision, located in Oregon (OILSR No. 0–1279–43–17), which became effective on December 9, 1970, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. Pursuant to lawful delegation, as authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been vested in the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), if it appears to the Interstate Land Sales Administrator at any time that a Statement of Record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the Administrator may, after notice, and

after an opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the Statement of Record.

4. A Notice of Proceedings and Opportunity for Hearing was published in the FEDERAL REGISTER on June 21, 1973, pursuant to 44 U.S.C. 1508, informing the Developer of information obtained by the Office of Interstate Land Sales Registration showing an untrue statement of a material fact or an omission of a material fact required to be stated therein or necessary to make the statements therein not misleading in the above-specified Statement of Record. The Developer was notified of his right to request a hearing and that if he failed to request a hearing he would be deemed in default and the proceedings would be determined against him, the allegations of which would be determined to be true. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of publication of said Notice of Proceedings and Opportunity for Hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45 (b)(1), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective October 17, 1973. This Order of Suspension shall remain in full force and effect until the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing regulations.

Any sales or offers to sell made by the Developer or its agents, successors, or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

Issued in Washington, D.C., October 10, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-22128 Filed 10-16-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

IDAHO

Availability of Proposed Action Plan

The Idaho Department of Highways has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the state to assure that economic, social, and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Idaho Department of Highways, Headquarters Office, 3311 West State Street, P.O. Box 7129, Boise, Idaho 83703.
2. Idaho Division Office—FHWA, 3010 West State Street, Boise, Idaho 83703.
3. FHWA Regional Office—Region 10, 412 Mohawk Building, 222 SW. Morrison Street, Portland, Oregon 97204.
4. U.S. Department of Transportation, Federal Highway Administration, Environmental Development Division, Nassif Building, Room 3246, 400 7th Street SW., Washington, D.C. 20590.

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before November 12, 1973.

Issued on October 12, 1973.

R. B. BARTELSMEYER,
Deputy Federal Highway Administrator.

[FR Doc.73-22071 Filed 10-16-73;8:45 am]

MISSISSIPPI

Availability of Proposed Action Plan

The Mississippi State Highway Department has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the state to assure that economic, social, and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe, and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Mississippi State Highway Department, Woolfolk State Office Building, P.O. Box 1850, Jackson, Mississippi 39205.
2. Mississippi Division Office—FHWA, 301 North Lamar Street, 301 Building, Jackson, Mississippi 39202.
3. FHWA Regional Office—Region 4, Office of Environment and Design, Room 208, 1720 Peachtree Road, NW., Atlanta, Georgia 30309.
4. U.S. Department of Transportation, Federal Highway Administration, Environmental Development Division, Nassif Building, Room 3246, 400 7th Street SW., Washington, D.C. 20590.

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before November 9, 1973.

Issued on October 11, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-22072 Filed 10-16-73;8:45 am]

OHIO

Availability of Proposed Action Plan

The Ohio Department of Transportation has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outline the organizational relationships, the assignments of responsibility, and the procedures to be used by the state to assure that economic, social, and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Ohio Department of Transportation, 65 South Front Street, Columbus, Ohio 43215.
2. District 1, Ohio Department of Transportation, 2100 North West Street Road, Lima, Ohio 45801.
3. District 2, Ohio Department of Transporation, 317 East Poe Road, Bowling Green, Ohio 43402.
4. District 3, Ohio Department of Transportation, 906 North Clark Street, Ashland, Ohio 44805.
5. District 4, Ohio Department of Transportation, 705 Oakwood Street, Ravenna, Ohio 44266.
6. District 5, Ohio Department of Transportation, 1200 West Church Street, P.O. Box AF, Newark, Ohio 43055.
7. District 6, Ohio Department of Transportation, 400 East William Street, Delaware, Ohio 43015.
8. District 7, Ohio Department of Transportation, St. Mary's Pike, Route 29, Sidney, Ohio 45365.
9. District 8, Ohio Department of Transportation, Ohio Route 741, ½ mile south Ohio 63, P.O. Box 272, Lebanon, Ohio 45036.
10. District 9, Ohio Department of Transportation, 650 Eastern Avenue, Chillicothe, Ohio 45601.
11. District 10, Ohio Department of Transportation, Muskingum Drive, Marietta, Ohio 45750.
12. District 11, Ohio Department of Transportation, West High Avenue, Extension, Box 351, New Philadelphia, Ohio 44663.
13. District 12, Ohio Department of Transportation, Box 05188, Newburgh Station, Cleveland, Ohio 44105.
14. Ohio Division Office—FHWA, 700 Bryden Road, Room 333, Bryson Building, Columbus, Ohio 43215.
15. FHWA Regional Office—Region 5, 18209 Dixie Highway, Homewood, Illinois 60430.
16. U.S. Department of Transportation Federal Highway Administration, Environmental Development Division, Nassif Building, Room 3246, 400 7th Street SW., Washington, D.C. 20590.

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before November 15, 1973.

Issued on October 11, 1973.

R. B. BARTELSMEYER,
Deputy, Federal Highway Administrator.

[FR Doc.73-22073 Filed 10-16-73;8:45 am]

WISCONSIN

Availability of Proposed Action Plan

The Wisconsin Department of Transportation has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90–4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the state to assure that economic, social, and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Wisconsin Department of Transportation, Room 101B, 4802 Sheboygan Avenue, Madison, Wisconsin 53702.
2. District 1, 1317 Applegate Road, Madison, Wisconsin 53713.
3. District 2, 310 South West Avenue, Waukesha, Wisconsin 53186.
4. District 3, 1125 North Military Avenue, Green Bay, Wisconsin 54303.
5. District 4, State Office Building, Wisconsin Rapids, Wisconsin 54494.
6. District 5, State Office Building, LaCrosse, Wisconsin 54601.
7. District 6, State Office Building, Eau Claire, Wisconsin 54701.
8. District 7, Court House, Rhinelander, Wisconsin 54501.
9. District 8, 1517 Tower Avenue, Superior, Wisconsin 54880.
10. District 9, 819 North 6th Street, Milwaukee, Wisconsin 53203.
11. Wisconsin Division Office—FHWA, 4802 Sheboygan Avenue, Madison, Wisconsin 53702.
12. FHWA Regional Office—Region 5, 18209 Dixie Highway, Homewood, Illinois 60430.
13. U.S. Department of Transportation, Federal Highway Administration, Environmental Development Division, Nassif Building, Room 3246, 400 7th Street SW., Washington, D.C. 20590.

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before November 15, 1973.

Issued on October 12, 1973.

R. B. BARTELSMEYER,
Deputy Federal Highway Administrator.

[FR Doc.73-22070 Filed 10-16-73;8:45 am]

National Highway Traffic Safety Administration

TIRE CODES ASSIGNED RETREADED TIRE MANUFACTURERS

Updated List Available

The purpose of this notice is to make interested persons aware that an updated list of codes assigned retreaded tire manufacturers under the Tire Identification and Record Keeping Regulation, 49 CFR Part 574, is available for purchase or inspection.

The Tire Identification and Record Keeping Regulation requires that new tires manufactured after May 22, 1971, be marked with a two-symbol code and retreaded tires manufactured after May 22, 1971, be marked with a three-symbol code. The codes are assigned by the NHTSA and for retreaded tires is the first grouping within the tire identification number after the symbol DOT–R.

The list of code numbers assigned new tire manufacturers and retreaders was published in the FEDERAL REGISTER of January 11, 1972, 37 FR 342. Since that date, the list of retreaders has been periodically updated as the need arises. The latest updated list is available for inspection or purchase as a computer tape or computer printout upon request made to the Tire Division, Room 5307, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, Attention: Mr. E. H. Wallace.

(Sections 103, 113, 119, 201, 206, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1402, 1407, 1421, 1426; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on October 9, 1973.

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

[FR Doc.73-22068 Filed 10-16-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-16]

POWER REACTOR DEVELOPMENT CO.

Order Extending Provisional Operating License Expiration Date

The Power Reactor Development Co. (PRDC) is the holder of Provisional Operating License No. DPR–9 that authorizes them to possess, but not to operate, the Enrico Fermi Atomic Power Plant located in Monroe County, Michigan.

On May 30, 1973, PRDC filed a request for extension of the expiration date of License No. DPR–9 because retirement of the Fermi plant had not been completed due to the requirements imposed by the Commission that the blanket and sodium material be disposed of offsite rather than onsite as originally planned. The Director of Regulation having determined that this action does not involve a significant hazards consideration, and good cause having been shown, the bases of which are set forth in a memorandum dated October 5, 1973, from Donald J. Skovholt to A. Giambusso.

It Is Hereby Ordered, That the expiration date of Provisional Operating License No. DPR–9 is extended from June 30, 1973, to December 31, 1973.

For the Atomic Energy Commission.

Date of Issuance October 5, 1973.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73-22064 Filed 10-16-73;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO.

Order Extending Completion Date

Metropolitan Edison Co. is the holder of Provisional Construction Permit No. CPPR–40 issued by the Commission on May 18, 1968, for the construction of Three Mile Island Nuclear Station, Unit 1, a 2535 megawatt (thermal) pressurized water nuclear reactor presently under construction at the Company's site on Three Mile Island, an island in the Susquehanna River, in Londonderry Township, Dauphin County, Pennsylvania.

On August 30, 1973, the Company requested an extension of the completion dates because of delays due to: (i) The excavation and repair of the containment vessel ring girder, (ii) major reduction of the construction force to assure more effective management control, (iii) modification of the reactor vessel internals as a result of Oconee 1 experience, and (iv) time loss and cleanup effort following a tropical storm in June 1972. The Director of Regulation having determined that this action involves no significant hazards consideration, and good cause having been shown, the bases for which are set forth in a memorandum dated September 27, 1973, from R. C. DeYoung to A. Giambusso.

It is hereby ordered, That the latest completion date for CPPR–40 is extended from September 30, 1973, to July 1, 1974.

Date of Issuance October 5, 1973.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73-22065 Filed 10-16-73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON BOARDMAN NUCLEAR PLANT

Cancellation of Meeting

OCTOBER 15, 1973.

The meeting of the Advisory Committee on Reactor Safeguards' Subcommittee on Boardman Nuclear Plant, originally scheduled for October 20, 1973, a notice of which was previously published in the FEDERAL REGISTER on October 5, 1973 (Vol. 38, No. 193) at page 27637, has been cancelled.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.73-22305 Filed 10-16-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 21991 and 22209]

ALLEGHENY AIRLINES, INC.

Notice of Postponement of Hearing on Enforcement Proceeding

Upon consideration of the motion for continuance filed on October 10, 1973, by the Enforcement Attorney, notice is given pursuant to the provisions of the Federal Aviation Act of 1958, as amended,

that the hearing in the above-entitled proceeding now scheduled to commence on November 6, 1973 (38 FR 26626, September 24, 1973), is hereby postponed until further notice.

Dated at Washington, D.C., October 12, 1973.

[SEAL] LOUIS W. SORNSON,
Administrative Law Judge.

[FR Doc.73-22148 Filed 10-16-73;8:45 am]

[Docket No. 25856]

HAITI AIR TRANSPORT, S.A.M.

Notice of Postponement of Prehearing Conference and Hearing

In the matter of foreign air carrier permit, (Haiti-New York), (Haiti-San Juan), (Haiti-Miami).

Notice is hereby given that the prehearing conference now scheduled for October 17, 1973 (38 FR 26627, September 24, 1973), is hereby postponed to November 28, 1973, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before November 19, 1973.

Dated at Washington, D.C., October 11, 1973.

[SEAL] JOSEPH L. FITZMAURICE,
Administrative Law Judge.

[FR Doc.73-22146 Filed 10-16-73;8:45 am]

[Docket 24961 et al.]

UNIVERSAL AIRLINES, INC.

Transfer of Certificates to Phoenix Airline, Inc. Fitness Investigation; Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding will be held on November 20, 1973, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details of the proceeding interested persons are referred to the Prehearing Conference Report and other documents which are in the docket of the proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 11, 1973.

[SEAL] LOUIS W. SORNSON,
Administrative Law Judge.

[FR Doc.73-22147 Filed 10-16-73;8:45 am]

[Docket 25476; Order 73-10-26]

AIRLINE TARIFF PUBLISHERS, INC.

Order Approving Agreement in Part, and Setting for Hearing in Part

OCTOBER 5, 1973.

By Order 73-4-120, adopted April 27, 1973, the Board tentatively approved pursuant to section 412 of the Federal Aviation Act of 1958, as amended, (the act) an agreement (Agreement CAB 23157) among the air carrier and foreign air carrier members of Airline Tariff Publishers, Inc. (ATP) relating to the reorganization of ATP into a new company to be known as Airline Tariff Publishing Co. (ATPCO).[1] The Board also indicated its intention (1) to approve pursuant to section 408(b) such control relationships as would result from present and future ownership participation by air carriers in ATPCO; (2) to grant the air carrier parties to the agreement and exemption pursuant to section 416(b) from section 409(a) of the Act and Part 251 of the Board's Economic Regulations to the extent that officers of air carriers may serve as directors to ATPCO; and (3) to grant advance approval of the interlocking relationships insofar as the individual participants are concerned by an exercise of the Board's powers under section 409(a) of the Act. Such tentative decision was made subject to various conditions, and interested persons were afforded an opportunity to file comments or request a hearing thereon.

Comments responding to the Board's order were filed by the Commuter Air Carrier Conference (CACC), a division of the National Air Transportation Conferences, Inc., by ATP and by Air Tariffs Corporation (Air Tariffs). Thereafter ATP filed a motion for leave to file reply comments to Air Tariffs, and Air Tariffs, in turn, filed a motion for leave to file an otherwise unauthorized document responding to ATP's motion and reply.[2]

CACC supports the Board's tentative action with the understanding that upon reorganization of ATP there will be no obstacle to the corporation's ability to publish and distribute rules, fares, rates and charges of commuter airlines, subject to negotiations between ATPCO and the participating commuter airlines. As noted in our prior order, there appears to be no bar to ATPCO's performing this service.

ATP has voiced objection to two of the conditions proposed in the Board's tentative decision. The first is the Board's proposal that any newly certificated air carrier be permitted to participate in ATPCO as a stockholder as a matter of right. ATP believes the right should remain valid only for a reasonable period of time, and suggests that the condition provide expressly that the newly-certificated carrier must notify ATPCO within six months after its certification if it elects to exercise its right. ATP has provided no reasoning to substantiate this belief.

ATP also objects to the proposed requirement that it obtain prior approval before engaging in any "outside activity" not related or incidental to its primary function of publishing tariffs and prorate and division manuals and similar publications. It believes that such a condition would unduly restrict the corporation's ability to make normal business decisions and to carry out the basic purposes of the reorganization. It submits that while the permissible scope of operations would be somewhat broader under the reorganization than at present, the proposed condition would substitute Board approval for the unanimous consent of the members (a requirement which the reorganization seeks to eliminate) as a necessary prerequisite to the expansion of the corporation's area of activity; and would introduce a new element of uncertainty into ATPCO's ability to reach decisions, and act on such matters, or questions which undoubtedly arise as to whether a particular activity is related or incidental to the corporation's primary tariff publishing function, and, hence, whether it requires prior approval of the Board.[3] ATP suggests that a practical and equitable solution to the problem might be to substitute for the condition proposed by the Board one which would require ATPCO to report promptly to the Board any new activity which it intended to engage in and which is not clearly related or incidental to its primary tariff functions. With such notification, it believes, the Board could determine whether the new activity raises any problems which require further consideration or action and, if so, could take whatever steps it may deem appropriate.

Air Tariffs has requested that the Board disapprove the proposed reorganization. In support of this position it states that it currently publishes international tariffs for 34 airlines, 4 of which are U.S. international route carriers and one of which is a U.S. supplemental, and the balance of which are foreign; and that the proposed agreement would directly affect Air Tariffs in that it would be foreclosed from the market which constitutes its present U.S. international airline customers and, thus, would create a clear monopoly in favor of ATPCO and put Air Tariffs in competition against the entire U.S. airline industry in the international tariff publishing market for foreign air carriers. In addition Air Tariffs represents that the existing corporation currently is in effect limited to publishing domestic tariffs on behalf of its participants; that no domestic airline tariff is published by anyone except ATP; that ATP is already a domestic monopoly; and that the new agreement is clearly a per se violation of the antitrust laws.

[1] Attached to the agreement are documents identified as Articles of Incorporation, Bylaws of ATPCO, a standard form letter agreement to be executed by members of the corporation, and a tariff participant's agreement to be executed by other carriers desiring to use ATPCO's services, all of which are considered to be a part of Agreement CAB 23157.

[2] We have decided to grant ATP's motion except to the extent that it discusses at section IV, pp. 6 and 7 of the reply a prior complaint of Air Tariffs (Docket 20080) which was dismissed by Order 69-4-142, April 30, 1969. Since Air Tariff's Motion and accompanying Reply relate to essentially the same issues, they will be denied.

[3] As an example of a problem which could be created by the condition, APTCO poses the situation where it is offered the opportunity to participate in a research project. APTCO states that such opportunity could be lost while the Board was considering the question of whether its approval was necessary and, if so, whether approval should be granted.

ATP in its response to Air Tariffs' comments submits that such comments should be disregarded and that final approval of the agreement should be granted without further delay. It states that while the present tariff publishing agreement restricts the geographical scope of certain types of tariffs which ATP is presently authorized to publish, it has been authorized from the beginning to publish other tariffs which are unlimited as to geographical scope.[6] With respect to Air Tariffs' representation that no domestic airline tariff is published by anyone except ATP, ATP states that other tariffs may be published on behalf of non-member participants, as well as ATP members, citing that it is currently authorized to act as tariff publishing agent for non-members desiring to participate in five separate tariffs as provided for in section I of the existing tariff publishing agreement.

ATP refutes Air Tariffs' allegation that it is already a domestic monopoly citing that there are approximately 100 tariffs published by or on behalf of ATP's airline members which are not published by ATP; and that ATP publishes no tariffs for air freight forwarders, supplemental carriers, REA Express, (except for their participation in the restricted articles tariffs) or commuter carriers participating in joint fares or rates with certificated carriers. As to Air Tariffs' assertion that the agreement is a per se violation of the antitrust laws, ATP submits that such a conclusion is unwarranted. In this context ATP points up Air Tariffs' failure to cite any legal authority for this assertion and fails to present any arguable theory to support such a proposition. It points out that the agreement in no way obligates the airlines to utilize the services of the reorganized company as their exclusive tariff publishing agent, or, indeed, to utilize the services of the reorganized company at all. Therefore, it concludes there is no basis for a claim that the purpose of the reorganization is to effect a monopoly.

Upon consideration of the foregoing the Board has decided to make final its tentative conclusions expressed in Order 73-4-120 subject to the modification hereinafter discussed and to deny Air Tariffs' request that the agreement be disapproved.

Turning first to the original comments of ATP, we find no justification in ATP's presentation for limiting the validity of a newly-certificated air carrier's right to stock participation in ATPCO to a specific period of time after its certification. Therefore, we are unable to conclude that the suggested limitation is required in the public interest.

We have carefully considered ATP's request that the Board recede from its tentative finding that a condition of prior approval would be necessary.[7] There is some merit in the argument that a prior approval requirement would necessarily deprive ATPCO of flexibility in expanding the scope of its activities. The countervailing consideration, at least for the present, is that without the condition the consortium of carriers behind ATP CO would have a virtual carte blanche to at least undertake novel ventures without any Board scrutiny of the public interest factors limned in the Act. While there may be a point when the condition could be relaxed, the outset of the reorganization, we feel, is too early to consider less rigorous supervision.

The gravaman of Air Tariff's comments is that the proposed reorganization will enable ATP to expand its operations in the international tariff publications area,[8] and that because of ATP's structure, such expansion will redound to the damage of Air Tariffs. While ATP takes issue with Air Tariffs' characterization of ATP, we believe that the resolution of the conflicting allegations of the parties with respect thereto should be the subject of a full evidentiary hearing.[9] However, since Air Tariffs does not seek to undo the existing Board approval of ATP's present scope of operations, and, indeed, does not object to the expansion of such operations through the formation of ATPCO, except to the extent noted above, we will set for hearing only that portion of the agreement that would enable ATP to expand its international tariff publication operations.[9] In all other respects, we will approve the agreement and the control and interlocking relationships created thereby.[9]

Accordingly, except with respect to the issues concerning ATPCO's expansion of operations in the international tariff publications area that will be the subject of a hearing, the Board reiterates and makes final the tentative findings expressed in Order 73-4-120, and concludes (1) that the instant transaction does not affect the control of an air carrier directly engaged in air transportation, does not result in creating a monopoly, and does not tend to restrain competition; and (2) that the public interest does not require a hearing.

Accordingly, *It is ordered, That:*

1. The control relationships created by Agreement CAB 23157 be and they hereby are approved under section 408 of the Act, provided that more or fewer air carriers may participate in the ownership of the corporation without further review and approval by the Board;

2. To the extent that officers and/or directors of present or future air carrier parties to Agreement CAB 23157 serve as officers and/or directors of ATPCO such air carriers be and they hereby are exempted from section 409(a) and Part 251 of the Board's Economic regulations, pursuant to section 416(b) of the Act, and the participation of the individual officers and/or directors in such relationships be and it hereby is approved under section 409;

3. Agreement CAB 23157 be and it hereby is approved under section 412 of the Act;

4. The foregoing actions be and they hereby are made subject to the following conditions:

a. That the Board's action herein does not extend to approval of any discussions by the participants in the agreement of uniform rules, regulations and services in air transportation which affect the fares, rates or charges paid by the consumer;

b. That ATPCO shall so conduct its affairs as to preclude it, its officers or employees from engaging in the practice of law in such a manner as to create a claim of privilege against disclosure to the Board of information or documents based upon an alleged attorney-client relationship between it, its officers or employees, on the one hand, and its members, on the other.[10] Nothing in this condition, however, shall prevent attorneys employed or retained by ATPCO from rendering confidential legal advice to, and accepting confidential communications in connection therewith from, officers or employees of ATPCO or individual members of its various committees, with respect to the activities of ATPCO or of such committees, or shall prevent ATPCO from asserting attorney-client privilege with respect to any such communication, provided that the procedures hereinafter called for have been followed. ATPCO shall promptly upon implementation of the instant agreement establish standard procedures for the handling of written documents and communications as to which ATPCO desires to preserve its asserted right to claim attorney-client privilege, and shall report such procedures and all subsequent revisions thereof to the Board. Such procedures shall provide for at least the following:

(1) Any document which is claimed to be confidential by reason of an asserted attorney-client privilege shall be promptly identified, so marked, and segregated. As to documents hereafter created, this shall be done within 60 days of the creation of each such document or its receipt by ATPCO, as the case may be. As to documents heretofore created, it shall be done within 90 days of the date hereof.

(2) All such documents which ATPCO elects to keep in its possession or control

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[6] In this respect it cites eight separate tariffs now being published which apply not only within the United States and Canada but to other geographical areas.

[7] Order 73-4-120, at p. 9.

[8] As noted above, ATP presently publishes some tariffs which are unlimited in geographic scope.

[9] In this connection, we find that Air Tariffs is a person with a substantial interest, and that it has requested a hearing on the issue of ATP's expansion into international tariff publication operations.

[9] We do not contemplate that the hearing will encompass scrutiny of those kinds of tariffs which ATP already publishes (see examples in Appendix hereto).

[9] Thus, ATPCO will not be precluded from such activities as publishing the domestic tariffs of commuter carriers as requested by the Commuter Air Carrier Conference. See p. 2, supra.

[10] This restriction is not intended to prohibit the participation of ATPCO in a Board proceeding, within the limitation of the provisions of Part 263 of the Board's Economic Regulations, as an attorney-in-fact.

shall be kept in a separate file or files in the charge of an appropriate principal officer of ATPCO or of its legal staff.

(3) ATPCO shall quarterly report to the Board how many documents have been segregated in the above-described confidential files.

(4) Upon request of the Board, ATPCO shall furnish the Board with a list of all documents so segregated, such list to give the date, author, and addressee of each document or communication, and as detailed a description of its contents as preservation of confidentiality will permit.

c. That the approval granted herein shall not be construed as approval of any agreement entered into pursuant to any of the procedures established by Agreement CAB 23157;

d. That the air carrier members of ATP shall file with the Board notice of the transfer of ATPCO of the tariff publishing functions presently discharged by ATP within 15 days of the transfer of such functions;

e. That to the extent ATPCO might contemplate engaging in activities outside the scope of its basic purposes of providing services and facilities in connection with the compilation, preparation, publication, filing and distribution, for or on behalf of air carriers and others, of tariffs, prorate and division manuals and other similar or related publications, and to provide other services and facilities relating or incidental thereto, prior approval thereof shall be sought before this Board;

f. That the Board and its authorized agents shall have access to and authority to inspect all accounts, records, and memoranda, including all documents, papers and correspondence belonging to or in the possession of ATPCO, other than documents, papers, and correspondence segregated in accordance with the procedures specified by subparagraph (b) above; Provided, however, that the Board shall have access to and authority to inspect all such segregated materials except those which are in fact legally privileged against disclosure by reason of an attorney-client privilege which ATPCO (or, as to documents heretofore created, a member of ATPCO) is entitled to assert; and

g. Any newly certificated route air carrier shall as a matter of right be entitled to stock participation in ATPCO upon request;

5. Jurisdiction in this proceeding be and it hereby is retained for the purpose of imposing such further terms and conditions as the Board may find to be necessary.

6. The motion of ATP for leave to file reply comments, except with respect to section IV, pp. 6 and 7 of the reply, be and it hereby is granted, and with respect to section IV be and it hereby is denied;

7. The motion of Air Tariffs for leave to file an unauthorized document be and it hereby is denied; and

8. The preceding ordering paragraphs do not apply to the issues raised by Air Tariffs pertaining to ATPCO's publication of additional international [n] tariffs, and the section 408 and 412 issues pertaining thereto are hereby set for hearing before an Administrative Law Judge of the Board at a time and place to be hereafter determined.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

NOTE: An Appendix entitled Examples of the Types of Tariffs currently published by ATP was filed as part of the original document.

[FR Doc.73-22149 Filed 10-16-73;8:45 am]

[Docket 25376; Order 73-10-36]

BRANIFF AIRWAYS, INC.

Order Regarding Common Fares Within Hawaii to GIT Passengers

OCTOBER 10, 1973.

By Order 73-3-139 in the proceeding herein, the Board tentatively found that Braniff Airways, Inc. (Braniff), by its tariff filings and practices thereunder had not conformed to the conditions of its certificate of public convenience and necessity relating to common-fare requirements to and from points within the State of Hawaii by refusing to offer common fares to Group Inclusive Tour (GIT) passengers unless they had been so ticketed before commencing travel. Braniff's certificate of public convenience and necessity for its Route 9 conditions Braniff's authority to serve Hilo, Hawaii upon the carrier filing tariffs providing for common fares for persons and their accompanying baggage to and from all points in the State of Hawaii receiving service from a certificated air carrier, for all classes of service offered, together with stopovers within Hawaii without charge or at a nominal charge.

The Board further tentatively found that hearing was not required to resolve the issues on the basis of the record before it and such matters as might be presented to it pursuant to such order. The Board therefore directed Braniff and all interested parties to show cause why the Board should not make final its tentative findings and conclusions and upon such basis order Braniff to conform its tariffs and practices to the referenced condition of its certificate of public convenience and necessity and to hold out and participate in the granting of common-fare privileges to GIT passengers traveling from the mainland to Hawaii and return, whether such passengers were so ticketed at the point of origin or did not request such travel until after their arrival in the State of Hawaii.[1] Responses and comments were directed to be filed within 20 days after the service of such order, served April 4, 1973.

Responses, comments and answers to the Order to Show Cause have been received from American Airlines, Inc. (American), Braniff, Continental Air Lines, Inc. (Continental), Hawaiian Airlines, Inc. (HAL), Pan American World Airways, Inc. (Pan American), and Western Air Lines, Inc. (Western).

Braniff in its answer urges the Board to vacate the show cause order. In support thereof, it alleges, inter alia, that its tariff filings have expanded the availability of common-fare travel for group fare passengers to and from Hawaii, and that while common fares may be justified to promote Hawaiian travel they cannot be justified as an uneconomic add-on for travel that has already been promoted. Braniff notes that while members of a group traditionally have an identical itinerary, Braniff converted its GIT fares into non-affinity group fares, and has amended its tariff rules to permit large groups to travel on inter-Hawaii segments in a series of small groups of 30 or more. Braniff alleges that thereafter the Hawaiian carriers began rewriting tickets for only portions of groups so long as the portion numbered 30 or more. Braniff asserts that while this was not consistent with the tariffs of the Hawaiian carriers, it responded by a two-part tariff revision. First it dropped the requirement that the entire group must have the same itinerary throughout its journey and permitted even a single passenger to have the intra-Hawaiian itinerary. Braniff states that as a part of this liberalizing action it prohibited rerouting of group passengers after the origin of their journey. Braniff states that if it is to be required to permit rerouting to a group-fare passenger to Hawaii it would then return to the basic concept of group fares by requiring the entire group to

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[n] The hearing will not encompass those international tariffs currently published by ATP. See *, supra.

[1] By way of background (set forth more fully in the referenced order) the Board in in the Transpacific Route Investigation (Domestic Phase On Reconsideration), Docket 16242, found that the public convenience and necessity required as a condition to the mainland-Hawaii carriers being authorized to serve Hilo, that they file tariffs providing for common fares within the State of Hawaii.

A series of filings before the Board has raised questions of compliance by the mainland-Hawaii carriers with these common-fare requirements. Aloha Airlines, Inc. (Aloha), complained in Docket 24987 that Braniff had revised its tariff to provide that its rerouting rule will not apply in connection with West Coast-Hawaii GIT fares unless the GIT passengers were ticketed under the common fare provisions in advance of their departure on the round trip to Hawaii. In response to this enforcement compalint, Braniff admitted the tariff revisions alleged, but challenged the Board's prior interpretations of substantially the same tariff rule and admits that it has advised its agents that common fares are not applicable to group fares after starting travel.

have the same itinerary throughout its journey. Braniff notes that historically the common fare was required to meet the legitimate concern of Hawaiian carriers, which would lose inter-island travel of mainland visitors to Hawaii upon the availability of mainland travel to or from Hilo. It states the common fare was first applied only to passengers who entered via Hilo and departed from Honolulu or vice-versa. This pattern was changed following the Board's decision in the Transpacific Route Investigation by one carrier that did not initially provide the service to Hilo and permitted passengers to make an all-inclusive round trip within Hawaii without additional charge. Competitive responses, according to the carrier, have resulted in destroying the economic rationale of the common fares, and it points to the absorption mainland-Hawaiian carriers suffer from inter-island common fares which is greatly increased when the passengers taking the inter-island trip arrives and departs from Honolulu.[2] Braniff urges that to finalize the show cause order would be inconsistent with the Board's policy concern about promotional fares at low yields. Finally, Braniff urges that it is not in violation of the condition of its certificate in that it requires Braniff to make the common fare available for all classes of service which it alleges it does. Braniff asserts, however, there is no requirement that the common fare be available for all types of fares, citing military and youth fares as examples.

American, Continental, Pan American, and Western in their comments generally support Braniff and variously contend that the concept of the GIT fare is its application to a preplanned trip, and absent the preplanning requirement, the promotional aspects, and therefore, the rationale for the GIT fare fails. It is urged that reticketing after arrival in Hawaii does not encourage travel to Hawaii, but is only a bonus to the passenger, that the mainland-Hawaiian carriers suffer fare reductions from absorption of Hawaiian fares to the benefit of the intra-Hawaiian carriers, and that for the Board to take action to require the carriers to offer common fares to Hawaiian GIT passengers after they reach Hawaii runs counter to the Board's concern that low-yield discount fares are uneconomic. Western in addition urges that Braniff's application of its rerouting rule[3] is not a tariff violation, and it contends that revision of Braniff's tariff rules or modification of its certificate can be done by the Board only after notice and hearing.

HAL submitted a response in support of Order 73–3–139 stating that the intra-Hawaii carriers have expended considerable time and money to oppose efforts of the mainland carriers to restrict the use of the common fare, that the common fare requirement was imposed in the Transpacific Route Investigation as a means of protecting the intra-Hawaii carriers from the effect of the Hilo awards made to the mainland carriers, and that these carriers, having accepted their certificates with this condition, should not be permitted to back off from their obligation by restricting their use. Contrary to Western's contention, HAL takes the position that the Board in Order 72–9–82 is correct in ruling that rewriting a ticket to take advantage of the common fare does not constitute rerouting since rerouting applies to a new route to the same destination, but a new (outbound) destination is involved when a ticket is rewritten to include common faring. HAL urges that in its final order herein, the Board reiterate its insistence that the common-fare requirement be observed.

Upon consideration of all relevant matter, including those noted in Order 73–3–139, and the answers, comments and responses thereto, the Board herein makes final the tentative findings set forth in Order 73–3–139 and finds that Braniff, in its application, interpretation, and practices under its tariffs, and especially Rerouting Rule 385,[4] has refused to re-ticket GIT passengers to provide them with common-fare privileges within the State of Hawaii after the origin of their journey; that to effectively condition the opportunity for GIT passengers to obtain common faring privileges only if so ticketed at point of origin, and to preclude such common fares to persons requesting such service after they reach the State of Hawaii is a substantial limitation upon the availability of common fares to GIT passengers and constitutes a failure upon the part of Braniff to comply with the terms, conditions and limitations in its certificate of public convenience and necessity for Route 9, including the availability of common fares for all classes of service between the mainland and Hawaii. The Board further finds that no material issue of fact has been raised by the answer, comments and responses to Order 73–3–139; that no statute or other consideration requires that an evidentiary hearing be held to resolve the issues herein, and that Braniff should be directed to conform its tariffs and practices thereunder to the applicable conditions of its certificate of public convenience and necessity for Route 9, and particularly condition 14 thereto requiring the carrier to keep on file with the Board tariffs providing for common fares for persons and their accompanied baggage to and from all points in the State of Hawaii receiving service from a certificated air carrier, for all classes of service which the holder offers, and further providing for stopovers without charge or at nominal charge at the points of entry into and departure from the State of Hawaii and at intermediate points between such points of entry and departure and the ultimate point of origin or destination in the State of Hawaii, subject to such terms, conditions and limitations as may be agreed upon by and between the holder and the certificated air carriers serving points in the State of Hawaii other than Honolulu and Hilo and are approved by the Board.

The Board therefore concludes that it should make final its tentative findings and conclusions in its Order to Show Cause, Order 73–3–139.

The Board notes the contentions of the mainland-Hawaiian carriers that the common-fare condition should not be applied in this case because of the low yields they derive from GIT passengers due to the absorption involved in the proration of the common fares with the Hawaiian carriers. The level of the yields to the mainland-Hawaiian carriers, however, is not dispositive of this matter where the issue is whether or not the exclusion of GIT passengers from common-fare privileges where they are so ticketed on the mainland is consistent with the certificate condition. The level of the yield to the mainland-Hawaiian carriers is influenced by the level of the GIT fares which they establish. Moreover the yield to the mainland-Hawaiian carriers from GIT passengers is not changed for any particular passenger by the circumstances of whether the passenger was ticketed for common fares on the mainland or after he reached Hawaii. The yield argument would appear to apply equally to deny common-faring to preticketed passengers and this concept, of course, is not tenable.

Similarly we find not persuasive the argument that while common fares may be justified in promoting travel to Hawaii, this has no promotional value to travelers who have reached Hawaii. Consideration behind the imposition of the common-fare condition on mainland-Hawaiian carriers included the additional traffic which would be flown by the Hawaiian carriers, and the travel which would be stimulated throughout the islands. However, we again note that the issue is whether there is compliance with the certificate condition.

The Board has considered Braniff's contentions that it voluntarily dropped a requirement that the entire group have the same itinerary throughout its intra-Hawaii journey in a two-part revision to its rules, and that as a part of this action, it prohibited the rerouting of

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[2] Braniff states that a passenger whose itinerary is Dallas-Honolulu-Kauai-Maui-Hilo-Honolulu-Dallas requires Braniff to absorb $58.51 delivered to the local carrier with a net revenue to Braniff including stopover charges, of $164.98 for each $213.00 ticket. This results in a net absorption of $48.02 reducing Braniff's yield from its $213.00 group fare from 2.8 to 2.17 cents per mile.

[3] Rerouting Rule 385. Western refers to Board Order 72–9–82 of September 22, 1972, where the Board considered that rerouting relates to a ticket revision over a different route but where the destination remains unchanged and concluded that the reissuance of a ticket to provide common fares in Hawaii was not in violation of a tariff rule prescribing rerouting since a new destination was involved. Western challenges this interpretation on the grounds that round-trip travel only is involved and that the destination in round-trip travel is the point of origin and is thus unchanged.

[4] Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 142.

group passengers after departing the point of origin of their journey. Again, we cannot find that the resolution of the issue herein is affected by the trade-off procedures which Braniff states it has implemented.

We turn now to the argument advanced by Braniff and Western that Braniff has complied with the certificate condition requiring common fares for all classes of service which the carriers offer. Braniff alleges that it does offer such common fares for all classes of service and that there is no requirement that common fares be available for all types of fares. Western in its comments asserts that the Board's show cause order does not make any findings that Braniff does not provide common fares for all its classes of service. We reject this argument. First, it is clear from the history of the common-fare requirement and the context of the Transpacific order that the clause in the certificate condition requiring common fares "* * * for all classes of service * * *" cannot be read as a limitation upon the condition imposed; rather it was to make clear that the condition was not limited as to any particular class of service but applied to all classes of fares.[5] This argument in substance is contending that if the carrier makes common fares available for at least one type of fare, (e.g., first-class, coach, economy) in each class of service, it has met the condition. Such argument is unreasonable.[6]

Finally, with respect to comments upon the issues directly raised by the Order to Show Cause, one carrier only, Western, urges that if the Board finds Braniff's rerouting unlawful, it can prescribe the lawful rule only after notice and hearing pursuant to section 1002 of the Act, and similarly, any modification of the classes of service requirement in Braniff's certificate requires notice and hearing pursuant to section 401 of the Act. This argument misconceives the nature of this proceeding. The Board's requirements, as contained in the condition to Braniff's certificate, were established after notice and hearing as required by section 401 of the Act and were thereafter implemented by the carrier. The issue herein involves the question of whether, by its revised tariffs and practices, Braniff is in compliance with the condition in its certificate of public convenience and necessity. Thus, our order herein is not an order fixing rates pursuant to section 1002(d), which concededly requires notice and hearing, but rather involves a rejection of a tariff which, on its face, is unauthorized under the specific terms of Braniff's certificate.

Nor do we view this as a proceeding under section 1002(c) which provides for investigation of failure to comply with provisions of the Act or requirements established pursuant thereto. Rather, our power to reject this tariff stems directly from the condition attached to Braniff's certificate, a specific provision which it has accepted as a condition to the conduct of its operations to Hilo. But even if that section were deemed to be applicable here, its requirements have been satisfied since a full evidentiary hearing is clearly unnecessary.

No issue of fact is involved, nor does Western so allege. When the Board has been presented with situations involving the question of whether a given tariff provision comports with a prior Board order or other applicable laws or regulations, it has directed compliance with the lawful requirements without the formality of prior notice and hearing.[7]

A collateral matter has been presented by the responses, again raising the question of whether a reticketing after travel commences on a round-trip journey involves rerouting, since the ultimate destination (origin point) remains unchanged. As we noted in Order 73-3-139, the Board in Dockets 24707 and 24708 concluded that rerouting was not involved in reticketing for common fares after the passenger was in Hawaii since rerouting has been defined to involve reticketing to the same destination and it was concluded that common faring involved a new destination. (Order 72-9-82 dated September 22, 1972). Braniff's contention in its answer to the complaint of Aloha Airlines, Inc., in Docket 24987 presented for the first time the argument that a reticketing for common fares involved only round-trip situations where the destination remained unchanged, since the destination is considered to be the point of origin of the travel. This contention is now supported by Western. It is apparent that the Board's interpretation of destination as outbound destination, and the contentions of Braniff and Western that the word "destination" must be read as point of origin with respect to round-trip travel present a question as to the proper definition or application of the use of the term "destination." Rule 221.38 of the Board's Economic Regulations (14 CFR 221.38(a)(1)) requires that the rules and regulations of each tariff contain such explanatory statements and provisions as may be necessary to remove all doubt as to their application. In this circumstance we will provide a period of 10 days for Braniff to work out a resolution of this tariff matter on an informal basis with the Board's staff for tariff publication purposes,[8] and for Braniff to effect full compliance with the provisions of this order.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958 and particularly sections 204(a), 401 and 403 thereof;

It is ordered, That:

1. The tentative findings and conclusions in Order 73-3-139 dated March 30, 1973 are hereby affirmed.

2. Braniff Airways, Inc., is hereby directed to conform its tariffs and practices thereunder to the applicable conditions of its certificate of public convenience and necessity (and particularly condition 14 of Braniff's certificate for Route 9), and to hold out and participate in the granting of common-faring privileges to GIT passengers traveling from the mainland to Hawaii and return, whether such passengers were so ticketed at point of origin, or did not request such rerouting until after their arrival in the State of Hawaii.

3. Braniff Airways, Inc., shall conform its tariffs and practices to the provisions of this order and shall file appropriate tariff revisions with the Board for effectiveness 10 days from the date of service of this order on not less than one day's notice.

4. This order will be served upon Braniff Airways, Inc., American Airlines, Inc., Continental Air Lines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., Aloha Airlines, Inc., and Hawaiian Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-22151 Filed 10-16-73;8:45 am]

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[5] While the language in the condition referred to "* * * all classes of service * * *" the Board in the Transpacific Route Investigation (Domestic Phase) referred to all classes of fares stating therein "We also wish to make clear that the joint common-fare requirement applies to all classes of fares to Hawaii which the mainland carriers publish, now or in the future." (Order 69-1-11 served January 4, 1969, Pg. 77 mimeo.) It is clear that no distinction can be inferred from this difference in language. See also Revisions to GIT fares proposed by Pan American World Airways, Inc., where the Board stated "Were the Board to concur with Pan American's interpretation of the tariff, we would suspend its proposal pending an investigation, consistent with our previously expressed view that availability of common-fare travel should extend to all types of fares and without inhibiting restrictions." (Footnote omitted) (Order 72-9-82 dated September 22, 1972)

[6] The Board is aware that carrier tariffs do not offer common-fare provisions for certain military fares and youth standby fares. These fares have not been challenged and have not been put in issue in this proceeding.

[7] See Order 72-6-7 of June 2, 1972, wherein the Board noted: "The Board has consistently considered that it may order canceled tariffs in conflict with applicable law or regulations and that such tariffs are subject to rejection. E.g., see Order E-18449, dated June 14, 1962; Order E-18640, dated July 27, 1962; and Order 71-8-78, dated August 17, 1971."

[8] Tariff revisions are to be filed by Braniff for effectiveness 10 days from the date of service of this order on not less than one day's notice. To this extent the order herein modifies Order 72-9-82. See footnotes 3 and 5, supra.

[Docket 23333; Order 73-10-21]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

OCTOBER 4, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the

Federal Aviation Act of 1958 (the act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA) and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates and unprotested notices to the carriers, and promulgated in an IATA letter dated September 21, 1973.

The agreement, for effectiveness January 1, 1974, revises, as set forth in the attachments hereto, certain specific commodity rates in use between points in Australia and the U.S. by canceling a number of unproductive or unnecessary rates, increasing rates of others as warranted, and adjusting certain item numbers and rates. We will approve these revisions as these rates reflect reductions from the otherwise applicable general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the condition hereinafter ordered.

Accordingly, *It is ordered*, That:

Agreement C.A.B. 23953,[1] be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained herein for purposes of tariff publication, provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons are entitled to petition the Board for review of this order, pursuant to the Board's regulations, 15 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-22150 Filed 10-16-73;8:54 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-1044]

REVISED COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS

Public Notice

OCTOBER 10, 1973.

The following dates will constitute the revised composite week for use in the preparation of program log analysis submitted with applications for AM, FM and TV station licenses which have termination date in 1974.

Sunday, April 8, 1973.
Monday, December 4, 1972.
Tuesday, March 27, 1973.
Wednesday, August 9, 1972.
Thursday, May 31, 1973.
Friday, October 13, 1972.
Saturday, January 6, 1973.

This is a revised Public Notice. The only change from the composite week announced August 22, 1973 (Public Notice, FCC 73-881) is the substitution of Monday, December 4, 1972, for December 11, 1972. It has been brought to the Commission's attention that December 11, 1972, was not typical in that it was on this day that Apollo 17 landed on the moon.

Action by the Commission October 9, 1973. Commissioners Burch (Chairman), Johnson, Reid and Wiley.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-22061 Filed 10-16-73;8:45 am]

FEDERAL MARITIME COMMISSION

DELTA STEAMSHIP LINES, INC. AND COMPANHIA DE NAVEGACAO LLOYD BRASILERIRO

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, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 6, 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:

Thos. E. Stakem, Esq., Macleay, Lynch, Bernhard & Gregg, 1625 K Street NW., Washington, D.C. 20006.

Agreement No. 9848-2 would extend the revenue pooling arrangement between the two lines listed above for an additional four years from January 1, 1974. In addition, Agreement No. 9848-2 would reduce the "carrying rate," i.e., the cargo handling allowance each line is permitted to retain before pooling, from 60 percent to 50 percent. Agreement No. 9848, as amended, applies to the transportation of cargo by the two lines from Gulf ports of the United States to Brazilian ports in the Recife/Parangua range, both included.

By order of the Federal Martime Commission.

Dated: October 11, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-22160 Filed 10-16-73;8:45 am]

FEDERAL RESERVE SYSTEM

ASSOCIATED BANK CORP.

Order Approving Acquisition of Bank

Associated Bank Corp., Davenport, Iowa, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Iowa County Savings Bank, Marengo, Iowa (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the 103rd largest commercial banking organization in Iowa, controls one bank, Iowa Trust & Savings Bank with deposits of about $18 million, representing approximately 0.2 percent of total bank deposits in the State.[1] Consummation of the proposal would increase Applicant's proportionate share of the deposits in commercial banks in the State by less than 0.2 percentage points, and Applicant would then rank as the 38th largest banking organization in Iowa.

Bank ($12.8 million in deposits) is the only bank in Marengo (1970 population, 2,235) and the largest of 11 banks in the Marengo banking market, the relevant banking market, with nearly 18 percent of market deposits. Bank does not dominate its market area, as each of two other banking organizations in the market hold deposits of only $500,000 less than Bank, and six other banks have individual market shares of 5-10 percent. There is no significant existing competition between Applicant's banking subsidiary and Bank, nor is there a reasonable probability of competition developing in the future in

[1] Filed as part of the original document.

[1] All banking data are as of December 31, 1972, and reflect bank holding company formations and acquisitions approved by the Board through August 31, 1973.

view of, among other things, the 240 mile distance between Applicant's banking subsidiary and Bank, the numerous intervening banking offices, and Iowa's restrictive branching laws. The Board concludes, therefore, that competitive considerations are consistent with approval of the application.

The financial condition, managerial resources, and prospects of Applicant and its subsidiary bank are regarded as satisfactory and consistent with approval. The financial resources of Bank appear satisfactory; its prospects seem favorable; and its management is regarded as generally satisfactory. Considerations relating to the convenience and needs of the communities to be served are consistent with approval in view of Applicant's anticipated improvement in the services to be offered by Bank. Accordingly, it is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority. Further, the transaction shall not be consummated until there has been compliance with section 3(e) of the Act (12 U.S.C. 1842(e)) which requires that every bank that is a holding company and every bank that is a subsidiary of such a company shall become and remain an insured bank as such term is defined in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)).

By order of the Board of Governors,[3] effective October 9, 1973.

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

[FR Doc.73-22075 Filed 10-16-73;8:45 am]

ASSOCIATED BANK CORP.

Order Approving Acquisition of Leasing, Inc.

Associated Bank Corp., Davenport, Iowa, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Leasing, Inc., Des Moines, Iowa (Company), a company that engages in the activity of leasing personal property and equipment whereby the lessor recovers its full acquisition cost during the initial term of the lease from: (1) Rentals, (2) estimated tax benefits, and (3) estimated salvage value. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(6)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 21821). The time for filing comments and views has expired, and none has been timely received.

Applicant controls one bank with deposits of about $18 million, representing approximately 0.2 percent of the total commercial bank deposits in the State.[1] Applicant has received Board approval to acquire a second banking subsidiary.[2]

Company, a wholly-owned subsidiary of Iowa County Bank Corp.,[3] is engaged through its Des Moines and Littleton, Colorado, offices in the leasing to commercial enterprises of such personal property and equipment as office machines, medical equipment, light manufacturing equipment, farm equipment, and livestock trailers. All of Company's leases are consistent with the requirement of a full-payout lease, as company recovers in full its acquisition cost of leased equipment through rentals alone, during the initial term of the leases. The largest proportion of Company's leases originate in the States of Iowa (20 percent), Colorado (14 percent), and Nebraska and Tennessee (7 percent each). Lease receivables in the latter part of February 1973, amounted to $5.6 million, of which the Des Moines office accounted for $3.9 million with the remaining $1.7 million being originated by the Littleton office. Only 0.6 percent of Company's lease receivables in Iowa originate in an area within a radius of 20 miles of Applicant's existing banking subsidiary, which is 175 miles northwest of Company's Des Moines office. Company competes with numerous national and regional lessors and is not considered dominant in any area of the country.

Neither Applicant nor its existing or proposed banking subsidiaries engage in leasing activities. There is no indication in the record, absent this proposal, that Applicant would be likely to engage de novo in leasing operations in the relevant areas. The facts of record indicate that no substantial amount of existing or potential competition would be eliminated by consummation of this proposal, and the Board finds that the competitive considerations are consistent with approval of this application.

It is anticipated that Applicant's acquisition of Company would benefit the public by increasing the line of services available to customers of Applicant's existing and approved (but not yet consummated) banking subsidiaries, and by assisting Company in obtaining funds at lower cost. Applicant has stated that it will increase Company's capital base by $2 million, which will enable Company to expand its leasing operations. There is no evidence in the record indicating that consummation of the proposed acquisition would result in undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is 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.

The transaction shall be consummated not 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 Chicago, pursuant to authority delegated herewith.

By order of the Board of Governors,[4] effective October 9, 1973.

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

[FR Doc.73-22076 Filed 10-16-73;8:45 am]

FIRST AT ORLANDO CORP.

Acquisition of Bank

First at Orlando Corp., Orlando, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire not less than 90 percent of the voting shares of Peoples Bank of Auburndale, Auburndale, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 4, 1973.

Board of Governors of the Federal Reserve System, October 9, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-22077 Filed 10-16-73;8:45 am]

[1] Banking data are as of December 31, 1972.

[2] By Order of this date, the Board approved Applicant's acquisition of Iowa County Savings Bank, Marengo, Iowa.

[3] Iowa County Bank Corporation, Iowa City, Iowa, is a registered bank holding company by virtue of its 66.3 percent ownership of Iowa County Savings Bank, Marengo, Iowa.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Daane and Holland.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Daane and Holland.

FIRST OGDEN CORP.

Formation of Bank Holding Company

First Ogden Corp., Naperville, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Bank of Naperville, Naperville, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Concurrently, First Ogden Corp. 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)(1), (6), and (8)(i) of the Board's Regulation Y, for permission to retain voting shares of First Data Services, First Claren Corp. and Firstline Leasing Corp., all located in Naperville, Illinois. Notice of the application was published on May 10, 1973, in the Naperville Sun, a newspaper circulated in Naperville, Illinois.

Applicant states that First Data Services would provide data processing facilities and services for the internal operations of the holding company and its subsidiaries; and provide data processing facilities and services, including billing and payroll, for the internal operations of banks as an accommodation for bank customers; that First Claren Corp. would provide a source of capital for small and medium size business entities through commercial accounts receivable financing; and that Firstline Leasing Corp. would engage in the leasing of personal property, excluding automobiles, to business and financial institutions, on a full payout basis. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Applicant proposes to divest its ownership, within a two year period if this application receives Board approval, of: (1) First Ogden Insurance Co., a company engaged in reinsuring through an agent for American United Life Insurance Co., Indianapolis, Indiana, credit life, accident, and health on installment credit for banks, (2) Firstline Equipment Corp., engaged in furnishing all equipment for banking offices including assistance in the construction of bank buildings, (3) Naperville Stationers and Office Supply, a retail and wholesale company selling stationery and office supplies, including furniture to banks and others, and (4) First Suburban Services, activities include employment agencies, credit bureaus, answering services and collection agencies for banks and others.

Applicant further states that it proposes to continue to provide the following services for banks outside its proposed system: Advertising, auditing, automation, assistance to new and existing banks on building and remodeling design, correspondent bank relationships, cost analysis, deposit relationships, banking forms—design and use, securing from insurers bankers blanket bond insurance on a group basis, interbank communication, land acquisition—site location and analysis for bank expansion, loan counseling and participations, long range planning, marketing research, personnel training and selection, portfolio counseling, public relations, educational program for directors, assisting banks in communicating with stockholders, transportation needs—courier service, and legislative relationships. The services listed above involving management consulting have not been determined by the Board to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. However, there is pending before the Board a proposed revision of Regulation Y, 12 CFR Part 225, (38 FR 18565) which would permit bank holding companies to perform management consulting services for non-affiliated banks. The Board has previously determined that, except for general management consulting services that are expressly authorized by statute to be furnished by a bank holding company to its affiliates, a bank holding company may not engage in general management consulting (12 CFR 225.126; 1972 Federal Reserve Bulletin 571).

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

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

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 4, 1973.

Board of Governors of the Federal Reserve System, October 9, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-22080 Filed 10-16-73;8:45 am]

FIRST TEXAS BANCORP, INC.

Order Approving Retention of First Texas Development Corp.

First Texas Bancorp, Inc., Georgetown, Texas, a bank holding company within the meaning of the Bank Holding Company Act has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to retain all of the voting shares of First Texas Development Corp., Georgetown, Texas (Texas Development), a company that engages in the activity of servicing loans. The servicing of loans and other extensions of credit for any person has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 21960). The time for filing comments and views has expired, and none has been timely received.

Applicant controls four banks with aggregate deposits of $42 million, and is the eighteenth largest multi-bank holding company in the State with 0.1 percent of the total commercial bank deposits in Texas.[1]

All of the outstanding shares in Texas Development are held by trustees for the benefit of the shareholders of Citizens State Bank, Georgetown, Texas, which banking subsidiary was acquired by Applicant in October 1971. It is noted that Texas Development also holds properties for future bank expansion and furnishes services to the banking subsidiaries of Applicant; such activities appear to be appropriate to a bank holding company under sections 4(c)(1)(A) and (C) of the Act (12 U.S.C. 1843(c)(1)(A) and (C)). By means of this application, Applicant is seeking approval to retain shares in Texas Development subsequent to the two-year retention period provided in section 4(a)(2) of the Act (12 U.S.C. 1843(a)(2)), and thereby continue Texas Development's activities.

It does not appear that the continued retention by Applicant of Texas Development would have an adverse effect on either existing or potential competition. Texas Development will not be a competitor for the making of new loans and its market share[2] is only 0.1 percent of the total loans held by commercial banks in the relevant market, Williamson County.

There is no evidence in the record indicating that the continued retention of Texas Development would lead to an undue concentration of resources, conflicts of interest, or unsound banking practices.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is 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

[1] All banking data are as of December 31, 1972, and reflect bank holding company formations and acquisitions approved by the Board through August 31, 1973.

[2] As of March 31, 1973, Texas Development had an outstanding loan portfolio of about $26,000.

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 October 9. 1973.

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

[FR Doc.73-22078 Filed 10-16-73;8:45 am]

FMBT CORP.

Formation of Bank Holding Company

FMBT Corporation, Zeeland, Michigan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent or more of the voting shares of the successor by consolidation to First Michigan Bank and Trust Co., Zeeland, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 30, 1973.

Board of Governors of the Federal Reserve System, October 10, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-22079 Filed 10-16-73;8:45 am]

LANDMARK BANKING CORPORATION OF FLORIDA

Order Approving Acquisition of Banks

Landmark Banking Corporation of Florida, Fort Lauderdale, Florida (Applicant), 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. Code 1842(a)(3)) to acquire not less than 80 percent of the voting shares of Northside Bank of Tampa, Tampa, Florida (Tampa Bank), and of Bank of North Tampa, Tampa, Florida (North Tampa Bank or together as Banks).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been received. The applications have been considered in light of the factors set out in section 3(c) of the Act (12 U.S. Code 1842(c)).

Applicant, the tenth largest banking organization in Florida, controls nine subsidiary banks with aggregate deposits of $533.8 million, representing 2.7 percent of total commercial bank deposits in the state. (Banking data are as of December 31, 1972, adjusted to reflect holding company formations and acquisitions approved by the Board through August 1, 1973.) Acquisition of Banks, with combined deposits of $55.7 million, would increase Applicant's share of bank deposits in the state to 2.98 percent and Applicant would rank as the state's eighth largest banking organization. Making the proposed acquisitions would not result in a significant increase in the concentration of banking resources in Florida.

The Banks that Applicant seeks to acquire in making its initial entry into the Tampa banking market (Hillsborough County and the Land O'Lakes community in adjoining Pasco County) have 3.9 percent of deposits in that market. Tampa Bank is located within the northern limits of the city, while North Tampa Bank is in a suburban area, four miles from Tampa Bank and to the north of the city. Applicant's nearest banking subsidiary is in the adjoining but separate St. Petersburg banking market and is 28 miles or more from Banks. North Tampa Bank was organized on December 8, 1972 and is owned by substantially the same group of stockholders as Tampa Bank. Because of this affiliation, it is not probable that Banks would become competitors of each other. Banks do not compete with Applicant's banking subsidiary in St. Petersburg, and because of the distance between them, the number of intervening banks, and Florida's restrictions on branching, it is not probable that Banks would become competitors of Applicant's banking subsidiary in the future. Applicant by making this "foothold" entry would not be gaining a dominant market position. No present or future competition would be eliminated by the acquisitions proposed.

The financial and managerial resources and prospects of the Applicant, its subsidiaries, and the Banks are satisfactory and consistent with approval of the applications. Applicant proposes to expend the Banks' lending capacities through loan participations; it also proposes to make available to the Banks data processing and trust services, and a management training program, so that services to the community would be improved. Convenience and needs factors lend weight toward approval. In this Federal Reserve Bank's judgment, the proposed acquisitions are in the public interest, and the applications should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of Atlanta approves the applications, provided that the transactions shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective October 5, 1973.

[SEAL] MONROE KIMBREL,
President.

[FR Doc.73-22081 Filed 10-16-73;8:45 am]

NATIONAL ANN ARBOR CORP.

Formation of Bank Holding Company

National Ann Arbor Corporation, Ann Arbor, Michigan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to National Bank and Trust Company, Ann Arbor, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 30, 1973.

Board of Governors of the Federal Reserve System, October 10, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-22082 Filed 10-16-73;8:45 am]

SOUTHEAST BANKING CORP.

Acquisition of Bank

Southeast Banking Corp., Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Bank of Wildwood, Wildwood, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 4, 1973.

Board of Governors of the Federal Reserve System, October 9, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-22083 Filed 10-16-73;8:45 am]

UNITED BANKS OF COLORADO, INC.

Order Approving Acquisition of Bank

United Banks of Colorado, Inc., Denver, Colorado, a bank holding company

[1] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Daane and Holland.

within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Broomfield Bank, Broomfield, Colorado (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 14 banks with aggregate deposits of $886 million representing 14.7 percent of commercial bank deposits in Colorado and is the second largest banking organization in the State. (All banking data are as of December 31, 1972, and reflect bank holding company formations and acquisitions approved by the Board through August 31, 1973.) Acquisition of Bank (deposits of $11.4 million) would not significantly increase the concentration of banking resources in Colorado.

Applicant is the second largest of 46 banking organizations in the relevant banking market which is approximated by Denver, Adams, Arapahoe, and Jefferson Counties and a small area of Boulder County. Within the relevant market, Applicant has five banking subsidiaries which hold aggregate deposits of $679 million representing 18.9 percent of market deposits. Bank has 0.3 percent of the deposits in the Denver banking market and ranks as the 34th largest banking organization in the market.

Bank is located approximately 13 miles northwest of Denver in Boulder County.[1] The present chairman of the board of directors of Applicant was instrumental in establishing Bank in 1958 and has been Bank's principal shareholder since that time. He presently owns 63 percent of Bank's shares and members of his immediate family own an additional 5 percent of Bank's shares. At the time of Bank's organization, this individual was the chief executive officer of the bank which became the lead bank of Applicant following Applicant's formation. Based on these facts and other facts of record, the existing relationship between Applicant and Bank appears to be close, long standing, of a continuous nature, and unlikely to be broken in the near future. Analysis of the deposits and loans of Bank and of Applicant's banking subsidiaries indicates that there is no substantial existing competition between Bank and any of Applicant's banking subsidiaries.

One of Applicant's nonbanking subsidiaries, its mortgage company, originated a substantial volume of real estate loans in Bank's service area in 1972. However, Bank engages in real estate lending activities only to a limited extent and presently has a policy of not making real estate loans. In view of the existing relationship between Applicant and Bank, the limited nature of Bank's real estate lending, the presence of numerous other sources of real estate lending, and other facts of record, it does not appear that consummation of the proposal would eliminate any significant existing or future competition between Bank and Applicant's mortgage company.

It appears that consummation of the proposed acquisition would not eliminate any meaningful existing competition. The existing relationship between Bank and Applicant appears likely to continue in the near future, and absent the breaking of this relationship, the development of future competition between Bank and any of Applicant's subsidiaries is considered unlikely. Moreover, the relatively small size of bank and the presence of numerous competing banks in the Denver market make it unlikely that approval of the proposal would foreclose significant future competition between Applicant or its subsidiaries and Bank.

The financial and managerial resources and the future prospects of Applicant and its banking subsidiaries appear satisfactory. Bank's managerial resources are satisfactory and its future prospects are considered to be good. Bank's recent rapid growth has accentuated its need for additional equity capital. Applicant has made a commitment to provide at least $350,000 of additional equity capital, and, in view of this commitment, the financial condition of Bank is considered satisfactory. Thus, considerations relating to the financial and managerial resources of Bank lend some support toward approval of the application. There is no evidence in the record to indicate that the banking needs of the Denver market are not being adequately served. However, upon consummation of the proposal, Applicant will assist Bank in such areas as auditing and personnel training and recruitment, and the addition of capital will assist Bank in its lending activities. Considerations relating to the convenience and needs of the communities 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 would be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consumated (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 Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] effective October 9, 1973.

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

[FR Doc.73-22084 Filed 10-16-73;8:45 am]

WELLS FARGO & COMPANY

Proposed Acquisition of Atlantic-Pacific Leasing, Inc.

Wells Fargo & Company, San Francisco, California, 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 Atlantic-Pacific Leasing, Inc., San Jose, California. Notices of the application were published in newspapers of general circulation in cities in the service area of the proposed subsidiary, including: Los Angeles, California; Portland, Oregon; Salt Lake City, Utah; Las Vegas, Nevada; Reno, Nevada; Houston, Texas; Boise, Idaho; Phoenix, Arizona; Dallas, Texas; San Jose, California; Seattle, Washington; Santa Ana, California; Oakland, California; San Francisco, California; Palo Alto, California; Chicago, Illinois; and New York, New York.

Applicant states that the proposed subsidiary would engage in the activities of: Finance leasing of vehicles, equipment and other items of personal property. 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 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 November 4, 1973.

[1] Applicant has two other banking subsidiaries in Boulder County located approximately 13 and 18 miles from Bank, but neither is considered to compete with Bank or to be located in the relevant banking market.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Brimemr, Sheehan, and Bucher. Absent and not voting: Governors Daane and Holland.

Board of Governors of the Federal Reserve System, October 9, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-22085 Filed 10-16-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR Temporary Reg. F-192]

SECRETARY OF DEFENSE

Revocation of Delegations of Authority

1. *Purpose.* This regulation revokes delegations of authority to represent the Federal Government in proceedings which have been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires October 30, 1973.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

No.	Date	Subject
F-74	Aug. 21, 1970	Delegation of authority to Secretary of Defense—regulatory proceeding.
F-77	Nov. 9, 1970	Do.
F-102	May 13, 1971	Do.
F-125	Oct. 12, 1971	Do.
F-134	Jan. 21, 1972	Do.

October 9, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.73-22111 Filed 10-16-73;8:45 am]

[FPMR Temporary Regulation F-193]

SECRETARY OF DEFENSE ET AL.

Revocation of Delegations of Authority

1. *Purpose.* This regulation revokes delegations of authority to represent the Federal Government in proceedings which have been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires October 30, 1973.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

No.	Date	Subject
F-50	July 8, 1969	Delegation of authority to Secretary of Defense—regulatory proceeding.
F-58	Sept. 24, 1969	Delegation of authority to Chairman of Atomic Energy Commission—regulatory proceeding.
F-79	Nov. 19, 1970	Delegation of authority to Secretary of Defense—regulatory proceeding.
F-94	Mar. 22, 1971	Do.
F-100	June 4, 1971	Do.
F-116	Aug. 16, 1971	Do.
F-120	Sept. 15, 1971	Do.
F-133	Jan. 20, 1972	Do.
F-146	Apr. 10, 1972	Do.
F-155	Sept. 1, 1972	Do.
F-182	June 14, 1973	Do.

October 9, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.73-22112 Filed 10-16-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[73-78]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, COMMITTEE ON AERONAUTICAL OPERATING SYSTEMS

Notice of Meeting and Agenda

The NASA Research and Technology Advisory Council, Committee on Aeronautical Operating Systems will meet on October 24 and 25, 1973, at NASA's Flight Research Center, Edwards, CA 93523. The meeting will be held in the Conference Room of the Administration Building, No. 4800, Edwards, Air Force Base. The meeting is open to the public beginning at 8:30 a.m. on October 24 on a first come, first served, basis up to the seating capacity of the room, which is approximately 40 persons. All visitors must report to the NASA Guard Desk at the main entrance to Building 4800.

The NASA Research and Technology Advisory Council, Committee on Aeronautical Operating Systems, serves in an advisory capacity only. In this capacity, it is concerned with aircraft operational problems associated with atmospheric pheonomena, flight safety aspects of flight operations, occupant protection and survival, crew performance, simulation technology, air traffic systems, airport design technology, legal-political-economic influences on aviation, and facilities supporting research in the above areas. The current Chairman is Mr. Franklin W. Kolk. There are 12 members.

The following list sets forth the approved agenda and schedule for the October 24 and 25, 1973 meeting of the Committee. For further information, please contact Mr. Kenneth E. Hodge; (202) 755-2360.

OCTOBER 24, 1973

Time	*Topic*
8:30 a.m.	Opening Remarks. (Purpose: To welcome members and guests, set forth the order of meeting, make administrative announcements, etc.)
9:10 a.m.	Report of NASA Response to prior recommendations of the Committee. (Purpose: To advise the Committee of actions taken on past recommendations.)
2:00 p.m.	Status Reports of Selected On-Going Flight Research Center Projects. (Purpose: To brief the Committee on NASA research in Wake Turbulence, supercritical wing flight technology, passenger ride quality, aerodynamic and propulsion noise tests, and fly-by-wire flight research.)

OCTOBER 25, 1973

8:00 a.m.	Discussion of Human Response to Aircraft Noise. (Purpose: To obtain inputs from Committee members relating to NASA's current and planned research on human response to noise.)
8:45 a.m.	Discussion of Two-Segment Research. (Purpose: To advise the Committee members of results to date from two segment flight tests and to obtain inputs regarding NASA's plans for further research in this area.)
9:15 a.m.	Discussion of Human Factors roles in Aircraft Accidents. (Purpose: To advise the Committee members of the problems associated with investigating the role of human error in aircraft accidents and to solicit their input and advice on NASA plans for further research.
10:00 a.m.	Members Reports and General Discussion. (Purpose: To provide an opportunity for the members to report on items of research and operational importance within their individual spheres of knowledge and to introduce discussion on problems amenable to NASA research solutions. Based on this discussion, recommendations for specific NASA action may result.)
3:30 p.m.	Adjournment.

October 11, 1973.

HOMER E. NEWELL,
Acting Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.73-22144 Filed 10-16-73;8:45 am]

[73-79]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, COMMITTEE ON MATERIALS AND STRUCTURES MEETING

Notice of Meeting and Agenda

The Materials and Structures Committee of the NASA Research and Technology Advisory Council will meet on October 23 and 24, 1973, at NASA Headquarters, Washington, D.C. The meeting will be held in Room 521J, 600 Independence Avenue. The meeting is open to the public, with exception of the Executive Session on October 24. Admittance will be on a first come, first served basis. The available seating capacity of the room is about 30 persons. All visitors must be identified prior to admittance.

The NASA Research and Technology Advisory Committee on Materials and Structures serves in an advisory capacity only. In this capacity, the Committee is concerned with materials science, materials engineering, advanced concepts and materials applications, structural design and analysis, and structural loads and dynamics. The current Chairman is Mr. Ira G. Hedrick. There are 17 members. The following list sets forth the approved agenda and schedule for the October 23 and 24, 1973, meeting. For further information please contact

Mr. George C. Deutsch: Area Code 202–755–3264.

OCTOBER 23, 1974

Time	Topic
8:30 a.m.	Welcome by the Associate Administrator for Aeronautics and Space Technology. (Purpose: To greet the Committee.)
8:45 a.m.	Chairman's and Executive Secretary's Reports. (Purpose: To approve the past meeting minutes, to review results of Research and Technology Advisory Council (RTAC) meeting, and to discuss changes in the RTAC committee structure.)
9:30 a.m.	Ad Hoc Panel Report on Aerospace Vehicle Dynamics and Control. (Purpose: To review status of report of Joint Ad Hoc Panel on interdisciplinary aspects of dynamics and control of space vehicles and aircraft.)
10:00 a.m.	Transonic Wind Tunnel Test Technology. (Purpose: To continue discussion of possible improvements to transonic wind tunnel testing techniques and make final recommendations.)
10:30 a.m.	Break.
10:45 a.m.	Advanced Supersonic Technology (AST) Materials and Structures. (Purpose: To review present NASA Center Programs relative to advanced supersonic technology and recommend possible changes thereto.)
12:30 p.m.	Lunch.
1:30 p.m.	Short Haul Technology Review. (Purpose: To review NASA plans and programs relative to short haul technology, identify problem areas, needs, and make recommendations for new research effort.)
5:00 p.m.	Adjourn.

OCTOBER 24, 1973

8:30 a.m.	Discussion of Research Priorities. (Purpose: To evaluate list of discussion topics and recommend priorities for in-depth Committee study.)
10:30 a.m.	Break.
10:45 a.m.	Plans for Next Meeting. (Purpose: To select date, location, and agenda for next meeting.)
11:15 a.m.	Executive Session (Closed to the Public). (Purpose: To review particular items of interest reported by members as potential candidates for future Committee study. Throughout the discussion, data classified in the interest of National Defense, will be discussed relating the application of materials and structures technology to current and future military aircraft.)
12:30 p.m.	Lunch.
1:30 p.m.	Continuation of Executive Session.
3:00 p.m.	Adjourn.

October 12, 1973.

DAVID WILLIAMSON, Jr.,
Acting Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.73-22145 Filed 10-16-73;8:45 am]

NATIONAL MANPOWER ADVISORY COMMITTEE

SUBCOMMITTEE ON RESEARCH, DEVELOPMENT AND EVALUATION

Notice of Meeting

The National Manpower Advisory Committee's Subcommittee on Research, Development and Evaluation will meet at the Department of Labor on October 26. Appointed by the Secretary of Labor in 1962 the Subcommittee on Research, Development and Evaluation makes recommendations to the National Manpower Advisory Committee on problems arising from the design and operation of research, development and evaluation programs under the Manpower Development and Training Act. Members of the Subcommittee are chosen by the Secretary of Labor from representatives of labor, management and the educational community. The chairman is Dr. F. Ray Marshall of The University of Texas.

At its meeting of October 26 the Subcommittee on Research, Development and Evaluation will consider a strategy for evaluation under manpower revenue sharing, and a proposal for an experimental project designed to test a program for the employment of indigent employables as an alternative to welfare. The meeting will be held in Conference Room 107 in the Department of Labor starting at 9:30 a.m., and is expected to adjourn soon after 4:00 p.m. The meeting will be open to the public.

Signed at Washington, D.C., this 12th day of October 1973.

ROBERT R. BEHLOW,
Executive Secretary.

[FR Doc.73-22142 Filed 10-16-73;8:45 am]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORP.

ADVISORY BOARD

Notice of Meeting and Agenda

Notice is hereby given pursuant to the Federal Advisory Committee Act, section 10(a)(2), dated October 6, 1972, that a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation will be held in the offices of the Corporation on the 8th floor at 800 Independence Avenue, SW., Washington, D.C. on November 2, 1973, from 10 a.m. to 12 noon.

Agenda items are as follows:

(1) Opening remarks by the Administrator;
(2) Approval of minutes of prior meeting;
(3) Administrative report;
(4) Program reviews;
(5) Closing remarks.

Reservations and further information may be obtained from Mr. Robert Kraft, Special Assistant to the Administrator, Office of the Administrator, at the above address or by calling 202–426–3574.

Issued October 10, 1973.

[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.73-22119 Filed 10-16-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AZTEC PRODUCTS, INC.

Notice of Suspension of Trading

OCTOBER 10, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Aztec Products, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors.

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 11, 1973 through October 20, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-22114 Filed 10-16-73;8:45 am]

[File No. 500-1]

BBI, INC.

Notice of Suspension of Trading

OCTOBER 10, 1973.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from October 11, 1973 through October 20, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-22115 Filed 10-16-73;8:45 am]

[File No. 500-1]

BENEFICIAL LABORATORIES, INC.

Notice of Suspension of Trading

OCTOBER 10, 1973.

It appearing to the Securities and Exchange Commission that summary suspension of trading in the common stock, warrants, and units of Beneficial Laboratories, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 11, 1973 through October 20, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-22116 Filed 10-16-73;8:45 am]

[File No. 500-1]

OMNI-RX HEALTH SYSTEMS

Notice of Suspension of Trading

OCTOBER 5, 1973.

It appearing to the Securities and Exchange Comimssion that the summary suspension of trading in the common stock of Omni-Rx Health Systems being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:15 p.m. (EDT) October 5, 1973 through October 14, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-22117 Filed 10-16-73;8:45 am]

[File Nos.: 2-24780 (22-4104) 2-39466 (22-6522)]

BANKERS TRUST NEW YORK CORPORATION

Notice of Application and Opportunity for Hearing

OCTOBER 9, 1973.

Notice is hereby given that Bankers Trust New York Corporation (the "Company") has filed an application under Clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeships of the Bank of New York under two existing indentures, dated as of May 31, 1966, and March 1, 1971 respectively, qualified under the Act and one existing indenture, dated December 15, 1963, not so qualified, are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank of New York from acting as trustee under such indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in such section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, that with certain exceptions, a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same obligor are outstanding. However under Clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the same obligor are outstanding, if the obligor shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the trusteeship under such qualified indenture and such other is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under both indentures.

The Company alleges that:

(1) The Bank of New York is presently acting as trustee under an Indenture dated as of December 15, 1963 between Empire Trust Company as trustee and Banker Trust Company, (the "1963 Indenture")

(2) The Bank of New York is presently acting as trustee under an Indenture dated as of May 31, 1966 between Empire Trust Company as Trustee and BT New York Corporation, (the "1966 Indenture")

(3) The Bank of New York succeeded Empire Trust Company as trustee of the 1963 and 1966 Indentures by reason of merger of Empire Trust Company into The Bank of New York on December 7, 1966.

(4) BT New York Corporation became Bankers Trust New York Corporation by change of name on September 15, 1967.

(5) The Bank of New York is presently acting as trustee under a First Supplemental Indenture to the 1966 Indenture dated as of March 1, 1971 (the 1971 Indenture), between The Bank of New York and the Company.

(6) On June 19, 1973, the Company executed an agreement with Bankers Trust Company (the "Assumption Agreement") under which the Company assumed all the payment obligations of Bankers Trust Company under the 1963 Indenture. The Company owns 100% of the outstanding shares of Bankers Trust Company.

(7) The obligations of the Company under the 1963 Indenture as assumed in the Assumption Agreement, under the 1966 Indenture and under the 1971 Indenture are wholly unsecured and each such obligation ranks equally with the others. The Company is not in default of its payment obligations under the 1963 Indenture nor in default under the 1966 and 1971 Indentures.

The Company has waived notice of hearing, hearing and all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice in connection with the matter referred to in this application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission, at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is Further Given that any interested person may not later than October 29, 1973, request in writing that a hearing be held on such matter, stating the nature of this interest, the reason 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. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the protection of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-22118 Filed 10-16-73;8:45 am]

TARIFF COMMISSION

[337-30]

CERTAIN WRITING INSTRUMENTS AND NIBS THEREFOR

Notice of Hearing

Notice is hereby given that on November 12, 1973, the United States Tariff Commission will hold a further public hearing in connection with Investigation No. 337-30, regarding alleged unfair methods of competition and unfair acts in the importation and sale of certain writing instruments which are embraced within the claims of U.S. Patent No. 3,338,216 and nibs for such writing instruments which contribute to the practice of the claims of said patent. Notice of institution of the investigation was published in the FEDERAL REGISTER of September 21, 1972 (37 FR 19675).

The hearing will be held on November 12, 1973, at 10 a.m., E.s.t., in the Hearing Room of the Tariff Commission, 8th and E Streets NW., Washington, D.C., and will consider only legal argument on the question of whether the proceeding should be dismissed on the grounds that there is no domestic industry to be protected nor one prevented from being established. Interested parties

desiring to appear and present legal argument at the hearing shall notify the Secretary of the Commission in writing by November 7, 1973. Written submissions may be made in lieu of oral argument; such submissions shall also be submitted by November 7, 1973.

By order of the Commission.

Issued: October 12, 1973.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-22093 Filed 10-16-73;8:45 am]

[AA1921-126]

COLD-ROLLED STAINLESS-STEEL SHEET AND STRIP FROM FRANCE

Determination of No Injury or Likelihood Thereof

OCTOBER 11, 1973.

On July 11, 1973, the Tariff Commission received advice from the Treasury Department that cold-rolled stainless-steel sheet and strip from France are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended.[1] In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160 (a)), the Tariff Commission instituted investigation No. AA1921-126 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the investigation and hearing was published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20004). The public hearing was held September 11-12, 1973.

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission[2] has unanimously determined that an industry in the United States is not being or is not likely to be injured, or is not prevented from being established, by reason of the importation of cold-rolled stainless-steel sheet and strip from France sold, or likely to be sold, at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS

The Antidumping Act, 1921, as amended, requires that the Tariff Commission find two conditions satisfied before an affirmative determination can be made. If either condition is not satisfied, an affirmative determination cannot be made.

First, there must be injury or likelihood of injury to an industry in the United States.[3] Second, such injury or likelihood of injury must be by reason of the importation into the United States of the class or kind of foreign merchandise which the Secretary of the Treasury has determined is being, or is likely to be, sold at less than fair value (LTFV).

In the Commission's judgment, the second of the aforementioned conditions is not satisfied in the instant case. Accordingly, for the reasons set forth below, we have determined that an industry in the United States is not being and is not likely to be injured by reason of the importation of cold-rolled stainless-steel sheet and strip from France sold, or likely to be sold, at LTFV within the meaning of the Antidumping Act, 1921, as amended.

Cold-rolled stainless-steel sheet and strip imported from France and found to have been sold, or likely to be sold, at less than fair value by the Treasury Department is like that produced and sold by the U.S. producers of cold-rolled stainless-steel sheet and strip. For the purposes of the Commission's determination, the industry to be considered in this investigation consists of those facilities in the United States that are engaged in the production of cold-rolled stainless-steel sheet and strip.

U.S. imports for consumption of cold-rolled stainless-steel sheet and strip from France amounted to 2.7 percent of U.S. apparent consumption in 1971 and declined to 2.5 percent of U.S. apparent consumption in 1972. LTFV imports from France amounted to, at the most, 9,060 short tons in 1972, the year in which the Treasury Department found that imports from France were being sold at LTFV. In 1972, LTFV imports from France amounted to only 1.6 percent of U.S. apparent consumption of cold-rolled stainless-steel sheet and strip (560,115 short tons).

An analysis of U.S. producers' allegations of sales lost to French imports revealed several U.S. producers' sales lost to LTFV imports but such lost sales were so few and so scattered that they cannot have been the cause of any injury to U.S. producers. Although U.S. producers' prices were lower, on the average, in 1972 than they had been in earlier years, there is no convincing evidence that such lower prices were the result of sales of LTFV imports from France.

It is significant that in 1972, the year in which LTFV imports from France occurred, U.S. producers' shipments of cold-rolled stainless-steel sheet and strip (528,176 short tons) were higher than in any of the preceding 4 years. In addition, the financial condition of the industry in 1972 was substantially better than it had been in 1971 and earlier years.

Furthermore, nearly all U.S. producers of cold-rolled stainless-steel sheet and strip are currently producing at full capacity and they are unable to fill new orders until many months into the future. U.S. producers' shipments during the first half of 1973 were substantially greater than they had been during the first 6 months of 1972 and, in fact, were at record levels. U.S. producers' prices were also increasing.

Early in 1973 both French firms that exploited cold-rolled stainless-steel sheet and strip to the United States provided the Treasury Department with assurances that in the future they would not sell cold-rolled stainless-steel sheet and strip in the United States at less than fair value. There is no evidence that there are presently any LTFV sales of French merchandise.

A substantial expansion of French capacity to produce cold-rolled stainless-steel sheet and strip is expected in the near future. However, because of a rapidly expanding market for cold-rolled stainless-steel sheet and strip outside the United States—especially in Eastern and Western Europe—and the devaluation of the U.S. dollar vis-a-vis the French franc, it is expected that the French will not be in a position to expand their exports to the U.S. market, particularly at LTFV.

In view of the foregoing, the Commission concludes that a domestic industry is not being or is not likely to be injured by reason of imports of cold-rolled stainless-steel sheet and strip from France sold, or likely to be sold, at LTFV.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-22094 Filed 10-16-73;8:45 am]

[1] Notice of the Treasury Department's determination of sales at less than fair value, and the reasons therefor, was published in the FEDERAL REGISTER of July 5, 1973 (38 FR 17852).

[2] Vice Chairman Parker and Commissioner Young did not participate in the decision.

[3] Prevention of the establishment of an industry is not an issue in the instant case.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Notice of Meeting

Notice is hereby given that the Subcommittee on Education of the Standards Advisory Committee on Agriculture, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Thursday, November 1, 1973, starting at 9:00 a.m., in the OSHA Training Institute, Third Floor, O'Hare II Office Building, 10600 West Higgins Road, Rosemont, Illinois.

The agenda provides for continued discussion of Farm Safety Education. The committee will study the feasibility of required and/or voluntary training programs for agricultural operations and the recommendations to be made, if any, to the Assistant Secretary of Labor for Occupational Safety and Health.

The meeting shall be open to the public. Written data, views, or arguments concerning the subject to be considered may be filed, together with 20 copies thereof, with the committee's Executive Secretary by October 26, 1973. Such submis-

sions may also be filed with the Executive Secretary at the meeting. Any such submissions will be provided to the members of the committee and will be included in the record of the meeting.

Persons wishing to orally address the committee at the meeting should submit a written request to be heard, together with 20 copies thereof, to the Executive Secretary no later than October 26, 1973. The request must contain a short summary of the intended presentation and an estimate of the amount of time that will be needed. At the meeting the chairman will announce whether oral presentations will be allowed, and, if so, under what conditions.

Communications may be mailed to:

Standards Advisory Committees, OSHA–OSMC, Railway Labor Building, Room 509, U.S. Department of Labor, Washington, D.C. 20210.

Signed at Washington, D.C., this 11th day of October, 1973.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.73-22141 Filed 10-16-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

Office of Proceedings

[Notice No. 81]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 12, 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.

SPECIAL NOTICE. 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 730 (Sub-No. 342) (republication), filed November 13, 1972, published in the FEDERAL REGISTER issue of December 28, 1972, and republished this issue. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94604. Applicant's representative: Earl J. Brooks (same address as applicant). An Order of the Commission, Operating Rights Board, dated September 13, 1973, and served October 2, 1973: (1) indicates that the evidence of record fails to show that applicant now holds authority to serve Danville, Ill., which it is merely identified as an intermediate nonservice point on another alternate route; that consequently alternate route authority from and to that point cannot properly be granted in this proceeding; and that in the circumstances the Commission shall grant regular service route authority with respect to the part of the application involving Danville subject to a condition, in accordance with the evidence, that service at Danville shall be limited to the handling of interline traffic only; and (2) finds that operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over regular 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) (1) between Louisville, Ky., and St. Paul, Minn., from Louisville over Interstate Highway 65 (also U.S. Highway 31) to Indianapolis, Ind., thence over Interstate Highway 65 to junction Interstate Highway 90 at or near Gary, Ind., thence over Interstate Highway 90 (also from Indianapolis over U.S. Highway 52 to junction U.S. Highway 41, thence over U.S. Highway 41) to Chicago, Ill., thence over Interstate Highway 90 (also U.S. Highway 12) to Madison, Wis., thence over Interstate Highway 94 (also U.S. Highway 12) to St. Paul, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, (2) between Danville, Ill., and St. Paul, Minn., (a) from Danville over Illinois Highway 1 to Chicago (also from Danville over Illinois Highway 1 to junction Illinois Highway 17, thence over Illinois Highway 17 to Kankakee, Ill., thence over Interstate Highway 57 to Chicago), thence from Chicago to St. Paul as specified in Route (1) above, and return over the same routes, and (b) from Danville over Interstate Highway 74 (also U.S. Highway 150) to Bloomington, Ill., thence over U.S. Highway 51 to junction Interstate Highway 90 at or near South Beloit, Ill., thence over Interstate Highway 90 (also U.S. Highway 51) to Madison, Wis., thence from Madison to St. Paul as specified in Route (1) above, and return over the same route, serving no intermediate points, and restricted in both 2(a) and 2(b) to the transportation of traffic either received from or delivered to connecting carriers at Danville, Ill., and (3) between Chicago, Ill., and St. Paul, Minn.: From Chicago over Interstate Highway 90 to junction Interstate Highway 94, thence over Interstate Highway 94 to St. Paul, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, restricted in (3) above against the transportation of traffic originating at points in the Chicago, Ill., commercial zone and destined to points in the St. Paul, Minn., commercial zone and against transportation of traffic originating at points in the St. Paul, Minn., commercial zone and destined to points in the Chicago, Ill., commercial zone, is consistent with the public interest and the national transportation policy; that the grant of authority in this order shall not be severable, by sale or otherwise, from applicant's existing authority or from the authority held by applicant's commonly controlled affiliate, Ryder Truck Lines, Inc., in No. MC–2900 and sub-numbers thereunder, and that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 52932 (Sub-No. 27) (republication), filed February 26, 1973, published in the FEDERAL REGISTER issue of April 12, 1973, and republished this issue. Applicant: NORTH PENN TRANSFER, INC., Box 230, Lansdale, Pa. 19446. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. An Order of the Commission, Operating Rights Board, dated September 25, 1973, and served October 5, 1973, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes of *tile*, from the plantsites of American Olean Tile Company at Lansdale and Quakertown, Pa., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Kentucky, Tennessee, West Virginia, Maine, New Hampshire, Massachusetts, Vermont, and Rhode Island; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 84444 (Sub-Nos. 3 and 6) (Correction) (Notice of filing of petition to add a contracting shipper), filed August 24, 1973, published in the FEDERAL

REGISTER issue September 12, 1973, and republished, as corrected, in part, this issue. Petitioner: McCORMICK'S EXPRESS, a corporation, Third and Winslow Streets, Camden, N.J. 08104. Petitioner's representative: Don Weisberg, Suite 1920, 2 Penn Center Plaza, Philadelphia, Pa. 19102.

NOTE.—The purpose of this partial republication is to indicate the correct spelling of petitioner's name and indicate the correct representative for the petitioner, previously published in error. The rest of the notice remains as originally published.

No. MC 123778 (Sub-No. 1) (Notice of filing of petition to add an additional contracting shipper), filed September 13, 1973. Petitioner: JALT CORP., doing business as UNITED NEWSPAPER DELIVERY SERVICE, 75 Cutters Doch Road, Woodbridge, N.J. 07095. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner presently holds a motor *contract carrier* permit in No. MC 123778 (sub-No. 1) issued April 9, 1973, authorizing, as pertinent, transportation, over irregular routes, of, (1) *magazines, magazine racks, and advertising matter* shipped with magazines, from Woodbridge, N.J., to points in Connecticut and New Jersey, points in that part of Pennsylvania on and east of U.S. Highway 15, and points in that part of New York on and south of New York Highway 5 between Syracuse and Schenectady and New York Highway 7 between Schenectady and the New York-Vermont State boundary line, and on and east of U.S. Highway 11 between Syracuse and the New York-Pennsylvania State boundary line, restricted to shipments having an immediately prior motor carrier movement from points beyond New Jersey to Woodbridge, N.J.; (2) *magazine, magazine racks and advertising matter*, from Woodbridge, N.J., and Washington, D.C., to Wilmington, Del., and to points in that part of New York on and east of New York Highway 14 (except those points on and south of New York Highway 5, between Syracuse and Schenectady and New York Highway 7 between Schenectady and the New York-Vermont State boundary line, and those points on and east of U.S. Highway 11 between Syracuse and the New York-Pennsylvania State Boundary line); and (3) *printing plates, shells, and molds, and magazine sections, parts and inserts*, from New York, N.Y., and Newark, N.J., to Old Saybrook, Conn.; under a continuing contract or contracts with Time, Incorporated. By the instant petition, petitioner seeks to add Normand D. Smith, Inc., of West Springfield, Mass., as an additional contracting shipper to the authority described above. 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 134454 (Sub-No. 3) (Notice of filing of petition for extension of authority), filed August 2, 1973. Petitioner: PRICE DELIVERY SERVICE, INC., P.O. Box 825, 367 West Second Street, Dayton, Ohio 45401. Petitioner's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Petitioner presently holds a motor *contract carrier* permit in No. MC 134454 (Sub-No. 3) issued January 13, 1972, authorizing transportation, over irregular routes, of *concrete products and pipe fittings, and materials and supplies* incidental to the manufacture of concrete products and pipe fittings (except commodities in bulk and cement), between the plantsites of Price Brothers Company in Montgomery, Wyandot, Franklin, Lorain, Muskingum, Stark, and Portage Counties, Ohio, on the one hand, and, on the other, Hattiesburg, Miss., and points in Illinois, Ohio, and Tennessee, under a continuing contract or contracts with Price Brothers Company of Dayton, Ohio. By the instant petition, petitioner seeks to extend its permit to authorize transportation of the commodities named above (1) between the plantsites of Price Brothers Company in Montgomery and Wyandot Counties, Ohio, on the one hand, and, on the other, points in Alamaba, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Hamphire, North Carolina, Rhode Island, South Carolina, Texas, Vermont, Virginia, Wisconsin, New Jersey, Maine, and Oklahoma; and (2) between Hattiesburg, Miss., on the one hand, and, on the other, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Missouri, Kansas, Iowa, Wisconsin, Tennessee, Kentucky, Illinois, Indiana, Oklahoma, and Virginia, under contract with the shipper specified above. 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 136913 (Sub-No. 1) (Notice of filing of petition to modify permit), filed October 4, 1973. Petitioner: FRED SNIDER, doing business as SUNDOWN LUMBER EXPRESS, 661 Silver Springs, Nev. 89429. Petitioner presently holds a motor *contract carrier* permit in No. MC 136913 (Sub-No. 1) issued August 30, 1973, authorizing transportation, over irregular routes, of *forest products and lumber* (except commodities in bulk), (1) from points in California, to points in Arizona, Colorado, Kansas, New Mexico, Oklahoma, Utah, and Texas; and (2) from points in Arkansas, Arizona, Colorado, New Mexico, Oklahoma, Utah, and Wyoming, to points in California, under a continuing contract or contracts with Sundown Timber Company of Stockton, Calif. By the instant petition, petitioner seeks to modify its permit by adding Nevada as a point of origin in (1) above and as a destination point in (2) above. Petitioner further seeks an extension of authority to transport the commodities named above between points in California and Nevada, under a contract with the shipper specified above. 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 or 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 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

NOTICE

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY AND ILLINOIS NORTHERN RAILWAY COMPANY, represented by Mr. Harvey Huston, General Attorney, 80 East Jackson Boulevard, Chicago, Illinois 60605, hereby give notice that on the 20th day of August, 1973, they filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2)(a)(i) of the Interstate Commerce Act for authority to merge the properties of Illinois Northern Railway Company into The Atchison, Topeka and Santa Fe Railway Company for ownership, management, and operation. This application has been assigned Finance Docket No. 27469. In the opinion of the applicants, the authority sought by this application will have no significant effect upon the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation-National Environmental Policy Act of 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present the statement shall include such information relating to the factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

NOTICE

THE BALTIMORE AND OHIO RAILROAD COMPANY (B&O) hereby gives notice that on the 7th day of September, 1973, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order

approving and authorizing the acquisition of trackage rights by B&O over the line of railroad of Illinois Central Gulf Railroad Company (ICG), which application was assigned Finance Docket No. 27484. In accordance with the Commission's regulations (49 CFR 1111.2(13) as amended May 16, 1972, the Applicant states the following:

(1) The name and address of the Applicant and its attorney are:

The Baltimore and Ohio Railroad Company, 2 North Charles Street, Baltimore, Maryland 21201, Mr. John H. Gobel.

The Baltimore and Ohio Railroad Company, 230 West Monroe Street, Suite 956, Chicago, Illinois 60606.

(2) The nature of the proposed transaction is the acquisition of trackage rights by the B&O over the line of railroad of ICG so that B&O's duplicate parallel main line may be removed and crossings at certain streets in Springfield, Illinois, be protected by automatic signals in accordance with an order of the Illinois Commerce Commission.

(3) The ICG line of railroad over which B&O requests approval and authorization of trackage rights extends from a point approximately ten (10) feet south of Edwards Street (ICG Valuation Section III–2, Station 93–06) to a point between Adams and Madison Streets (ICG Valuation Section III–2, Station 74–29) in Springfield, Sagamon County, Illinois, about 2000 feet.

(4) The description of the involved line of railroad over which trackage rights are sought, including city, county and state location, termini and approximate distance in miles is set forth above in (3).

Applicant has alleged in its application that this is not a major federal action affecting the human environment and that, alternatively, the quality of the human environment will not be affected by the proposed Commission action requested in this Application. In accordance with the Implementation-Nat'l Environmental Policy Act, 1969, 341 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte 55 (Sub-No. 4, Supra, Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than thirty (30) days from the date of first publication in the FEDERAL REGISTER.

No. MC–F–12007. Authority sought for purchase by CLARKSON BROS. MACHINERY HAULERS, INC., P.O. Box 25, COWPENS, SC 29330, of a portion of the operating rights of FRED W. LOCKRIDGE (EUNICE M. LOCKRIDGE, ADMINISTRATRIX), doing business as LOCKRIDGE TRANSFER COMPANY, 301 N. Dilling St., Kings Mountain, NC 28086, and for acquisition by EVERETT C. CLARKSON, also of Cowpens, SC 29330, of control of such rights through the purchase. Applicants' attorney: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Ave., N.W., Washington, D.C. 20005. Operating rights sought to be transferred: *Cotton in bales, cotton mill waste,* and *cotton mill machinery,* as a *common carrier* over irregular routes, between points and places in Georgia, South Carolina, and that part of North Carolina on and west of U.S. Highway 21. Vendee is authorized to operate as a *common carrier* in North Carolina, Virginia, Tennessee, South Carolina, Georgia, and Alabama. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12008. Authority sought for purchase by COOPER-JARRETT, INC., 23 So. Essex Ave., Orange, NJ 07051, of the operating rights and property of JONES TRANSFER CO., and for acquisition by R. E. COOPER, JR., both of Orange, NJ 07051, of control of such rights and property through the purchase. Applicants' attorney: Irving Klein, 280 Broadway, New York, NY 10007. Operating rights sought to be transferred: *General commodities,* with exceptions, as a *common carrier* over regular routes, between Freeport, and Chicago, Ill., between Rockford, and DeKalb, Ill., between Rockford, Ill., and Madison, Wis., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Missouri, Nebraska, Iowa, Massachusetts, Illinois, New Jersey, Pennsylvania, Connecticut, Maryland, Delaware, Colorado, Kansas, Oklahoma, Texas, New York, Indiana, Ohio, Kentucky, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12010. Authority sought for merger by CURRY MOTOR FREIGHT LINES, INC., P.O. Box 1190, Amarillo, TX 79105, of operating rights and property of KAYWAY MOTOR FREIGHT, INC., P.O. Box 1208, San Angelo, TX 76901, and for acquisition by R. C. JORDAN, AND F. R. HALL, both of Amarillo, TX 79105, of control of such rights and property through the transaction. Applicants' attorney: Jack R. Turner, Jr., 2001 Massachusetts Ave. NW., Washington, D.C. 20036. Operating rights sought to be merged: *General commodities,* as a *common carrier* over regular routes, between San Angelo and Ft. Stockton, Tex., serving all intermediate points, with restriction, and under Certificates of registration in No. MC–128000 (Sub-Nos. 2 and 3), covering the transportation of general commodities, as common carriers, in interstate commerce, within the State of Texas. Vendee is authorized to operate as a *common carrier* in Texas. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Applicant is commonly controlled.

No. MC–F–12013. Authority sought for purchase by CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, N.C. 28021, of the operating rights of EASTON MOTOR LINES, INC., doing business as MARSHALL'S EXPRESS, P.O. Box 477, Easton, Md. 21601. Applicant's attorneys: Edward G. Villalon and James E. Wilson, 1032 Pennsylvania Building, Washington, D.C. 20004, and Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Operating rights sought to be transferred: *General commodities,* excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Baltimore, Md., on the one hand, and, on the other, points in Caroline, Dorchester, Somerset, Talbot, Wicomico, and Worcester Counties, Md. Vendee is authorized to operate as a *common carrier* in North Carolina, Georgia, South Carolina, Florida, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Virginia, Pennsylvania, Delaware, Alabama, West Virginia, Ohio, Illinois, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–12009. Authority sought for purchase by A.B.C. COACH LINES, INC., 116 West Rudisill Boulevard, Fort Wayne, Ind. 46807, of a portion of the operating rights and property of MEGA-CITY TRANSIT LINES, INC., 2003 Northwestern Avenue, Dayton, Ohio 45427, and for acquisition by HOOSIER BUS LINES, INC., also of Fort Wayne, Ind. 46807, of control of such rights and property through the purchase. Applicants' attorney: Harry J. Harman, 8130 South Meridian Street, Indianapolis, Ind. 46217. Operating rights sought to be transferred: *Passengers and their baggage, and express, and newspapers,* in the same vehicle with passengers, as a *common carrier* over regular routes, between Cincinnati, Ohio, and Richmond, Ind., between junction U.S. Highway 27 and Ohio Highway 128, and junction Indiana Highways 227 and 122 (express restricted to packages not exceeding 100 points in weight per package), between Millville, Ohio, and junction Ohio Highways 747 and 129 at Princeton, Ohio, serving all intermediate points. Vendee is authorized to operate as a common carrier in Indiana, Ohio, Illinois, Michigan, Pennsylvania, Wisconsin, Kentucky, Kansas, and Florida. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12011. Authority sought for purchase by BLUE BIRD COACH LINES, INC., 502–504 North Barry Street, Olean, N.Y. 14760, of the operating rights and property of SEAWAY COACH LINES, INC., 24 North Perry Square, Erie, Pa. 16501, and for acquisition by LOUIS A. MAGNANO, also of Olean, N.Y. 14760, of control of such rights and property through the pur-

chase. Applicants' attorney: Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Operating rights sought to be transferred: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, as a *common carrier*, over regular routes, between junction Pennsylvania Highway 5 and U.S. Highway 20, and junction U.S. Highway 20 and Interstate Highway 90, between junction Pennsylvania Highway 5 and U.S. Highway 20, and junction Pennsylvania Highway 5 and Pennsylvania Highway 89, serving all intermediate points, with restriction, between junction U.S. Highways 20 and 6N, located approximately four miles west of East Springfield, Pa., and junction Pennsylvania Highway 18 and U.S. Highway 20, located approximately 1 mile west of Girard, Pa., between Meadville, and Pittsfield, Pa., between North, East and West Springfield, Pa., between Union City, and West Springfield, Pa., serving all intermediate points (except Edinboro, Pa.), between Erie, and Scranton, Pa., between junction U.S. Highway 6 and Pennsylvania Highway 59 approximately 3 miles southeast of Warren, Pa., and junction U.S. Highway 6 and Pennsylvania Highway 46 one-half mile east of Smethport, Pa., serving all intermediate points; passengers and their baggage, in charter operations, over irregular routes, originating and terminating at all points in Erie County, Pa. (except Corry, Pa.), and extending to points in Cattaraugus, Chautauqua, Erie and Niagara Counties, N.Y., and Ashtabula, Cuyahoga, Geauga, Lake, Mahoning, Richland, Stark, Summit, and Trumbull Counties, Ohio, and the District of Columbia; passengers and their baggage, in round-trip charter operations, beginning and ending at points in Erie County, Pa., and those points in Cambridge Township, Crawford County, Pa., and extending to points in Ohio on and north of U.S. Highway 40 and those in New York on and west of U.S. Highway 15. Vendee is authorized to operate as a common carrier in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

NOTICE

ILLINOIS CENTRAL GULF RAILROAD COMPANY, 135 East 11th Place, Chicago, Ill. 60605, represented by Mr. Howard D. Koontz, has filed an application, assigned Finance Docket No. 27489, under Section 5(2) of the Interstate Commerce Act for authority to acquire direct control of the Peoria and Pekin Union Railway Company by acquiring 46.86 percent of stock of Peoria and Pekin Union Railway Company from Mississippi Valley Corporation, a wholly owned subsidiary of the applicant.

Illinois Central Gulf Railroad Company operates in the States of Alabama, Illinois, Indiana, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, South Dakota, Tennessee, and Wisconsin. The Peoria and Pekin Union Railway Company operates lines of railroad between Peoria and Pekin, Ill., approximately 9.82 miles, and between Peoria and Acme, Ill., approximately 4.2 miles.

In the opinion of the applicant, there will be no adverse effect on the quality of the human environment by approval of this application. In accordance with the Commission's regulations (49 CFR 1100.-250) in Ex Parte No. 55 (Sub-No. 4), Implementation-National Environmental Policy Act, 1969, 340 ICC 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (B)(1)–(5), 340 ICC 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the Federal Register.

By the commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-22170 Filed 10-16-73;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 12, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 54346, filed September 25, 1973. Applicant: TEMPCO TRANSPORTATION, INC., P.O. Box 879, San Jose, Calif. 95106. 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 Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive;

Southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company 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, lamb oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) Liquids, compressed gases, commodities in semi-plastic 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; and (11) Commodities of unusual or extraordinary value. Intrastate, interstate and foreign commerce authoirty sought. HEARING: Date, time and place not shown. Request 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. 54362, filed October 2, 1973. Applicant: SMITH TRANSPORTATION CO., 731 S. Lincoln Street, P.O. Box 1259, Santa Maria, Calif. 93454. Applicant's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, Calif. 90212. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities:* (a) Between all points and places on and along Interstate Highway 5 and California Highway 145 and/or California Highway 99 between the northern boundary of the Los Angeles Region, as described in Note A, and points and places in Madera; (b) Between all points and places on and along California Highway 41 between the intersection of California Highway 41 and California Highway 1 and Fresno; (c) Service is authorized at all off-route points and places within 20 miles of said routes; (d) Service may be performed over all accessible public highways between all of said termini, intermediate and off-route points, in combination one with the other; and (e) Through routes and rates may be established between any and all points described above in connection with presently certificated authority and with other certificated carriers, at convenient points of interchange.

The carrier 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 Item No. 5 of Minimum Rate Tariff No. 4–B; (2) Automobiles, trucks and buses, viz: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks, and trailers combined, buses, and bus chassis; (3) Livestock, viz: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment; (5) Liquids, compressed gases, commodities in simi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (6) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (7) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (8) Logs; (9) Explosives as described in and subject to the regulation of Motor Carriers' Explosives and Dangerous Articles Tariff 11, Cal. P.U.C. 6, American Trucking Associations, Inc., Agent, on the date of issue thereof; (10) Articles of extraordinary value as set forth in Section 1, Rule 780, National Motor Freight Classification No. A–10, J. Sonnenberg, Issuing Officer, on the issue date thereof; (11) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper; and (12) Portland or similar cement either alone or in combination with lime or powdered limestone, transported on any vehicle loaded substantially to capacity with such commodities.

NOTE A: Los Angeles Region includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and U.S. Highway No. 101 Alternate; northeasterly on Sunset Boulevard to California Highway 7; northerly along California Highway 7 to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Los Angeles National Forest Boundary; southeasterly and easterly along the Los Angeles National Forest to the Los Angeles County Line; southerly along the Los Angeles County Line to its intersection with California Highway 71; southerly along California Highway 71 to California Highway 91; westerly along California Highway 91 to California Highway 55; southerly on California Highway 55 to the Pacific Ocean; thence northwesterly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 6068 filed October 2, 1973. Applicant: TENNESSEE MOTOR LINES, INC., Route 9, Holiday Drive, Crossville, Tenn. 38555. Applicant's representative: A. O. Buck, 500 Court Square Building, Nashville, Tenn. 37201. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except household goods, Classes A and B explosives, commodities in bulk and those requiring special equipment, between all points and places in Davidson County, Tenn., and all points and places in Cumberland County, Tenn.: From Davidson County by U.S. Highway 70 and/or Interstate Highway 40 to Cumberland County, and return over the same route, utilizing any and all highways and roads in said Davidson and Cumberland Counties, serving no intermediate points between the Davidson County and Cumberland County. Intrastate, Interstate and foreign commerce authority sought.

HEARING: December 7, 1973, at the Commission's Court room, C–1–110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–22169 Filed 10–16–73;8:45 am]

[Notice No. 82]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 12, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(a)(3) of the rules of practice which requires that it set forth specifically the grounds upon

which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 4883 (Sub-No. 45), filed August 31, 1973. Applicant: THE GUYOTT COMPANY, a corporation, 176 Forbes Avenue, New Haven, Conn. 06504. Applicant's representative: Paul J. Goldstein, 109 Church Street, New Haven, Conn. 06510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from New Haven, Conn., to Katonah and Lake Carmel, N.Y.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 27 at New Haven, Conn., to provide a through service from Providence and East Providence, R.I., to Katonah and Lake Carmel, N.Y. Applicant indicates other tacking possibilities exist but are not sought. If a hearing is deemed necessary, applicant requests it be held at New Haven or Hartford, Conn.

No. MC 5227 (Sub-No. 10), filed August 15, 1973. Applicant: ECONOMY MOVERS, INC., P.O. Box 201, Mead, Nebr. 68041. Applicant's representative: A. J. Swanson, P.O. Box 81849, 521 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, and iron and steel articles*, from points in Illinois and Indiana, to points in Iowa and Nebraska.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 15770 (Sub-No. 4), filed July 25, 1973. Applicant: CALORE FREIGHT SYSTEM, INC., 275 Pine Street, Seekonk, Mass. 02771. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and automobiles, trucks, and buses as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 232 and 766) moving on bills of lading of Providence-Philadelphia Dispatch, Inc., a freight forwarder as defined in Section 402(a)(5) of the Interstate Commerce Act: (1) Between points in Ohio, West Virginia, Maryland, Delaware, the District of Columbia, and Pennsylvania (except those points in Pennsylvania south and east of a line beginning at the Pennsylvania-New Jersey State Boundary line and extending westward along Interstate Highway 78 to its intersection with Pennsylvania Highway 61, thence southward along Pennsylvania Highway 61 to Reading, Pa., thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State Boundary line), restricted to traffic having a prior or subsequent movement to or from points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and New Jersey; (2) between points in Ohio, West Virginia, Maryland, Delaware, the District of Columbia, and Pennsylvania (except those points in Pennsylvania south and east of a line beginning at the Pennsylvania-New Jersey State Boundary line and extending westward along Interstate Highway 78 to its intersection with Pennsylvania Highway 61, thence southward along Pennsylvania Highway 61 to Reading, Pa. and thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State Boundary line), on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and New Jersey; and (3) between points in Massachusetts, Connecticut, Rhode Island, New Jersey, Maine, New Hampshire, and Vermont.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in Part (1) at Toledo, Cleveland and Columbus, Ohio, and Sharon, Pittsburgh, and Harrisburg, Pa.; and in Part (2) and (3) at Providence, R.I., and Boston, Mass., however, no new service could be performed by tacking. Applicant further states it has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 20783 (Sub-No. 91), filed August 8, 1973. Applicant: TOMPKINS MOTOR LINES, INC., Highway 77, P.O. Box 1830, Gadsden, Ala. 35902. 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., located at Greenville, S.C., to points in Alabama, Georgia, and Tennessee, restricted to traffic originating at and destined to the points named above.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 25399 (Sub-No. 10) (correction), filed June 11, 1973, published in the FR issue of August 30, 1973, and republished, as corrected, this issue. Applicant: A-P-A TRANSPORT CORP., 2100 85th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities requiring special equipment), between points in Middlesex County, N.J., and Philadelphia, Pa., Commercial Zone as defined by the Commission, on the one hand, and, on the other, points in Salem, Atlantic, Cumberland, and Cape May Counties, N.J.

NOTE.—Applicant indicates that the requested authority can be tacked at points in Middlesex County, N.J., and the Philadelphia, Pa., Commercial Zone, as defined by the Commission, but that no additional service could be authorized. The purpose of this republication is to clarify previous tacking information. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 25399 (Sub-No. 11), filed July 25, 1973. Applicant: A-P-A TRANSPORT CORP., 2100 85th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment), between Syracuse,

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

N.Y., Glenmont, N.Y., and Canton, Mass., for operating convenience only, and serving no intermediate or off-route points.

NOTE.—No new tacking possibilities exist other than those determined in previous proceedings. The purpose of this application is to eliminate a gateway at North Bergen, N.J. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 28060 (Sub-No. 24), filed June 14, 1973. Applicant: WILLERS, INC., doing business as WILLERS TRUCK SERVICE, a corporation, 1400 North Cliff Ave., Sioux Falls, S. Dak. 57101. Applicant's representative: Bruce E. Mitchell, Suite 1600, First Federal Bldg., Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Section A & C of Appendix I to the report in Descriptions in *Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Spencer Foods, Inc., at or near Fremont and Schulyer, Nebr., and Cherokee, Hartley, and Spencer, Iowa, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, or St. Paul, Minn.

No. MC 30374 (Sub-No. 20), filed July 17, 1973. Applicant: TRI-STATE TRANSPORTATION CO., INC., 44 North West Ave., P.O. Box L, Vineland, N.J. 08360. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel*, from the plantsite of Aileen, Inc. at Woodstock, Va. to Secaucus, N.J., and New York, N.Y., and (2) *materials and supplies* used in the manufacture of wearing apparel (except in bulk), from New York, N.Y., Secaucus, N.J., Philadelphia, Pa., and Baltimore, Md., to the plantsite of Aileen, Inc., at Woodstock, Va.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in the lead certificate and Sub-No. 19 at (a) New York, N.Y., to provide a through service from Woodstock, Va. to Bordentown, N.J., and Egg Harbor City, N.J.; (b) at New York, N.Y., and Philadelphia, Pa., to provide a through service from Bordentown, N.J., to Woodstock, Va.; (c) at New York, N.Y., Secaucus, N.J., and Philadelphia, Pa., to provide a through service from points in Maryland, Virginia, and the District of Columbia to Woodstock, Va. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 30530 (Sub-No. 12), filed August 13, 1973. Applicant: NORTH EASTERN MOTOR FREIGHT, INC., 5231 Monroe Street, Denver, Colo. 80216. Applicant's representative: Ira E. Neal (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment): (1) Between Julesburg, Colo., and Cheyenne, Wyo.: From Julesburg over U.S. Highway 385 to junction Interstate Highway 80, thence over Interstate Highway 80 to Cheyenne, and return over the same route; and (2) between Lorenzo (Cheyenne County), Nebr., and Cheyenne, Wyo.: From Lorenzo over Nebraska Highway 19 to junction Interstate Highway 80, thence over Interstate Highway 80 to Cheyenne, and return over the same route, in (1) and (2) as alternate routes for operating convenience only in connection with the carrier's regular-route operations, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 30844 (Sub-No. 477), filed July 25, 1973. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50702. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Bldg., Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Footwear* (1) Between Brockton, Mass., and Atlanta, Ga., and (2) from Miami, Fla., to Atlanta, Ga., and (3) from Atlanta, Ga., to points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE.—Common control was approved in MC-F-8722 and MC-F-9750. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 30844 (Sub-No. 479), filed August 15, 1973. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50702. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Bldg., Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Imported frozen meats*, from Seaports in United States (except Miami and Tampa, Fla., Gulfport, Miss., and New Orleans, La., and Alaska, and Hawaii) to points in United States (except Alaska and Hawaii), restricted to shipments having prior movement by water.

NOTE.—Common control was approved in MC-F-8722 and MC-F-9750. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 36854 (Sub-No. 4), filed August 9, 1973. Applicant BOST TRUCK SERVICE, INC., Box 483, Murphysboro, Ill. 62966. Applicant's representative: W. E. Bost (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane gas*, in bulk, in tank vehicles, from Princeton, Ind., to Herrin, Marion, Murphysboro, and Wolf Lake, Ill.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or St. Louis, Mo.

No. MC 50493 (Sub-No. 55), filed August 1, 1973. Applicant: P.C.M. TRUCKING, INC., 1063 Main Street, Orefield, Pa. 18069. Applicant's representative: Paul B. Kemmerer, 1620 N. 19th Street, Allentown, Pa. 18104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feed mix material*, dry, in bulk, from points in Erie, Huron, Seneca, Sandusky, Ottawa, Lucas, Wood, Henry, Fulton, Williams, and Defiance Counties, Ohio, and Monroe, Lenawee, Wayne, Washtenaw, Hillsdale, Jackson, Calhoun, and Branch Counties, Mich., to points in New York and Pennsylvania on and east of Interstate Highway 81; and (2) *fertilizer and fertilizer materials*, in bags, or in bulk, *dry insecticides, dry fungicides and dry pesticides*, in bags, from points in Lehigh County, Pa., to points in Delaware and Maryland.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 51518 (Sub-No. 4), filed August 10, 1973. Applicant: EDWARD VESELY AND FRANCES VESELY, a Partnership, doing business as VESELY BROTHERS, "THE MOVERS", P.O. Box 455, Fayette City, Pa. 15438. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies* sold, used, or distributed by a manufacturer of cosmetics, between Washington Township (Fayette County), Pa., on the one hand, and, on the other, points in West Virginia on and north of U.S. Highway 50.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Washington Township, Fayette County, Pa., to provide a through service between points in West Virginia, on the one hand, and, on the other, points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 59150 (Sub-No. 80), filed August 13, 1973. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill St., P.O. Box 38047, Jacksonville, Fla. 32202. Applicant's representative: Mar-

tin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furring and studding*, from the plantsite of Chamberlain Manufacturing Corporation, at or near Monroe, Ga., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., Jacksonville, Fla., or Washington, D.C.

No. MC 59150 (Sub-No. 81), filed August 17, 1973. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, fittings, hydrants, valves, and parts and accessories* for the aforenamed items (except commodities in bulk), from Chattanooga, Tenn., to points in Florida, Georgia, and South Carolina.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Birmingham, Ala., Chattanooga, Tenn., or Atlanta, Ga.

No. MC 63417 (Sub-No. 55), filed July 27, 1973. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road NE., P.O. Box 2888, Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Trumann, Ark., to points in Delaware, Florida, Georgia, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant states that the requested authority can be tacked with: (a) MC–63417 lead certificate, on new furniture at Galax and Marion, Va., and Mount Airy, N.C., to serve Chicago, Ill., and points in Indiana; (b) MC–63417 (Sub-No. 4), on new furniture at Damascus, Va., to serve points in Indiana and Chicago, Ill.; (c) MC–63417 (Sub-No. 5), on new furniture at Martinsville, Bassett, and Stanleytown, Va., to serve points in Alabama; (d) MC–63417 (Sub-No. 6), on new furniture at Damascus and Galax, Va., to serve points in Illinois (except Chicago), Alabama, Kentucky, and Tennessee; Roanoke, Va., to serve points in Alabama, Illinois, Indiana, Kentucky, and Tennessee, at Rocky Mount, Va., to serve points in Alabama, Illinois, Indiana, Kentucky, and Tennessee, at Stanleytown, Va., to serve points in Illinois, Indiana, Kentucky, and Tennessee; (e) MC–63417 (Sub-No. 18), on new furniture at Sumter, S.C., to serve points in Illinois, Indiana, and Kentucky; and (f) MC–63417 (Sub-No. 30), on new furniture at Sumter, S.C., to serve points in Alabama. In addition applicant states that it can tack at MC–63417 (Sub-No. 41) (pending), on new furniture from Macon, Ga., to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, and Texas, and MC–63417 (Sub-No. 54) (pending), on new furniture at points in Pulaski County, Va., to serve points in Illinois, Indiana, Kentucky, and Tennessee, but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Roanoke, Va.

No. MC 76629 (Sub-No. 5), filed July 6, 1973. Applicant: OVERLAND FREIGHT LINES, INC., 2659 S. Six Points Road, Indianapolis, Ind. 46231. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Chicago, Ill., to points in Indiana.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Lafayette, Ind., or Crawfordsville, Ind., to serve points in Ohio. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 82861 (Sub-No. 18), filed August 23, 1973. Applicant: BROOKS TRUCK LINE, INC., P.O. Box 40, Puyallup, Wash. 98371. Applicant's representative: Joseph O. Earp, 411 Lyon Bldg., 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, forest products, particle board, hard board, composition board and shingles*, from points in Oregon, to points in King and Pierce Counties, Wash.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 83539 (Sub-No. 376), filed August 10, 1973. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), and *parts, implements, attachments, accessories and supplies therefor*, when moving in straight or mixed loads, from the Port of Houston, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, restricted against tacking with any existing authority held by applicant.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 83539 (Sub-No. 377), filed August 10, 1973. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining and quarry machinery, compressors and parts*, thereof, between Franklin, Pa., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, restricted against tacking with any existing authority held by applicant.

NOTE.—Common control was approved in MC–F–9241. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 92068 (Sub-No. 10), filed August 9, 1973. Applicant: MUTUAL TRANSPORTATION, INC., President & Fleet Streets, Baltimore, Md. 21202. Applicant's representative: Walter T. Evans, 615 Perpetual Building, 1111 E. Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities as are dealt in or used by department and chain stores* from the facilities of Mutual Transportation, Inc., at Baltimore, Md., to the stores and facilities of (a) Mammoth Mart, Inc., at Lexington Park and Waldorf, Md., and West Paxton Township, Pa., at or near Harrisburg, Pa., and (b) Zayre Corp. in Prince William County, Va., near the intersection of the Fairfax County and Prince William County boundary near Interstate Highway 95; (2) *returned shipments* from (a) the stores and facilities of Mammoth Mart, Inc. on U.S. Highway 22 near Bel Air, Md., and Lexington Park and Waldorf, Md., and at West Paxton Township, Pa., near Harrisburg, Pa., and (b) Zayre Corp. in Prince William County, Va., near the intersection of the Fairfax County and Prince William County boundary near Interstate Highway 95 to the facilities of Mutual Transportation, Inc. at Baltimore, Md.; (3) *such commodities as are dealt in or used by department and chain stores* from the facilities of Mutual Transportation, Inc. at Washington, D.C., to the stores and facilities of F. W. Woolworth Company at Manassas, Va.; and (4) *returned shipments* from the stores and facilities of F. W. Woolworth Company at Manassas, Va., to the facilities of Mutual Transportation, Inc. at Washington, D.C.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 102567 (Sub-No. 165) (clarification), filed July 9, 1973, published in the FEDERAL REGISTER issue September 7, 1973, and republished as clarified, this issue. Applicant: EARL GIBBON TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and plastics*, liquid and dry, in bulk, from points in Gregg and Harrison Counties, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at points in Gregg and Harrison Counties, Tex., within 150 miles of Henderson, Tex., to provide service on petroleum and petroleum products from points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., to points in the United States (except Alaska and Hawaii). If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 103993 (Sub-No. 777), filed August 24, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and (2) *buildings* and *sections of buildings* on undercarriages, from points in Larimer County, Colo. (except Loveland and the plantsite of Champion Home Builders Co. at or near Berthoud, Colo.), to points in the United States (except Alaska and Hawaii).

NOTE.—Common control was approved in Docket No. MC-F-10057. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 106398 (Sub-No. 684), filed August 22, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and (2) *buildings* in sections, mounted on wheeled undercarriages, from points of manufacture, in McCurtain County, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 106644 (Sub-No. 157), filed July 20, 1973. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: R. W. Gerson, 15th Floor—Candler Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton gin machinery and parts* thereof, from Prattville, Ala., to points in Arizona, California, and New Mexico.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in its lead certificate size and weight authority at Prattville, Ala., to provide a through service from points in Arkansas, Missouri, Iowa, Illinois, Indiana, Ohio, Kentucky, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Maryland, Pennsylvania, New York, Massachusetts, and Rhode Island to the destination states named above. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 106904 (Sub-No. 18), filed August 20, 1973. Applicant: TOPEKA MOTOR FREIGHT, INC., 617 Waughton Street, P.O. Box 213, Winston-Salem, N.C. 27102. Applicant's representative: David F. Eshelman (same address as applicant). 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, Class A and B explosives, and those requiring special equipment): (1) Between Omaha, Nebr., and Kansas City, Kans.: (a) From Omaha over U.S. Highway 275 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction Interstate Highway 29, thence over Interstate Highway 29 to junction County Trunk Highway A, thence over County Trunk Highway A to junction U.S. Highway 69, thence over U.S. Highway 69 to Kanas City, and return over the same route; and (b) From Omaha over Interstate Highway 80 to junction Interstate Highway 29, thence over Interstate Highway 29 to junction Interstate Highway 70, thence over Interstate Highway 70 to Kansas City, and return over the same route; and (2) Between Lincoln, Nebr., and Kansas City, Kans.: (a) From Lincoln over Nebraska Highway 2 to the Iowa-Nebraska State line, thence over Iowa Highway 2 to junction U.S. Highway 275, thence to Kansas City as specified in 1(a) above, and return over the same route, and (b) From Lincoln over Nebraska Highway 2 to the Iowa-Nebraska State line, thence over Iowa Highway 2 to junction Interstate Highway 29, thence to Kansas City as specified in 1 (a) and (b) above, and return over the same route, (1) (a) and (b) and (2) (a) and (b) as alternate routes for operating convenience only in connection with the carrier's regular-route operations, serving no intermediate points. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans. or Washington, D.C.

No. MC 107496 (Sub-No. 904), filed July 23, 1973. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, P.O. Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid wax*, from Milwaukee, Wis. to Duluth, Minn.; (2) *fuel oil*, in bulk, from Freeport, Ill., to points in Iowa; (3) *phosphates*, in bulk, from Lawrence, Kans., to Frisco, Pa.; (4) *LPG*, in bulk, from Watertown, Wis., to points in Iowa, Illinois, and Minnesota; (5) *Liquid animal feed and supplements*, in bulk, from the plantsite of Land O'Lakes, Inc., at Dubuque, Iowa, to points in Wisconsin, Minnesota, Illinois, Nebraska, North Dakota, and South Dakota; (6) *petroleum products*, in bulk, from Madison, Wis., to Dubuque, Iowa; and (7) *feed ingredients*, in bulk, from Weeping Water, Neb., to points in Iowa and Minnesota.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority as follows: in Part (1) there are no tacking possibilities; in Part (2) in Sub-Nos. 11, 30, 110, 289, 154, and 653 at various points in Iowa to serve points in Illinois, Missouri, Nebraska, Minnesota, and South Dakota; in Part (3) in Sub-Nos. 319 and 477 at Lawrence, Kans., to provide through service from Denver, Colo., and Fremont, Neb. (respectively) to Frisco, Pa.; in Part (4)(a) in Sub-No. 256 at Farmington, Ill., to provide a through service from Watertown, Wis., to points in Indiana and Missouri; (b) in Sub-Nos. 276 and 412 at various points in Iowa to provide a through service from Watertown, Wis., to points in Missouri; (c) in Sub-No. 520 at Whiting, Iowa, to provide a though service from Watertown, Wis., to points in Nebraska and South Dakota; and (d) same as in Part (2) above; in Part (5)(a) in Sub-Nos. 110, 396, 408, and 494 at various points in Nebraska to provide through service from Dubuque, Iowa, to points in Kansas, Oklahoma, Colorado, South Dakota, Utah, Montana, Idaho, and Wyoming; and (b) in Sub-No. 767 at Omaha, Nebr., and Savage, Minn., to provide through service from Dubuque, Iowa, to points in Kansas, Colorado, Wyoming, Oklahoma, and Montana; in Part (6) in Sub-No. 110 at Dubuque, Iowa, to provide service to additional points in Iowa, and in the lead certificate at Dubuque, Iowa, to serve points in certain Minnesota and Illinois Counties, thought no new service would be provided; and in Part (7) in (a) Sub-No. 308 at Montpelier, Iowa, to provide a through service from Weeping Water, Nebr., to points in Illinois, Indiana, Wisconsin, Ohio, Michigan, Kentucky, Tennessee, Mississippi, Arkansas, and Pennsylvania; (b) in Sub-No. 767 at Savage, Minn., to provide a through service from Weeping Water, Nebr., to points in Wisconsin and Michigan; and (c) in Sub-No. 826 at Audubon, Iowa, to provide a through service from Weeping Water, Nebr., to points in Missouri (except St. Louis). If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107515 (Sub-No. 864), filed July 11, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 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 by-products*, as described in Section A of Appendix I to Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and other facilities utilized by Shapiro Packing Co., at or near Augusta, Ga., to points in Kansas, Missouri, Arkansas, Nebraska, Oklahoma, Texas, Indiana, North Carolina, Kentucky, South Carolina, Virginia, Maryland, Illinois, Michigan, Florida, and Tennessee.

NOTE.—Common control was approved in Docket No. MC-F-11214 and MC-F-11600. Dual operations may also be involved. Applicant states that the requested authority can be tacked with its existing authority (a) in Sub-No. 753 at Texas to provide a through service from Augusta, Ga., to points in Ala-

bama, Georgia, Florida, Tennessee (except Memphis and its Commercial Zone), South Carolina, North Carolina, Kentucky, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, and the District of Columbia; and (b) in Sub-No. 610 at Augusta, Ga., to serve points in Kansas, Missouri, Arkansas, Nebraska, Oklahoma, Texas, Indiana, Illinois, and Michigan. The purpose of the instant application is to eliminate the necessity of providing service through existing gateways. If a hearing is deemed necessary, applicant requests it be held at either Augusta or Atlanta, Ga.

No. MC 107515 (Sub-No. 874), filed August 24, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, meats, meat products, and meat by-products*, from points in Mobile County, Ala., to points in the United States (except Alaska and Hawaii), restricted to traffic originating in Mobile County, Ala.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 109397 (Sub-No. 286), filed July 5, 1973. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113 (Business I–40), Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle over irregular, routes, transporting: (1) *Canned goods*, from points in California, to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Oregon, Tennessee, Texas, Wisconsin, Washington, and Wyoming; and (2) *canned animal food*, from Terminal Island, Calif., to the destination states named in (1) above.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 110420 (Sub-No. 692), filed August 9, 1973. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, from Zion, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, and Tennessee; and (2) *asphalt sealers, petroleum lubricating oils and greases*, in bulk, in tank vehicles, from Olathe, Kans., and Kansas City, Mo., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, and Wisconsin.

NOTE.—Common control is involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112595 (Sub-No. 53) (correction), filed July 16, 1973, published in the FR issue of September 20, 1973, and republished as corrected this issue. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton, Ohio 45638. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in tank or hopper type vehicles, from the storage, distribution, or warehouse sites of Bulk Distribution Centers, Inc., located in Campbell and Kenton Counties, Ky., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Tennessee, restricted to shipments having a prior movement by rail.

NOTE.—Applicant states that tacking possibilities exist at points in Campbell and Kenton Counties, Ky., on petroleum products having a prior movement by rail, to provide a through service from points in Ohio, West Virginia, and points in Kentucky on and west of U.S. Highway 31, to the destination points requested herein. Applicant states, however that it has no present intention to tack. The purpose of this republication is to correctly indicate the location of Bulk Distribution Centers, Inc., in Campbell and Kenton Counties, Ky. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 112989 (Sub-No. 32), filed July 30, 1973. Applicant: WEST COAST TRUCK LINES, INC., P.O. Box 668, Coos Bay, Oreg. 97420. Applicant's representative: Jerry R. Woods, 620 Blue Cross Bldg., 100 SW. Market St., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products, particleboard, pressboard and flakeboard*, from points in Klamath County, Oreg., and those in Oregon west of U.S. Highway 97, to points in Utah.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Salt Lake City, Utah.

No. MC 113651 (Sub-No. 160), filed August 9, 1973. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), from the plantsite of Central Soya Company, Inc., located at Decatur, Ind., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Kansas, Kentucky, Maryland, Maine, Michigan, Massachusetts, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; restricted to traffic originating at and destined to the points named above.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC 113666 (Sub-No. 82), filed August 27, 1973. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Steven L. Weiman, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Powdered iron*, from ports of entry on the International Boundary line between the United States and Canada in Maine, Michigan, Minnesota, New Hampshire, New York, and Vermont, to points in Maine, Michigan, Minnesota, New Hampshire, New York, Vermont, Massachusetts, Connecticut, Rhode Island, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Virginia, North Carolina, Tennessee, Kentucky, Ohio, Indiana, Illinois, Wisconsin, Iowa, and Missouri.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 113843 (Sub-No. 197), filed August 13, 1973. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (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 points in Aroostook County, Maine, and Portland, Maine, to points in New Jersey, New York, Delaware, Maryland, Virginia, West Virginia, Kentucky, the District of Columbia, and points in Pennsylvania east of the Susquehanna River.

NOTE.—Common control may be involved Applicant states that the requested authority can be tacked with its existing authority (1) at Dundee, N.Y., on frozen potatoes, to serve points in Arkansas, Colorado, Kansas, Minnesota, Nebraska, Oklahoma; Sioux City and Davenport, Iowa; Grand Forks, N. Dak.; and Sioux Falls, S. Dak.; (2) at Brockport, Morton or Le Roy, N.Y., on frozen potatoes, to serve points in Colorado, Iowa, Minnesota, Nebraska and Wisconsin; and (3) at New York, N.Y., that part of Rockland County, N.Y., east of the Garden State Parkway and south of Interstate Highway 287, that part of Westchester County, N.Y., south of Interstate Highway 287, that part of Nassau County, N.Y., west of Nassau County Highway 1, and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., on frozen potatoes and potato products to serve points in Iowa, Kansas, Minnesota, and Nebraska. Applicant has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 113908 (Sub-No. 285), filed August 15, 1973. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G. S. S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine and beverage spirits*, in bulk, in tank and hopper type vehicles, from Lake Alfred, Fla., to Port Sulphur and New Orleans, La. and (2) *wine and wine products*, in bulk, in tank and hopper type vehicles, from Altus, Ark., to St. Louis, Mo., Paw Paw, Mich., Canandaigua, N.Y., Atlanta, Ga., Patrick, S.C., Petersburg, Va., and Jackson, Miss.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo., or Dallas, Tex., or Washington, D.C.

No. MC 114211 (Sub-No. 204), filed July 2, 1973. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood*, and *particle board*, from Midvale, Utah, to points in Kansas, Nebraska, South Dakota, Missouri, Iowa, Illinois, Wisconsin, Indiana, Minnesota, Ohio, and North Dakota.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Denver, Colo.

No. MC 114211 (Sub-No. 205), filed August 1, 1973. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Newport and Wilder, Ky., to points in Illinois on and north of U.S. Highway 36 and on and west of U.S. Highway 51, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin on and west of U.S. Highway 51.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio or Chicago, Ill.

No. MC 117344 (Sub-No. 228), filed August 9, 1973. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins and plastics*, in bulk, from Greenville, Ohio, to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, Texas, and Wisconsin, restricted to traffic originating at Greenville, Ohio.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 117765 (Sub-No. 165), filed August 13, 1973. Applicant: HAHN TRUCK LINE, INC., 5315 NW. 5th, P.O. Box 75218, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan, 5315 NW. 5th, P.O. Box 75267, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and material, insulating products and materials, and materials supplies and equipment*, used in the production and distribution thereof, from the plant site and storage facilities of Johns-Manville Products Corporation, at or near McPherson, Kans., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Wichita, Kans.

No. MC 119634 (Sub-No. 7), filed August 20, 1973. Applicant: DICK IRVIN, INC., 218 12th Avenue North, P.O. Box F, Shelby, Mont. 59474. Applicant's representative: Joe Gerbase, Suite 100 Transwestern Building, 404 North 31st Street, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Talc*, in bags, from Three Forks, Mont., to the port of entry on the International Boundary line between the United States and Canada at or near Sweetgrass, Mont.; and (2) *diatomaceous earth* in bags from Shelby, Mont., to the port of entry on the International Boundary line between the United States and Canada at or near Sweetgrass, Mont.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont., or Billings, Mont.

No. MC 119767 (Sub-No. 303), filed August 9, 1973. Applicant: BEAVER TRANSPORT CO., I–94 and County Highway C, Bristol, Wis., and P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), from Decatur, Ind., to points in Illinois, Iowa, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119774 (Sub-No. 72), filed August 15, 1973. Applicant: EAGLE TRUCKING COMPANY, a corporation, 301 E. Main St., P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum wire and cable products*, from the plantsite of Alcoa Conductor Products Company, Division of Aluminum Company of America, located at Scottsville, Tex., to points in Florida; restricted to traffic originating at the plantsite and storage facilities of Alcoa Conductor Products, at Scottsville, Tex.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Dallas, Tex., Shreveport, La., or Pittsburgh, Pa.

No. MC 119777 (Sub-No. 259) (correction), filed June 18, 1973, published in the FR issue of September 20, 1973, and republished as corrected, in part, this issue. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101.

NOTE.—The purpose of this partial republication is to include *"treated piling"* in the commodity description, which was inadvertently omitted in the previous publication. The rest of the application remains the same.

No. MC 119777 (Sub-No. 272), filed August 13, 1973. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials*, from Grambling, La., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC–129670 and Subs thereunder, therefore dual operations may be involved. Common control was approved in MC–F–8759. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Dallas, Tex.

No. MC 119789 (Sub-No. 171), filed July 13, 1973. Applicant: CARAVAN REFRIGERATED CARGO, Inc., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Wiggins, Miss., and Texarkana, Tex., to points in Texas, Oklahoma, Arkansas, Iowa, Louisiana, Nebraska, Missouri, Kansas, and those in and east of Mississippi, Tennessee, Kentucky, Illinois, and Wisconsin.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Wiggins, Miss. on meat, to serve points in Minnesota, however applicant has

no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or New Orleans, La.

No. MC 119789 (Sub-No. 179), filed August 9, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 East Irving Blvd., Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials* (except in bulk), in mechanically refrigerated trailers, from the plantsite and storage facilities of Monsanto Company, located at or near Texas City, Tex., to points in California, Louisiana, Missouri, Illinois, Wisconsin, Michigan, Ohio, Pennsylvania, and New York.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Houston or Dallas, Tex.

No. MC 119917 (Sub-No. 36), filed August 8, 1973. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta, Georgia 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., located 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 named points.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 119968 (Sub-No. 7), filed July 25, 1973. Applicant: A. J. WEIGAND, INC., P.O. Box 130, 1046 N. Tuscarawas Ave., Dover, Ohio 44622. Applicant's representative: Paul F. Beery, Suite 1660, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda, silica pigment, peroxide, calcium hydrochloride, and calcium chloride* (except commodities in bulk), between Barberton, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Ohio, West Virginia, New York, Pennsylvania, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, and the Lower Peninsula of Michigan.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123407 (Sub-No. 136), filed July 20, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valpariso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chimneys* and *building materials*, from Buda, Ill., to points in the United States, in and east of Montana, Wyoming, Colorado, and New Mexico.

NOTE.—Common control was approved in Docket No. MC-F-71814. Applicant states that the requested authority can be tacked with its existing authority at points in the States named above to serve points in Arizona, Utah, Nevada, California, Idaho, Oregon, and Washington, but it has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 124211 (Sub-No. 231), filed July 26, 1973. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 08101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, from points in Illinois, Iowa, and Minneapolis, Minn., to points in Arizona, California, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and (2) *alcoholic beverages*, (a) from points in Connecticut, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Tennessee, to points in Arizona, California, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, and Wyoming; (b) from points in Oregon and Washington, to points in the United States east of the western boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (c) from points in Nebraska, to points in the United States west of U.S. Highway 83 (except Alaska and Hawaii); and (3) *such commodities* as are dealt in and used by producers and distributors of beverages, when moving in mixed loads with beverages, between points in the United States (except Alaska and Hawaii). Common control has been approved in MC-F-11887. Applicant states that the requested authority can be tacked under part (a) hereof by tacking authority in MC-124211 Sub-Nos. 16, 62, 105, 118, 121, 133, 143, and 208, at common points in Nebraska, to serve numerous points in the United States (except Alaska and Hawaii) and under part (b) hereof by tacking its authority in MC-124211 Sub-Nos. 18, 109, 112, 124, 125, 133, 139, 150, and 209, at common points in Minnesota, Missouri, Nebraska, and South Dakota, to serve numerous points in the United States (except Alaska and Hawaii). Applicant further states the authority sought herein may be tacked with applicant's present authority, however, one of the primary purposes of the instant application is to eliminate existing gateways and, therefore, tacking is not intended at this time. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124511 (Sub-No. 17), filed July 9, 1973. Applicant: JOHN F. OLIVER, East Highway 54, P.O. Box 223, Mexico, Mo. 65265. Applicant's representative: Paul J. Maton, Suite 1620, Ten South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except such articles which, because of size and weight, require the use of special equipment), between Chicago, Bensenville, and Joliet, Ill., and Portage Ind., to St. Louis and Kansas City, Mo., and points in Missouri and Iowa and those in Nebraska east of U.S. Highway 81.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124669 (Sub-No. 31), filed August 20, 1973. Applicant: TRANSPORT, INC. OF SOUTH DAKOTA, 1012 West 41st Street, Sioux Falls, S. Dak. 57105. Applicant's representative: Ronald B. Pitsenbarger, Box 396, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer ingredients*, in bulk, from Madison, S. Dak., to points in North Dakota, Minnesota, Iowa, Nebraska, and South Dakota.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at Beatrice, Nebr., and points in Woodbury County, Iowa, to serve points in Illinois, Kansas, Missouri, Colorado, Oklahoma, Wisconsin, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Minneapolis, Minn.

No. MC 126276 (Sub-No. 82) (amendment), filed June 25, 1973, published in the FEDERAL REGISTER issue of August 9, 1973, and republished as amended, this issue. Applicant: FAST MOTOR SERVICE, INC., 12855 Poiderosa Drive, Palos Heights, Ill. 60463. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends and accessories*, from the plant and warehouse sites of Heekin Can Division, Diamond International Corp. at Cincinnati, Ohio and Anderson Township (Hamilton County), Ohio, to points in Illinois, Indiana, Michigan, and Kenosha, Racine, Milwaukee, and Waukesha Counties, Wis.

NOTE.—The purpose of this republication is to indicate that applicant seeks to change its carriage from contract to common. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126305 (Sub-No. 55), filed August 15, 1973. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rural Delivery 2, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in Alabama and Georgia, to points in the United States in and east of North Da-

kota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ga., or Birmingham, Ala.

No. MC 127834 (Sub-No. 91), filed August 17, 1973. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum billets, blooms, ingots, pigs, and slabs, and non-ferrous metals* for recycling purposes, from the plantsite of Culp Smelting & Refining Co., at or near Steele, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Mississippi, Iowa, Kansas, Kentucky, Louisiana, Michigan, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Virginia, Tennessee, Texas, West Virginia, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Nashville, Tenn.

No. MC 128521 (Sub-No. 2) (amendment), filed June 5, 1973, published in the FEDERAL REGISTER issue of August 2, 1973, September 20, 1973, and republished as amended, this issue. Applicant: BIRMINGHAM-NASHVILLE EXPRESS, INC., 317 Arlington Avenue, P.O. Box 7429, Nashville, Tenn. 37210. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and articles requiring special equipment), between Nashville, Tenn., and New Orleans, La.: From Nashville over U.S. Highway 431 to Junction Tennessee Highway 99, thence over Tennessee Highway 99 to Columbia, Tenn., thence over U.S. Highway 43 to Tuscaloosa, Ala., thence over U.S. Highway 11, and also over Interstate Highway 59 to New Orleans, La., and return over the same route, serving no intermediate points.

NOTE.—The purpose of this republication is to correct the route description. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or New Orleans, La.

No. MC 128988 (Sub-No. 29), filed August 8, 1973. Applicant: JO/KEL, INC., P.O. Box 1249, 159 South Seventh Avenue, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heating and air conditioning units*, from (a) the plantsite and warehouse facilities of Fraser and Johnston Co., located at San Lorenzo, Calif., to points in Idaho, Utah, Arizona, Colorado, and New Mexico; and (b) from Norman, Okla.; Medina and Elyria, Ohio; and Staunton, Va., to the plantsite and warehouse facilities of Fraser and Johnston Co., located at San Lorenzo, Calif.; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, from points in Idaho, Utah, Arizona, Colorado, and New Mexico, to the plantsite and warehouse facilities of Fraser and Johnston Co., located at San Lorenzo, Calif., restricted against the transportation of commodities in bulk and those commodities which because of their size or weight require the use of special equipment, under a continuing contract or contracts with Fraser and Johnston Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif. or Washington, D.C.

No. MC 129600 (Sub-No. 15), filed August 10, 1973. Applicant: POLAR TRANSPORT, INC., P.O. Box 44, 176 King Street, Hanover, Mass. 02339. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Decatur, Ind., to points in Alabama, Connecticut, Delaware, Georgia, Florida, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, 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, under a continuing contract, or contracts, with Central Soya Company, Inc., restricted to a transportation service to be performed under a continuing contract or contracts, with Central Soya Company, Inc., located at Fort Wayne, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fort Wayne, Ind., Boston, Mass., or Washington, D.C.

No. MC 129885 (Sub-No. 5), filed July 30, 1973. Applicant: CHET'S TOW SERVICE, INC., 504 Campbell, Kansas City, Mo. 64105. Applicant's representative: Lucy Kennard Bell, 910 Fairfax Building, 101 West 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, disabled, or repossessed motor vehicles, and replacement motor vehicles* for wrecked or disabled motor vehicles, by use of wrecker equipment only, between points in Missouri and Kansas, on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, Illinois, Iowa, and Nebraska), and (2) *repossessed motor vehicles and replacement motor vehicles* for wrecked or disabled motor vehicles, by use of wrecker equipment only, between points in Missouri, Kansas, Nebraska, Iowa, and Illinois.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in Sub-Nos. 1 and 2, however no new service would be provided, and in Sub-No. 3 at Colorado to provide a through service between points in Missouri and Kansas, on the one hand, and, on the other, points in Nebraska and Iowa. If a hearing is deemed necessary, applicant requests it be held at Kansas City or Jefferson City, Mo.

No. MC 133590 (Sub-No. 5), filed August 2, 1973. Applicant: WESTERN CARRIERS, INC., 288 Franklin Street, Worcester, Mass. 01604. Applicant's representative: Robert L. Kendall, Jr., 1719 Packard Building, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pork carcasses, pork byproducts, and offal* (except commodities in bulk and hides), from points in Iowa (except Columbus Junction, Harlan, and Sioux City) and Utica, Mich., to the plantsites and storage facilities of Western Pork Packers, Inc., located at Bronx, N.Y., and at Worcester, Mass., and (2) *pork products, pork byproducts, and offal* (except commodities in bulk and hides) from the plantsites and storage facilities of Western Pork Packers, Inc., located at Worcester, Mass., to points in Maine, New Hampshire, and Vermont, under contract with Western Pork Packers, Inc., Bronx, N.Y., and Worcester, Mass.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Worcester, Mass.; New York City, N.Y.; Philadelphia, Pa.; or Washington, D.C.

No. MC 133796 (Sub-No. 19), filed August 20, 1973. Applicant: GEORGE APPEL, an Individual, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings, and supplies* used in the manufacture thereof, from the plantsite of Carlon Division, Indian Head, Inc., Mantua, Ohio, to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada.

NOTE.—Applicant holds contract carrier authority in MC 129239, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 134412 (Sub-No. 2), filed August 14, 1973. Applicant: BUFF TRANSPORTATION CORP., 42 Buffington Avenue, Irvington, N.J. 07111. 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: *Paint, and materials, equipment, and supplies* used or

useful in the manufacture and sale of paint (except commodities in bulk), between the facilities of Atlas Paint & Varnish Co. at Irvington, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii, under continuing contract with Atlas Paint & Varnish Co., of Irvington, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 134501 (Sub-No. 9), filed August 31, 1973. Applicant: UFT TRANSPORT COMPANY, a Corporation, P.O. Box 1118, Irving, Tex. 75060. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture fixtures*, from Riverside and Beverly, N.J., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 134599 (Sub-No. 90), filed August 13, 1973. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. 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: *Tire fabric*, (1) from Murfreesboro, Tenn., to Chicopee Falls, Mass., Detroit, Mich., Eau Claire, Wis., Opelika, Ala., and Los Angeles, Calif., and (2) from Shelbyville, Tenn., to Murfreesboro, Tenn., under continuing contract with Uniroyal, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 134872 (Sub-No. 8), filed December 12, 1972. Applicant: GOSSELIN EXPRESS LTD., 141 Smith Boulevard, Thetford Mines, Quebec, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles*, from ports of entry on the international boundary line between the United States and Canada located at points in Michigan and New York, to Salt Lake City, Utah, and Idaho Falls, Idaho.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also holds contract carrier authority in MC 133243, Subs 1 and 2 thereunder, therefore, dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 135556 (Sub-No. 3), filed July 9, 1973. Applicant: RAYMOND R. CARPENTER AND JAMES E. CARPENTER, a partnership, doing business as CARPENTER BROS. TRUCKING, Route No. 2 Box 5, Bucyrus, Ohio 44820. Applicant's representative: Gerald P. Wadkowski, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry ammonia nitrate*, in bulk, between points in Wyandot County, Ohio, on the one hand, and, on the other Terre Haute, Ind.; and (2) *animal feed*, in bulk and bag, between points in Ohio, on the one hand, and, on the other, Ft. Wayne and Syracuse, Ind., under contract with Landmark, Inc., Kirby Plant and The Zeigler Milling Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Bucyrus, Upper Sandusky, Columbus, or Toledo, Ohio.

No. MC 136183 (Sub-No. 2), filed August 2, 1973. Applicant: JOE COSTA, doing business as TRINIDAD FREIGHT SERVICE, Santa Fe Yards, Trinidad, Colo. 81082. Applicant's representative: Joe Costa (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, commodities in bulk, classes A and B explosives, commodities of unusual value, those requiring the use of special equipment and the use of refrigerated vehicles), between points in Costilla, Huerfano, Otero, Bent, Prowers, and Baca Counties, Colo.; Taos, Mora, Harding, Quay, and Curry Counties, N. Mex.; Cimarron County, Okla.; and Dallam County, Tex.

NOTE.—Applicant states that the requested authority can be tacked at: (1) The above-named counties in Colorado to provide a through service from points in Las Animas County, Colo.; (2) at Taos and Mora Counties, N. Mex., to provide a through service from Colfax County, N. Mex.; and (3) at Mora, Harding, Quay, and Curry Counties, N. Mex.; Cimarron County, Okla., and Dallam County, Tex., to provide a through service from Union County, N. Mex. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 136211 (Sub-No. 17), filed August 9, 1973. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., 210 St. Mary's Drive, Suite G, P.O. Box 5067, Oxnard, Calif. 93030. Applicant's representative: Joseph E. Rebman, 1230 Boatmen's Bank Building, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the facilities of Wickes Furniture Division of the Wickes Corporation, located in Maryland Heights (St. Louis County) Mo., to points in Illinois on, south and west of a line beginning at the Illinois-Missouri State line at Quincy, Ill., and extending easterly along U.S. Highway 24 to intersection U.S. Highway 136, thence east along U.S. Highway 136 to junction U.S. Highway 51, thence south along U.S. Highway 51 to intersection Illinois Highway 146, thence west and south along Illinois Highway 146 to the Illinois-Missouri State line, and *return movements* of the commodities specified above, from points in the above specified destination territory, to the above specified origin, under a continuing contract or contracts with Wickes Furniture Division of the Wickes Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Washington, D.C.

No. MC 136408 (Sub-No. 12), filed August 24, 1973. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, washing, and polishing soaps and compounds, paints, varnishes, and rust preventatives, oils and greases* (except in bulk, in tank vehicles), from Joliet, Ill., to points in Iowa, Nebraska, South Dakota, Colorado, Kansas, and Missouri; restricted to a transportation service to be performed under a continuing contract, or contracts, with Economics Laboratory, Inc., located at Chicago, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 136464 (Sub-No. 4), filed August 8, 1973. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, N.C. 28052. Applicant's representative: John R. Sims, Jr., Suite 600, 1707 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Blankets, rugs, carpeting, bath mats, hosiery, draperies, sheets, pillow cases, towels, wash cloths, safety belts or straps, binding, ribbon, tape or webbing, bed spreads, ribbon bows, cloth or piece goods, yarn, tablecloths, and furniture*, in mixed loads with other commodities from the plantsites of Burlington Industries, Inc., located at Cramerton (Gaston County), N.C., and Memphis (Shelby County), Tenn., to Los Angeles, Calif., and points in its commercial zone, under contract with Burlington Industries, Inc., located at Burlington, N.C.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 136519 (Sub-No. 1), filed August 27, 1973. Applicant: JOHN RICHARDS, BETH RICHARDS AND DAVID JONES, a partnership, doing business as TRANS-WAYS CO., Moscow, Pa. 18444. 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: *Roofing felt*, unsaturated or saturated or coated with asphalt, from Gloucester City and Camden, N.J., to Erie, Pa., under contract with GAF Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 138018 (Sub-No. 3), filed August 8, 1973. Applicant: REFRIGERATED FOODS, INC., 1420 33d Street,

Denver, Colo. 80205. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in California, Oregon, Washington, Colorado, Nebraska, Minnesota, Wisconsin, and Illinois, restricted to traffic originating at the named facilities.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 138021 (Sub-No. 1), filed August 13, 1973. Applicant: STAND, INC., Box 57, Port Washington, Ohio 43837. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and stone*, in bulk, in dump vehicles, from points in Tuscarawas County, Ohio to points in Hancock, Brooke, Wetzel, Marion, and Monongalia Counties, W. Va., and Washington and Greene Counties, Pa., under contract with Stocker Sand & Gravel Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 138277 (Sub-No. 3), filed August 27, 1973. Applicant: GEER TRUCKING CO., INC., P.O. Box 11993, Tampa, Fla. 33617. Applicant's representative: Clayton Geer, Sr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, and commodities used or useful in the installation of composition board*, from the plantsite of The Celotex Corporation, located at Marion County, S.C., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC 138385 (Sub-No. 1), filed August 20, 1973. Applicant: D & G TRANSPORTATION, INC., 20 Cameron Street, Clinton, Mass. 01510. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles*, from Lyndhurst, N.J., to points in New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Tennessee, Ohio, California, and the District of Columbia, restricted to a transportation service to be performed under a contract or continuing contract with Van Brode Milling Co., Inc. and Wonder Container Corporation; (2) *cereal*, from Clinton, Mass., to Fulton and Rochester, N.Y.; Hershey and Reading, Pa.; Hackettstown, N.J.; Frankfort and Kendallville, Ind.; and Salinas, Calif., restricted to a transportation service to be performed under a contract or continuing contract with Van Brode Milling Co., Inc.; and (3) *plastic pellets* (except in bulk), from Kobuta, Pa., to Lyndhurst, N.J., restricted to a transportation service to be performed under a contract or continuing contract with Wonder Container Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 138715 (Sub-No. 1), filed July 27, 1973. Applicant: SEA-JET TRUCKING CORP., 4201 First Avenue, Brooklyn, N.Y. 11232. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by manufacturers and distributors of audio and video stereo consoles, including the components, systems, materials, supplies, and equipment used in their production and distribution, (1) between the New York, New York commercial zone, Newark, N.J., and Mineola and Blauvelt, N.Y., on the one hand, and on the other, Norwich, Conn., and Lowell, Mass.; and (2) between Norwich, Conn., and Lowell, Mass., under contract with Wakefield Industries, Inc., located at Lowell, Mass.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138793 (Sub-No. 2), filed August 13, 1973. Applicant: MAX MEDLEY, doing business as MEDCO FARM LINES, P.O. Box 73, Hampton, Ark. 72764. Applicant's representative: Donald T. Jack, Jr., 1550 Tower Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used clothing and wearing apparel and rags or mixed rags*, from points in Pennsylvania, New Jersey (except Hackensack, Elizabeth, and Kearny), New York (except New York City and its commercial zone), Delaware, Rhode Island, Massachusetts, Connecticut, Michigan, Wisconsin, Illinois, Nebraska, Iowa, North Carolina, South Carolina, Maryland, Arkansas, and Missouri, to Brownsville, McAllen, Laredo, El Paso, and Eagle Pass, Tex., and Nogales, Ariz.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 138805 (Sub-No. 2), filed August 17, 1973. Applicant: S. & L. SERVICES, INC., Rural Delivery No. 1, Milton, Pa. 17847. Applicant's representative: S. Berne Smith, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt and brewed beverages* (except in bulk), from the facilities of Anheuser-Busch, Inc., located at Columbus, Ohio, to points in Pennsylvania (except Allegheny, Dauphin, Lancaster, Lebanon, and York Counties).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 139001, filed July 9, 1973. Applicant: PIETTE TRANSPORT, INC., 11650 Metropolitan Boulevard East, Montreal, Province of Quebec, Canada. Applicant's representative: Adrien R. Paquette, 200 St. James Street West, Montreal, Province of Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Liquid asphalt*, in tank vehicles, from ports of entry on the international boundary line between the United States and Canada located at or near Phillipsburg, Maine, to Berlin, Vt., under contract with Cooley Asphalt Paving Corp.

NOTE.—If hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Albany, N.Y.

No. MC 139052, filed August 9, 1973. Applicant: CENTRAL UTAH TRANSPORTATION CO., doing business as ALL-STATES MOVING AND STORAGE, a corporation, 514 South University Avenue, Provo, Utah, 84601. Applicant's representative: George R. Labissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and personal effects*, restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in Utah.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 139078, filed August 15, 1973. Applicant: MIDCOAST TRUCKING, a corporation, 107 Roosevelt Avenue, Belleville, N.J. 07109. Applicant's representative: Alan Kahn, Esq., 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers*, from the facilities of Hedwin Corporation, located at or near Baltimore, Md., and Old Bridge, N.J., to points in Connecticut, Delaware, the District of Columbia, New Jersey, New York, Virginia, and West Virginia, and those in Pennsylvania on and east of U.S. Highway 15; and (2) *materials and supplies* used in the manufacture of containers, from the above-specified destination ter-

ritory to the facilities of Hedwin Corporation, located at or near Baltimore, Md., under a contract with Hedwin Corporation, Baltimore, Md.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139079, filed August 21, 1973. Applicant: HAROLD B. Hoag, doing business as HOAG TRUCKING COMPANY, 3025 West 15th Street, Erie, Pa. 16505. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and *related advertising material* moving therewith, from Milwaukee, Wis., to points in New York on and west of Interstate Highway 81; and (2) *empty malt beverage containers* on return movements.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 139080, filed August 17, 1973. Applicant: CENTRAL DELIVERY SERVICES, INC., Route No. 3, Davenport, Iowa 52804. Applicant's representative: Robert R. Rydell, 900 Saving and Loan Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail general mercantile establishment, (except commodities in bulk), and in connection therewith *materials and supplies* used in the conduct of such business, between points in the Davenport, Iowa, and Rock Island and Moline, Ill., commercial zones, on the one hand, and, on the other, points in Carroll, Whiteside, Henry, Bureau, Rock Island, Mercer, Stark, Knox, Warren, and Henderson Counties, Ill.; and Jackson, Clinton, Scott, Jones, Cedar, Muscatine, Des Moines, Louisa, Washington, and Johnson Counties, Iowa, all under a continuing contract or contracts with Montgomery Ward & Co., Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 139081, filed August 28, 1973. Applicant: SAM J. MILLER, doing business as ATLAS TRANSPORT, 5260 Schario NW., Canton, Ohio 44718. Applicant's representative: James M. Burtch, 100 East Broad Street, Suite 1800, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel buildings and related component parts*, from the plantsite of Macomber, Inc., a subsidiary of Sharon Steel Corporation, located at Fairhope, Ohio, to points in the United States (except Hawaii, Alaska, Michigan, and Indiana), under a contract with Macomber, Inc., a subsidiary of Sharon Steel Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 139082, filed August 13, 1973. Applicant: AMERICAN CARRIERS, INC., 7860 F Street, Omaha, Nebr. 68127. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ceramic tile*, from Jackson, Miss., to points in Louisiana, Arkansas, Kentucky, Tennessee, and Alabama, restricted to traffic originating at the plantsite of The Marmon Group, Inc. at or near Jackson, Miss., and to a transportation service to be performed under a continuing contract or contracts with The Marmon Group, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

MOTOR CARRIERS OF PASSENGERS

No. MC 50655 (Sub-No. 30), filed December 11, 1972. Applicant: GULF TRANSPORT COMPANY, a corporation, 505 South Conception Street, Mobile, Ala. 36603. Applicant's representative: J. I. Gillikin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail, and newspapers* in the same vehicle with passengers, in charter and/or special operations, between McLain, Miss., and Lucedale, Miss.: From McLain, Miss., over Mississippi Highway 57 to Leaksville, Miss., thence over Mississippi Highway 63 to Lucedale, Miss., and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., or Jackson, Miss.

No. MC 109736 (Sub-No. 35), filed August 22, 1973. Applicant: CAPITOL BUS COMPANY, a corporation, 1061 South Cameron Street, Harrisburg, Pa. 17105. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, Between Binghamton, N.Y., and Elmira, N.Y.: From Binghamton over (relocated) New York Highway 17 to Elmira and return over the same route, serving all intermediate points, restricted at Johnson City to passengers traveling to or from Elmira, N.Y., or points beyond; and to or from points on applicant's present routes in Pennsylvania or Maryland or points beyond.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 136985 (Sub-No. 2), filed July 12, 1973. Applicant: ENRIQUE UBALDO PINO, an Individual, doing business as EXECUTIVE LIMOUSINE SERVICE, 11951 Southwest Fourth Terrace, Miami, Fla. 33144. Applicant's representative: Richard B. Austin, 8675 Northwest 53d Street, Koger Building, Suite 123, Miami, Fla. 33166. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, moving in combined pre-arranged or packaged air and motor carrier limousine service of nine passenger vehicles or less, including driver, between Miami International Airport, Dade County, Fla., and the Ocean Reef Club, North Key Largo, Monroe County, Fla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 138755 (Sub-No. 1), filed May 14, 1973. Applicant: WORTS TRANSIT CO., INC., 1315 North North Drive, McHenry, Ill. 60050. Applicant's representative: John H. Bickley, Jr., 77 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special and charter operations, from points in McHenry County, Ill.; Antioch, Fox Lake, Volo, and Wauconda, Ill.; and Twin Lakes, Geona City, New Munster, Silver Lake, and Wilmont, Wis., to points in Illinois, Wisconsin, Michigan, Missouri, Iowa, and Indiana, and return, restricted to traffic originating at the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

BROKER APPLICATIONS

No. MC 12811 (Sub-No. 1), filed August 20, 1973. Applicant: LINCOLN TOUR & TRAVEL AGENCY, INC., 13th and M Street, Lincoln, Nebr. 68508. Applicant's representative: James E. Ryan, 214 Sharp Building, Lincoln, Nebr. 68508. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Lincoln, Nebr., to sell or offer to sell the transportation of *groups of passengers and their baggage* in the same vehicle as passengers, in special and charter operations, beginning and ending at points in Colorado, Wyoming, South Dakota, Minnesota, Missouri, and Kansas, and extending to points in the United States (except Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 130209, filed August 22, 1973. Applicant: B. J. MARSH, doing business as B. J. MARSH SPORTS, 202 North Street, Nixa, Mo. 65714. Applicant's representative: James K. Prewitt, 110 Landmark Building, Springfield, Mo. 65806. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Nixa, Mo., to sell or offer to sell the transportation of *passengers and groups of passengers and their baggage*, from points in Baton, Jasper, Newton, McDonald, Dade, Dallas, Webster, Laclede, Douglas, Ozark, and Wright Counties, Mo., to points in the United States (except Alaska and Hawaii) and return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Springfield, Kansas City, or St. Louis Mo.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-22168 Filed 10-16-73;8:45 am]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

EFFLUENT LIMITATION GUIDELINES

Glass Manufacturing

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 426]

EFFLUENT LIMITATION GUIDELINES

Proposed Rulemaking Concerning Glass Manufacturing

Notice is hereby given that effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA) for the sheet glass manufacturing subcategory (Subpart B), the rolled glass manufacturing subcategory (Subpart C), the plate glass manufacturing subcategory (Subpart D), the float glass manufacturing subcategory (Subpart E), the automotive glass tempering subcategory (Subpart F), and the automotive glass lamination subcategory (Subpart G), of the glass manufacturing category of point sources pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et seq.; P.L. 92-500) (the "Act").

(a) Legal authority:

(1) *Existing point sources.* Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods, and other alternatives. The regulations proposed herein set forth effluent limitations guidelines, pursuant to section 304(b) of the Act, for the sheet glass manufacturing subcategory (Subpart B), the rolled glass manufacturing subcategory (Subpart C), the plate glass manufacturing subcategory (Subpart D), the float glass manufacturing subcategory (Subpart E), the automotive glass tempering subcategory (Subpart F), and the automotive glass lamination subcategory (Subpart G), of the glass manufacturing category.

(2) *New sources.* Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973, (38 FR 1624) a list of 27 source categories, including the glass manufacturing category. The regulations proposed herein set forth the standards of performance applicable to new sources for the sheet glass manufacturing subcategory (Subpart B), the rolled glass manufacturing subcategory (Subpart C), the plate glass manufacturing subcategory (Subpart D), the float glass manufacturing subcategory (Subpart E), the automotive glass tempering subcategory (Subpart F) and the automotive glass lamination subcategory (Subpart G) of the glass manufacturing category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 426.15, 426.25, 426.35, 426.45, 426.55, and 426.65, proposed below provide pretreatment standards for new sources within the sheet glass manufacturing subcategory (Subpart B), the rolled glass manufacturing subcategory (Subpart C), the plate glass manufacturing subcategory (Subpart D), the float glass manufacturing subcategory (Subpart E), the automotive glass tempering subcategory (Subpart F), and the automotive glass lamination subcategory (Subpart G), of the glass manufacturing category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under Section 306 of the Act. The Development Document referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(b) Summary and Basis of Proposed Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources.

(1) *General methodology.* The effluent limitations guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of (1) the source, flow and volume of water used in the process employed and the sources of waste and waste waters in the operation; and (2) the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations guidelines and standards of performance were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the non-water quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation, was identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," "the best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements), and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standards proposed for existing sources under Part 128 of 40 CFR. The basis for such standards are set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to discharge pollutants directly to navigable waters, except for § 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, §§ 426.15, 426.25, 426.35, 426.45, 426.55, and 426.65 below amend § 128.133 to require application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) Summary of conclusions with respect to the sheet glass manufacturing subcategory (Subpart B), rolled glass manufacturing subcategory (Subpart C), plate glass manufacturing subcategory (Subpart D), float glass manufacturing subcategory (Subpart E), automotive glass tempering subcategory (Subpart F), and automotive glass lamination subcategory (Subpart G), of the glass manufacturing category of point sources.

(i) *Categorization.* For the purpose of studying waste treatment and effluent limitations, the glass manufacturing industry was subcategorized into six subcategories. The first four deal with the actual manufacturing of glass, and the last two deal with the fabrication of glass into special products. The categories are as follows: rolled, sheet, plate and float glass manufacturing; and automotive glass tempering and automotive glass lamination. Other glass products such as architectural glass and specialty products are not covered by these regulations. Analysis of the process employed, waste water pollutants and waste control technologies justified the segmentation of the industry as described above. Factors such as age and size of plant did not justify further segmentation of the glass manufacturing source category.

(1) *Subpart B—Sheet Glass Manufacturing Subcategory.* Sheet glass is manufactured from sand, soda ash, limestone, dolomite, cullet, and other minor ingredients. These raw materials are mixed, melted in a furnace, and drawn vertically from a melting tank to form sheet glass. No process waste waters are generated from this process.

(2) *Subpart C—Rolled Glass Manufacturing Subcategory.* The same raw materials used in the manufacture of sheet glass are mixed, melted in a furnace, and cooled by rollers to form rolled glass. No process waste waters are generated from this process.

(3) *Subpart D—Plate Glass Manufacturing Subcategory.* The raw materials mentioned above in sheet glass manufacturing are mixed, melted in a furnace, pressed between rollers, and finally ground and polished to form plate glass. The waste waters generated from this process contain larger amounts of suspended solids than in any of the other subcategories.

(4) *Subpart E—Float Glass Manufacturing Subcategory.* The manufacture of float glass differs from that of plate glass in the use of a molten tin bath after the melting furnace. The float glass thus produced is of equal quality to that of plate glass and, therefore, does not require grinding or polishing. Process waste waters are generated from washing of the glass, and are relatively low in suspended solids.

(5) *Subpart F—Automotive Glass Tempering Subcategory.* This subcategory uses mostly float glass which is cut and then passed through a series of processes that grind and polish the edges, bend the glass, and then temper the glass to produce side and back windows for automobiles. Waste waters from these processes contain mainly suspended solids and oil.

(6) *Subpart G—Automotive Glass Lamination Subcategory.* This subcategory deals with the fabrication of automotive windshields. A typical windshield is fabricated by inserting a vinyl plastic sheet between two layers of glass, and then immersing the assembled windshield in an oil bath. Heat and pressure in the bath are used to complete the lamination. Process waste waters are generated from washing the glass pieces before lamination, washing the vinyl insert, washing the finished laminated windshields, and the seaming and cutting operations. The quantities of oil in the raw waste are substantially higher than in any of the other subcategories.

(ii) *Waste characteristics.* The significant pollutant parameters contained in waste waters resulting from the manufacture of flat glass and the fabrication of flat glass into automotive glass include: suspended solids, oil and grease, biochemical oxygen demand, chemical oxygen demand, phosphorous, and pH. Of the four basic glass manufacturing processes only float and plate glass produce process waste waters. Both sheet and rolled glass are lower quality glass and can be used directly without washing and other process waste waters. In all cases noncontact cooling water, boiler blowdown and incoming raw water pretreatment wastes associated with plants in this industry are not included in these effluent guidelines and standards of performance.

(iii) *Origin of waste water pollutants in the glass manufacturing subcategory.*—(1) *Sheet glass manufacturing subcategory.* There are no process waste waters associated with this subcategory.

(2) *Rolled glass manufacturing subcategory.* There are no process waste waste waters associated with this category.

(3) *Plate glass manufacturing subcategory.* Plate glass manufacturing generates large quantities of waste water pollutants, and volumes of waste waters. This subcategory of the industry has the highest raw waste load. However, the plate glass process is now being replaced by the float glass process. Only two plants exist at the present time and only one is expected to be in operation by 1977. The plate glass process utilizes the same basic manufacturing process as rolled glass but is followed by a grinding and polishing operation. Cool glass from the rolled process is passed through a series of grinding, polishing and rinsing operations which employ sand, emery, and rouge (or cerium oxide). Sedimentation and coagulation in large lagoons is necessary to remove the suspended solids. No plant at the present time has adequate treatment.

(4) *Float glass manufacturing subcategory.* Float glass manufacturing produces high quality glass without grinding and polishing. The glass is formed on a bed of molten tin and then cooled. Washing may then be required depending on customer requirements. The waste water generated contains suspended solids and oil. There is no treatment of this waste at the present time in the industry.

(5) *Automotive glass tempering subcategory.* Automotive glass tempering is a series of processes which produces automobile "back lights" (back windows) and "side lights" (side windows). Water is used in the fabrication processes for seaming, grinding, drilling, quenching, cooling and washing. Edge grinding requires an oil-water emulsion known as a "coolant solution." Waste from the operation is settled and skimmed and completely recycled to the process. However, oil adhering to the glass is carried over into subsequent washing steps and enters the waste water streams. An exemplary plant will have concentrations of 13 mg/l of oil and 100 mg/l of suspended solids in the combined waste streams from the processes mentioned above. No further treatment is now practiced.

(6) *Automotive glass lamination subcategory.* In the fabrication of automotive windshields, water is used for cooling, seaming and washing of the glass, and for washing of the plastic sheet before insertion between two sheets of glass. All major windshield manufacturers presently use oil autoclaves and the oil process is considered typical. Oil adhering to the glass after lamination must be washed off and this causes the major pollution problem in this subcategory. The best post lamination washing method is a hot water wash. This reduces the requirements for detergents in some cases by 95 percent. The hot water wash is treated by air flotation and other oil separation methods. This treated waste stream is combined with the wash waters from the cutting and seaming operations, washing of the vinyl sheets, and the final rinse after lamination. The resultant waste contains oil, suspended solids, surfactants and phosphates. No further treatment is presently practiced.

(iv) *Treatment and control technology.* The treatment and control technologies described below are either presently practiced by the industry: such as coagulation, sedimentation, oil separation, pH control, etc.: or easily transferable technology, such as diatomaceous earth filtration.

(v) *Treatment and control technology within subcategories.* Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is: (a) The best practicable control technology currently available, (b) the best available technology economically achievable, and (c) the best available demonstrated control technology, processes, operating methods or other alternatives.

(1) *Treatment in the sheet and rolled glass manufacturing subcategories.* No process wastes are associated with rolled and sheet glass manufacturing. Therefore, no treatment is necessary for these subcategories.

(2) *Treatment in the plate glass manufacturing subcategory.* Waste treatment in the plate glass subcategory was found to be uniformly inadequate. The data examined showed excessive fluctuations in effluent quality that can be controlled by demonstrated technology and operational procedures. The recommended limitations can be met by partitioning existing one-celled lagoons into two cells with polyelectrolyte addition at the entrance to each cell. This will provide more efficient coagulation and reduce the effects of short circuiting and wind action on sedimentation. Effluent levels in terms of concentration from a typical plant would be 30mg/l, a reduction in raw waste load of 99.8%.

The best available technology economically achievable for the plate glass subcategory will further reduce the effluent levels recommended for the 1977 standards to 5 mg/l for a typical plant. This can be accomplished by recycling 80 percent of the lagoon effluent to the grinding operation, sand filtration of the remaining 20 percent and return of the filter backwash to the head of the lagoon system. The recycled effluent will have a higher quality than the river water presently being used in most cases and therefore reuse should be technically feasible.

(3) *Treatment in the float glass manufacturing subcategory.* The best practicable control technology currently available for the float glass subcategory is elimination of detergents in the float washer. Exemplary plants utilizing this in-house control were examined in developing the limitations. Although no further treatment of these wastes is practiced in the industry, the effluent levels for a typical plant of 15 mg/l suspended solids and 0.5 mg/l phosphorous are low. Further treatment is not considered to be best practicable control technology currently available.

The best available technology economically achievable for the float glass subcategory is no discharge of process waste water pollutants to navigable waters. With elimination of detergents in in the float washer, the waste water will be of sufficient quality to be recycled as batch water or cooling tower makeup. Batch water is used to control dust in the mixing of the raw materials for glass and is evaporated in the furnace.

(4) *Treatment in the automotive glass tempering subcategory.* In the automotive glass tempering subcategory no treatment is presently practiced in the industry. To meet the limitations mentioned above, known coagulation and sedimentation technologies from other industries will be necessary. The effluent quality from a typical plant using the recommended best practicable control technology currently available will be approximately 25 mg/1. Although the recommended limitations do not assume any oil removal, coagulation and sedimentation should remove a portion of the oil and result in an effluent concentration of less than the 13 mg/l of oil.

In addition to the technologies described for the 1977 limitations, the 1983 limitations for the automotive glass tempering subcategory will require diatomaceous earth filtration. Waste solids will be disposed of in a landfill. Effluent oil and suspended solids should be reduced to well below the 5 mg/l used to determine the limitations. However, no data is available to suggest a lower value. Sand filtration may also be able to achieve the limitations above. Some development by the industry will be necessary to determine the best alternative.

(5) *Treatment in the automotive glass lamination subcategory.* The best practicable control technology currently available for the windshield fabrication subcategory represents technology presently practiced by some plants in the industry. This technology is a modification of the post lamination washer sequence to provide a continuously recycling initial hot water rinse, oil removal by centrifugation of the recirculating hot rinse water, recycle of oil back to the process, and treatment of the post lamination rinse waters by gravity oil separation.

The best available technology economically achievable for the windshield fabrication subcategory is diatomaceous earth filtration in addition to the best practicable control technology currently available. The overall reduction for these technologies will be over 99 percent for oil, and 80 percent for suspended solids for a typical plant. Further reduction of COD over the 1977 levels was considered not to be economically achievable.

With the exception of the plate glass subcategory, the standards of performance for new sources are the same as the 1983 limitations requiring the best available technology economically achievable. New sources in the plate glass subcategory should achieve no discharge of process waste water pollutants to navigable waters. This regulation will most probably prevent the construction of any new plate glass plants. The float process can produce a glass of equal quality more economically and with almost no water pollution. For this reason, the no discharge effluent limitations attainable for new float glass manufacturing sources should also be applied to new plate glass manufacturing sources.

(vi) *Cost estimates for control of waste water pollutants in the glass manufacturing category.* The costs and energy requirements associated with the control and treatment technologies have been considered. The costs for inplant controls are largely those associated with capital investment for process and equipment modifications and are minimal when compared to total plant investment. It is estimated that the investment costs of achieving the 1977 limitations by all plants in the industry is less than $900,000 excluding costs of additional land acquisition. The costs of achieving the 1983 level is estimated to be an additional $2,300,000 over the 1977 level.

Added energy requirements for the treatment technologies recommended for the subcategories producing glass are less than 1 percent of the daily energy requirements for a typical plant. It is less than 10 percent for automotive glass fabrication plants. The larger percentage is not due to higher energy requirements for treatment, but because of lower overall energy requirements of the fabrication plants.

(vii) *Establishing daily maximum limitations.* The daily maximum limitations for the effluent characteristics for each subcategory are no more than 2.0 times the 30 day limitations. These limitations were based on an analysis of the data gathered during the preparation of the Development Document.

(viii) *Non-water quality environmental impact.* The principal non-water quality environmental impact attributable to the control and treatment technologies proposed is disposal as a solid waste of the sludge generated in the various sedimentation and filtration technologies. With the exception of the plate glass subcategory, the volume of sludge generated is small. In the solid tempered automotive glass subcategory the typical volume produced is estimated to be 0.38 cu m/day (13.5 cu ft/day). Where diatomaceous earth filters are used, the estimated production of solid waste is less than 0.23 cu m/day (8 cu ft/day). No significant addition to plate glass solid wastes will result from the recommended technologies. All of the sludges resulting from the flat glass segment are innocuous and should require only minimal custodial care in disposal sites.

(ix) *Economic impact analysis.* A study conducted by EPA has concluded that the proposed effluent limitations will not seriously threaten the economic viability of the Flat Glass Industry. In fact, there will be no production, employment, community, balance of trade or industry growth effects due to the proposed effluent limitations. Price increases ranging from 0.0 to the 0.4 percent are expected to be reflected in almost negligible price increases.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Flat Glass Segment of the Glass Manufacturing Point Source Category" details the analysis undertaken in support of the regulations being proposed herein and is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulations is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulations, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

(c) *Summary of public participation.* Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations guidelines and standards proposed for the glass manufacturing category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) All State and U.S. Territory Pollution Control Agencies; (3) Ohio River Valley Sanitation Commission; (4) New England Interstate Water Pollution Control Commission; (5) Delaware River Basin Commission; (6) Hudson River Sloop Restoration, Inc.; (7) Conservation Foundation; (8) Environmental Defense Fund, Inc.; (9) Natural Resources Defense Council; (10) The American Society of Civil Engineers; (11) Water Pollution Control Federation; (12) National Wildlife Federation; (13) The American Society of Mechanical Engineers; (14) U.S. Department of Commerce; (15) U.S. Department of the Interior; (16) Ford Motor Company; (17) PPG Industries, Inc.; (18) Libbey-Owens-Ford Company; (19) ASG Industries, Inc.; (20) Glass Containers Manufacturers Institute; (21) C. E. Glass Co.; (22) Fourco Glass Company; (23) Guardian Industries; (24) Safelite Industries; (25) Shatterproof Glass Corporation; (26) Chrysler Corp.; (27) Safetee Glass Co. Inc.; and (28) United States Water Resources Council.

The following organizations responded with comments: (1) ASG Industries Inc.; (2) Libbey-Owens-Ford Company; (3) Ford Motor Company; (4) PPG Industries, Inc.; (5) Illinois Environmental Protection Agency; (6) Delaware River Basin Commission; (7) Department of Commerce; (8) California State Water Resources Control Board; (9) New York State Department of Environmental Conservation; (10) Texas Water Quality Board; (11) Pennsylvania Department of Environmental Resources; and (12) U.S. Department of the Interior.

The primary issues raised in the development of these proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

(1) A general criticism was made on the exclusion of auxiliary wastes, such as noncontact cooling water, boiler water treatment, etc., from the guidelines. This exclusion was said to make the application of guidelines difficult when issuing discharge permits. EPA considered this problem when the study was initiated. However, at that time it was decided that since these auxiliary wastes are common to many industries, it would be appropriate to apply separate guidelines for these generic wastes. The size and extent of these waste waters would require more extensive study than was possible in the development of the initial guidelines.

(2) Another comment was that in some cases not all products from multi-product plants were covered. Guidelines will be prepared later for all products not presently covered by the proposed regulations in this document.

(3) A common question was the technical feasibility of the 1983 no discharge standard for float glass. Objection was made to the suggestion that float glass wash water could be disposed of by use in batch make-up, and as make-up for cooling water. It was claimed that oil and dissolved solids in the wash water would interfere with cooling tower operation. Also, water can not always be added to the batch make-up because in some cases liquid caustic is used. These comments were considered carefully and are answered in the Development Document as follows: (i) The amount of oil found in the wash water during the sampling program carried out by EPA was very low, ranging from 1 to 3 mg/l and should not cause any problem in the cooling tower; (ii) The dissolved solids content in cooling water will increase because of the addition of wash water, but the cooling tower make-up water should result in only a slightly higher blowdown rate; and (iii) during the industry survey, EPA did not find any instance of the use of liquid caustic in glass batch make-up; however, if liquid caustic must be used when soda ash is not available, the use of dry caustic would permit the addition of the wash water to the batch make-up.

(4) The elimination of detergents from float glass washer by 1977 was objected to by the float glass industry. The main reason was the necessity for higher quality glass in the light and heat reflecting glass manufacturing operations. While EPA recognizes this need, the guidelines refer only to the manufacture of float glass. If subsequent detergent washing is needed, this can be carried out during fabrication of the special products mentioned. EPA is now developing guidelines for those products not included in the regulations proposed in this document.

(5) Industry also claimed that the cost of implementing the proposed regulations are much higher than reported by EPA in the Development Document. The EPA cost figures have been developed from the best available information supplied by industry and the literature. EPA has reexamined the cost data and economic impacts and found that these data substantiate the reasonableness of the proposed regulations. No alternative cost breakdown was supplied by the industry.

(6) The regulations for the plate glass manufacturing subcategory were criticized as the polishing of plate glass may not be carried out simultaneously with grinding. This results in much higher loadings to the treatment systems during certain times, allegedly resulting in higher final effluent concentrations. Also the raw waste loadings vary depending on the glass thickness being ground. When thinner glass is being ground, the raw waste loadings will be higher than during manufacture of thicker glass. The average raw waste loadings reported by EPA in the Development Documents were questioned. The data reported and standard's numbers recommended by EPA are from averages of data supplied by industry. Simple coagulation and sedimentation in lagoons of proper design will handle surges in raw waste loads and volumes.

(7) It was claimed that consultant's studies have shown that multi-stage lagoons (as suggested by EPA) can not attain 30 mg/l of suspended solids in the final effluent, with concentrations of 50 to 100 mg/l claimed to be more realistic. It must be pointed out that no plant within the industry is practicing exemplary treatment. Lagoons often are overloaded, affected by wind action (due to poor design) and lack adequate routine removal of settled solids. During periods of good operation, effluent concentrations of less than 30 mg/l are obtained. With proper operation and modest design changes this effluent concentration can be attained routinely.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the agency in establishing an

effluent limitation guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306, and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received by November 16, 1973, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated October 3, 1973.

JOHN QUARLES,
Acting Administrator.

PART 426—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE GLASS MANUFACTURING POINT SOURCE CATEGORY

Subpart B—Sheet Glass Manufacturing Subcategory

Sec.

Subpart C—Rolled Glass Manufacturing Subcategory

Subpart D—Plate Glass Manufacturing Subcategory

Sec.

Subpart E—Float Glass Manufacturing Subcategory

Subpart F—Automotive Glass Tempering Subcategory

Subpart G—Automotive Glass Lamination Subcategory

Subpart B—Sheet Glass Manufacturing Subcategory

§ 426.10 Applicability; description of sheet glass manufacturing subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which several mineral ingredients, sand, soda ash, limestone, dolomite, cullet and other ingredients, are mixed, melted in a furnace, and drawn vertically from a melting tank to form sheet glass.

§ 426.11 Specialized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the manufacture of sheet glass.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "cullet" shall mean any broken glass generated in the manufacturing process.

§ 426.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart: no discharge of process waste water pollutants to navigable waters.

§ 426.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: no discharge of process waste water pollutants to navigable waters.

§ 426.14 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: No discharge of process waste water pollutants to navigable waters.

§ 426.15 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the sheet glass manufacturing subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part

128, 40 CFR, except that for the purposes of this section, § 128.133, 40 CFR shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 426.14, 40 CFR Part 426, provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart C—Rolled Glass Manufacturing Subcategory

§ 426.20 Applicability; description of rolled glass manufacturing subcategory.

The provisions of this subpart are applicable to discharge resulting from the process in which several mineral ingredients, sand, soda ash, limestone, dolomite, cullet, and other ingredients are mixed, melted in a furnace, and cooled by rollers to form rolled glass.

§ 426.21 Specialized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the manufacturing and processing of rolled glass.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "cullet" shall mean any broken glass generated in the manufacturing process.

§ 426.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart: no discharge of process waste water pollutants to navigable waters.

§ 426.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: no discharge of process waste water pollutants to navigable waters.

§ 426.24 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: no discharge of process waste water pollutants to navigable waters.

§ 426.25 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the rolled glass manufacturing subcategory which is an industrial user of a publicly owned treatment works, (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128, 40 CFR, except that for the purposes of this section, § 128.133, 40 CFR shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 426.24, 40 CFR Part 426, provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart D—Plate Glass Manufacturing Subcategory

§ 426.30 Applicability; description of plate glass manufacturing subcategory.

The provisions of this subpart are applicable to discharge resulting from the process in which several mineral ingredients, sand, soda ash, limestone, dolomite, cullet and other ingredients are melted in a furnace, pressed between rollers, and finally ground and polished to form plate glass.

§ 426.31 Specialized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the manufacturing and processing of plate glass.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "cullet" shall mean any broken glass generated in the manufacturing process.

(d) The following abbreviations shall have the following meanings: (1) "TSS" shall mean total suspended nonfilterable solids; (2) "COD" shall mean chemical oxygen demand; (3) "kg" shall mean kilogram(s); (4) "kkg" shall mean 1000 kilograms; and (5) "lb" shall mean pound(s).

§ 426.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currenly available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitations*
TSS	Maximum for any one day 2.76 kg/kkg of product (5.52 lb/ton). Maximum average daily values for any period of thirty consecutive days 1.38 kg/kkg of product (2.76 lb/ton).
COD	Maximum for any one day 0.90 kg/kkg of product (1.80 lb/ton). Maximum average daily values for any period of thirty consecutive days, 0.45 kg/kkg of product (0.90 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 426.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitations*
TSS	Maximum for any one day 0.045 kg/kkg of product (0.090 lb/ton).
COD	Maximum for any one day 0.09 kg/kkg of product (0.018 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 426.34 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: no discharge of

process waste water pollutants to navigable waters.

§ 426.35 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the plate glass manufacturing subcategory which is an industrial user of a publicly owned treatment works, (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in 40 CFR Part 128. Section 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 426.34, 40 CFR Part 426, provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart E—Float Glass Manufacturing Subcategory

§ 426.40 Applicability; description of float glass manufacturing subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which several mineral ingredients, sand, soda ash, limestone, dolomite, cullet, and other ingredients are mixed, melted in a furnace, and floated on a molten tin bath to produce float glass.

§ 426.41 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contract with any raw material, intermediate product, by-product or product used in or resulting from the manufacturing and processing of float glass.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "cullet" shall mean any broken glass generated in the manufacturing process.

(d) The term "oil" shall mean any substances extractable by the standard procedure using petroleum ether.

(e) The term "phosphorous" shall mean total phosphorous.

(f) The following abbreviations shall have the following meanings: (1) "TSS" shall mean total suspended nonfilterable solids; (2) "COD" shall mean chemical oxygen demand; (3) "g" shall mean gram(s); (4) "kkg" shall mean 1,000 kilograms; and (5) "lb" shall mean pound(s).

§ 426.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitations*
TSS	Maximum for any one day 2.0 g/kkg of product (0.004 lb/ton).
COD	Maximum for any one day 2.0 g/kkg of product (0.004 lb/ton).
Oil	Maximum for any one day 0.7 g/kkg of product (0.0014 lb/ton).
Phosphorus	Maximum for any one day 0.05 g/kkg of product (0.0001 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 426.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: no discharge of process waste water pollutants to navigable waters.

§ 426.44 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: no discharge of process waste water pollutants to navigable waters.

§ 426.45 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the float glass manufacturing subcategory which is an industrial user of a publicly owned treatment works, (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in 40 CFR, Part 128, except that for the purposes of this section, § 128.133, 40 CFR shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 426.44, 40 CFR Part 426, provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works should be correspondingly reduced for that pollutant."

Subpart F—Automotive Glass Tempering Subcategory

§ 426.50 Applicability; description of the automotive glass tempering subcategory.

The provisions of this subpart are applicable to discharges resulting from the processes in which glass is cut and then passed through a series of processes that grind and polish the edges, bend the glass, and then temper the glass to produce side and back windows for motor vehicles.

§ 426.51 Specialized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the manufacturing and processing of tempered automotive glass.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "tempering" shall mean the process whereby glass is heated near the melting point and then rapidly cooled to increase its mechanical and thermal endurance.

(d) The term "oil" shall mean any substances extractable by the standard procedure using petroleum ether.

(e) The following abbreviations shall have the following meanings: (1) "BOD5" shall mean biochemical oxygen demand measured after a five day incubation period; (2) "TSS" shall mean total suspended nonfilterable solids; (3) "g" shall mean gram(s); (4) "sq m" shall mean square meter; (5) "lb" shall mean pound(s); and (6) "sq ft" shall mean square feet.

§ 426.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations
TSS	Maximum for any one day 1.95 g/sq m of product (0.40 lb/1,000 sq ft). Maximum average of daily values for any period of thirty consecutive days 1.22 g/sq m of product (0.25 lb/1,000 sq ft).
BOD	Maximum for any one day 0.73 g/sq m of product (0.15 lb/1,000 sq ft).
Oil	Maximum for any one day 0.64 g/sq m of product (0.13 lb/1,000 sq ft).
pH	Within the range of 6.0 to 9.0.

§ 426.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations
TSS	Maximum for any one day 0.24 g/sq m of product (0.05 lb/1,000 sq ft).
BOD	Maximum for any one day 0.49 g/sq m of product (0.10 lb/1,000 sq ft).
Oil	Maximum for any one day 0.24 g/sq m of product (0.05 lb/1,000 sq ft).
pH	Within the range of 6.0 to 9.0.

§ 426.54 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent charasteristic	Effluent limitations
TSS	Maximum for any one day 0.24 g/sq m of product (0.05 lb/1,000 sq ft).
BOD	Maximum for any one day 0.49 g/sq m of product (0.10 lb/1,000 sq ft).
Oil	Maximum for any one day 0.24 g/sq m of product (0.05 lb/1,000 sq ft).
pH	Within the range of 6.0 to 9.0

§ 426.55 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the automotive glass tempering subcategory which is an industrial user of a publicly owned treatment works, (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in 40 CFR Part 128, except that for the purposes of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 426.54, 40 CFR Part 426, provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart G—Automotive Glass Lamination Subcategory

§ 426.60 Applicability; description of automotive glass lamination subcategory.

The provisions of this subpart are applicable to discharges resulting from the processes which laminate a plastic sheet between two layers of glass, and which prepare the glass for lamination such as cutting, bending, and washing, to produce laminated automotive glass.

§ 426.61 Specialized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the manufacturing and processing of laminated automotive glass.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "oil" shall mean any substances extractable by the standard procedure using petroleum ether.

(d) The term "phosphorous" shall mean total phosphorous.

(e) The following abbreviations shall have the following meanings: (1) "TSS" shall mean total suspended nonfilterable solids; (2) "g" shall mean gram(s); (3) "sq m" shall mean square meter; (4) "lb" shall mean pound(s); (5) "sq ft" shall mean square feet; and (6) "COD" shall mean chemical oxygen demand.

§ 426.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations
TSS	Maximum for any one day 4.4 g/sq m of product (0.90 lb/1,000 sq. ft).
COD	Maximum for any one day 4.9 g/sq m of product (1.0 lb/1,000 sq ft).
Oil	Maximum for any one day 1.76 g/sq m of product (0.36 lb/1,000 sq ft).
Phosphorous	Maximum for any one day 0.98 g/sq m of product (0.20 lb/1,000 sq ft).
Ph	Within the range of 6.0 to 9.0

§ 426.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations
TSS	Maximum for any one day 0.88 g/sq m of product (0.18 lb./1,000 sq ft).
COD	Maximum for any one day 4.9 g/sq m of product (1.0 lb/1,000 sq ft).
Oil	Maximum for any one day 0.88 g/sq m of product (0.18 lb/1,000 sq ft).
Phosphorous	Maximum for any one day 0.20 g/sq m of product (0.04 lb/1,000 sq ft).
pH	Within the range of 6.0 to 9.0.

§ 426.64 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent charasteristic	Effluent limitations
TSS	Maximum for any one day 0.88 g/sq m of product (0.18 lb/1,000 sq ft).
COD	Maximum for any one day 4.9 g/sq m of product (1.0 lb/1,000 sq ft).
Oil	Maximum for any one day 0.88 g/sq m of product (0.18 lb/1,000 sq ft).
Phosphorus	Maximum for any one day 0.20 g/sq m of product (0.04 lb/1,000 sq ft).
pH	Within the range of 6.0 to 9.0.

§ 426.65 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the automotive glass lamination subcategory which is an industrial user of a publicly owned treatment works, (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128, 40 CFR, except that for the purposes of this section, § 128.133, 40 CFR shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 426.64, 40 CFR, Part 426, provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

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PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

COSMETIC INGREDIENT LABELING AND VOLUNTARY FILING OF COSMETIC PRODUCT EXPERIENCES

Title 21—Food and Drugs

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

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Cosmetic Ingredient Labeling

In the FEDERAL REGISTER of February 7, 1973 (38 FR 3523), the Commissioner of Food and Drugs published two proposals concerning the labeling of cosmetic ingredients: A petition from Prof. Joseph A. Page, Mr. Anthony L. Young, and the Consumer Federation of America (the Page proposal); and the Commissioner's separate proposal. Two hundred and ninety-one comments were received in response to the proposals, including comments from consumers, the cosmetic industry, government agencies, trade and professional associations, and others. Two hundred and seventy-three comments (including one consumer comment bearing 38 signatures) endorsed cosmetic ingredient labeling. Of these, eight specifically endorsed the Page proposal, and 13 specifically endorsed the Commissioner's proposal. Ten comments were in opposition to both proposals. Eight comments expressed neither endorsement nor opposition, but requested modification or clarification.

The Commissioner has evaluated all the comments. The issues raised and the Commissioner's responses are as follows:

1. Several comments questioned the legal basis for the proposals, contending that the Fair Packaging and Labeling Act grants authority to establish ingredient labeling only on a commodity-by-commodity basis, and only as necessary to prevent consumer deception or to facilitate value comparisons.

The Commissioner concludes that Section 5 of the Fair Packaging and Labeling Act contains ample authority for the promulgation of this regulation. For the purposes of ingredient labeling, the Commissioner concludes that all cosmetics are appropriately considered a single "commodity". However, even if the term "cosmetic" is considered to encompass several separable cosmetic "commodities", nevertheless the Commissioner concludes that ingredient labeling is needed for all such commodities and that a comprehensive order governing all such commodities in this respect is most efficient. As the United States Supreme Court has recently observed in upholding other regulations of the Food and Drug Administration, "[t]he comprehensive rather than the individual treatment may indeed be necessary for quick effective relief." *Weinberger* v. *Hynson, Westcott & Dunning*, — U.S. —, 93 S. Ct. 2469, 2481 (June 18, 1973).

The Commissioner also concludes that cosmetic ingredient labeling is necessary to prevent the deception of consumers and to facilitate value comparisons. Ingredient labeling can be meaningful in preventing consumer deception by precluding product claims that are unreasonable in relation to the ingredients present and by providing consumers with additional information that can contribute to a knowledgeable judgment regarding the reasonableness of the price of the product. Furthermore, while ingredient identity may not be the sole determinant of a product's value to a consumer, it is one important criterion of a product's value in comparison with others. The presence of a substance to which a consumer is allergic or sensitive, for example, may render the product worthless to that consumer.

2. Eleven comments stated that the regulations must provide for protecting valid trade secrets. Twenty-two comments opposed any such provisions. Those favoring the protection of trade secrets cited the provision in section 5 (c) (3) of the Fair Packaging and Labeling Act that authority granted to promulgate ingredient labeling regulations shall not be deemed to require that any trade secret be divulged. Those opposing any provisions protecting trade secrets expressed the view that such provisions may eliminate from disclosure those very ingredients needed to prevent deception and to facilitate value comparisons.

The Commissioner recognizes that section 5(c)(3) of the act does not grant authority for promulgating ingredient labeling regulations that require the divulgence of trade secrets. However, because quantitative formulas are not revealed, he does not agree that the mere listing of ingredients in descending order of their predominance is tantamount to the divulgence of a trade secret. Furthermore, the final regulation does not require declaration by name of flavors or fragrances, the two types of cosmetic ingredients which would be the most likely of any to create trade secret issues. Nevertheless, in consideration of the possibility that there may be some legitimate trade secret issues regarding the mere identity of other ingredients, the final regulation provides for an administrative review of any such claims of trade secret status and for exemption from label declaration by name for any legitimate trade secret identity. For this purpose the procedure already established in Part 172 of this chapter is adopted and incorporated by reference into the present regulation.

3. Several comments were received regarding the placement of the ingredient statement. Most objected to the placement of the ingredient statement on the principal display panel. These comments, in general, stated that placement on the principal display panel was unnecessary, or that the size of most cosmetic containers would not permit a conspicuous statement of ingredients as well as conspicuous statements of identity and net quantity of contents.

The Commissioner concludes that the ingredient statement may appear on any appropriate information panel, but does not agree with those suggestions that ingredient listing be allowed to appear on various types of inserts, posters, or "point of sale" literature retained by sales persons. The declaration of ingredients must appear such that it is likely to be seen and read under normal and customary conditions of display for retail sale. The final regulation permits a firmly affixed tag, tape, or card to bear the ingredient declaration for small packages or decorative containers.

4. Numerous comments were received concerning the names of cosmetic ingredients. Many consumers stressed the importance of "common" names. Concern was expressed that various compendia offer different names for the same ingredient and that a labeler may choose any one of these names, with the result that the same ingredient may be designated by different names on the labels of various cosmetics. A desire for uniformity in the naming of ingredients was expressed.

Confusion does exist because various cosmetic ingredients have more than one correct name, including common names, scientific names, and synonyms. It is desirable to have an ingredient declared by one name. The Commissioner has encouraged the establishment of a compendium or dictionary which could serve, inter alia, as a standard reference for determining the names to be used for label declaration of such ingredients, and the Cosmetic, Toiletry and Fragrance Association, Inc., 1625 Eye Street NW., Washington, D.C. 20006, has developed such a dictionary (CTFA Cosmetic Ingredient Dictionary). The dictionary, in large part, retains those names which are the common or usual name and/or those names specified in official or recognized compendia such as the United States Pharmacopeia, National Formulary, Food Chemicals Codex, or United States Adopted Names. The dictionary also attempts to translate trade names which would not ordinarily be meaningful to consumers into uniform and more commonly understood names. Accordingly, the final regulation recognizes the CTFA Cosmetic Ingredient Dictionary as the controlling compendium to be consulted in determining the name to be used in label declaration of a cosmetic ingredient. In the absence of an applicable entry in the CTFA Dictionary, other recognized compendia, listed in the regulation, will control.

The final regulation also provides for the establishment by regulation of the name to be used for label declaration of a cosmetic ingredient. Where such a regulation is promulgated, it would, of course, be controlling. However, the Commissioner anticipates that this procedure will only infrequently be needed, e.g., where an ingredient does not appear in any compendia and there is no name consistently used for the substance, or if the name appearing in a compendium should be misleading.

5. Some comments expressed concern that consumers will not understand ingredient names or will not appreciate the significance of the ingredients.

The Commissioner recognizes that many consumers may initially be unfamiliar with certain cosmetic ingredients, but concludes that increasing familiarity will be acquired. Certain ingredients

have become known to consumers who, for example, are aware of their sensitivity to specific substances and who will quickly learn to utilize the ingredient statement. Ingredient labeling will have to be accompanied by the acquisition of additional information by consumers if they are to be fully informed. Ingredient labeling will, however, directly provide some of the necessary information and should help to motivate consumers to acquire the necessary additional information.

6. Several objections to the minimum type size of 1/16-inch were received. Comments in general stated that conspicuousness, not type size, should be the only requirement. Other comments pointed out the type size difficulties involving small labels.

The Commissioner concludes that the final regulation should retain the 1/16-inch minimum type size requirement, which simply defines the type size required to achieve the necessary prominence. While prominence and conspicuousness does not depend solely on type size, it is one important factor. The Commissioner recognizes that certain packages may be too small to bear ingredient listings in 1/16-inch type, but § 1.205(b) (21 CFR 1.205) provides for the declaration to appear on a firmly affixed tag, tape, or card, in the absence of sufficient space on the package. In exceptional situations where it is not practical to affix a tag, tape, or card to a small package, the Commissioner may establish by regulation an acceptable alternative (e.g., a smaller type size).

7. Three comments contended that the proposal, by requiring a list of ingredients in descending order, does not take other factors of quality into account. These comments generally contend that a product's value cannot be judged solely on an ingredient comparison basis.

The Commissioner agrees that characteristics other than the presence or absence of a particular ingredient undoubtedly influence the value or consumer acceptability of a particular product. The listing of ingredients, however, will not detract from any present means by which over-all value or acceptability is judged. It will simply make new information available to the consumer in addition to any criteria of acceptability presently used.

8. Numerous comments were received concerning the method of declaring flavor, fragrance, and color. Seventeen consumers, one government agency, and four consumer groups were in favor of listing flavors and fragrances by specific name. Thirty-five consumers, one government agency, and six consumer groups were in favor of listing colors by specific name. One comment argued that while generic listing of fragrance and flavor was justifiable due to the large number of ingredients possible, declaration of color ingredients by name would be practical and should be required.

The Commissioner concludes that the listing of all ingredients of fragrances and flavors, each fragrance and flavor perhaps containing twenty or more ingredients, would be impractical and could distract from the listing of other, more significant ingredients. However, the Commissioner concludes that it would not be impractical to declare colors by name, and accordingly the final regulation does not exempt colors from declaration. Where the identity of a color is a trade secret, it may be exempted from declaration as discussed in paragraph 2, above. Colors will be declared by their common or usual names as designated in Food and Drug Administration regulations set out in 21 CFR Parts 8 and 9 (e.g., "FD&C Red No. 40").

9. The following related comments and requests for clarification were received:

a. Should solvents such as water be listed in descending order or is it sufficient to state the solvent separately (e.g., "in an aqueous solution")?

b. Should a propellant in an aerosol container be listed as an ingredient?

c. One comment suggested that a substance added during manufacturing in amounts of less than 1/10th of 1 percent solely for adjustment of some characteristic such as viscosity or pH need not be included in the declaration of ingredients. Another comment asserted that such substances would necessarily vary from batch to batch and it would be difficult or impossible to list them in the order in which they appear in the finished product, or even to know if the substance appears in the finished product.

The Commissioner advises that water, other solvents, and propellants shall be listed by name ("water," etc.) in their order of decreasing predominance just as any other ingredient.

The Commissioner concludes that no comments contained sufficient evidence to support a blanket exemption for ingredients added at a minimal level for a technical or functional effect during processing. Regarding quantitative variations in formula, the Commissioner advises that the ingredient statement must list ingredients in order of decreasing predominance within the limits of accuracy permitted by good manufacturing practice.

The Commissioner invites petitions proposing, as an amendment to § 1.205, provisions for the exemption from label declaration of incidental ingredients present in cosmetic products in insignificant amounts. The Commissioner suggests that any such petitioner consider the analogous food labeling exemptions at § 1.10(a)(3) of this chapter, which were promulgated in the FEDERAL REGISTER of August 2, 1973 (38 FR 20704). Any proposals stating adequate grounds in support will be published for comment in the FEDERAL REGISTER and receive prompt Agency action.

10. One firm requested that exceptions to a complete listing of ingredients be made in the case of "specialty blends" such as absorption bases, shampoo concentrates, herbal extracts, emulsifier bases, etc. The firm argued that these blends, listed in the ingredient statement by trade name or other designated name and defined in the CTFA Dictionary, would provide for satisfactory labeling while retaining industrial trade secrets.

The Commissioner concludes that an ingredient listing consisting in whole or in part of various "bases" would be virtually meaningless to the consumer and would defeat the purpose of the proposed regulation. The consumer could not reasonably be expected to know that composition of various "bases" and could not, therefore, avoid a particular ingredient to which he is allergic, for example, or make a value comparison between two or more competing products containing different "bases".

11. Many of the comments from industry expressed concern and made suggestions regarding the effective date. Suggestions ranged from eighteen months to an indefinite time dependent upon the depletion of existing stocks of labels.

The Commissioner concludes that all cosmetic labeling ordered after March 31, 1974, and all cosmetic products labeled after March 31, 1975, shall comply with this regulation. This will, within reasonable limits, allow industry time to exhaust current inventories, redesign labeling, and obtain new labeling.

Therefore, pursuant to provisions of the Fair Packaging and Labeling Act (secs. 5(c), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1454, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701 (e), 52 Stat. 1055–1056, as amended; 21 U.S.C. 371(e)), and under authority delegated to the Commissioner (21 CFR 2.120), Part 1 is amended by adding the following new section:

§ 1.205 Cosmetics; labeling requirements; designation of ingredients.

(a) The label on each package of a cosmetic shall bear a declaration of the name of each ingredient in descending order of predominance, except that fragrance or flavor, may be listed as fragrance or flavor. An ingredient which is both fragrance and flavor shall be designated by each of the functions it performs unless such ingredient is identified by name. No ingredient may be designated as fragrance or flavor unless it is within the meaning of such term as commonly understood by consumers. Where one or more ingredients is accepted by the Food and Drug Administration as exempt from public disclosure pursuant to the procedure established in § 172.9 (a) of this chapter, in lieu of label declaration of identity the phrase "and other ingredients" may be used at the end of the ingredient declaration.

(b) The declaration of ingredients shall appear with such prominence and conspicuousness as to render it likely to be read and understood by ordinary individuals under normal conditions of purchase. The declaration shall appear on any appropriate information panel in letters not less than 1/16 of an inch in height and without obscuring design, vignettes, or crowding. In the absence of sufficient space for such declaration on the package, or where the manufacturer or distributor wishes to use a decorative container, the declaration may appear on a firmly affixed tag, tape, or card. In

those cases where there is insufficient space for such declaration on the package, and it is not practical to firmly affix a tag, tape, or card, the Commissioner may establish by regulation an acceptable alternate (e.g., a smaller type size). A petition requesting such a regulation as an amendment to this paragraph shall be submitted to the Hearing Clerk in the form established in § 2.65 of this chapter.

(c) A cosmetic ingredient shall be identified in the declaration of ingredients by:

(1) The name established by the Commissioner for that ingredient for the purpose of cosmetic ingredient labeling, pursuant to paragraph (e) of this section;

(2) In the absence of such name, the name adopted for that ingredient in the following editions and supplements of the following compendia, listed in order as the source to be utilized:

(i) CTFA (Cosmetic, Toiletry and Fragrance Association, Inc.) Cosmetic Ingredient Dictionary, First Ed., 1973.[1]

(ii) United States Pharmacopeia, 18th Ed., 1970.[2]

(iii) National Formulary, 13th Ed., 1970.[3]

(iv) Food Chemicals Codex, Second Ed., 1972.[4]

(v) United States Adopted Names, (USAN 10) and the USP Dictionary of Drug Names, 1961–1971 cumulative list, and 1973 Supplement.[2]

(3) In the absence of such a listing, the name generally recognized by consumers.

(4) In the absence of any of the above, the chemical or other technical name or description.

(d) Where a cosmetic product is also a drug, the declaration shall first declare the active drug ingredients as required under section 502(e) of the Federal Food, Drug, and Cosmetic Act, and shall then declare the cosmetic ingredients.

(e) Interested persons may submit a petition requesting the establishment of a specific name for a cosmetic ingredient. Any such petition shall include a factual basis adequate to support the petition, shall be in the form set forth in § 2.65 of this chapter, and will be published in the FEDERAL REGISTER for comment if it contains reasonable grounds. The Commissioner may also propose such a name on his own initiative.

Any person who will be adversely affected by the foregoing order may at any time on or before November 16, 1973 file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. All cosmetic labeling ordered after March 31, 1974, and all cosmetic products labeled after March 31, 1975, shall comply with this regulation.

(Secs. 5(c), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1454, 1455, and Sec. 701(e), 52 Stat. 1054–1056, as amended; 21 U.S.C. 371(e).)

Dated October 9, 1973.

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

NOTE.—Incorporation by reference provisions approved by the Director of the Federal Register October 10, 1973.

[FR Doc.73-21920 Filed 10-12-73;8:45 am]

SUBCHAPTER D—COSMETICS

PART 174—VOLUNTARY FILING OF COSMETIC PRODUCT EXPERIENCES

In the FEDERAL REGISTER of November 2, 1972 (37 FR 23344) a notice of proposed rulemaking to establish a procedure for the voluntary filing of cosmetic product experience was published by the Commissioner of Food and Drugs. The notice included the text of regulations suggested in a petition filed by the Cosmetic, Toiletry, and Fragrance Association, Inc. (CTFA), 1625 Eye Street NW., Washington, D.C. 20006, as well as regulations proposed by the Commissioner.

Comments were received from a member of Congress, four individual consumers, one medical association, representatives of two public interest groups, one member of industry, one industry association (the petitioner), and a city official.

The consumers, in general, either preferred the FDA proposal over that of the industry association, requested that the regulations be made mandatory, or both. A general preference for the FDA proposal was also voiced by the member of Congress, the two public interest groups, and the medical association. On the other hand, both the industry member and the petitioner strongly opposed specific parts of the Commissioner's proposal. The petitioner stated that if the Commissioner's proposal were to be adopted even the most responsible companies would be discouraged from participating and the CTFA could not realistically recommend participation in such a program.

The points raised and the Commissioner's responses are as follows:

1. A number of comments agreed with the FDA proposal that all complaints alleging bodily injury received by a manufacturer, packer, or distributor should be submitted to the Food and Drug Administration. The petitioner opposed the request for the submission of all complaints and suggested that provision be made for a manufacturer, packer, or distributor to use a screening procedure for determining reportable experiences and in the absence of such a procedure to submit all alleged injury complaints received.

The Commissioner of Food and Drugs concludes that the submission of complaints that have been screened by a procedure appropriately designed to eliminate any unfounded or spurious complaints would be more meaningful and, therefore, adopts the suggestion of the petitioner. However, in order to protect against the use of screening procedures which might eliminate valid experience reports, the regulation provides that any procedure used to screen such reports should be filed with the agency and that it will be subject to public inspection. Furthermore, the final regulation also provides for audits by the Food and Drug Administration to determine whether the procedure actually being followed complies with the procedure on file. If a firm wishes to participate in this voluntary reporting program, it should either use a screening procedure on file with the agency or report all complaints of alleged bodily injury.

2. Several comments addressed themselves to the proposed schedules for reporting complaints. Some argued for prompt filing along with immediate verification of complaints. The petitioner argued against the Commissioner's proposal that a report be filed for all reportable experiences within 90 days of receipt of the information.

Upon further consideration, the Commissioner has concluded that the filing of routine reportable experiences each six months is reasonable. However, "unusual reportable experiences", as defined in the final regulation, are to be filed by a firm within 15 working days of their receipt.

3. Two comments suggested that the Commissioner establish an expert committee to assist him in evaluating the reports received.

The Commissioner is of the opinion that it would be premature to establish such a committee in advance of a demonstrated need. If at some time after the reporting program is established, a need for an expert committee should arise, the Commissioner could then establish an appropriate advisory committee.

4. Several comments argued for a broad definition of "reportable experience". It was asserted that any bodily injury resulting from the accidental or deliberate misuse of a cosmetic product is a valid reportable experience. The petitioner, on the other hand, opposed the

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[1] Copies may be obtained from: The Cosmetic, Toiletry and Fragrance Association, Inc., 1625 Eye Street NW., Washington, D.C. 20006.

[2] United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, MD 20852.

[3] American Pharmaceutical Association, 2215 Constitution Avenue NW., Washington, D.C. 20037.

[4] National Academy of Sciences, 2101 Constitution Avenue NW., Washington, D.C. 20037.

inclusion of any experience not in association with the intended use of a cosmetic product.

The Commissioner is of the opinion that any information he can obtain in regard to injuries involving cosmetic products, including adverse reactions resulting from the accidental or deliberate misuse of cosmetic products, may be of use in protecting the public health, and therefore he has concluded that all such experiences should be considered reportable.

5. In regard to the confidentiality of reported information, one public interest group representative supported the Commissioner's proposal that all data and information submitted voluntarily be handled in accordance with the regulations, when published in final form, applicable to public disclosure of information by the Food and Drug Administration. The proposed rulemaking on this subject appears in the FEDERAL REGISTER of May 5, 1972 (37 FR 9128). Final regulations should be issued shortly. CTFA asserted that so much of the information required for a meaningful reporting system deals with "sensitive information" such as sales, injuries per unit of sales, cross references to ingredient submissions, and identification of specific products that a provision for confidentiality must be established now. The petitioner also argued that there is no need to defer action on this provision pending publication of the regulations being promulgated under the Freedom of Information Act, as this program is a solicitation for data otherwise unavailable to the Food and Drug Administration, and should be dealt with wholly apart from any future policy on the handling of unsolicited voluntary submissions. The member of industry concurred with CTFA and stated that it would not participate without a guarantee of confidentiality.

The Commissioner has considered these comments and has concluded that the rules governing confidentiality granted to voluntarily submitted data on cosmetic product experiences should be the same as the rules governing confidentiality for other data submitted to the agency on a voluntary basis. Accordingly, the final order establishing § 4.26 of this chapter, which will protect legitimate trade secrets or other confidential information, will govern the confidentiality of cosmetic product experience data.

6. Comments both favoring and opposing the Commissioner's definition of "commercial distribution" were received. Those in opposition argued against his elimination of the $1,000 limitation provided for in the CTFA proposal, and his inclusion of dealers as participants.

After further consideration, the Commissioner is now of the opinion that to request injury reports for all cosmetic products regardless of dollar value is unnecessary for this reporting program and that a $1,000 limitation should be employed. Further, he is convinced that to include dealers in the definition of those being requested to participate would be of limited value. The final regulation is amended accordingly. The Commissioner strongly urges all participants (manufacturers, packers, and distributors) to encourage dealers to inform them, the Food and Drug Administration, or both, as soon as any complaints are received by the dealers. The formalized reporting procedure set out in this part should not discourage any person, including a retail dealer, from communicating directly with the Food and Drug Administration concerning any matter which he wishes to bring to its attention.

7. A public interest group requested that the regulation require the reporting of any extant data on adverse human experience with cosmetic products which have been withdrawn from marketing for any reason.

The Commissioner concludes that such a requirement, relating to products no longer marketed, might require a burdensome inquiry into historical files and would not be likely to produce sufficient data relevant to the present market situation to be worth the risk of discouraging participation in the program altogether.

8. A public interest group requested that FDA obtain testing data on products for which complaints have been received.

The regulation provides that the Commissioner may request additional information in response to reports received.

9. One comment urged that a participating firm be permitted to declare the fact of the firm's participation in this voluntary program on the label of its cosmetic products.

In the opinion of the Commissioner, any such labeling must be prohibited because of its great potential for mislead consumers into believing that the cosmetic product has the approval of the Food and Drug Administration. The regulation so provides.

10. Both the industry member and the petitioner opposed the provision in the FDA proposal for submitting a negative report for each cosmetic product by brand name for which no reportable experience had been received during a reporting period.

The Commissioner is of the opinion that statistical data obtained from the submission of reportable experiences will be meaningful only if the agency obtains sufficient information to relate the number of the reportable experiences in a product category to the total number of cosmetic product units sold in that particular product category. Such information by product categories can be obtained, however, without the need for filing a separate negative report for each product by brand name. The regulation now provides for the submission of a "Summary Report of Cosmetic Product Experience by Product Categories." The person submitting this report need not list products by brand name, but only the total number of product units in each product category estimated to have been distributed to consumers during the reporting period, together with the number and rate of reportable experiences in each category.

11. The petitioner suggested that with a filed screening procedure there would be only limited need for a participating firm to maintain complaint records, other than representative examples of reported and unreported complaints, as well as the ratio of such complaints.

In the opinion of the Commissioner, a meaningful audit of any screening program will require retention of each complaint and related information for a period of at least three years.

12. The industry association in regard to determining "unusual reportable experiences" objected to the Commissioner's proposal that comparisons be made on the basis of industry "norms" rather than, as the petitioner proposed, on the basis of each manufacturer's experience.

The Commissioner recognizes that until this program has generated industry-wide "norms" over a period of time, a reporting firm will need to rely on its own experience, and whatever other information may be available in determining "unusual reportable experiences."

13. In general, the petitioner and the industry member charged that the Commissioner's proposal would require more of the cosmetic industry than it does of the food and drug industries.

The Commissioner does not agree. Except for color additives, which must be approved for safety by the Food and Drug Administration prior to use in foods, drugs, or cosmetics, no component of a cosmetic is subject to pre-clearance for safety by the agency, while new drugs and food additives must be approved by the agency prior to use. Thus it is only in the case of cosmetics that new ingredients may appear on the market without prior scrutiny by the agency. Accordingly, it is reasonable and appropriate for the Commissioner to establish this voluntary program for the reporting of cosmetic product experience, in the interest of gathering data which will help to assure that the American public receive only safe cosmetic products.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 601, 602, 701(a), 52 Stat. 1054, as amended, 1055, 21 U.S.C. 361, 362, 371 (a)) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That 21 CFR, Subchapter D—Cosmetics be amended by adding a new Part 174 to read as follows:

Sec.
174.1 Definitions.
174.2 Who should file.
174.3 Time for filing.
174.4 How and where to file.
174.5 Information requested.
174.6 Additions or amendments to reports.
174.7 Notification to person submitting reports.
174.8 Confidentiality of reports.
174.9 Misbranding by reference to filing; filing does not constitute an admission.

AUTHORITY: (Secs. 601, 602, 710(a), 52 Stat. 1054, as amended, 1055, 21 U.S.C. 361, 362, 371 (a)).

§ 174.1 Definitions.

(a) "Commercial distribution" of a cosmetic product means any distribution

outside the establishment manufacturing the product, whether for sale, to promote future sales (including free samples of the product), or to gage consumer acceptance through market testing, in excess of $1,000 in cost of goods.

(b) "Cosmetic product" means a finished cosmetic, the manufacture of which has been completed.

(c) "Filed screening procedure" means a procedure that is:

(1) On file with the Food and Drug Administration and subject to public inspection;

(2) Designed to determine that there is a reasonable basis for concluding that an alleged injury did not occur in conjunction with the use of the cosmetic product; and

(3) Which is subject, upon request by the Food and Drug Administration, to an audit conducted by the Food and Drug Administration at reasonable times and, where an audit is conducted, such audit shows that the procedure is consistently being applied and that the procedure is not disregarding reportable information.

(d) "Reportable experience" means an experience involving any allergic reaction, or other bodily injury, alleged to be the result of the use of a cosmetic product under the conditions of use prescribed in the labeling of the product, under such conditions of use as are customary or reasonably foreseeable for the product or under conditions of misuse, that has been reported to the manufacturer, packer, or distributor of the product by the affected person or any other person having factual knowledge of the incident, other than an alleged experience which has been determined to be unfounded or spurious when evaluated by a filed screening procedure.

(e) "Unusual reportable experience" means a reportable experience which by kind, severity, or frequency of incidence, differs significantly from the reporting firm's previous experience or from the norm reported for like cosmetics in the same product category, using the product categories set forth in § 172.5(c) of this chapter.

(f) The definitions and interpretations contained in sections 201, 601, and 602 of the Federal Food, Drug, and Cosmetic Act shall be applicable to such terms when used in the regulations in this part.

§ 174.2 Who should file.

Every person who is a manufacturer, packer, or distributor of a cosmetic product is requested to file a Form FD–2704 (Cosmetic Product Experience Report), or a Form FD–2705 (Cosmetic Product Unusual Experience Report), with respect to all reportable experiences and unusual reportable experiences which have been reported to him concerning any of his cosmetic products in commercial distribution, regardless of whether he is a participant in the voluntary program to register cosmetic product establishments pursuant to Part 170 of this chapter, and regardless of whether he is a participant in the voluntary program to file cosmetic product ingredient and raw material composition statements pursuant to Part 172 of this chapter. In addition, every person who is a manufacturer, packer, or distributor of a cosmetic product, whether or not he has received any information concerning a reportable experience or unusual reportable experience in regard to any of his cosmetic products in commercial distribution, is requested to file a Form FD–2706 (Summary Report of Cosmetic Product Experience by Product Categories). This request extends to any foreign manufacturer, packer, or distributor of a cosmetic product imported into any State. No filing fee is required.

§ 174.3 Time for filing.

(a) Reportable experiences should be reported on a semi-annual basis, for the periods January through June and July through December, not later than 60 days after the close of the reporting period.

(b) An unusual reportable experience should be reported immediately upon receipt of the information, and in any event, within 15 working days of its receipt by the manufacturer, packer, or distributor whether or not a screening procedure is completed.

(c) A summary report of cosmetic product experience by product categories should be filed on a semi-annual basis, for the periods January through June and July through December, not later than 60 days after the close of the reporting period.

§ 174.4 How and where to file.

Form FD–2704 (Cosmetic Product Experience Report), Form FD–2705 (Cosmetic Product Unusual Experience Report) and Form FD–2706 (Summary Report of Cosmetic Product Experience by Product Categories) are obtainable on request from the Industry Guidance Branch, Bureau of Foods, Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, or from any Food and Drug Administration district office. The completed form should be mailed or delivered to: Cosmetic Product Experience Report, Division of Cosmetics Technology, Bureau of Foods, Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204. In the case of an unusual reportable experience, the envelope should be conspicuously flagged "Unusual Reportable Experience."

§ 174.5 Information requested.

(a) Form FD–2704 (Cosmetic Product Experience Report) requests the following information:

(1) The name and address (include country, if other than the United States) including post office ZIP code of the person (manufacturer, packer, or distributor) designated on the label of the cosmetic product.

(2) Time period covered by the report.

(3) The complete name of the cosmetic product exactly as it appears on the label of the product.

(4) The cosmetic product category, as set forth in § 172.5(c) of this chapter and on the form, which best describes the product's intended use.

(5) Total number of reportable experiences during this reporting period, broken down to show the number and type of alleged experiences, in accordance with the experience categories specified on the form.

(6) Total number of product units of the cosmetic product estimated to have been distributed to consumers during this reporting period.

(7) The rate of reportable experiences per million product units estimated to have been distributed to consumers during this time period, broken down into the types of alleged experience, in accordance with the experience categories specified on the form.

(8) The cosmetic product establishment registration number or numbers assigned, under § 170.7 of this chapter, to the establishment or establishments where the product is manufactured and packaged, if known. Where the firm submitting the report knows that the manufacturer and/or packer has not filed a registration statement pursuant to Part 170 of thisc hapter, it should so indicate.

(9) The cosmetic product ingredient statement number (CPIS No.) assigned to the product under § 172.8 of this chapter, if known. If a number is pending, but has not been assigned, the firm should so indicate. Where the firm substituting the report knows that a cosmetic product ingredient statement pursuant to Part 172 of this chapter has not been filed, it should so indicate.

(10) Any additional evaluation of the experiences or other pertinent data or information as the person filing wishes to provide to assist the Food and Drug Administration in evaluating the report.

(b) Form FD–2705 (Cosmetic Product Unusual Experience Report) requests the following information:

(1) The name and address (include country, if other than the United States), including post office ZIP code of the person (manufacturer, packer, or distributor) designated on the label of the cosmetic product.

(2) The date(s) of occurrence of the unusual experience(s). (If unknown, the date(s) when the information was received by the firm.)

(3) The complete name of the cosmetic product exactly as it appears on the label of the product.

(4) The cosmetic product category, as set forth in § 172.5(c) of this chapter and on the form, which best describes the product's intended use.

(5) The type of alleged experience(s) and the anatomical site(s) of the alleged experience(s) in accordance with categories specified on the form.

(6) The cosmetic product establishment registration number or numbers assigned, under § 170.7 of this chapter, to the establishment or establishments

where the product is manufactured and packaged, if known. Where the firm submitting the report knows that the manufacturer and/or packer has not filed a registration statement pursuant to Part 170 of this chapter, it should so indicate.

(7) The cosmetic product ingredient statement number (CPIS No.) assigned to the product under § 172.8 of this chapter, if known. If a number is pending, but has not been assigned, the firm should so indicate. Where the firm submitting the report knows that a cosmetic product ingredient statement pursuant to Part 172 of this chapter has not been filed, it should so indicate.

(8) Any additional evaluation of the experiences or other pertinent data or information as the person filing wishes to provide to assist the Food and Drug Administration in evaluating the report.

(c) Form FD–2706 (Summary Report of Cosmetic Product Experience by Product Categories) requests the following information:

(1) The name and address (include country, if other than the United States), including post office ZIP code of the person (manufacturer, packer, or distributor) designated on the label of the cosmetic products.

(2) Time period covered by the report.

(3) Total number of product units within each product category, as set forth in § 172.5(c) of this chapter and on the form, estimated to have been distributed to consumers during this reporting period.

(4) Total number of reportable experiences within each product category during this reporting period, if any.

(5) The rate of reportable experiences per million product units in each product category estimated to have been distributed to consumers during this time period.

(d) The person filing a Form FD–2704 (Cosmetic Product Experience Report), Form FD–2705 (Cosmetic Product Unusual Experience Report), or Form FD–2706 (Summary Report of Product Experience by Product Categories) should:

(1) Provide the information requested in paragraphs (a), (b), and (c) of this section, as appropriate.

(2) Provide the screening procedure in conformance with § 174.1(c) when a screening procedure is used in connection with the reports requested by this part and is not already on file with the Food and Drug Administration.

(3) Provide the name, title, and signature of the individual authorized to submit the report(s), and the name and address of the firm which he represents if it differs from that provided in paragraph (a), (b), or (c) of this section.

(e) The information requested under paragraphs (a) and (b) should be filed separately for each cosmetic product, except that a single report may be filed for two or more shades, flavors, or fragrances of a cosmetic product where only the proportions of these ingredients are varied, and such product is covered by a single cosmetic product ingredient statement under § 172.5(e) of this chapter.

(f) On the basis of a review of individual reports or patterns of experience disclosed as a result of a number of reports, the Commissioner of Food and Drugs may request as much additional information from persons submitting reports as the Commissioner deems appropriate. For this reason, every person participating in this program should retain for three years all correspondence and records pertaining to alleged cosmetic product injuries.

§ 174.6 Additions or amendments to reports.

Additions or amendments to any experience report should be submitted by filing the appropriate amended form as soon as the need for such additions or amendments becomes apparent to the person submitting the original report.

§ 174.7 Notification to person submitting reports.

Anyone desiring a receipt for information submitted should send it by registered mail requesting a return receipt.

§ 174.8 Confidentiality of reports.

A notice of proposed rule making, "Public Information", was published in the FEDERAL REGISTER on May 5, 1972 (37 FR 9128). The proposal set out in detail the proposed rules applicable to public disclosure of information by the Food and Drug Administration, including information submitted voluntarily to the agency. After the order ruling on the proposal is published by the Commissioner of Food and Drugs under § 4.26 of this chapter, data and information submitted to the Food and Drug Administration pursuant to the provisions of this part will be handled in accordance with such order.

§ 174.9 Misbranding by reference to filing; filing does not constitute an admission.

(a) The filing of an experience report does not in any way denote approval of the firm or the cosmetic product by the Food and Drug Administration. Any representation in labeling or advertising that creates an impression of official approval because of such filing will be considered misleading.

(b) The filing of an experience report does not in any way constitute an admission by the person filing the report that the alleged experience was the result of an ingredient or ingredients in the cosmetic product, or of any other fact.

Effective date. Although it is anticipated that Form FD–2704, Form FD–2705, and Form FD–2706 will not be available until a date to be announced in the FEDERAL REGISTER in November 1973, the Commissioner considers it reasonable that the initial reporting period for this program be established as beginning July 1, 1973, and ending December 31, 1973, so that the first reports will be received no later than March 1, 1974. In the meantime, those desiring these forms may submit requests to the Food and Drug Administration as set forth in § 174.4.

Dated October 9, 1973.

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

[FR Doc.73–21919 Filed 10–12–73;8:45 am]