

# federal register

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## PART I

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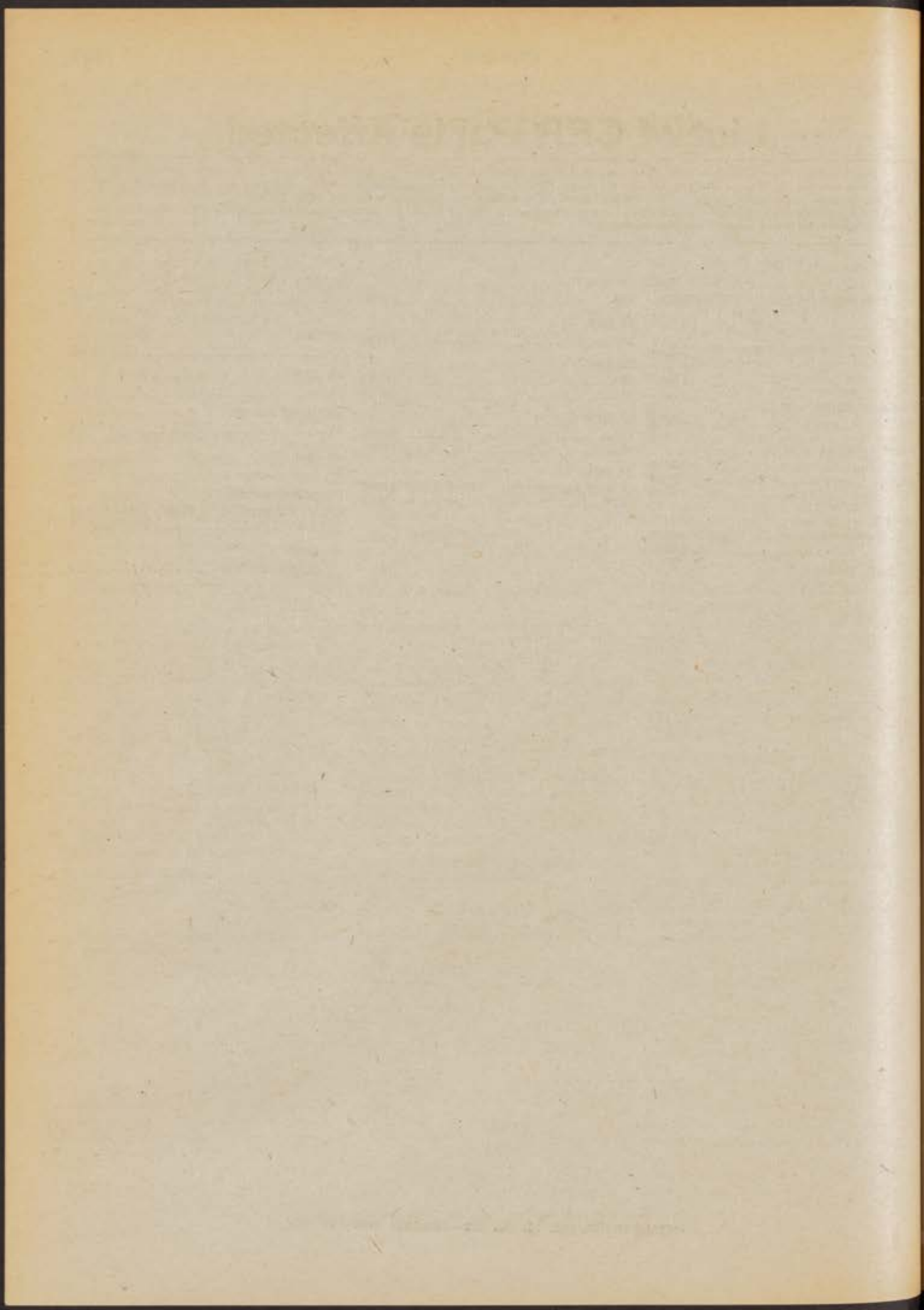
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# List of CFR Parts Affected

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# Rules and Regulations

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

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

## Title 5—Administrative Personnel

### CHAPTER I—CIVIL SERVICE COMMISSION PART 213—EXCEPTED SERVICE

#### Automatic Revocation System for Schedule C Positions, GS-15 and Below

Section 213.3301 is amended to show that the schedule C authority for a position at GS-15 and below is revoked when the position has been vacant for 60 calendar days or more; except that the Commission may delay such a revocation action for an additional 60 calendar days when the agency concerned demonstrates that it: (1) Has been actively recruiting for the position; (2) has made a tentative selection; and (3) has set an appointment date within the additional 60-day period. This section is further amended to show that an agency shall notify the Commission within 3 work days after a schedule C position at GS-15 and below has been vacated or filled.

Effective June 30, 1973, § 213.3301b is added as set out below.

#### § 213.3301b Revocation of exceptions.

(a) Except as provided by paragraph (b) of this section the exception from the competitive service for each position at GS-15 and below in the executive branch listed in schedule C is revoked when the position has been vacant for 60 calendar days or more.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Commission may delay the revocation action for an additional 60 calendar days when the agency demonstrates that it: (1) Has been actively recruiting for the position; (2) has made a tentative selection; and (3) has set an appointment date within the additional 60-day period.

(c) An agency shall notify the Commission within 3 work days after a schedule C position at GS-15 and below has been vacated or filled.

(5 U.S.C. secs. 3301, 3302; Executive Order 10577, 3 CFR 1954-58 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc.73-10344 Filed 5-23-73;8:45 am]

### PART 213—EXCEPTED SERVICE

#### Department of Defense

Section 213.3306 is amended to show that one additional position of private secretary to the Secretary is excepted under schedule C; and that one position of private secretary to the Special Assis-

tant to the Secretary of Defense is no longer excepted under schedule C.

Effective on May 24, 1973, §§ 213.3306 (a) (1), and (a) (13) are amended as set below.

#### § 213.3306 Department of Defense.

(a) *Office of the Secretary.* (1) One Special Assistant, and three private secretaries to the Secretary.

(13) One private secretary to the Special Assistant to the Secretary of Defense.

(5 U.S.C. secs. 3301, 3302; Executive Order 10577, 3 CFR 1954-58 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc.73-10346 Filed 5-23-73;8:45 am]

### PART 213—EXCEPTED SERVICE

#### Department of Commerce

Section 213.3314 is amended to show that one position of private secretary to the Director, Office of Minority Business Enterprise; one position of private secretary to the Director, Bureau of the Census; and one position of private secretary to the Assistant Secretary for Science and Technology are excepted under schedule C.

Effective on May 24, 1973, §§ 213.3314 (a) (27), (d) (5), and (n) (3) are added as set out below.

#### § 213.3314 Department of Commerce.

(a) *Office of the Secretary.* \* \* \* (27) One private secretary to the Director, Office of Minority Business Enterprise.

(d) *Bureau of the Census.* \* \* \* (5) One private secretary to the Director.

(n) *Office of the Assistant Secretary for Science and Technology.* \* \* \*

(3) One private secretary to the Assistant Secretary.

(5 U.S.C. secs. 3301, 3302; Executive Order 10577, 3 CFR 1954-58 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc.73-10347 Filed 5-23-73;8:45 am]

### PART 213—EXCEPTED SERVICE

#### Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of secretary to the Secretary is excepted under schedule C.

Effective on May 24, 1973, § 213.3384 (a) (50) is added as set out below.

#### § 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* \* \* \* (50) One secretary to the Secretary.

(5 U.S.C. secs. 3301, 3302; Executive Order 10577, 3 CFR 1954-58 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc.73-10345 Filed 5-23-73;8:45 am]

### Title 14—Aeronautics and Space

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

[Airspace Docket No. 73-SO-20]

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

#### Alteration of Transition Area

##### Correction

In FR Doc. 73-9423 appearing on page 12604 in the issue for Monday, May 14, 1973, in the penultimate line of the fourth paragraph "83°33'14'" should read "83°33'15'".

[Airspace Docket No. 73-SW-11]

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

#### Designation of Transition Area

##### Correction

In FR Doc. 73-8606, appearing on page 10923 in the issue for Thursday, May 3, 1973, the sixth line of the Idabel, Okla., transition area description (§ 71.181), reading, "33°54'23" N., long. 94°54'45" W.) extending", should read, "33°54'23" N., long. 94°50'45" W.) extending".

[Airspace Docket No. 73-SO-105]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Alteration of Control Zone and Transition Area****Correction**

In FR Doc. 73-8602 appearing at page 10921 in the issue for Thursday, May 3, 1973, in the description of the Key West, Fla., transition area (§ 71.181), the sixth line, reading "radius of Key West International Airport (lat.", should read "radial, extending from the 8.5-mile radius".

[Airspace Docket No. 73-PC-1]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Alteration of Control Zone**

The Federal Aviation Administration is amending § 71.171 of part 71 of the Federal Aviation regulations so as to alter the Kahului, Hawaii, control zone (38 FR 390).

The Federal Aviation Administration will reduce the daily hours of operation at the Kahului, Hawaii, Air Traffic Control Tower from the present full-time 24-hour operation to operation between 0600 to 2200 hours local time. During these periods of eliminated tower service, Kahului, Hawaii, will not meet the weather and communication requirements necessary to support a control zone and the effective hours of the control zone are being reduced accordingly.

Since this amendment is less restrictive and does not create any additional burden on any person, notice, and publication procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, part 71 of the Federal Aviation regulations is amended, effective 0901 H.s.t., June 15, 1973, as hereinafter set forth:

Amend § 71.171 of part 71 of the Federal Aviation regulations so as to add to the existing description of the Kahului, Hawaii, control zone, the following language:

This control zone is effective from 0600 to 2200 hours, local time, daily or during the specific date or time established by a Notice to Airmen, which thereafter will be continually published in the Pacific Chart Supplement.

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

Issued in Honolulu, Hawaii, on May 14, 1973.

**JACK G. WEBB,**  
*Director, Pacific-Asia Region.*

[FR Doc.73-10334 Filed 5-23-73;8:45 am]

[Airspace Docket No. 73-EA-19]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Designation of Transition Area**

On page 8669 of the FEDERAL REGISTER for April 5, 1973, the Federal Aviation Administration published a proposed rule so as to designate an East Stroudsburg, Pa., transition area over Stroudsburg Pocono Airpark, East Stroudsburg, Pa.

Interested parties were given 30 days after publication in which to submit written data or views. Mr. Thomas W. Coyle, Acting Director of Aeronautics, Department of Transportation, State of New Jersey, suggested that the proposed area would complicate operations out of an expanding Blairstown Airport. However, a review of the proposed designation as a result of a revised instrument approach procedure to the Airpark permits a reduction in the size of the area and thus meets Mr. Coyle's suggestion. This reduction, being less restrictive than the proposal, will not require public notice and procedure thereon.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. July 19, 1973, as follows:

1. Amend § 71.181 of part 71 of the Federal Aviation regulations so as to designate an East Stroudsburg, Pa., transition area as follows:

**EAST STROUDSBURG, PA.**

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 41°02'08" N., 75°09'45" W., of Stroudsburg-Pocono Airpark, East Stroudsburg, Pa., extending clockwise from a 337° bearing to a 106° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 106° bearing to a 110° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 110° bearing to a 177° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 110° bearing to a 177° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 177° bearing to a 221° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 221° bearing to a 258° bearing from the airport; within a 17.5-mile radius of the center of the airport, extending clockwise from a 258° bearing to a 337° bearing from the airport; and within 6.5 miles northwest and 4.5 miles southeast of a 066° bearing from a point 41°05'31" N., 74°59'29" W., extending from said point to 11.5 miles northeast; excluding the portion within the Mount Pocono, Pa., transition area.

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

Issued in Jamaica, N.Y., on May 11, 1973.

**ROBERT H. STANTON,**  
*Acting Director, Eastern Region.*

[FR Doc.73-10328 Filed 5-23-73;8:45 am]

[Airspace Docket No. 73-RM-10]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Alteration of Transition Area**

On April 16, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 9442) stating that the Federal Aviation Administration was considering an amendment to part 71 of the Federal Aviation regulations that would alter the description of the Jackson, Wyo., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

**Effective date.**—This amendment shall be effective 0901 G.m.t., July 19, 1973.

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

Issued in Aurora, Colo., on May 15, 1973.

**M. M. MARTIN,**  
*Director, Rocky Mountain Region.*  
JACKSON, WYO.

That airspace extending upward from 700 feet above the surface within a 5-mile radius circle centered on the Jackson Hole Airport, Wyo. (lat. 43°36'24" N., long. 110°44'13" W.) within 5.5 miles west and 9.5 miles east of the Jackson VOR 200° radial, extending from the VOR to 24.5 miles south; and that airspace extending upward from 1,200 feet above the surface within 6 miles west and 9 miles east of the Jackson VOR 020° radial, extending from the VOR to 11 miles north of the VOR, and within 6 miles north and 9 miles south of the Dunois, Wyo., VOR 282° and 102° radials, extending from 8 miles east to 21 miles west of the VOR and that airspace within 5 miles each side of the Jackson VOR 107° radial extending from 9 to 15 miles east of the VOR.

[FR Doc.73-10329 Filed 5-23-73;8:45 am]

[Airspace Docket No. 72-RM-31]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Alteration of Control Zone; Correction**

In FR Doc. 73-8313 on page 10634 in the issue of Monday, April 30, 1973, Airspace docket No. 73-RM-18 should be corrected to read "Airspace Docket No. 72-RM-31".

Issued in Aurora, Colo., on May 15, 1973.

**M. M. MARTIN,**  
*Director, Rocky Mountain Region.*

[FR Doc.73-10330 Filed 5-23-73;8:45 am]



[Airspace Docket No. 72-WA-13]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Designation of Terminal Control Area**

On December 15, 1972, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (37 FR 26737) stating that the Federal Aviation Administration was considering an amendment to part 71 of the Federal Aviation regulations that would designate a group I terminal control area (TCA) for Dallas-Fort Worth, Tex. On January 15, 1973, a supplemental NPRM (38 FR 1510) was published which extended the public comment period until February 15, 1973.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. Due consideration was given to all relevant matter presented. Twelve comments were received in response to the notice of proposed rulemaking. Two comments, one each from the Air Transport Association of America (ATA) and the Air Line Pilots Association (ALPA), concurred in the designation of the TCA. The other comments contained general objections to the TCA concept, recommendations for a VFR corridor across the Dallas-Fort Worth Airport, and requests for additional airspace for glider operations and for flight test operations by Bell Helicopter Co.

The suggestion to include a VFR corridor in the Dallas-Fort Worth TCA has been studied and found to be impracticable. A corridor would be unduly restrictive to terminal operations especially during a south operation when aircraft would be required to remain at low altitude until established on course and clear of the corridor. This would create environmental problems over heavily populated areas south of the airport. Additionally, arrivals would be kept at high altitudes until clear of the corridor on downwind, thus extending the final approach to a greater distance than presently required.

Consideration was given to altering the boundary between areas C and E in the vicinity of Mangham Airport as recommended by one commentator but was rejected due to its overall impact on the TCA design. The TCA was designed with a minimum amount of airspace in area C west of the primary airport. Relocation of the boundary to the east, as recommended, would further reduce the available airspace for movement of aircraft operating in the TCA. Mangham Airport underlies areas C and E which have floors of 3,000 and 5,000 feet respectively and in view of the type of activities conducted at the Mangham Airport, we feel that the TCA will not unduly restrict Mangham Airport operations.

A request was made by the operators of a glider flight school located at Oliver Farm Airport (approximately 4 miles

northwest of Meacham Field) for additional airspace for glider operations. Proposed procedures for the new regional airport require that departing turbojet aircraft operate over Oliver Farm Airport. This departure procedure cannot be relocated as it lies between inbound routes from the Acton and Bridgeport VOR's. Reducing the size of area E would not provide necessary airspace for departures and for maneuvering arrivals into sequence for landing.

As a result of comments from Bell Helicopter Co., coordination has been effected with Bell officials to develop procedures which will allow Bell to continue flight-testing operations within the TCA.

In consideration of the foregoing, section 71.401 (38 FR 622) of the Federal Aviation regulations is amended, effective 0901 G.m.t., September 30, 1973, by adding the Dallas-Fort Worth, Tex., group I terminal control area as follows:

**DALLAS-FORT WORTH, TEX., TERMINAL CONTROL AREA**

**Primary Airport.**—Dallas-Fort Worth Airport (lat. 32°53'53" N., long. 97°02'24" W.).

**Boundaries.**—1. **Area A.**—That airspace extending from the surface to and including 8,000 feet m.s.l., beginning at latitude 33°00'30" N., longitude 96°59'30" W., thence counterclockwise along a 7-nmi arc of the Dallas-Fort Worth Airport to latitude 32°58'30" N., longitude 97°08'45" W., to latitude 32°55'30" N., longitude 97°05'30" W., to latitude 32°47'30" N., longitude 97°05'30" W., thence counterclockwise along a 7-nmi arc of the Dallas-Fort Worth Airport to latitude 32°51'45" N., longitude 96°54'30" W., to latitude 32°56'00" N., longitude 96°59'30" W., to point of beginning.

2. **Area B.**—That airspace extending from 2,000 feet m.s.l., to and including 8,000 feet m.s.l., beginning at latitude 33°00'30" N., longitude 96°59'30" W., to latitude 33°02'45" N., longitude 96°59'30" W., thence counterclockwise along a 9-nmi arc of the Dallas-Fort Worth Airport to latitude 33°00'00" N., longitude 97°10'15" W., to latitude 32°58'30" N., longitude 97°08'45" W., thence clockwise along a 7-nmi arc of the Dallas-Fort Worth Airport to the point of beginning; and that airspace beginning at latitude 32°51'45" N., longitude 96°53'30" W., to latitude 32°50'10" N., longitude 96°52'30" W., thence clockwise along a 9-nmi arc of the Dallas-Fort Worth Airport to latitude 32°45'15" N., longitude 97°05'30" W., to latitude 32°47'30" N., longitude 97°05'30" W., thence counterclockwise along a 7-nmi arc of the Dallas-Fort Worth Airport to the point of beginning.

3. **Area C.**—That airspace extending from 3,000 feet m.s.l., to and including 8,000 feet m.s.l., beginning at latitude 32°51'45" N., longitude 96°54'30" W., to latitude 33°07'15" N., longitude 96°54'30" W., thence counterclockwise along a 15-nmi arc of the Dallas-Fort Worth Airport to latitude 33°06'45" N., longitude 97°11'30" W., to latitude 32°41'00" N., longitude 97°11'30" W., thence counterclockwise along a 15-nmi arc of the Dallas-Fort Worth Airport to latitude 32°45'45" N., longitude 96°47'30" W., thence direct to point of beginning, excluding areas A and B.

4. **Area D.**—That airspace extending from 4,000 feet m.s.l. to and including 8,000 feet m.s.l. beginning at latitude 32°45'45" N., longitude 96°47'30" W., thence clockwise along a 15-nmi arc of the Dallas-Fort Worth Airport to latitude 32°41'00" N., longitude 97°11'30" W., to latitude 32°35'20" N., longitude 97°11'30" W., thence counterclockwise

along a 20-nmi arc of the Dallas-Fort Worth Airport to latitude 32°42'00" N., longitude 96°43'10" W., to the point of beginning; and that airspace beginning at latitude 33°07'15" N., longitude 96°54'30" W., to latitude 33°12'00" N., longitude 96°54'30" W., to latitude 33°11'30" N., longitude 97°11'30" W., to latitude 33°06'45" N., longitude 97°11'30" W., thence clockwise along a 15-nmi arc of the Dallas-Fort Worth Airport to the point of beginning.

5. **Area E.**—That airspace extending from 5,000 feet m.s.l. to and including 8,000 feet m.s.l., beginning at latitude 33°12'00" N., longitude 96°52'10" W., thence clockwise via a 20-nmi arc of the Dallas-Fort Worth Airport to latitude 33°11'20" N., longitude 97°14'15" W., thence direct to point of beginning, excluding Areas A, B, C, and D.

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

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

PAUL W. ROBINSON,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc.73-10331 Filed 5-23-73; 8:45 am]

[Docket No. 12815; Amdt. No. 865]

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**  
**Miscellaneous Amendments**

This amendment to part 97 of the Federal Aviation regulations incorporates by reference therein changes and additions to the standard instrument approach procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

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

SIAP's are available for examination at the rules docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30 each.

Since a situation exists that requires immediate adoption of this amendment,

I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, effective July 5, 1973.

Alamosa, Colo.—Alamosa Municipal Airport, VOR-A, amendment 2.  
Alamosa, Colo.—Alamosa Municipal Airport, VOR/DME-A, amendment 1, canceled.  
Alamosa, Colo.—Alamosa Municipal Airport, VOR/DME-B, original.  
Austin, Tex.—Robert Mueller Municipal Airport, VORTAC Runway 12R, amendment 2.  
Bedford, Mass.—L. G. Hanscom Field, VOR Runway 23, amendment 3.  
Brookhaven, Miss.—Brookhaven Municipal Airport, VOR/DME-A, amendment 4.  
Cleveland, Miss.—Cleveland Municipal Airport, VOR-A, amendment 2.  
Fargo, N. Dak.—Hector Field, VOR Runway 35, amendment 5.  
Jacksonville, Fla.—Craig Municipal Airport, VOR Runway 31, original.  
Lawrence, Mass.—Lawrence Municipal Airport, VOR runway 23, amendment 2.  
London, Ky.—Corbin-London War Memorial Airport, VOR/DME runway 23, original.  
Nashville, Tenn.—Nashville Metropolitan Airport, VOR/DME runway 20R, original.  
Newark, N.J.—Newark International Airport, VOR runway 11, amendment 3.  
New Castle, Ind.—New Castle-Henry County Municipal Sky Castle Airport, VOR runway 27, amendment 1.  
New Orleans, La.—New Orleans International (Moisant Field) Airport, VOR-A (TAC), amendment 9.  
North Bend, Ore.—North Bend Municipal Airport, VOR/DME B, original.  
Providence, R.I.—Theodore Francis Green State Airport, VOR runway 5L and 5R, amendment 8.  
Richmond, Ind.—Richmond Municipal Airport, VOR runway 5, amendment 4.  
Richmond, Ind.—Richmond Municipal Airport, VOR runway 23, amendment 4.  
Sioux Falls, S. Dak.—Joe Foss Field, VOR runway 15, amendment 9.  
Sioux Falls, S. Dak.—Joe Foss Field, VOR/DME runway 33, amendment 4, canceled.  
Sioux Falls, S. Dak.—Joe Foss Field, VORTAC runway 33, original.  
Tewksbury, Mass.—TEW-MAC Airport, VOR runway 21, amendment 3.  
Wausau, Wis.—Wausau Municipal Airport, VOR-A, amendment 12.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective July 5, 1973.

Austin, Tex.—Robert Mueller Municipal Airport, LOC/DME (BC) runway 12R, amendment 2.  
Barrow, Alaska—Wiley Post-Will Rogers Memorial Airport, LOC runway 6, amendment 1.  
Bedford, Mass.—L. G. Hanscom Field, LOC (BC) runway 29, amendment 3.  
Fargo, N. Dak.—Hector Field, LOC (BC) runway 17, amendment 4.  
Glens Falls, N.Y.—Warren County Airport, LOC runway 1, original.  
Nashville, Tenn.—Nashville Metropolitan Airport, LOC (BC) runway 20R, amendment 10.

New Orleans, La.—New Orleans International (Moisant Field) Airport, LOC (BC) runway 19, amendment 1.

New Orleans, La.—New Orleans International (Moisant Field) Airport, LOC (BC) runway 28, amendment 5.

Sioux Falls, S. Dak.—Joe Foss Field, LOC (BC) runway 21, amendment 13.

Toledo, Ohio—Toledo Express Airport, LOC (BC) runway 25, amendment 10.

\* \* \* effective June 14, 1973.

Denver, Colo.—Jeffco Airport, LOC runway 29R, original.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's effective July 5, 1973.

Atlantic City, N.J.—NAFEC-Atlantic City Airport, NDB runway 13, original.  
Bedford, Mass.—L. G. Hanscom Field, NDB runway 11, amendment 12.  
Camden, S.C.—Woodward Field, NDB-A, amendment 2, canceled.  
Camden, S.C.—Woodward Field, NDB runway 23, original.  
Clarksdale, Miss.—Fletcher Field, NDB runway 36, amendment 2.  
Fargo, N. Dak.—Hector Field, NDB runway 17, amendment 5.  
Fargo, N. Dak.—Hector Field NDB runway 35, amendment 21.  
Lawrence, Mass.—Lawrence Municipal Airport, NDB-A, amendment 10.  
Nashville, Tenn.—Nashville Metropolitan Airport, NDB runway 20R, original.  
Newark, N.J.—Newark International Airport, NDB runway 4L, amendment 4.  
Newark, N.J.—Newark International Airport, NDB runway 4R, original.  
New Orleans, La.—New Orleans International (Moisant Field) Airport, NDB runway 10, amendment 18.  
Sioux Falls, S. Dak.—Joe Foss Field, NDB runway 3, amendment 15.  
Stow, Mass.—Minute Man Field, NDB-A, amendment 3.  
Tewksbury, Mass.—TEW-MAC Airport, NDB runway 21, amendment 2.

\* \* \* effective June 7, 1973.

Pella, Iowa—Pella Municipal Airport, NDB runway 34, original.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective July 5, 1973.

Atlantic City, N.J.—NAFEC-Atlantic City Airport, ILS runway 13, original.  
Bedford, Mass.—L. G. Hanscom Field, ILS runway 11, amendment 15.  
Bluefield, W. Va.—Mercer County Airport, ILS runway 23, original.  
Fargo, N. Dak.—Hector Field, ILS runway 35, amendment 22.  
Newark, N.J.—Newark International Airport, ILS runway 4L, amendment 4.  
Newark, N.J.—Newark International Airport, ILS runway 4R, original.  
New Orleans, La.—New Orleans International (Moisant Field) Airport, ILS runway 1, amendment 1.  
New Orleans, La.—New Orleans International (Moisant Field) Airport, ILS runway 10, amendment 25.  
New York, N.Y.—John F. Kennedy International Airport, ILS runway 31R, amendment 7.  
Sioux Falls, S. Dak.—Joe Foss Field, ILS runway 3, amendment 17.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAP's, effective July 5, 1973.

Austin, Tex.—Robert Mueller Municipal Airport, RADAR-1, amendment 9.

Fargo, N. Dak.—Hector Field, RADAR-1, original.

New Orleans, La.—New Orleans International (Moisant Field) Airport, RADAR-1, amendment 8.

Sioux Falls, S. Dak.—Joe Foss Field, RADAR-1, original.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's, effective July 5, 1973.

Elkhart, Ind.—Elkhart Municipal Airport, RNAV runway 17, original.

Kansas City, Kans.—Fairfax Municipal Airport, RNAV-A, amendment 2.

Newark, N.J.—Newark International Airport, RNAV runway 11, amendment 3.

New Orleans, La.—New Orleans International (Moisant Field) Airport, RNAV runway 28, amendment 2.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1954, 1421, 1510 sec. 8(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on May 12, 1973.

F. O. WILDER,  
Acting Chief,  
Aircraft Programs Division.

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

[FR Doc.73-10332 Filed 5-23-73; 8:45 am]

## Title 16—Commercial Practices

### CHAPTER I—FEDERAL TRADE COMMISSION

#### SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

#### PART 300—RULES AND REGULATIONS UNDER THE WOOL PRODUCTS LABELING ACT OF 1939

##### Imported Wool Products; Revocation

Section 300.36 of part 300 of chapter I of title 16 of the Code of Federal Regulations is revoked.

By direction of the Commission dated May 18, 1973.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc.73-10343 Filed 5-23-73; 8:45 am]

## Title 19—Customs Duties

### CHAPTER I—BUREAU OF CUSTOMS, DEPARTMENT OF THE TREASURY

[T.D. 73-130]

#### PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

##### Duty-Free Fuel for Aircraft—Customs Regulations Amended

###### Corrections

In FR Doc. 73-9600, appearing at page 12736, in the issue of Tuesday, May 15, 1973, the agency bracket was inadvertently omitted from the heading. It should read as set forth above.

Title 20—Employees' Benefits

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

[Regs. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED (1965.....)

Subpart C—Workmen's Compensation Exclusion

MISCELLANEOUS AMENDMENTS

On November 29, 1972, there was published in the FEDERAL REGISTER (37 FR 25240) a notice of proposed rulemaking with proposed amendments to subpart C of regulations No. 5. The proposed amendments provide (1) that where the workmen's compensation payment does not cover all of the medical and hospital services furnished a beneficiary, payment will be made under title XVIII of the Social Security Act for medicare services furnished which were not covered by the workmen's compensation payment, (2) that where a lump-sum compromise settlement of a workmen's compensation claim does not specify the portion of the lump sum attributable to hospital and medical expenses, a certain formula will be used in establishing the amount of the lump sum intended as payment of hospital and medical expenses for purposes of the workmen's compensation exclusion, and (3) that where a workmen's compensation claim is contested, payment will be made under title XVIII of the act pending a final decision on the workmen's compensation claim, provided that the intermediary or carrier obtains a subrogation agreement as assurance that medicare will be reimbursed in the event the workmen's compensation claim is allowed.

Interested parties were given 30 days within which to submit data, views, or arguments with regard to the proposed amendments. No comments were received. Therefore, the proposed amendments are hereby adopted without change and are set forth below.

The heading of regulations No. 5 is changed to conform to the change made in title XVIII of the act by section 201 (a) (1) (A) of Public Law 92-603, enacted October 30, 1972.

(Secs. 1102, 1861, 1863, 1864, and 1871, 49 Stat. 647, as amended, 79 Stat. 314; 42 U.S.C. 1302, 1305, et seq.)

**Effective date.**—This amendment shall be effective May 24, 1973.

Dated April 19, 1973.

ARTHUR E. HESS,  
Acting Commissioner  
of Social Security.

Approved May 18, 1973.

FRANK CARLUCCI,  
Acting Secretary of Health,  
Education, and Welfare.

Regulations No. 5 of the Social Security Administration, as amended (20 CFR part 405), are further amended as follows:

1. The heading of Regulations No. 5 is amended to read as follows: Federal Health Insurance for the Aged and Disabled.

2. Paragraphs (a) and (b) of § 405.316 are revised to read as follows:

§ 405.316 Nonreimbursable expenses; payment for services made under workmen's compensation law.

(a) Payment may not be made under title XVIII of the Act with respect to any item or service to the extent that payment has been made, or can reasonably be expected to be made, under a workmen's compensation law or plan of the United States or a State. However, where payment for any item or service may not be made by workmen's compensation because furnished by a source not authorized to provide such item or service under the workmen's compensation program, payment for such item or service may be made under title XVIII of the Act if otherwise covered. See § 405.317 (d), (e), and (f) for situations in which payment may be made under title XVIII for services for which payment is not made under the workmen's compensation award.

(b) Any payment under title XVIII of the Act with respect to any item or service shall be made on the condition that repayment will be made to the supplementary medical insurance trust fund or the hospital insurance trust fund, as appropriate, if information is received that payment for the item or service has been made under a workmen's compensation law or plan of the United States or a State.

3. Section 405.317 is revised to read as follows:

§ 405.317 Effect of workmen's compensation payment.

(a) *Spell of illness.* A period of inpatient hospital or extended care services for which title XVIII payment may not be made because of § 405.316(a) will be considered in determining whether a spell of illness has begun or has ended (see section 1861(a) of the Act).

(b) *Expenses paid by workmen's compensation.* Services for which payment may not be made because of § 405.316(a) shall not be considered in determining:

(1) The 90-day limitation on inpatient hospital services in each spell of illness (see § 405.110(a)(1)).

(2) The additional 60 lifetime reserve days of inpatient hospital services (see § 405.110(a)(2)).

(3) The 100-day limitation on post-hospital extended care services in each spell of illness (see § 405.120(b)).

(4) The 190-day lifetime limitation for inpatient psychiatric hospital services (see § 405.110(d)).

(5) The 100 home health visits limitation under Part A or Part B of title XVIII (see § 405.130).

(6) The days for which payment for inpatient hospital services or post-hospital extended care services is reduced by the applicable deductible or

coinsurance amount (see §§ 405.113, 405.115, and 405.124).

(c) *Deductibles and coinsurance.* Payments made under workmen's compensation cannot be counted toward the deductibles or coinsurance provisions of title XVIII. Thus, if an individual is hospitalized twice in the same spell of illness and the first hospitalization is completely paid for under workmen's compensation, the inpatient hospital deductible would apply to the second hospitalization. In the same way, medical expenses otherwise reimbursable under Part B must first be reduced by any workmen's compensation payment before applying the deductible and coinsurance provisions.

(d) *Limitation in workmen's compensation law on number of days of care or total amount payable.* Certain workmen's compensation programs specify limits on the number of days of care for which payment can be made or the total amount that can be paid for medical care under workmen's compensation with respect to a compensable injury. Services provided after these limits have been reached may be paid for under title XVIII of the Act subject to the deductible and coinsurance requirements. Where services have been furnished after such workmen's compensation limits have been reached, the following rules apply in determining the services for which payment may be made under title XVIII of the Act:

(1) The workmen's compensation payment for such services shall be allocated at the normal workmen's compensation rate of payment to those services furnished first in time until the workmen's compensation benefits are exhausted. Any services otherwise covered under title XVIII of the Act and not paid for under workmen's compensation after such allocation has been made may be paid for under title XVIII, subject to the program provisions as to reasonable cost and to any applicable deductible or coinsurance amounts.

*Example.* A beneficiary received 60 days of inpatient hospital services for an injury that is compensable under workmen's compensation. This is the beneficiary's first hospital stay in the spell of illness. The hospital's customary all-inclusive charge for inpatient services in semiprivate accommodations is \$50 per day and the workmen's compensation payment is made on the basis of customary charges. Under the workmen's compensation law of the State, however, \$1,500 is the maximum that can be paid for these services.

The \$1,500 workmen's compensation payment would be allocated to the first 30 days of services and the remaining 30 days of that hospital stay would be reimbursable under title XVIII of the Act. The hospital would receive under title XVIII its full reasonable costs for the remaining 30 days less the inpatient hospital deductible. The beneficiary would be charged with 30 days utilization of inpatient hospital services in that spell of illness.

(2) Where the workmen's compensation payment for the last day to which it can be applied is less than the cost of the services provided on that day, payment may be made under Title XVIII of the

Act for the difference between the workmen's compensation payment and the reasonable cost of the services furnished subject to any applicable deductible or coinsurance amounts. Such a day would be charged to the beneficiary's utilization record (except where lifetime reserve days are involved).

*Example.* A beneficiary received 45 days of inpatient hospital services for an injury that is compensable under workmen's compensation. This is the beneficiary's first hospital stay in the spell of illness. The hospital's customary all-inclusive charge for inpatient services in semiprivate accommodations is \$60 per day and the workmen's compensation payment is made on the basis of customary charges. Under the workmen's compensation law of the State, however, \$1,525 is the maximum that can be paid for these services.

The \$1,525 workmen's compensation payment would be allocated as follows: \$1,500 to the first 25 days of service and \$25 towards the 26th day. The hospital would receive under Title XVIII of the Act its full reasonable costs for the last 20 days less the inpatient hospital deductible and the \$25 paid by workmen's compensation for the 26th day. The beneficiary would be charged with 20 days utilization of inpatient hospital services in that spell of illness.

(e) *Patient received semiprivate accommodations but workmen's compensation paid only for ward accommodations.*

(1) *Workmen's compensation pays customary charges for ward accommodations.* Where a beneficiary is furnished semiprivate accommodations but the workmen's compensation plan pays the hospital's customary charges for ward accommodations, payment under Title XVIII of the Act is limited to the amount by which the hospital's reasonable cost of furnishing semiprivate accommodations exceeds the hospital's customary charges for ward accommodations at the time of the stay.

(2) *Workmen's compensation pays special rate for ward accommodations.* Where a beneficiary is furnished semiprivate accommodations but the workmen's compensation plan pays only for ward accommodations at a special rate which is less than the hospital's customary charge for ward accommodations, it is assumed, in the absence of evidence to the contrary, that the special rate paid by the workmen's compensation program is deemed payment in full for ward accommodations under the State workmen's compensation law. In such case, payment under Title XVIII of the Act is limited to the amount by which the hospital's reasonable cost of furnishing semiprivate accommodations exceeds the hospital's customary charges for ward accommodations at the time of the stay. In cases, however, where the special rate paid by the workmen's compensation program is not deemed payment in full for ward accommodations, payment under Title XVIII is limited to the amount by which the reasonable cost of semiprivate accommodations exceeds the workmen's compensation payment.

*Example.* A beneficiary was furnished semiprivate accommodations at X Hospital for an illness that is covered under the work-

men's compensation program. The workmen's compensation program pays only for ward accommodations (\$50 per day). X Hospital's reasonable cost of furnishing semiprivate accommodations is \$52. X Hospital is entitled to receive \$2 per day reimbursement under Title XVIII (the \$52 per day reasonable cost of semiprivate accommodations less the \$50 per day paid by workmen's compensation).

If the workmen's compensation program paid a special rate of \$40 per day for ward accommodations, which amount is deemed payment in full for ward accommodations under State law, X Hospital would still be entitled to receive an additional \$2 per day reimbursement under Title XVIII (the \$52 per day reasonable cost of semiprivate accommodations less the \$50 per day customary charge for ward accommodations).

(3) *Utilization days charged.* Where a beneficiary is furnished semiprivate accommodations and the workmen's compensation plan pays only for ward accommodations (at either the hospital's customary rate for ward accommodations or at a special rate which is less than the hospital's customary charge for such accommodations), the beneficiary is charged with utilization on a pro rata basis (based on the proportion which the payment made under Title XVIII of the Act bears to the total payment for the period during which these accommodations were furnished).

(f) *Workmen's compensation does not pay for certain ancillary services.* Sometimes an individual who is receiving inpatient hospital services for a work injury which is covered under workmen's compensation may also receive ancillary services for a condition which is not work-related, e.g., laboratory services or medication for a preexisting condition. In such cases, if the workmen's compensation plan pays for all of the hospital expenses related to the work injury (including the room and board charges) but not for the ancillary services which are not work-related, Title XVIII benefits may be paid for such ancillary services, subject to the Part A deductible or the Part B deductible and coinsurance provisions. The beneficiary would not be charged with utilization for the days on which these services were received.

*Example.* An individual was hospitalized for 20 days due to a work-related injury. His bill included \$1,100 in charges for room and board and other items and services related to the work injury and \$65 in laboratory and medication charges for services in connection with a preexisting condition. Workmen's compensation paid the \$1,100 in charges for services related to the work injury, but did not pay the \$65 in laboratory and medication charges for the preexisting condition. Since the \$65 in charges for laboratory services and medication are not covered under workmen's compensation, Title XVIII benefits may be paid for such expenses subject to any applicable deductible and coinsurance provisions. The individual would not be charged with utilization for the day or days on which the services were received.

4. Sections 405.318-405.320 are revised to read as follows:

**§ 405.318 Responsibility of the individual concerning workmen's compensation payment.**

The individual is responsible for taking whatever action is necessary to obtain payment under workmen's compensation where payment under that system can reasonably be expected. Failure to take proper and timely action under such circumstances will preclude payment under Title XVIII of the Act to the extent that payment could have been expected under workmen's compensation if such action had been taken. Thus, so long as the facts indicate a reasonable expectation that payment may be made under a workmen's compensation statute, the individual must exhaust his remedies under that system before any payment may be made under Title XVIII of the Act, except as specified in § 405.319(b). Where the time limit for taking action under workmen's compensation has expired and the intermediary determines that payment under workmen's compensation could reasonably have been expected if timely action had been taken, payment under Title XVIII of the Act will be precluded to the extent that the disease or injury for which Title XVIII payment is claimed would be compensable under workmen's compensation had timely action been taken. However, in the event a workmen's compensation claim is subsequently filed and denied solely for reasons other than the delay in filing, the decision denying Title XVIII benefits will be reopened, and, if otherwise appropriate, the Title XVIII claim will be allowed.

**§ 405.319 Responsibility of intermediary where there is a possibility of workmen's compensation coverage.**

(a) *Investigation of possible workmen's compensation coverage.* Where it appears that a claim submitted to an intermediary is for services furnished with respect to a disease or injury which may be compensable under a State or Federal workmen's compensation law or plan, the intermediary will undertake an investigation to ascertain the extent to which payment under Title XVIII of the Act may be precluded.

(b) *Conditional payment in appealed workmen's compensation cases.* If a Title XVIII beneficiary, his employer, or a workmen's compensation carrier is appealing a decision as to the compensability under workmen's compensation of services for which benefits could be paid under Title XVIII in the absence of such compensability, conditional Title XVIII payments may be made (if otherwise appropriate) pending a final decision on the workmen's compensation claim provided:

(1) The intermediary obtains a subrogation agreement signed by the following:

(i) The workmen's compensation carrier or State Workmen's Compensation Commission or agency; and

(ii) The individual or his qualified representative; and

(iii) The provider, physician, or other person who furnished the services for which payment is to be made.

(2) The subrogation agreement provides that the workmen's compensation carrier or State Workmen's Compensation Commission or agency:

(i) Will notify the intermediary promptly when a final decision is reached on the workmen's compensation claim; and

(ii) Will reimburse the intermediary the amount of the conditional payment made under Title XVIII up to the full amount of the workmen's compensation award, in the event that the services are found to be compensable.

**§ 405.320 Effect of lump-sum settlement and final release.**

Where a lump-sum settlement and final release of a workmen's compensation claim has been entered into and approved by the workmen's compensation board or agency, payment may be made under title XVIII of the Act for expenses incurred for covered services to the extent that such expenses cannot reasonably be deemed to have been reimbursed under the settlement. Therefore, where under the State law the signing of a final release of all rights under the workmen's compensation claim forecloses the possibility of further workmen's compensation benefits, medical expenses incurred thereafter are reimbursable under title XVIII, if otherwise covered, insofar as such medical expenses were not contemplated by and incorporated into the settlement.

5. Section 405.321 is added to read as follows:

**§ 405.321 Apportionment of a lump-sum compromise settlement of a workmen's compensation claim.**

(a) *General.* Where an individual receives a lump-sum payment as a compromise settlement of a workmen's compensation claim, which has been approved by the workmen's compensation agency, in accordance with the requirements of the State law, such payment shall be deemed a workmen's compensation payment for purposes of title XVIII, even if the settlement agreement stipulates that there is no liability under the workmen's compensation law.

(b) *Determining amount of compromise settlement attributable to medical and hospital expenses.* Where the compromise settlement specifies the items of medical expense covered by the lump-sum payment and has given reasonable recognition to the income replacement element, the apportionment so made shall be deemed conclusive and title XVIII payments may not be made for the same items of medical expense. However, where the settlement does not give recognition to both elements of a workmen's compensation award or does not apportion the sum granted, the portion of the workmen's compensation compromise settlement to be considered as payment for medical and hospital expenses will be calculated as follows:

(1) Determine the ratio which the amount awarded as a compromise settlement (less the reasonable and necessary costs incurred in procuring the settlement) bears to the commuted value of the total amount which would have been payable under workmen's compensation if the claim had not been compromised.

(2) Multiply the total medical and hospital expenses incurred as a result of the injury or disease up to the date of the settlement by such ratio. The product will be deemed to be the amount of the workmen's compensation settlement intended as payment for medical and hospital expenses.

*Example:* As the result of an injury which was compensable under the State workmen's compensation law an individual suffered a loss of income and incurred hospital and medical expenses for which the commuted value of the total workmen's compensation payment would have been \$7,200 had the case not been compromised. The medical and hospital expenses amounted to \$6,000. The workmen's compensation carrier made a settlement with the beneficiary under which it paid \$2,400 in toto. A separate award was made for legal fees. Since the workmen's compensation compromise settlement was for one-third of the amount which would have been payable under workmen's compensation had the case not been compromised ( $\frac{2400}{7200} = \frac{1}{3}$ ), the workmen's compensation compromise settlement is deemed to have paid for one-third of the total medical and hospital expenses ( $\frac{1}{3} \times \$6,000 = \$2,000$ ).

(c) *Determination of amount of medical expenses reimbursable under title XVIII.* The amount of the workmen's compensation award deemed as payment for medical and hospital expenses (obtained in paragraph (b) of this section) is applied at the prevailing workmen's compensation rate of payment in that jurisdiction, first to those medical and hospital services covered under workmen's compensation but not covered under title XVIII of the Act, then to expenses covered under workmen's compensation and under Part B, and last to expenses covered under workmen's compensation and under Part A. Any remaining medical and/or hospital expenses incurred up to the date of settlement and all medical and/or hospital expenses incurred after the date of settlement shall be deemed not reimbursed under workmen's compensation and therefore reimbursable under title XVIII of the Act.

*Example:* In the example in paragraph (b) of this section, the \$6,000 in hospital and medical expenses included \$3,400 in hospital services reimbursable under Part A, \$2,100 in expenses for which payment would have been available under Part B, and \$500 in expenses for services not reimbursable under title XVIII. The amount of title XVIII benefits payable would be figured as follows: The \$2,000 of the compromise workmen's compensation settlement considered as payment for medical and hospital expenses would be applied first to the \$500 in non-covered services; the remaining \$1,500 would be applied to the \$2,100 in expenses for which payment would have been available under Part B. The remaining \$600 of such expenses

would be reimbursable under Part B of title XVIII and all of the \$3,400 in hospital expenses would be reimbursable under Part A, subject to the regular deductible and coinsurance requirements. It is assumed in this example that the expenses specified above as incurred by the individual are the amounts which would be paid by the workmen's compensation carrier for such services. If this is not the case, the services should be charged against the lump-sum payment at the usual workmen's compensation rate. No title XVIII payment will be made for any items so charged.

[FR Doc.73-10374 Filed 5-23-73;8:45 am]

[Regs. No. 10, further amended]

**PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS (1969.....)**

**Subpart E—Payment of Benefits**

**BENEFIT RATES**

The amendment set forth below revises § 410.510(d) to include benefit rates payable to a miner or widow beginning January 1973. Section 412(a) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 922(a)) directs the Secretary of Health, Education, and Welfare to make benefit payments to a qualified miner or widow at a rate equal to 50 percent of the minimum monthly payment to which a Federal employee in Grade GS-2, who is totally disabled, is entitled at the time of payment under the minimum payment provision of the Federal Employees Compensation Act, 5 U.S.C. 8112. Pursuant to Executive Order 11691, dated December 15, 1972, the pay rate for step 1 of grade GS-2 of the General Schedule has been increased. This, therefore, has resulted in an increase of the basic black lung benefit rate payable to miners and widows both newly entitled and those already on the rolls, to \$169.80 a month beginning with the month of January 1973, and § 410.510(d) of regulation No. 10 which sets out black lung benefit rates is revised accordingly. Benefit rates to other beneficiaries (i.e., surviving dependent children, parents, brothers, and sisters), both newly entitled and those already on the rolls, are also increased beginning January 1973. Paragraph (e) of § 410.510 contains the rules for determining the benefit rates payable to these beneficiaries based on the rates shown in § 410.510(d) for a miner or widow.

Since this amendment of the regulations merely interprets the self-executing benefit formula in section 412(a) of the act (30 U.S.C. 922(a)) which is already described in paragraphs (a), (b), and (c) of this § 410.510, the Secretary of Health, Education, and Welfare finds that publication with notice of proposed rulemaking, as well as publication at least 30 days prior to an effective date, are unnecessary.

Consideration will be given to any comments pertaining to this amendment which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth Street and

Independence Avenue SW., Washington, D.C. 20201.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, room 3193, 330 Independence Avenue SW., Washington, D.C. 20201.

Dated May 3, 1973.

ARTHUR E. HESS,  
Acting Commissioner  
of Social Security.

Approved May 18, 1973.

FRANK CARLUCCI,  
Acting Secretary of Health,  
Education, and Welfare.

Paragraph (d) of § 410.510 is revised to read as follows:

§ 410.510 Computation of benefits.

(d) Benefit rates for miners and widows.

	Begin- ning January 1973	1972	1971	1969-70
(1) Miner or widow with no dependents	\$169.80	\$161.50	\$153.10	\$144.50
(2) Miner or widow with one dependent	254.70	242.20	229.50	216.70
(3) Miner or widow with two dependents	297.10	282.60	267.90	252.80
(4) Miner or widow with three or more dependents	339.50	322.90	306.10	288.00

(Secs. 411(a), 412(a), 426(a), 508, 83 Stat. 793; 30 U.S.C. 921(a), 922(a), 936(a), 957.)

**Effective date.**—The foregoing amendment shall become effective May 24, 1973.

[FR Doc.73-10373 Filed 5-23-73; 8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.687]

PART 11—APPOINTMENT OF FOREIGN SERVICE OFFICERS

Changes in U.S. Citizenship Requirements

As a result of a recent court decision concerning the 10-year U.S. citizenship requirement for appointment as a Foreign Service officer of the United States, part 11 of title 22 of the Code of Federal Regulations is revised and amended as set forth below.

1. In § 11.1, paragraph (a) is revised to read as follows:

§ 11.1 Eligibility for appointment as Foreign Service officer.

(a) **General considerations.**—Pursuant to section 511 of the Foreign Service Act of 1946, as amended, all Foreign Service officers shall be appointed by the

President, by and with the advice and consent of the Senate. All appointments shall be made to a class and not to a particular post. No person shall be eligible for appointment as a Foreign Service officer unless that person has demonstrated loyalty to the Government of the United States and attachment to the principles of the Constitution, is a citizen of the United States, and, if married, is married to a citizen of the United States. The religion, race, sex, marital status, or political affiliations of a candidate will not be considered in designations, examinations, or certifications.

2. In § 11.2, paragraph (b) is changed to read:

§ 11.2 Written examination for appointment to class 7 or 8.

(b) **Designation to take written examination.**—No person will be permitted to take a written examination for appointment as a Foreign Service officer or Foreign Service information officer who has not been specifically designated by the Board of Examiners to take that particular examination. Prior to each written examination, the Board will establish a closing date for the receipt of applications for designation to take the examination. No person will be designated for the examination who has not, as of that closing date, filed an application with the Board. To be designated for the written examination, a candidate, as of the date of the examination, must be a citizen of the United States and shall be at least 21 years of age, except that an applicant who has been awarded a bachelor's degree by a college or university, or has successfully completed the junior year at a college or university, may qualify if at least 20 years of age.

3. In § 11.3, paragraph (b) is changed to read:

§ 11.3 Oral examination for appointment to class 7 or 8.

(b) **Eligibility.**—If a candidate's weighted average on the written examination is 70 or higher, the candidate will be eligible to take the oral examination. Candidates eligible for the oral examination will be given an opportunity and will be required to take the oral examination within 9 months after the date of the written examination. If a candidate fails to appear for the oral examination on an agreed date within the 9-month period, the candidacy will automatically terminate, except that time spent outside the United States and its territories, for reasons acceptable to the Board of Examiners, will not be counted against the 9-month period. The candidacy of anyone for whom the 9-month period is extended because of being abroad will be automatically terminated if the candidate fails to appear for the oral examination within 3 months after first returning to the United States: *Provided*, That the candidacy of anyone who

has not returned and been examined in the meantime will be canceled 2 years after the end of the month in which the written examination was held.

4. Section 11.5(a) is revised and amended to read as follows:

§ 11.5 Certification for appointment to class 7 and 8.

(a) Candidates will not be certified as eligible for appointment as Foreign Service officers of class 8 unless they are at least 21 years of age, is a citizen of the United States, and, if married, married to a citizen of the United States. A candidate may be certified as eligible for direct appointment to class 7 if, in addition to meeting these specifications, the candidate also has additional qualifications of experience, education, and age which the Board of Examiners for the Foreign Service currently defines as demonstrating ability and special skills for which there is a need in the Foreign Service. Recommended candidates who meet these requirements will be certified for appointment, in accordance with the needs of the Service, in the order of their standing on their respective registers.

5. In § 11.11, paragraph (d) (1) is revised and amended to read:

§ 11.11 Lateral entry appointments of Foreign Service officers to classes 1 through 7.

(d) **Eligibility requirements.**—(1) **Citizenship.**—Each person appointed as a Foreign Service officer must be a citizen of the United States and, if married, shall be married to a citizen of the United States.

(Secs. 212, 302, 303, 515, 516, 517, 60 Stat. 1001, as amended; 1002, 1008, as amended; 22 U.S.C. 827, 842, 843, 911, 1221, et seq.)

**Effective date.**—These revisions and amendments shall become effective on May 24, 1973.

For the Secretary of State.

[SEAL] CURTIS W. TARR,  
Acting Deputy Under Secretary,  
for Management.

MAY 16, 1973.

[FR Doc.73-10409 Filed 5-23-73; 8:45 am]

CHAPTER II—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[AID Reg. 1]

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY AID

Modification of Provisions Concerning Commissions and Other Payments and Revision of Supplier's Certificate

Part 201 of chapter II, title 22 (AID Regulation 1) is amended as follows:

a. In the table of contents the reference to appendix C is deleted.

§ 201.01 [Amended]

b. Section 201.01 is amended as follows:

1. In paragraph (s) "(5-1-73)" is added between the number "282" and the comma and the following new second sentence is added: "The version of the form 282 designated AID 282 (1-1-67) shall be considered a 'Supplier's Certificate' for purposes of this part 201 when submitted to AID or a bank holding an AID letter of commitment for payment on or before June 30, 1973."
2. Paragraph (v) is deleted.

§ 201.52 [Amended]

c. Section 201.52 is amended as follows:

1. Paragraph (a) (2) (iii) is deleted.
2. In paragraph (a) (6) the words "two copies" are changed to "one copy".
3. In paragraph (a) (6) (ii) the words "financed by AID" are added between the word "transportation" and the semicolon.
4. In paragraph (a) (6) (iii) the words "financed by AID" are added between the words "insurance" and "if".
5. Paragraph (a) (7) is deleted.
6. In paragraph (b) (1) the words "Certificate Concerning Commissions" and the commas preceding and following are deleted.

§ 201.61 [Amended]

d. Section 201.61 is amended as follows:

1. In paragraph (d), the second sentence is deleted.
2. Paragraph (o) is deleted.
3. Paragraph (q) is deleted.
4. Paragraph (r) is deleted.
5. Paragraph (v) is deleted.
6. Paragraph (w) is deleted.

e. Section 201.65 is amended as follows:

1. Paragraphs (a) through (e) are deleted.
2. Paragraphs (g) through (k) are revised and a new paragraph (n) is added to read as follows:

§ 201.65 Commissions, service payments, and discounts.

(a)-(e) [Deleted]

(g) *Trade discounts, credits and allowances.*—To arrive at the net amount eligible for AID financing all trade discounts, credits, and allowances to which the importer is entitled shall be deducted from the gross amount of the supplier's invoice submitted under paragraph (a) (2) of § 201.52.

(h) *Commissions and other payments or benefits to importers, purchasing agents, and others.*—Unless otherwise authorized by AID, no commission or other payment, credit, allowance, or benefit of any kind shall be paid, made, or given in connection with any sale subject to this part by the supplier or his agent—

- (1) To or for the benefit of the importer; or
- (2) To or for the benefit of a purchasing agent or representative of an importer, even though such purchasing agent or other agent or representative may also have an agreement with a supplier to represent the supplier; or

(3) To any third party in connection with a sale by the supplier to his dealer, distributor, or established agent in the cooperating country.

(i) *Commissions and other payments or benefits attributable to AID financing.*—Every commission or other payment, credit, allowance, or benefit of any kind paid, made or given in connection with the sale of commodities financed under this part to any person described in paragraphs (h) (1), (2), or (3) of this § 201.65 and every payment or allowance required to be made through the bank transfer procedure in accordance with paragraph (n) of this § 201.65, shall be presumed conclusively to have been paid from AID funds and shall thereby be subject to the requirements of this part 201.

(j) *Maximum commission.*—A commission shall not exceed the amount which the supplier customarily pays in connection with similar transactions or the amount which is customary in the trade.

(k) *Report of commissions and other payments or benefits.*—All commissions and other payments, credits, allowances, or benefits of any kind paid, made or given by the supplier in connection with AID-financed sales to or for the benefit of his agent, the importer, or any representative of the importer shall be fully reported on the invoice-and-contract abstract of the supplier's certificate required under § 201.52(a) (6).

(n) *Additional requirements for sales to Cambodia, Laos, and Vietnam.*—In connection with a sale to an importer in Cambodia, Laos, or Vietnam subject to this part, unless otherwise authorized by AID, a commission or other payment, credit, allowance, or benefit of any kind, including payments for office and sales expenses incurred in such countries, paid, made or given by or in behalf of the supplier, shall be effected by means of a payment order or other similar instrument to a bank in the cooperating country instructing such bank to transfer the local currency equivalent of the payment to the account of the person in the cooperating country entitled to the payment: *Provided*, That the foregoing shall not apply to—

- (1) A payment or allowance for incidental or delivery services;
- (2) A payment or allowance to a U.S. firm outside Cambodia, Laos, and Vietnam for services performed or expenses incurred outside such countries;
- (3) A payment or allowance to a resident of the United States, or
- (4) A salary payment to an employee of the supplier who is not a citizen of Cambodia, Laos, or Vietnam if such payment is not directly or indirectly calculated as, or related to, a percentage of the amount of the sale.

§ 201.72 [Amended]

f. Section 201.72 is amended as follows:

1. In paragraph (b) in the first sentence the words "the Certificate Con-

cerning Commissions" and the commas preceding and following are deleted.

2. In paragraph (c) the words "the Certificate Concerning Commissions" and the commas preceding and following are deleted.

§ 201.73 [Amended]

g. Section 201.73 is amended as follows:

1. In paragraph (a) in the first sentence the words "the Certificate Concerning Commissions" and the commas preceding and following are deleted.

2. In paragraph (b) the words "the Certificate Concerning Commissions" and the following comma are deleted.

h. Appendix A is revised to read as follows:

APPENDIX A—SUPPLIER'S CERTIFICATE AND AGREEMENT WITH THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(AID 282 (5-1-73))

The supplier hereby acknowledges that the sum indicated on the accompanying invoice as claimed to be due and owing under the terms of the contract described on the reverse hereof (hereafter referred to as said contract) is to be paid, in whole or in part, out of funds made available by the United States under the Foreign Assistance Act of 1961, as amended, and that such payment is subject to regulation 1 of the Agency for International Development (AID), as in effect on the date hereof (22 CFR part 201). In consideration of the receipt of such sum, the supplier agrees with and certifies to AID as follows:

1. The undersigned is the supplier of the commodities or commodity-related services indicated in the invoice-and-contract abstract on the reverse hereof, has complied with the applicable provisions of AID Regulation 1, is entitled under said contract and under the applicable letter of credit, credit advice, or other payment instructions to the payment of the sum claimed, and is executing this certificate and agreement for the purpose of obtaining such payment from funds made available by the United States as described above.

2. On the basis of information from such sources as are available to the supplier and to the best of his information and belief, the purchase price is not higher than the maximum price permitted under each of the requirements of subpart G of AID Regulation 1, relating to maximum prices, other than § 201.62(a).

3. The supplier will, upon the request of AID, promptly make refund to AID of any amount by which the purchase price exceeds the maximum price permitted under such provisions of subpart G, plus interest at the rate of 6 percent per annum from the time of payment to the supplier.

4. The supplier will, upon the request of AID, promptly make appropriate refund to AID, plus interest at the rate of 6 percent per annum from the time of payment to the supplier, in the event of—

- (a) His nonperformance, in whole or in part, under said contract, including any failure to pay despatch, or
- (b) Any breach by him of any of his undertakings in this certificate and agreement, or

(c) Any false certification or representation made by him in this certificate and agreement or in the invoice-and-contract abstract on the reverse hereof.

5. The amount shown on the reverse hereof in block 11 is net of all credits, allowances,

and discounts granted and payments made by the supplier or his agent to or for the account of the importer, including all discounts and payments for quantity purchases and prompt payment customarily allowed other customers under similar circumstances. The supplier will promptly pay to AID (Office of Financial Management, AID, Washington, D.C. 20523) any adjustment refunds, credits, or allowances which hereinafter become payable to or for the account of the importer arising out of the terms of said contract or the customs of the trade.

6. The supplier has complied with the provisions of § 201.55 of AID Regulation 1 and has not compensated any person to obtain said contract except to the extent, if any, indicated on the reverse hereof.

7. The supplier or his agent has not given or received and will not give or receive a side payment, "kickback", commission, or any other payment, credit, allowance or benefit of any kind in connection with the said contract or of any transaction or series of transactions of which said contract is a part, other than those payments or benefits permitted under § 201.55 of AID Regulation 1 and those referred to in paragraphs 1 and 5 above.

8. Any commodity supplied under said contract—

(a) Is accurately described on the reverse hereof and, unless otherwise authorized by AID, is new and unused, does not contain any rebuilt or rehabilitated components, and has not been disposed of as surplus by any government agency; and

(b) On the basis of information from such sources as are available to the supplier and to the best of his information and belief, meets the requirements of § 201.11(b) of AID Regulation 1 as to source, country where mined, grown, or produced, and limitation on components.

9. If the supplier is the producer, manufacturer, or processor of the commodity, said contract is not a cost-plus-percentage-of-cost contract.

10. The supplier will for a period of not less than 5 years after the date hereof maintain all business records and other documents which bear on his compliance with any of the undertakings and certifications herein and will at any time requested by AID make such records and documents available to AID for examination and promptly furnish to AID such additional information in such form as AID may request concerning the purchase price, the cost to the supplier of the commodities and/or commodity-related services involved, and/or any other facts, data, or business records relating to the supplier's compliance with his undertakings and certifications in this certificate and agreement.

11. The supplier has complied with the provisions contained and referred to in subpart D of AID Regulation 1.

12. The supplier has not been informed of his ineligibility to act as a supplier or otherwise participate in AID-financed transactions. If the supplier has been advised to submit proposed sales to AID for prior review under the provisions of § 201.33 of Regulation 1, the supplier has made such submission for said contract, has been notified by AID of the results of such review, and has complied with all conditions and requirements specified in such notification.

13. If a form AID-11, Application for Approval of Commodity Eligibility, was required to be submitted for AID's approval in connection with said contract, the commodity supplier certifies that the commodities and contract described on the reverse hereof have been approved in the accompanying form AID 11 and that the AID transaction

number on the form 11 and the supplier's invoice number have been entered on the reverse hereof.

14. The commodity supplier certifies that he has submitted a copy of every ocean bill of lading applicable to the commodities and contract described on the reverse hereof, to the Maritime Administration, Cargo Preference Control Center, Commerce Building, Washington, D.C. 20235, and that such bill(s) of lading state all of the carrier's charges including the basis for calculation such as weight or cubic measurement.

15. The supplier has filled in all applicable portions of the invoice-and-contract abstract on the reverse hereof and certifies to the correctness of the information shown therein.

#### PERSONAL CERTIFICATION BY NATURAL PERSON SIGNING THIS CERTIFICATE AND AGREEMENT

The natural person who actually signs this certificate and agreement hereby certifies either that he is the supplier or that he has actual authority to sign in behalf of the supplier and to bind the supplier with regard to all certifications and agreements contained in this certificate and agreement. He further certifies, if he is not personally the supplier, that either he is an employee of the supplier or he has a written power of attorney to sign for, and bind the supplier. He acknowledges that he is signing and submitting this certificate and agreement for the purpose of receiving payment from AID funds and that AID in making funds available for such payment will rely upon the truth and accuracy of this personal certification as well as of all other representations in this certificate and agreement.

The supplier's certificate and agreement and the personal certification herein shall be governed by and construed in accordance with the laws of the United States of America.

Signature of person authorized to sign for (check one):

Date \_\_\_\_\_  
 Commodity Supplier  Carrier   
 Insurer

Notes.—(a) Any amendments of, or additions to, the printed provisions of this supplier's certificate and agreement are improper and will not be considered a part hereof. (b) False statements herein are punishable by U.S. law. (c) The word "Copy" must be written after signature on all signed copies other than the original.

#### AID 282 (5-1-73)—INSTRUCTIONS FOR COMPLETING FORM AID 282

**General.—Execution of form.**—This form is designed for use with the U.S. Standard Master for International Trade. An original and one copy of this form, completed by the following suppliers of commodities or services, as appropriate, must accompany each invoice for which payment is requested: (a) Commodity—executed by the commodity supplier covering the cost of the commodity, including the cost of any commodity-related service paid by the commodity supplier for his own or the buyer's account; (b) transportation—executed by each transportation supplier (carrier) or, in the case of a through bill of lading, the issuing carrier, for the cost of ocean or air transportation financed by AID; (c) insurance—executed by the insurance supplier (insurer) or under the circumstances set forth in § 201.52(b)(2) of AID Regulation 1 by an insurance broker or the commodity supplier for the cost of marine insurance financed by AID when such cost exceeds \$50. The original must be signed

by a person authorized by the supplier, who shall indicate his title and certify to his authority.

**Submission in English language.**—The form must be completed in the English language only and all amounts of money must be shown in U.S. dollars.

**Obtaining forms.**—The forms (as well as copies of AID Regulation 1 referred to in this form) may be obtained in limited quantities from banks holding AID letters of commitment, field offices of the Department of Commerce, the AID office in the supplier's country, U.S. Embassies or consulates, or the Distribution Branch, Agency for International Development, Washington, D.C. 20523. Forms may be reproduced provided the reproduction is identical in content, size, color, and format.

#### ENTRIES ON INVOICE-AND-CONTRACT ABSTRACT

Except as provided in instructions for specific blocks, suppliers must complete all blocks or enter the letters "NA" (not applicable), as follows:

**Commodity supplier.**—complete all blocks with the exception of block 32: *Provided, however,* That the commodity supplier need not complete blocks 23 through 26 or 27 and 28 unless he has paid for the transportation and/or insurance for his own or the buyer's account;

**Transportation supplier.**—complete blocks 1 through 10, 23 through 26, and 29 through 32;

**Insurance supplier.**—complete blocks 1 through 8 and 27 through 32.

**Block 1.**—Enter the commodity supplier's name and address. Caution: If the form is executed by the carrier or insurer, enter commodity supplier's name and address in block 1 and complete block 32.

**Block 2.**—Make no entry in this block.

**Block 3.**—Enter AID implementing document number furnished in the letter of credit or importer's instructions. This normally will be the loan or grant agreement number, letter of commitment number, or project implementation order number.

**Block 4.**—Enter the importer's name and address. Caution: On other documents prepared from the standard master, such as the bill of lading, the corresponding block may call for the name and address of the party to whom the carrier is to give notice of arrival. When such party is not the importer, be sure to enter the importer's name and address instead.

**Block 5.**—Enter name of vessel.

**Block 6.**—Enter flag of registry.

**Block 7.**—Enter port shown on bill of lading.

**Block 8.**—Enter the description of each commodity and its U.S. Department of Commerce Schedule B number or numbers, if available. For multi-item invoices, enter a summary description of the group of items and the appropriate schedule B number(s), if available.

**Block 9.**—Enter the bill of lading weight.

**Block 10.**—Enter the bill of lading measurement.

**Block 11.**—Enter the net amount for which the supplier seeks payment. (See paragraphs 5 and 8 of the supplier's certificate.)

**Block 12.**—Enter the country of source as defined in § 201.01 of AID Regulation 1.

**Block 13.**—If a form AID-11, Application for Approval of Commodity Eligibility, was required to be submitted in connection with this shipment, enter the AID transaction number assigned by AID in the upper right-hand corner of the form AID-11.

**Block 14.**—Enter the shipping terms; i.e., if a commodity supplier, show "FOB (or FAS) at \* \* \*" or "CIF (or C&F) to



\* \* \*; if a carrier, show "Collect" or "Prepaid."

Block 15.—Enter the invoice number of the accompanying invoice to which this abstract relates.

Block 16.—Enter the invoice date.

Blocks 17 through 19.—Enter the commodity invoice data. If there is insufficient room, as in the case of multi-item invoices, the information may be furnished (a) on an attached listing, (b) in block 22, or (c) by means of an additional copy of the invoice attached to this form. In any of these instances, appropriate reference should be made in blocks 17 through 19 as to the method by which the information is furnished; e.g., "See attached listing."

Block 20.—Enter the date of the contract.

Block 21.—Enter the total contract amount.

Block 22.—Use this to explain any differences between shipping terms, quantity, and unit price as stated in the contract and as invoiced. May also be used to furnish explanation of, or additional information in connection with, any entries on the form.

TRANSPORTATION INFORMATION, BLOCKS 23 THROUGH 26

Block 23.—Check appropriate vessel type.

Block 24.—Enter freight rate, other freight charges, and total dollar amount of freight charges after discount.

Block 25.—Enter the bill of lading or air waybill number.

Block 26.—Enter the bill of lading date.

Insurance information, blocks 27 and 28.—Complete only if the insurance premium exceeds \$50.

Block 27.—Enter the insured value of the shipment and the total premium.

Block 28.—Enter the type of coverage and the insurance rate. If "Other" is checked, explain in block 22.

Information as to commissions, credits, allowances, similar payments, and side payments, blocks 29 through 31.—Enter in these blocks pertinent information with reference

to (a) all commissions and other payments, credits, allowances, or benefits of any kind paid or to be paid by the supplier to or for the benefit of his agent, the importer, or the importer's agent as required by § 201.65(k) of AID Regulation 1, and (b) any side payments, not shown on the invoice, made or to be made by the importer to the supplier, in connection with the transaction, as required by § 201.66 of AID Regulation 1. If there is insufficient room to furnish the information required in blocks 29 through 31, the blocks may be noted "Continued" or "See attached listing" and the required information shown in block 22 or furnished on a listing attached to the form. If no commissions or other payments, credits, allowances, benefits, or side payments are involved, enter "NONE" in block 29.

Block 32.—Check appropriate box and print or type carrier's or insurer's name and address.

AID 282 (5-1-73)—INVOICE-AND-CONTRACT ABSTRACT

1. Commodity supplier's name and address
2. For AID use
3. AID Implementation No.
4. Importer's name and address
5. Vessel
6. Flag
7. Port of exit

COMMODITY INFORMATION

8. Description of commodity
9. Gross weight
10. Measurement
11. Invoice amount after discount
12. Source (country)
13. AID transaction No. (AID 11)
14. Shipping terms
15. Invoice No.
16. Invoice date
17. Quantity
18. Unit
19. Unit price

20. Contract date
21. Total contract amount
22. Explanations of differences between contract and invoice prices, quantities, and shipping terms; additional information and remarks:

TRANSPORTATION INFORMATION

23. Vessel type:  Bulk  Berth  Tanker  Air
24. Freight rate: Other \_\_\_\_\_ Total \_\_\_\_\_
25. B/L No.
26. B/L date

INSURANCE INFORMATION

27. Insured value \_\_\_\_\_ Premium rate \_\_\_\_\_
28. Type of coverage:  All risk \_\_\_\_\_  War risk \_\_\_\_\_  Other (specify) \_\_\_\_\_

INFORMATION AS TO COMMISSIONS, CREDITS, ALLOWANCES, SIMILAR PAYMENTS, AND SIDE PAYMENTS

29. Name of recipients
30. Addresses
31. Amount paid or to be paid
32. If certification on other side is made by carrier or insurer, type or print name and address of company \_\_\_\_\_  
Carrier  Insurer   
Type or print name and title of person authorized to sign on the other side \_\_\_\_\_  
Place executed (city, State, country) \_\_\_\_\_

Effective date.—This amendment shall become effective on May 24, 1973.

Dated May 14, 1973.

JOHN A. HANNAH,  
Administrator.

[FR Doc.73-10308 Filed 5-23-73;8:45 am]

## RULES AND REGULATIONS

## 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-132]

## 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
Minnesota	Crow Wing	Unincorporated area.				May 23, 1973. Emergency.
New York	Westchester	Briarcliff Manor, Village of.				Do.
Pennsylvania	Allegheny	Monroeville, Borough of.				Do.
Do.	Clinton	Dunnstable, Township of.				Do.
Do.	Luzerne	Salem, Township of.				Do.
Do.	Schuylkill	Cressona, Borough of.				Do.
Tennessee	Cannon	Woodbury, 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, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued May 16, 1973.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc. 73-10255 Filed 5-23-73; 8:45 am]

[Docket No. FI-133]

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
Alabama	Lauderdale	Florence, City of				May 24, 1973.
Louisiana	Avoyelles Parish	Bunkie, Town of				Emergency. May 17, 1973.
Maryland	Frederick	Unincorporated areas.				Emergency. May 24, 1973.
Do	do	Frederick, City of				Emergency.
Nebaska	Furnas	Cambridge, City of				Do.
New York	Niagara	Somerset, Town of				Do.
Pennsylvania	Perry	Watta, Township of				Do.
Do	Westmoreland	Greensburg, City of				Do.
Texas	Lubbock	Lubbock, City of				Do.

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

Issued May 16, 1973.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.73-10256 Filed 5-23-73; 8:45 am]

[Docket No. FI-134]

## PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

## List of Communities With Special Hazard Areas

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

## § 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Minnesota	Anoka	Coon Rapids, City of	H 27 003 1492 01 through H 27 003 1492 07	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Zoning Administrator, City of Coon Rapids, 1313 Coon Rapids Blvd., Coon Rapids, Minn. 55433.	June 1, 1973.
New Jersey	Essex	Livingston, Township of	H 34 013 1745 01 through H 34 013 1745 04	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08635. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08635.	Town Hall, 357 South Livingston Ave., Livingston, N.J. 07039.	Do.
Do.	Mercer	Lawrence, Township of	H 34 021 1608 01 through H 34 021 1608 05	do	Office of the Township Manager, Municipal Square, Lawrenceville, N.J. 08648.	Do.
Do.	Monmouth	Wall, Township of	H 34 025 0250 01 through H 34 025 0250 04	do	Township Clerk, Township of Wall, 2500 Municipal Court, Wall, N.J. 07719.	Do.
Do.	do	Ocean, Township of	H 34 025 2350 01 through H 34 025 2350 05	do	Office of the Township Manager, Deal and Mosmouth Roads, Oakhurst, N.J. 07755.	Do.
Do.	Morris	Chatham, Borough of	H 34 027 0590 01 H 34 027 0590 02	do	Business Administrator, Borough of Chatham, Morris County, Chatham, N.J. 07928.	Do.
Do.	Passaic	Paterson, City of	H 34 031 2510 01 through H 34 031 2510 04	do	City Hall, City of Paterson, Market St., Paterson, N.J. 07705.	Do.
New York	Chemung	Wellsburg, Village of	H 36 015 6530 01	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038, and 324 State St., Albany, N.Y. 12210.	Office of the Village Trustee, 132 Church St., Wellsburg, N.Y. 14894.	Do.
Pennsylvania	Allegheny	Osborne, Borough of	H 42 033 6285 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Borough of Osborne, Borough Bldg., 1416 Beaver Rd., Osborne, Pa. 15143.	Do.
Do.	Luzerne	Jenkins, Township of	H 42 079 6610 01 H 42 079 6610 02	do	Jenkins Township Community Center, Two Spring St., Pittston, Pa. 18640.	Do.
Do.	Perry	Newport, Borough of	H 42 099 4920 01	do	Newport Borough Bldg., 231 Market St., Newport, Pa. 17054.	Do.
Wisconsin	Racine	Racine, City of	H 55 101 3970 01 through H 55 101 3970 03	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	Office of the City Plan Commission, City Hall, Racine, Wis. 53403.	Do.
Do.	Richland	Richland Center, City of	H 55 103 4090 01 H 55 103 4090 02	do	Office of the City Clerk, 182 North Central Ave., Richland Center, Wis. 53581.	Do.

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

Issued May 15, 1973.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc. 73-10257 Filed 5-23-73; 8:45 am]

[Docket No. FI-135]

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 of 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
Florida	Wakulla	Unincorporated areas.				May 21, 1973. Emergency.
Louisiana	St. Landry Parish.	do.				May 15, 1973. Emergency.
Michigan	Oakland	Bloomfield, Township of.				May 22, 1973. Emergency.
Pennsylvania	Clinton	Bald Eagle, Township of.				Do.
Do.	Cumberland	Lemoyne, Borough of.				Do.
Wisconsin	Racine	Racine, City of.	I 55 101 3970 01 through I 55 101 3970 03	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701.	Office of the City-Plan Commission, City Hall, Racine, Wis. 53403.	Mar. 26, 1971. Emergency. June 1, 1973. Regular.
Do.	Richland	Richland Center, City of.	I 55 103 4090 01 I 55 103 4090 02	Wisconsin Insurance Dept., 212 North Bassett St., Madison, Wis. 53703. do.	Office of the City Clerk, 182 North Central Ave., Richland Center, Wis. 53581.	Mar. 19, 1971. Emergency. June 1, 1973. Regular.

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

Issued May 15, 1973.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc. 73-10258 Filed 5-23-73; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-1—GENERAL

PART 3-7—CONTRACT CLAUSES

Miscellaneous Amendments to Chapter

Chapter 3, title 41, Code of Federal Regulations, is amended as set forth below. The purpose of these amendments is to further implement the Federal Reports Act of 1942.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to participate in the rulemaking process. However, the amendments herein involve internal administrative procedures. Therefore, the public rulemaking process is deemed unnecessary in this instance.

1. The following is added to the table of contents:

Subpart 3-1.3—General Policies

Sec.  
3-1.355 Federal Reports Act.

Subpart 3-1.3—General Policies

2. The added section will read as follows:

§ 3-1.355 Federal Reports Act of 1942.

(a) *General.*—The Federal Reports Act of 1942 (44 U.S.C. 3501 et seq.), pro-

hibits the conducting or sponsoring of the collection of information, upon identical items, from 10 or more persons (other than Federal employees considered as such), unless the approval of the Director, Office of Management and Budget, is obtained in advance of the adoption or revision of any plans or forms for such collection.

(b) *Approvals.*—Whenever possible, data requirements shall be defined, cleared within HEW, and approval obtained from OMB prior to the issuance of the solicitation. The advice of the cognizant reports clearance officer shall be sought on all questions pertaining to required clearances. (See part 10 of the General Administration Manual for a detailed discussion of Federal Reports Act requirements and related directives.)

(c) *Required clauses.*—Solicitations and resulting contracts which provide for the collection of information as described in (a) of this § 3-1.355, shall contain the clause set forth in § 3-7.5010 of this chapter and the appropriate clause set forth in § 3-7.5011 of this chapter.

1. The following is added to the table of contents:

Subpart 3-7.50—Special Contract Clauses

Sec.  
3-7.5010 Confidentiality of information.  
3-7.5011 Federal Reports Act.

Subpart 3-7.50—Special Contract Clauses

2. The added sections will read as follows:

§ 3-7.5010 Confidentiality of information.

CONFIDENTIALITY OF INFORMATION

The contractor shall not disclose any confidential information obtained in the performance of this contract. Any presentation of any statistical or analytical material or reports based on information obtained from the studies covered by this contract will be subject to review by the Government's project officer before publication or dissemination for accuracy of factual data, interpretation, and safeguards of privacy.

§ 3-7.5011 Federal Reports Act.

The following clauses should be used when appropriate.

FEDERAL REPORTS ACT

(a) In the event that it subsequently becomes a contractual requirement to collect information from 10 or more public respondents, the Federal Reports Act shall apply to this contract and the contractor shall obtain through the project officer the required HEW clearance. HEW will obtain Office of Management and Budget approval, and notify the contractor. No funds will be expended or any contracts made for the collection of data from public respondents until such written notice is given by the contracting officer.

(b) This contract is subject to the Federal Reports Act, requiring HEW clearance

and Office of Management and Budget approval action, wherein a preclearance number has been obtained. The assigned preclearance number is P. C. number . . . . . The contractor is not authorized to expend any funds or take any action whatsoever in soliciting data from any of the public respondents until the contracting officer has notified the contractor that Office of Management and Budget final approval has been obtained. The contractor shall provide the project officer with all information necessary to the obtaining of the final approval.

(c) This contract is subject to the Federal Reports Act, requiring HEW clearance and Office of Management and Budget approval action. The contractor is not authorized to expend any funds or take any action whatsoever in soliciting data from any of the public respondents until the contracting officer has notified the contractor that Office of Management and Budget final approval has been obtained. The contractor shall provide the project officer with all information necessary to the obtaining of final clearance.

(d) This contract is subject to the Federal Reports Act, requiring Office of Management and Budget approval. Said approval has been obtained and Office of Management and Budget report number . . . . . has been assigned. Instructions concerning the application of this clearance will be provided by the project officer.

(5 U.S.C. 301; 40 U.S.C. 486(c).)

**Effective date.**—This amendment will be effective on May 24, 1973.

Dated May 18, 1973.

N. B. HOUSTON,  
Deputy Assistant Secretary  
for Administration.

[FR Doc. 73-10360 Filed 5-23-73; 8:45 am]

#### Title 46—Shipping

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

[CGD 73-64R]

#### SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

#### SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

#### MERCHANT MARINE PERSONNEL

#### Recodification

#### Correction

In FR Doc. 73-9373, appearing at page 12403, in the issue of Friday, May 11, 1973, make the following changes:

1. On page 12403, column 2, in the eighth line from the bottom in the table, the last entry, reading "8", should read "85".

2. On page 12403, in column 3, in the second and third lines of the authority citation, the entry "49 U.S.C. 1655(b) (1)" should appear in parentheses.

#### Title 47—Telecommunication

#### CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19690; FCC 73-520]

#### PART 73—RADIO BROADCAST SERVICES

#### Table of Assignments, FM Broadcast Stations

First report and order.—In the matter of amendment of § 73.202(b), table of

assignments, FM Broadcast Stations. (Wilmington, Ill.; Many, La.; Moyock, N.C.; Lake Providence, La.; Newton and Bay Springs, Miss.; York, Ala.; Rehoboth Beach, Del.; Canton, Tex.; Brandon, Miss.; Southport, N.C.; Harrison, Mich.; Greenfield, Mo.; Belhaven, N.C.; Ruston, La.; and Bethany Beach, Del.) Docket No. 19690, RM-2003, RM-2027, RM-2046, RM-2051, RM-2054, RM-2057, RM-2058, RM-2059, RM-2062, RM-2068, RM-2085, RM-2097, RM-2098, RM-2100, RM-2144, RM-2160.

1. The Commission has under consideration its notice of proposed rulemaking adopted February 14, 1973, FCC 73-179 (38 FR 5263), inviting comments on a number of changes in the FM table of assignments (§ 73.202(b) of the rules). All proposals were unopposed except for Many, La. (RM-2027), and Rehoboth Beach, Del. (RM-2059), to which counterproposals were filed (Ruston, La. (RM-2144), and Bethany Beach, Del. (RM-2160), respectively). Except as noted, the population figures were taken from the 1970 U.S. census. The following decision disposes of all subject petitions except Many, La. (RM-2027) for which we are issuing a further notice of proposed rulemaking this date, including the conflicting petitions for assignment of FM channels to Ruston and Shreveport, La. (RM-2144, RM-2002.) The communities, channel assignments proposed, and petitioning parties are as follows:

RM-2003—Channel 288A to Wilmington, Ill. (Audio Tronix).<sup>1</sup>

RM-2046—Channel 221A to Moyock, N.C. (the Stoneland Corp.).

RM-2051—Channel 224A to Lake Providence, La. (B. L. Enochs).

RM-2054—Channel 292A to Newton, Miss. (Radio Station WBKN).

RM-2057—Channel 228A to Bay Springs, Miss. (Radio Station WHII).<sup>2</sup>

RM-2058—Channel 257A to York, Ala. (Radio Station WYLS).

RM-2059—Channel 224A to Rehoboth Beach, Del. (Leisure Time Broadcasting).

RM-2062—Channel 244A to Canton, Tex. (Delwin W. Morton).

RM-2068—Channel 249A to Brandon, Miss. (Radio Station WRKN).<sup>3</sup>

RM-2085—Channel 296A to Southport, N.C. (Harold H. Thoms).

RM-2097—Channel 221A to Harrison, Mich. (David A. Carmine).<sup>4</sup>

RM-2098—Channel 228A to Greenfield, Mo. (John A. Watkins).

RM-2100—Channel 221A to Belhaven, N.C. (W. Axon Smith).

RM-2160—Channel 240A to Bethany Beach, Del. (J. Parker Connor).

2. In the above cases interested parties seek the assignment of a first class A channel in a community without requiring any changes in the present assignments. With the exception of Wilmington, Ill.; Brandon, and Bay Springs,

<sup>1</sup>In order to meet the minimum spacing requirements of our rules, a site 7.5 miles southwest of Wilmington, Ill., would be required; a site 1 mile southwest of Bay Springs, Miss., would be required; a site 5 miles southeast of Brandon, Miss., would be required; and a site 3 miles southwest of Harrison, Mich., would be required.

Miss.; and Harrison, Mich., which require the transmitters to be located short distances from the communities, each assignment can be made in conformity with the Commission's minimum mileage separation rule. (See footnote 1.)

3. We have given careful consideration to all comments, supporting statements, and other pleadings, and find it in the public interest to assign the proposed FM channels to the above-listed communities. In the notice of proposed rulemaking in this proceeding, we set out the economic and other information pertaining to the need for a first FM assignment in each of the communities. We shall, therefore, not repeat it in this document, except for Rehoboth Beach and Bethany Beach, Del., as a result of the counterproposal filed by J. Parker Connor of Bethany Beach, Del. A brief discussion of the Rehoboth and Bethany petitions follows.

4. RM-2059, Rehoboth Beach, Del. On September 14, 1972, Leisure Time Broadcasting (petitioner), filed a petition requesting the assignment of either channel 224A or 240A to Rehoboth Beach, Del. Either channel could be assigned to that community without affecting the present FM assignments and in full compliance with the Commission's minimum mileage separation rule. Rehoboth Beach is a resort city (1,614 winter population—45,000<sup>a</sup> summer population) and is located in Sussex County (80,356 population). It has no local broadcast transmission service.

5. In support of its request petitioner states that significant industry located in eastern Sussex County includes Anderson-Stokes, Inc., Selbyville Manufacturing Co., Doxey Clam Co., Draper Foods, Inc., and National Cash Register. It notes that building permits for the year 1971 for Rehoboth Beach totaled over \$11 million. Petitioner states that the assignment of a class A channel to Rehoboth Beach would provide the community with its first and only commercial broadcasting facility, and if assigned it would promptly file an application for it.

6. RM-2160, Bethany Beach, Del. On March 13, 1973, J. Parker Connor (Connor) filed timely comments and a counterproposal in this proceeding in which he proposes the assignment of channel 237A, 240A, or 269A to Bethany Beach, Del. Bethany Beach is located some 12 miles south of Rehoboth Beach, Del. Connor states that channels 237A and 240A comply with the mileage separations but channel 269A is 1.2 miles short. However, he adds, this shortage can be overcome by locating the transmitter site southwest of the city. He notes that Bethany Beach is a resort community located on the Atlantic coastline in Sussex County, Del., with 189 permanent residents. He states, however, that this figure is not indicative of the true popu-

<sup>a</sup>Canadian concurrence has been obtained for the assignment of channel 221A to Harrison, Mich.

<sup>b</sup>Rehoboth Beach Police Department (estimate).

lation during most of the year because during the summer months the estimated population varies from 3,849<sup>4</sup> to 4,000.<sup>5</sup> Petitioner states the proposed assignment would give Bethany its first full-time facility with an emphasis on the town and the surrounding area. He asserts the year-round use of the area is growing constantly, with new residences, townhouses and condominium apartments being constructed.

7. Connor notes that the proposal by Leisure Time Broadcasting for channel 224A to Rehoboth Beach would not be affected by his proposal for channel 237, 240A, or 269A to Bethany Beach, assuming channel 224A is assigned to Rehoboth Beach. He further states that the assignment of channel 240A to Rehoboth Beach would preclude the assignment of either channel 237A or 240A to Bethany Beach, and this is the reason for his proposing the third option, channel 269A. Connor adds that channel 224A should be assigned to Rehoboth Beach in keeping with the request of Leisure Time Broadcasting and that either channel 237A or 240A be assigned to Bethany Beach. Connor adds that he will apply for the channel, if assigned, and, if authorized, will promptly build a station.

8. We believe that the public interest would be served by assigning FM channels to Rehoboth Beach and Bethany Beach, Del., since these communities presently do not have aural broadcast facilities. The assignment of channel 224A to Rehoboth Beach and channel 240A to Bethany Beach would provide for a first local broadcast station to each community and aural services to the surrounding areas as well as to other communities.

9. Authority for the adoption of the amendments contained herein appears in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

10. In view of the foregoing, *It is ordered*, That effective June 28, 1973, § 73.202(b) of the Commission's rules, the FM table of assignments, is amended to read as follows:

State and city:	Channel No.
Alabama:	
York .....	257A
Delaware:	
Bethany Beach .....	240A
Rehoboth Beach .....	224A
Illinois:	
Wilmington .....	288A
Louisiana:	
Lake Providence .....	224A
Michigan:	
Harrison .....	221A
Mississippi:	
Bay Springs .....	228A
Brandon .....	249A
Newton .....	292A
Missouri:	
Greenfield .....	228A
North Carolina:	
Belhaven .....	221A
Moyock .....	221A
Southport .....	296A
Texas:	
Canton .....	244A

<sup>4</sup> Delaware State Planning Office, February 1968.

<sup>5</sup> Town manager, Bethany Beach, Del.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Adopted May 16, 1973.

Released May 21, 1973.

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

[FR Doc.73-10382 Filed 5-23-73;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

De Soto National Wildlife Refuge; Iowa, Nebr.

The following special regulations are issued and are effective on May 24, 1973.

Existing special regulations were published March 8, 1973, at 38 FR 6282. The following special regulation shall be added under item (6).

§ 28.28 Special regulations, public access, use, and recreation, for individual wildlife refuge areas.

IOWA-NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

(6) Other provisions. \* \* \*

(k) The maximum number of powerboats greater than 25 horsepower that will be permitted on refuge waters at any one time is 100. Powerboats above 25 horsepower may be launched only at a single designated launching ramp at south beach.

JAMES E. FRATES,  
Refuge Manager, De Soto National Wildlife Refuge, Missouri Valley, Iowa.

MAY 18, 1973.

[FR Doc.73-10313 Filed 5-23-73;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Eastern Neck National Wildlife Refuge, Md.

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

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

MARYLAND

EASTERN NECK NATIONAL WILDLIFE REFUGE

Entrance into the refuge and use of parking areas and facilities is permitted during daylight hours for photography, hiking, nature study, bicycling, and access to fin fishing, shell fishing, and crabbing.

Boat access is permitted at Bogle's Wharf for commercial and sport fin and shell fishing and crabbing in accordance with Federal and State regulations.

The Ingleside recreation area is open from May 1 through September 30, 1973. Boats may be launched at the launching site.

Pets are permitted if on a leash not exceeding 10 feet in length. Camping is not permitted.

The following activities are prohibited at the Eastern Neck Narrows during the period May 1 through September 30: Stopping or parking vehicles, standing on or fishing and crabbing from the roadside, and launching or removing boats.

Designated nature trails, boardwalks, and recreation sites are open for use. All other areas are closed.

Registered motor vehicles are permitted on refuge roads and in designated parking areas only. Parking and leaving vehicles unattended along the refuge roads is prohibited.

The refuge, comprising approximately 2,285 acres, is delineated on a map available from the Refuge Manager, Eastern Neck National Wildlife Refuge, Route 2, Box 225, Rock Hall, Md. 21661, or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Mass. 02109.

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

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

[FR Doc.73-10314 Filed 5-23-73;8:45 am]

PART 33—SPORT FISHING

Monte Vista National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on May 24, 1973.

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

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

Sport fishing by rod, reel, and pole on the Monte Vista National Wildlife Refuge, Monte Vista, Colo., is permitted from 1 p.m. to 5 p.m. on July 15, and from 8 a.m. to 5 p.m. on July 21, July 22, July 28, July 29, August 4, and August 5, 1973, but only on the area designated by signs as open to fishing. This open area, comprising one-half acre, is delineated on maps available at refuge headquarters, 6½ miles south of Monte Vista, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colo. 80215. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas

generally which are set forth in title 50, Code of Federal Regulations, part 33, and are effective through August 5, 1973.

CHARLES R. BRYANT,  
Refuge Manager, Monte Vista  
National Wildlife Refuge,  
Monte Vista, Colo.

MAY 16, 1973.

[FR Doc. 73-10319 Filed 5-23-73; 8:45 am]

#### Title 7—Agriculture

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

[Valencia Orange Reg. 433]

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

##### Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period May 25-May 31, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

#### § 908.733 Valencia Orange Regulation 433.

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

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

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

designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges is fair. Prices, f.o.b. for Valencia oranges average \$3.33 per carton on a sales volume of 814 cars for the week ended May 17, 1973, compared with \$3.44 per carton on a sales volume of 789 cars for the previous week. Track and rolling supplies at 391 cars were up 31 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 22, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 25, 1973, through May 31, 1973, are hereby fixed as follows:

(i) District 1: 264,000 cartons;

(ii) District 2: 424,000 cartons;  
(iii) District 3: 112,000 cartons."  
(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated May 23, 1973.

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

[FR Doc. 73-10546 Filed 5-23-73; 11:26 am]

[Grapefruit Reg. 13, Amdt. 2]

#### PART 944—FRUITS; IMPORT REGULATIONS

##### Grade and Size Restrictions

This amendment lowers the grade and size restrictions on imports of seedless grapefruit and the size restriction on imports of pink seeded grapefruit on May 21, 1973, that are the same as those being made applicable to domestic shipments of grapefruit, pursuant to the amended marketing agreement and order No. 905 regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, which becomes effective May 21, 1973. Under section 608e-1 of the Agricultural Marketing Agreement Act of 1937, as amended, imports of certain commodities, including grapefruit, must meet the same or comparable restrictions as those imposed on domestic shipments of the particular commodity regulated under a Federal marketing order.

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the provisions of paragraph (a) of Grapefruit Regulation 13 (§ 944.109, 37 FR 21802; 38 FR 10152) are hereby amended to read as follows:

#### § 944.109 Grapefruit Regulation 13.

(a) On and after May 21, 1973, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1;

(2) Seeded grapefruit, other than pink seeded grapefruit, shall be not smaller than  $3\frac{1}{16}$  inches in diameter, and pink seeded grapefruit shall be not smaller than  $3\frac{1}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum sizes shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit;

(3) Seedless grapefruit shall grade at least U.S. No. 2 Russet; and



(4) Seedless grapefruit shall be not smaller than 3 7/16 inches in diameter, except that a tolerance of 10 percent, by amount, of seedless grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances as specified in the U.S. Standards for Florida Grapefruit.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under amended Grapefruit Regulation 73 (§ 905.546); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

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

Dated May 18, 1973, to become effective May 21, 1973.

PAUL A. NICHOLSON,  
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 73-10348 Filed 5-23-73; 8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Texas Flaxseed Bulletin—1973 Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1973 Texas Flaxseed Purchase Program

PURCHASE PRICES, PREMIUMS, AND DISCOUNTS

On January 8, 1973, a notice of proposed rulemaking regarding loan and purchase rates for 1973 crop flaxseed and detailed operating provisions to carry out the 1973 flaxseed loan and purchase program were published in the FEDERAL REGISTER (38 FR 1054). No data, views, or recommendations were filed by interested persons.

A special purchase program has been authorized for 1973 crop flaxseed produced in designated Texas counties. This subpart contains provisions applicable to the 1973 program and together with the provisions contained in CCC Texas Flax-

seed Bulletin (26 FR 3979, 29 FR 6245) constitutes the 1973 Texas flaxseed purchase program.

§ 1421.643 Purchase prices, premiums, and discounts.

(a) 1973 basic county purchase prices.—Basic purchase prices per bushel for flaxseed grading U.S. No. 1 and containing from 9.1 to 9.5 percent moisture produced in the counties listed below are as follows:

TEXAS			
County	Rate per bushel	County	Rate per bushel
Atascosa	2.36	Jackson	2.36
Bee	2.45	Jim Wells	2.44
Bell	2.29	Karnes	2.42
Bexar	2.35	Kleburg	2.44
Caldwell	2.33	Lamar	2.19
Calhoun	2.38	Live Oak	2.43
Comal	2.33	McMullen	2.38
De Witt	2.37	Matagorda	2.37
Dimmit	2.25	Nueces	2.47
Duval	2.39	Refugio	2.46
Frio	2.32	San Patricio	2.47
Goliad	2.43	Victoria	2.40
Gonzales	2.35	Wharton	2.39
Gundalup	2.34	Wilson	2.39
Hidalgo	2.32		

(b) Application of basic purchase prices.—(1) Deliveries to county locations.—The basic purchase price for flaxseed deliveries by truck to authorized dealers at county locations shall be the price established for the county where the flaxseed is delivered.

(2) Deliveries by truck to Corpus Christi terminal market.—The basic purchase price for flaxseed delivered by truck to an authorized dealer located within the switching limits of the Corpus Christi, Tex., terminal market shall be determined by adding 7 cents per bushel to the basic purchase price established for Nueces County, Tex.

(3) Deliveries by rail to Corpus Christi terminal market.—The basic purchase price for flaxseed delivered by rail to an authorized dealer located within the switching limits of the Corpus Christi, Tex., terminal market shall be determined by adding to the basic purchase price for the county from which the flaxseed was shipped, the amount of freight per bushel actually paid in plus the current uniform grain storage agreement truck receiving and rail loading out charges of 9 cents per bushel.

(c) Premium for low-moisture content.—A premium of 1 cent per bushel shall be applied to eligible flaxseed which grades U.S. No. 1 or U.S. No. 2 and contains 9 percent or less moisture.

(d) Grade discounts.—The following discounts shall be applied to eligible flaxseed which grades U.S. No. 2 or U.S. Sample Grade:

- (1) U.S. No. 2—6 cents per bushel.
- (2) U.S. Sample Grade—6 cents per bushel plus the following discounts, as applicable:

Percent:	Cents
9.6-10.0	1
10.1-10.5	2
10.6-11.0	3
Above 11.0	13

1 Plus 1 cent for each 0.1 percent of moisture in excess of 11.0 percent.

(ii) Test weight.—3 cents for each one-half pound or fraction thereof of test weight below 47 pounds.

(iii) Other factors.—Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of flaxseed, such as (but not limited to) heat damage, musty, and sour. Such discounts will be established not later than the time delivery of flaxseed to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices.

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053, 1054, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1447, 1421.)

Effective date.—May 24, 1973.

Signed at Washington, D.C., May 17, 1973.

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

[FR Doc. 73-10350 Filed 5-23-73; 8:45 am]

[Cotton Loan Program Regs., Amdt. 3]

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

ELIGIBILITY REQUIREMENTS FOR COTTON PRODUCED ON FEDERALLY OWNED LAND

There was published on February 14, 1973, in the FEDERAL REGISTER a notice of proposed rulemaking (38 FR 4407), regarding changes in the conditions under which producers leasing federally owned land would be eligible for participation in the payment and price support program administered by the Department of Agriculture. No comments were received. On March 23, 1973, an announcement that the proposed changes had been adopted was published in the FEDERAL REGISTER (38 FR 7564). This amendment makes these changes in the cotton loan regulations. Such changes make cotton produced on federally owned land ineligible for loans. However, the prohibition against making loans on cotton produced on such land shall not apply during the current term of any lease to the extent that the lease permits the production of cotton, but shall apply to any renewal of an existing lease or a new lease executed after March 22, 1973. Also, the prohibition shall not apply to land acquired by an agency having the right of eminent domain and leased back to the former owner with uninterrupted possession. Accordingly, paragraph (h) of § 1427.6 of the cotton loan program regulations, issued by Commodity Credit Corporation, published in 36 FR 13981, as amended, is amended to read as follows:

§ 1427.6 Eligible cotton.

(h) Such cotton must not have been produced on land owned by the Federal

Government if such land is (1) leased subject to restrictions prohibiting the production of cotton, or requiring the use of the land for other purposes, or prohibiting cotton price support loans, (2) occupied without a lease, permit, or other right of possession, (3) in a national wildlife refuge, or (4) covered by a lease which was renewed or executed

after March 22, 1973, unless the land was acquired by an agency having the right of eminent domain and leased back to the former owner with uninterrupted possession.

\* \* \* \* \*  
(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714b, c; 7 U.S.C. 1441, 1444, 1421.)

*Effective date.*—This amendment shall become effective for all loans made on 1973 and subsequent crops of cotton.

Signed at Washington, D.C., on May 17, 1973.

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

[FR Doc. 73-10351 Filed 5-23-73; 8:45 am]

# Proposed Rules

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

## DEPARTMENT OF AGRICULTURE Agricultural Stabilization and Conservation Service [ 7 CFR Part 725 ] FLUE-CURED TOBACCO

### Determinations on Marketing Quotas for 1974-75, 1975-76, and 1976-77 Mar- keting Years

Pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq., herein referred to as the "Act"), consideration is being given to proclaiming national marketing quotas for flue-cured tobacco for the 3 marketing years 1974-75, 1975-76, and 1976-77, either on an acreage basis or on an acreage-poundage basis. If marketing quotas are proclaimed on an acreage basis, the amount of the national marketing quota, national acreage allotment, national acreage factor for apportioning the national allotment (less reserve) to old farms, and the amount of the national reserve and parts thereof available for (a) new farms, and (b) making corrections and adjusting inequities in old farm allotments will be determined and announced for the 1974-75 marketing year. If marketing quotas are proclaimed on an acreage-poundage basis, the amount of the national marketing quota; the national average yield goal; the national acreage allotment; the reserve acreage for making corrections in farm acreage allotments, adjusting inequities, and for establishing allotments for new farms; the national acreage factor; and the national yield factor will be determined and announced for the 1974-75 marketing year.

Within 30 days from the effective date of the proclamation of national marketing quotas, a referendum must be conducted of farmers engaged in the 1973 production of flue-cured tobacco to determine whether they favor or oppose quotas on an acreage basis or on an acreage-poundage basis for 3 marketing years beginning July 1, 1974, July 1, 1975, and July 1, 1976. A determination must also be made regarding the date and period of the referendum and whether such referendum shall be conducted at such polling places rather than by mail ballot (31 FR 12011). Growers of flue-cured tobacco approved quotas on an acreage-poundage basis for the 1971-72, 1972-73, and 1973-74 marketing years (35 FR 13076).

The Act requires that marketing quotas be proclaimed not later than December 1, 1973.

The Act (7 U.S.C. 1301(b)) defines the "total supply" of flue-cured tobacco for any marketing year as the carryover at the beginning of the marketing year plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 percent thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

#### ACREAGE BASIS

Section 312(b) of the Act (7 U.S.C. 1312(b)) requires that the Secretary determine and announce, not later than the first day of December 1973, the amount of the national marketing quota for flue-cured tobacco which will be in effect for the 1974-75 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of flue-cured tobacco equal to the reserve supply level. Section 312(b) provides further that the amount of the 1974-75 national marketing quota (determined pursuant to such section) may, not later than March 1, 1974, be increased by not more than 20 percent if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The Act (7 U.S.C. 1313(g)) authorizes the Secretary to convert the national marketing quota into a national acreage allotment on the basis of the national average yield for the 5 years immediately preceding the year in which the national marketing quota is proclaimed, and to apportion the national acreage allotment (less a reserve of not to exceed 1 percent thereof for new farms and for making corrections and adjusting inequities in old farm allotments) among old farms.

#### ACREAGE POUNDAGE BASIS

Section 317(a) of the Act provides the following definitions:

"National marketing quota" means the amount of a kind of tobacco produced in the United States which the Secretary estimates will be utilized in the United States and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 15 percent of such estimated utilization and exports.

"National average yield goal" means the yield per acre which on a national average basis the Secretary determines will improve or insure the usability of the tobacco and increase the net return per pound to the growers. In making this determination consideration shall be given to such Federal-State production research data as deemed relevant.

"National acreage allotment" is the acreage determined by dividing the national marketing quota by the national average yield goal.

"Farm acreage allotment" for a tobacco farm, other than a new farm, means the acreage allotment determined by adjusting uniformly the acreage allotment established for such farm for the immediately preceding year, prior to any increase or decrease in such allotment due to undermarketings or overmarketings and prior to any reduction for violations, so that the total of all allotments is equal to the national acreage allotment less the reserve for new farms and old farm corrections and adjustments, with a further downward or upward adjustment to reflect any adjustment in the farm marketing quota for overmarketing or undermarketing and reductions required for violations and including any adjustment for errors or inequities from the reserve.

A national yield factor shall be obtained by dividing the national average yield goal by a weighted national average yield computed by multiplying the preliminary farm yield for each farm by the acreage allotment determined for the farm prior to adjustments for overmarketing, undermarketing, or reductions required for violations and dividing the sum of the products by the national acreage allotment.

Section 317(e) provides in part that for each marketing year for which acreage-poundage quotas are in effect a reserve may be established from the na-

tional acreage allotment in an amount equivalent to not more than 1 percent of the national acreage allotment to be available for making corrections of errors in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms, which are farms on which tobacco was not produced or considered produced during the immediately preceding 5 years.

Section 317(g) provides, in part, that if the Secretary, in his discretion, determines it is desirable to encourage the marketing of grade N<sub>2</sub> tobacco, or any grade of tobacco not eligible for price support, in order to meet the normal demands of export and domestic markets, he may authorize the marketing of such tobacco without the payment of penalty or deduction from subsequent quotas to the extent of 5 percent of the farm marketing quota for the farm on which the tobacco was produced.

The subjects and issues involved in the proposed determinations are:

1. Whether national marketing quotas for Flue-cured tobacco for the 1974-75, 1975-76, and 1976-77 marketing years shall be proclaimed on an acreage basis or acreage-poundage basis.

2. If proclaimed on an acreage basis: a. The amount of the national marketing quota for the 1974-75 marketing year. b. The conversion of the national marketing quota into a national acreage allotment and apportionment of same, less reserve of not to exceed 1 percent thereof, among old farms. c. The amount of the national acreage allotment to be reserved for new farms, and for making corrections and adjusting in old farm allotments.

3. If proclaimed on an acreage-poundage basis: a. The amount of the national average yield goal. c. The amount of the national acreage allotment. d. The amount of acreage to be reserved from the national acreage allotment for making corrections in farm acreage allotment, adjusting inequities, and for establishing acreage allotments for new farms. e. The national acreage factor.

4. Date or period of the referendum on acreage or acreage-poundage quotas, as applicable, and whether such referendum should be conducted at polling places rather than by mail ballot.

The community average yields, as computed in 1965 (30 FR 6207, 9875, 14487), will be used for the 1974-75 marketing year.

The national yield factor is not considered an issue in this determination because it varies directly with the national average yield goal and the national acreage yield.

It is proposed that marketing quotas be proclaimed on an acreage-poundage basis and the referendum be held at polling places on July 17, 1973.

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations, rules, and regulations covered by this notice which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service,

U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to the notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in room 3741, South Building, 14th and Independence Avenue SW., Washington, D.C. 20250. All submissions must, in order to be sure of consideration, be postmarked not later than June 18, 1973.

Signed at Washington, D.C., on May 21, 1973.

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

[FR Doc. 73-10400 Filed 5-22-73; 9:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[ 42 CFR Part 57 ]

### CONSTRUCTION OF NURSE TRAINING FACILITIES

#### Loan Guarantees and Interest Subsidies

Section 809 of the Public Health Service Act authorizes the Secretary of Health, Education, and Welfare to make loan guarantee and/or interest subsidy agreements to assist nonprofit private schools of nursing which are eligible for construction grants under part A of title VIII of the Public Health Service Act, in carrying out projects for construction of nurse training facilities.

Under this new authority and the following proposed regulations, the Secretary, subject to statutory limitations, may guarantee payment, when due, of principal of and interest on loans made by non-Federal lenders to eligible nonprofit private schools of nursing to assist such schools to carry out projects for construction of nurse training facilities, as well as enter into agreements to pay on behalf of such eligible applicants amounts sufficient to reduce by 3 percent per annum the net effective interest rate otherwise payable on such loans.

Notice is hereby given that the Director, National Institutes of Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to adopt the following regulations set forth in tentative form below.

Written comments concerning the proposed regulations are invited from interested persons. Inquiries may be addressed and data, views, and arguments relating to the proposed regulations may be presented in writing, in triplicate, to Associate Director (Program Implementation), Bureau of Health Manpower Education, National Institutes of Health, Building 31, room 5 C 12, 9000 Rockville Pike, Bethesda, Md. 20014. All comments received in response to this notice will be available for public inspection at the Office of Grants Policy, Bureau of Health Manpower Education, National Institutes of Health, Building 31, room 5 B 36, 9000 Rockville Pike, Bethesda, Md. 20014,

weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m. All relevant material received not later than June 25, 1973, will be considered.

It is therefore proposed to revise part 57 by adding thereto a new subpart X as set forth below.

Dated February 20, 1973.

JOHN F. SHERMAN,  
Acting Director,  
National Institutes of Health.

Approved May 18, 1973.

FRANK CARLUCCI,  
Acting Secretary.

Amend part 57 as follows:  
Revise part 57 by adding thereto a new subpart X as follows:

#### Subpart X—Loan Guarantees and Interest Subsidies To Assist in Construction of Nurse Training Facilities

Sec.	
57.2301	Applicability.
57.2302	Definitions.
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AUTHORITY.—Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 809, 85 Stat. 465 (42 U.S.C. 296h).

#### § 57.2301 Applicability.

The regulations of this subpart are applicable to loan guarantees and interest subsidy payments made pursuant to section 809 of the Public Health Service Act (42 U.S.C. 296h) to assist nonprofit private schools of nursing which are eligible for construction grants under part A of title VIII of the Public Health Service Act in carrying out projects for construction of nurse training facilities.

#### § 57.2302 Definitions.

As used in this subpart:

(a) All terms not defined herein shall have the same meanings as given them in section 843 of the act.

(b) "Act" means the Public Health Service Act, as amended.

(c) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

(d) "Council" means the National Advisory Council on Nurse Training (established by section 841(a) of the act).

(e) "Nonprofit" as applied to any school means one which is a corporation or association or is owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure to the benefit of any private shareholder or individual.

#### § 57.2303 Eligibility.

(a) *Eligible applicants.*—In order to be eligible for a loan guarantee or interest subsidy under this subpart, the applicant shall:

- (1) Be a nonprofit private school of nursing, and
- (2) Otherwise meet the applicable requirements set forth in section 802(b) of the act and § 57.403 of subpart E of this part with respect to eligibility for grants for construction of nurse training facilities.

(b) *Eligible loans.*—Subject to the provisions of this subpart, the Secretary may guarantee payment, when due, of principal and interest on, or may pay interest subsidies with respect to, or may both guarantee and pay interest subsidies with respect to, any loan or portion thereof made to an eligible applicant by a non-Federal lender: *Provided*, that no such guarantee or interest subsidy shall apply to any loan the interest on which is exempt from Federal income taxation.

#### § 57.2304 Application.

Each applicant desiring to have a loan guaranteed or to have interest subsidies paid on its behalf, or any combination of such loan guarantee or interest subsidies, shall submit an application for such assistance in such form and manner and at such time as the Secretary may require.<sup>1</sup>

(a) The application shall contain or be supported by such information as the Secretary may require to enable him to make the determinations required of him under the act and this subpart.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any loan guarantee or agreement to pay interest subsidies, including the applicable regulations of this subpart.

#### § 57.2305 Approval of applications.

(a) *General.*—Any application for loan guarantee or interest subsidies, or for a combination of both, may be approved by the Secretary, after consultation with the Council, only if he makes each of the applicable determinations set forth in section 802(b) of the act. In addition,

(1) Any such approval shall be subject to compliance by the applicant with the applicable provisions set forth in §§ 57.406, 507.407, 57.408, and 57.410 of subpart E of this part; and

<sup>1</sup> Applications and instructions are available from the Division of Nursing, Bureau of Health Manpower Education, National Institutes of Health, Building 31, 9000 Rockville Pike, Bethesda, Md. 20014.

(2) Any such application may be approved by the Secretary only if he determines:

(i) That the applicant will have sufficient financial resources to enable him to comply with the terms and conditions of the loan;

(ii) That the applicant has the necessary legal authority to finance, construct, and maintain the proposed project, to apply for and receive the loan, and to pledge or mortgage any assets or revenues to be given as security for such loan;

(iii) That the loan will be made only with respect to initial permanent financing of the project;

(iv) That the loan will be secured by a lien against the facilities to be constructed or against other security satisfactory to the Secretary specified in § 57.2310;

(v) That the rate of interest on the loan does not exceed such per centum per annum as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States; and

(vi) Such additional determinations as the Secretary finds necessary with respect to particular applications in order to protect the financial interests of the United States.

(b) *Loan guarantees.*—In addition to the requirements of paragraph (a) of this section, any application for a loan guarantee may be approved by the Secretary only if he determines that the loan with respect to which such guarantee is sought would not be available to the applicant on reasonable terms and conditions without such guarantee. To assist the Secretary in making such determination, each applicant for a loan guarantee shall submit statements from at least three non-Federal institutions normally engaged in making long-term loans for construction, describing whether, and the terms and conditions under which, each institution would make a loan to the applicant for the project described in the applications.

(c) *Interest subsidies.*—In addition to the requirements of paragraph (a) of this section, any application for interest subsidies may be approved by the Secretary only if he determines that without such interest subsidy payments the applicant would not, over a substantial portion of the loan term, be able to repay the principal and interest of the loan without jeopardizing the quality of the educational program.

#### § 57.2306 Priority.

(a) Priority in approving applications for loan guarantee and/or interest subsidies shall be determined in accordance with the factors specified in section 802

(c) of the act, and the following: (1) The availability of training opportunities for students; (2) the relative effectiveness of the project in carrying out the purposes of sections 801-804 and section 809 of the act at the least relative cost to the Federal Government; and (3)

the relative ability of the applicant to make efficient and productive use of the facility constructed, consistent with sections 801-804 and section 809 of the act.

#### § 57.2307 Limitations applicable to loan guarantee.

(a) The amount of loan with respect to which a guarantee is made under this subpart shall be determined by the Secretary based upon such considerations as the availability of funds and the applicant's need therefor: *Provided*, That:

(1) Subject to paragraph (a)(2) of this section, no loan with respect to which a guarantee is made for any project under this subpart may be in an amount which, when added to the amount of any grant made with respect to such project under part A of title VIII of the act or any other law of the United States, or to the total of such grants, exceeds 90 percent of the eligible cost of construction of such project as determined by the Secretary;

(2) Notwithstanding paragraph (a)(1) of this section, the Secretary may in particular cases guarantee loans in excess of the amount specified in paragraph (a)(1) where he determines that, because of special circumstances, such additional loan guarantee will further the purposes of sections 801-804 and section 809 of the act. In making such determination, the Secretary will in each case consider the following factors:

(i) The need for the project in the area to be served;

(ii) The availability of financing for the project on reasonable terms and conditions without such additional loan guarantee;

(iii) Whether the project can be constructed without such additional loan guarantee; and

(iv) Other relevant factors consistent with the purposes of sections 801-804 and section 809 of the act and this subpart.

(3) In determining the cost of construction of the project there shall be excluded from such cost all fees, interest, and other charges relating or attributable to the financing of the project except the following:

(i) Reasonable fees attributable to services rendered by legal counsel in connection with such loan;

(ii) With the approval of the Secretary, reasonable fees attributable to the services of a financial advisor in assisting the applicant in securing the loan and arranging for repayment thereof, and

(iii) Interest attributable to the interim financing of construction of the project prior to the initial permanent financing thereof.

(b) No loan guarantee under this subpart shall apply to more than 90 percent of the loss of principal of and interest on such loan incurred by the holder of such loan upon default by the applicant.

#### § 57.2308 Amount of interest subsidy payments; limitations.

—The length of time for which interest subsidy payments will be made under the agreement, the amount of loan with respect to which such payments will be

made, and the level of such payments shall be determined by the Secretary on the basis of the availability of funds and his determination of the applicant's need therefor taking into consideration his analysis of the present and reasonable projected future financial ability of the applicant to repay the principal and interest of the loan without jeopardizing the quality of its educational program: *Provided, however,* That each such interest subsidy payment shall not exceed the amount necessary to reduce by 3 percent per annum the net effective interest rate otherwise payable on the loan or the portion thereof with respect to which such interest subsidy is paid.

**§ 57.2309 Forms of credit and security instruments.**

Each loan with respect to which a guarantee is made or interest subsidies are paid under this subpart shall be evidenced by a credit instrument and secured by a security instrument in such forms as may be acceptable to the Secretary.

**§ 57.2310 Security for loans.**

Each loan with respect to which a guarantee is made or interest subsidies are paid under this subpart shall be secured in a manner which the Secretary finds reasonably sufficient to insure repayment. The security may be one or a combination of the following:

(a) A first mortgage on the facility and site thereof.

(b) Negotiable stocks or bonds of a quality and value acceptable to the Secretary.

(c) A pledge of unrestricted and unencumbered income from an endowment or other trust fund acceptable to the Secretary.

(d) A pledge of a specified portion of annual general or special revenues of the applicant acceptable to the Secretary.

(e) Such other security as the Secretary may find acceptable in specific instances.

**§ 57.2311 Opinion of legal counsel.**

At appropriate stages in the application and approval procedure for a loan guarantee or interest subsidy, the applicant shall furnish to the Secretary a memorandum or opinion of legal counsel with respect to the legality of any proposed note issue, the legal authority of the applicant to issue the note and secure it by the proposed collateral, and the legality of the issue upon delivery. "Legal counsel" means either a law firm or individual lawyer, thoroughly experienced in the long-term financing of construction projects, and whose approving opinions have previously been accepted by lenders or lending institutions. The legal memorandum or opinion to be provided by legal counsel in each case shall be as follows:

(a) A memorandum, submitted with the application for a loan guarantee or interest subsidy, stating that the applicant is or will be lawfully authorized to finance, construct, and maintain the project, and to issue the proposed obliga-

tions and to pledge or mortgage the assets and/or revenues offered to secure the loan, citing the basis for such authority; and

(b) A final approving opinion, delivered to the Secretary at the time of delivery of the evidence of indebtedness to the lender, stating that the credit and security instruments executed by the applicant are duly authorized and delivered and that the indebtedness of the applicant is valid, binding, and payable in accordance with the terms on which the loan guarantee was approved by the Secretary.

**§ 57.2312 Length and maturity of loans.**

The repayment period for loans with respect to which guarantees are made or interest subsidies paid under this subpart shall be limited to 30 years: *Provided,* That

(a) The Secretary may, in particular cases where he determines that a repayment period of less than 30 years is more appropriate to an applicant's total financial plan, approved such shorter repayment period;

(b) The Secretary may, in particular cases where he determines that, because of unusual circumstances, the applicant would be financially unable to amortize the loan over a repayment period of 30 years, approve a longer requirement period which shall in no case exceed 40 years; and

(c) In no case shall a loan repayment period exceed the useful life of the facility to be constructed with the assistance of the loan.

**§ 57.2313 Repayment.**

Unless otherwise specifically authorized by the Secretary, each loan with respect to which a guarantee is made or interest subsidies are paid shall be repayable in substantially level total annual installments of principal and interest, sufficient to amortize the loan through the final year of the life of the loan.

**§ 57.2314 Loan guarantee and interest subsidy agreements.**

For each application for a loan guarantee or interest subsidy, or combination thereof, which is approved by the Secretary under this subpart, an offer to guarantee such loan and/or make interest subsidy payments with respect thereto will be sent to the applicant, setting forth the pertinent terms and conditions for the loan guarantee and/or interest subsidy, and will be conditioned upon the fulfillment of such terms and conditions. The accepted offer will constitute the loan guarantee agreement, the interest subsidy agreement, or the loan guarantee and interest subsidy agreement, as the case may be. Each such agreement shall include the applicable provisions set forth below:

(a) *Loan guarantee.*—Each agreement pertaining to a loan guarantee shall include the following provisions:

(1) That the loan guarantee evidenced by the agreement shall be incontestable (i) in the hands of the applicant on whose behalf such loan guarantee is

made except for fraud or misrepresentation on the part of such applicant, and (ii) as to any person who makes or contracts to make a loan to such applicant in reliance on such guarantee, except for fraud or misrepresentation on the part of such other person.

(2) That the applicant shall be permitted to prepay up to 15 percent of the original principal amount of such loan in any calendar year without additional charge. The applicant and the lender may further agree that the applicant will be permitted to prepay in excess of 15 percent of the original principal amount of the loan in any calendar year without additional charge, but no such payment in excess of 15 percent shall be made without the prior written approval of the Secretary.

(3) That if the applicant shall default in making payment, when due, of the principal and interest on the loan guaranteed under the agreement, the holder of the loan shall promptly give the Secretary written notification of such default. The Secretary shall, immediately upon receipt of such notice, provide the holder with written acknowledgment of such receipt.

(4) That if such default is not cured within 90 days after receipt by the Secretary of notice of such default, the holder of the loan shall have the right to make demand upon the Secretary, in such form and manner as the Secretary may prescribe, for payment of 90 percent of the amount of the overdue payments of principal and accrued interest, together with such reasonable charges for late payment as are made in accordance with the terms of the credit instrument or security instrument evidencing or securing such loan. The Secretary shall pay such amount from funds available to him for that purpose.

(5) That in the event of exercise by the holder of the loan of any right to accelerate payment of such loan as a result of default in making payment of the part of the applicant, the Secretary shall, upon demand by the holder after prior notification, pay to such holder 90 percent of the total amount of the principal of and interest on the loan remaining unpaid after the holder has exercised his right to foreclose upon and dispose of the security and has applied the proceeds thereby received to reduce the outstanding balance of the loan, in accordance with applicable law and the terms of the security instrument.

(b) *Interest subsidy.*—Each agreement pertaining to the payment of interest subsidies with respect to a loan shall include the following provisions:

(1) That the holder of the loan shall have a contractual right to receive from the United States interest subsidy payments in amounts sufficient to reduce by up to 3 percent per annum the net effective interest rate determined by the Secretary to be otherwise payable on such loan.

(2) That payments of interest subsidies pursuant to subparagraph (1) of this paragraph will be made by the Secretary

in accordance with the terms of the loan with respect to which the interest subsidies are paid, directly to the holder of such loan, or to a trustee or agent designated in writing to the Secretary by such holder, until such time as the Secretary is notified in writing by the holder that such loan has been transferred. Pursuant to such written notification of transfer, the Secretary will make such interest payments directly to the new holder (transferee) of the loan: *Provided, however*, That it shall be the responsibility of the holder to remit any payments of interest subsidy to the new holder which the Secretary may have made to the holder after such transfer and prior to receipt of such written notice, and the Secretary shall not be liable to any party for amounts remitted to the holder prior to receipt of such written notice and acknowledgement in writing by the Secretary of receipt of such notice.

(3) That the holder of the loan will promptly notify the Secretary of any default or prepayment by the applicant with respect to the loan.

(4) In the event of any exercise by the holder of the loan of the right to accelerate payment of such loan, whether as a result of default on the part of the applicant or otherwise, the Secretary's obligations with respect to the payment of interest subsidies shall cease.

(5) Where, during the life of the loan with respect to which interest subsidies are to be paid, the applicant ceases to use the facility for the purposes for which constructed, the Secretary's obligation with respect to the payment of interest subsidies shall cease: *Provided, however*, that where the applicant is continuing to use the facility for purposes eligible for support under sections 801-804 and section 809 of the act, the Secretary may make a determination, based upon the nursing personnel needs of the community served by the facility as well as other relevant factors, to continue to make interest subsidy payments in accord with the agreement.

(c) *General*.—In addition to the applicable requirements of paragraphs (a) and (b) of this section, each agreement, whether pertaining to a loan guarantee or interest subsidy or both, shall contain such other provisions as the Secretary finds necessary in order to protect the financial interests of the United States.

#### § 57.2315 Loan closing.

Closing of any loan with respect to which a guarantee is made or interest subsidies are paid under this subpart shall be accomplished at such time as may be agreed upon by the parties to such loan and found acceptable by the Secretary.

#### § 57.2316 Right of recovery—subordination.

(a) The United States shall be entitled to recover from the applicant for a loan guarantee under this subpart the amount of any payment made pursuant to such guarantee, unless the Secretary waives such right of recovery as provided in § 57.2317.

(b) Upon making of any payments pursuant to a loan guarantee under this subpart, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

#### § 57.2317 Waiver of right of recovery.

In determining whether there is good cause for waiver of any right of recovery which he may have against an applicant by reason of any payments made pursuant to a loan guarantee under this subpart, the Secretary shall take into consideration the extent to which:

(a) The facility with respect to which the loan guarantee was made will continue to be devoted by the applicant or other owner to nurse training or the teaching of other health professions personnel;

(b) There are reasonable assurances that for the remainder of the repayment period of the loan other facilities not previously utilized for nurse training will be so utilized and are substantially equivalent in nature and extent for such purposes; and

(c) Such recovery would seriously curtail the training of qualified nursing personnel in the area served by the facility.

[FR Doc.73-10396 Filed 5-23-73;8:45 am]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 73-EA-30]

### TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of part 71 of the Federal Aviation Regulations so as to alter the Sidney, N.Y., transition area (38 FR 579).

The instrument approach procedures for Sidney Municipal Airport, Sidney, N.Y., has been changed in view of the withdrawal of the radio beacon from service. The Rockdale, N.Y. VORTAC will be used instead. This change will require an alteration in the airspace.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before June 25, 1973 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views 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 parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Sidney, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of part 71, Federal Aviation Regulations by deleting the text of the Sidney, N.Y. 700-foot floor transition area and substituting the following in lieu thereof:

SIDNEY, N.Y.

That airspace extending upward from 700 ft above the surface within a 12.5-mile radius of the center, lat. 42°18'22" N., long. 75°24'57" W. of Sidney Municipal Airport, Sidney, N.Y.; within a 16-mile radius arc from the center of the airport extending clockwise from a 080° bearing to a 215° bearing from the airport excluding the airspace within a 2-mile radius area of the Harmony Crest Airport (lat. 42°13'56" N., long. 75°38'00" W.).

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1855(c)).

Issued in Jamaica, N.Y., on May 11, 1973.

ROBERT H. STANTON,  
Acting Director,  
Eastern Region.

[FR Doc.73-10333 Filed 5-23-73;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 61 ]

[Docket No. 19741, FCC 73-513]

### SCHEDULES FOR NEW OR REVISED CLASSIFICATIONS OF SERVICE

#### Proposed Notice Requirements

In the matter of amendment of part 61 of the Commission's rules relating to notice requirements for schedules for new or revised classifications of service, docket No. 19741.

1. Notice is hereby given of proposed rulemaking in the above-captioned matter.

2. The purpose of the proposed rulemaking is to provide notice requirements for tariffs offering new or revised classes or subclasses of service.<sup>1</sup> The objectives of the proposed rules were set forth in our notice of proposed rulemaking adopted on January 6, 1971 (27 F.C.C. 2d 36), the forerunner of the footnoted case below.

3. While the aforementioned rulemaking proceedings dealing with the subject matter hereof contemplated the imposition of conditions prior to Commission

<sup>1</sup> See Report and Order adopted Jan. 31, 1973, in docket No. 19117, 39 F.C.C. 2d 131, and paragraph 19 of our memorandum opinion and order adopted Mar. 21, 1973, in docket No. 18703 (FCC 73-327).

authorization, it is proposed herein that carriers who offer new classes or subclasses of communications service over duly authorized facilities shall give 60-day notice at the time of filing any new or revised tariff schedule offering to provide new or revised classes or subclasses of service. For the purpose of this proposed rulemaking such services may be defined as any interstate or foreign common carrier communication service that a carrier cannot render to any customer at any location in the absence of the effectuation of such new or revised tariff schedule.

4. This rule would permit affected parties to submit comments and/or pleadings, within 25 days of such filing for consideration and evaluation of public interest questions by the Commission before a new class or subclass of service is commenced. The proponent of the change will generally furnish the supporting data specified in § 61.38 of the Commission's rules adopted on October 30, 1970, in docket No. 18703 (25 F.C.C. 2d 957). At the expiration of the 60-day notice period such revisions will become effective automatically unless rejected or suspended by the Commission.

5. We believe that the proposed rulemaking will facilitate more efficient implementation of the Communications Act and will be conducive to the public interest. It will also achieve equality of status and consideration of all carriers (international, general, specialized, and miscellaneous domestic), the alleviation of disparate positions between existing and potential new entrants in the specialized communications field in the event that the Commission should determine that the new classification or subclassification of service would serve the public interest.

6. Since sections 61.60 through 61.63, in providing for 1 day's notice are at variance with the objectives of this amendment in not providing sufficient time for consideration and evaluation of such proposed changes, it is further proposed to delete and repeal these sections, thereby rendering the services described therein subject to the regular notice requirements of the rules.

7. The proposed rule changes are set forth in the appendix hereto.

8. Authority for the proposed rulemaking instituted herein is contained in sections 2, 3, 4 (i) and (j), 201(b), 203, 214, 301, 303, 307-309, and 403 of the Communications Act.

9. Interested parties may file comments on the proposed rules and issues discussed herein on or before June 28, 1973, and reply comments on or before July 10, 1973. In reaching its decision in this matter, the Commission may take into account any other relevant information before it in addition to the comments invited by the notice.

10. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, comments, or other pleadings shall be furnished to the Commission. Responses filed in this proceeding will be

available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street NW.).

Adopted May 16, 1973.

Released May 21, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>2</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

Section 61.58 is revised to read as follows:

§ 61.58 Notice requirements.

Every tariff publication which constitutes a rate increase or a new or revised classification or subclassification of communications service shall bear an effective date, and, except as otherwise provided by regulation, special permission, or order of the Commission, shall give not less than 60 days notice to the public and to the Commission. Notice shall be given by filing with the Commission such proposed tariff publications. In addition to this notice, if the tariff publication proposes to increase any charge or to effectuate an authorized discontinuance, reduction or other impairment of service to any customer, the filing carrier shall take such steps as are appropriate under the circumstances to inform the affected customers of the content of the tariff publication. Every tariff publication which does not constitute a rate increase or a new or revised classification or subclassification of communications service shall bear an effective date and, except as otherwise provided by regulation, special permission, or order of the Commission, shall give not less than 30 days notice to the public and to the Commission regardless of whether or not changes are effected thereby. Any period of notice required herein shall begin on, and shall include the date the tariff is received by the Commission, but shall not include the effective date. In computing the notice required, Sundays and holidays shall be counted.

§§ 61.60-61.64 [Deleted]

Sections 61.60 through 61.64 are hereby deleted and repealed.

[FR Doc.73-10385 Filed 5-23-73; 8:45 am]

[ 47 CFR—Part 73 ]

[Docket No. 19690; FCC 73-521]

FM BROADCAST STATIONS

Proposed Table of Assignments

Further Notice of Proposed rulemaking. In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Wilmington, Ill.; Many, La.; Moyock, N.C.; Lake Providence, La.; Newton, Miss.; Bay Springs, Miss.; York, Ala.; Rehoboth Beach, Del.; Canton, Tex.; Brandon, Miss.; Southport, N.C.; Harrison, Mich.; Greenfield,

<sup>2</sup> Commissioner Johnson concurring in the result.

Mo.; Belhaven, N.C.; Ruston, La.; Shreveport, La.; and Bethany Beach, Del.) docket No. 19690; RM-2003, RM-2027, RM-2046, RM-2051, RM-2054, RM-2057, RM-2058, RM-2144, RM-2059, RM-2062, RM-2068, RM-2085, RM-2097, RM-2098, RM-2100, RM-2002, RM-2160.

1. This proceeding was instituted by notice of proposed rulemaking, released February 20, 1973 (FCC 73-179, 38 FR 5263), inviting comments on a number of proposals to amend the FM table of assignments. This document requests further comments concerning only the above-captioned proposals involving Many (RM-2027), Ruston (RM-2144), and Shreveport, La. (RM-2002), the other proposals having been considered and disposed of by the Commission in the first report and order in this docket (docket 19690) adopted May 18, 1973, FCC 73-520. The proposal by Ruston Broadcasting Co., Inc., for Ruston, La., was filed in accordance with the provisions of the cut-off procedures herein and conflicts with the proposal for Many, La., and will be considered as a counterproposal in this proceeding. The proposal for Many, La., filed by Edwin T. Baldrige was one of the petitions considered in the initial notice of proposed rulemaking. The proposal by Thomas C. White for Shreveport, La., was filed on June 12, 1972, prior to the institution of this rulemaking proceeding. As a result of Ruston's proposal which conflicts with the Shreveport proposal we are considering both proposals in this proceeding. Each of the proposals, which will be discussed below, appears to have sufficient merit to warrant inviting comments on the possible making of these assignments. This should not be construed as the expression of a view, even tentatively, that any or all of these assignments should be made as proposed. Additional information is required from the proponents, the nature of which is discussed below. As will be indicated below, we invite comments on each of the proposals individually and jointly. Commenting parties are invited to suggest other possible alternative approaches.

2. RM-2027, Many, La.—The aforesaid notice invited comments, among others, on a proposal of Edwin T. Baldrige (Baldrige), a prospective applicant for a new FM station at Many, La. to assign 296A there for a first FM assignment.

3. Many, La. (3,112 population), is located in Sabine Parish (18,638 population), 65 miles west-northwest of Alexandria, La. It has no local FM broadcast facilities, but has a daytime-only AM station.<sup>1</sup> In the earlier notice, we set out information submitted by the petitioner pertaining to the need for a first FM assignment in this community. We shall, therefore, not repeat it in this document.

<sup>1</sup> Licensee of this station has recently been granted a construction permit to change its operating frequency to that of a class B full-time station.



4. *RM-2144, Ruston, La.*—On February 23, 1973, Ruston Broadcasting Co., Inc. (petitioner) licensee of stations KRUS(AM) and KRUS-FM, channel 296A, filed a petition (RM-2144) proposing the assignment of either channel 297 or 298 to Ruston, La., and the deletion of channel 296A therefrom on which it currently operates from that city. Ruston Broadcasting also requested the Commission to issue an order to show cause why its license for station KRUS-FM should not be modified to specify operation on either channel 297 or 298, with appropriate facilities, in lieu of its present operation on channel 296A.

5. Ruston, La. (17,365 population) is the seat of Lincoln Parish (33,800 population) and is located 70 miles east of Shreveport, 31 miles west of Monroe and 165 miles south of Little Rock, Ark. Petitioner notes that the population of both Ruston and Lincoln Parish has increased significantly during the past four decades, and that its emergence as an area trade center has occurred principally in the last 10 years. It asserts that the types of manufacturing include a variety of items such as lumber products, metal products, rubber coverings, gas products, soft drink bottles, bricks, plywood, etc., and its agricultural output includes peaches, beef cattle, eggs, vegetables, poultry, hogs, and dairy products. It adds that Ruston has enjoyed steady retail sales growth in the past few years, increasing 42 percent from 1968, and further states that Ruston's persistent economic growth in these areas has established the city as a central hub for manufacturing and retailing in the north central Louisiana area. It notes that social and cultural institutions of the community include the Ruston Daily Leader, providing newspaper service five evenings per week; two libraries, including the 32,000 volume parish library and 303,000 volume Prescott Memorial Library at Louisiana Tech University; 14 public schools, three private schools, and two 4-year colleges; 26 churches; three commercial banks and one savings and loan association (financial assets over \$85 million). There is presently one FM channel (296A) (licensed to petitioner) assigned to Ruston. Petitioner operates standard broadcast station KRUS, a class IV facility authorized to operate with 1,000 watts daytime and 250 watts nighttime. He states that this limited aural broadcast service has made it increasingly apparent that the continuous growth of Ruston, which has come to encompass persons located in a 45-mile radius of the city, would be significantly aided by the assignment of a wide-area-coverage class C FM channel in replacement of the present class A allocation. Petitioner advises that channel 297 or 298 could be located at sites in the Ruston community which would meet the Commission's mileage separation requirements and would have minimal impact as regards cochannel and adjacent channel preclusion. It adds that its proposal regarding channel 297 would be short-

spaced to the proposed assignment of 296A to Many, and it is primarily for this reason that petitioner prefers the assignment of 298, which would be consistent with 296A in Many.

6. *RM-2002, Shreveport, La.*—Thomas C. White (petitioner) filed a petition on June 12, 1973, proposing to assign channel 298 to Shreveport, La. The channel could be assigned in conformity with the Commission's minimum mileage separation rule and without affecting the FM table of assignments. Shreveport (182,064 population) is located in Caddo County (230,184 population) 170 miles east of Dallas, Tex., and 170 miles southwest of Little Rock, Ark. Shreveport has one class A FM station, four class C FM stations, and seven AM stations (three daytime and four unlimited). Petitioner states that 296A could also be assigned to Shreveport and its area of preclusion is the same as channel 298 if so assigned; that the assignment of channel 296A or 298 would not preclude the assignment of channel 296A to Many, La.; that channel 298 could be assigned to Shreveport with a great deal of area available for prospective transmitter sites west and southwest of the city; and that if channel 298 is not assigned it will be lost while channel 296A can be assigned several places even with 298 assigned to Shreveport.

7. In support of his request petitioner states that there was an 11-percent increase in population from the 1960 census. He adds that the buying income within the Shreveport metropolitan area has increased 80 percent since 1960; the 1970 income level of \$850 million complements the total retail sales of \$500 million; and that much of this stimulus is due to a reported net cash income of \$10,000 and over for 30 percent of the households. Petitioner further notes that since Shreveport is located on major traffic arteries it is the center for commerce in the tri-State area (i.e., Arkansas-Louisiana-Texas) and as such it offers a variety of educational, cultural, and recreational activities. He also states that many Federal, State and county officers are located in Shreveport. It is averred by petitioner that if the channel is assigned prompt application will be made.

#### DISCUSSION

8. The proposal to assign either channel 297 or 298 to Ruston conflicts with that for channel 298 to Shreveport; channel 297 at Ruston would also conflict with the proposal for channel 296A to Many. However, the assignment of channel 298 to either Ruston or Shreveport would permit channel 296A to be assigned to Many. The preclusion study for channel 297 shows that the proposed assignment to Ruston would foreclose large areas of future assignment on channel 296A. However, the petitioner shows that there are a number of class A channels available for assignment to various communities in the preclusion area, the populations of which vary from 1,214 to 15,600 persons. The preclusion

study on channel 298 at Ruston shows a small preclusion area, wherein there are two communities where use of channel 296A would be foreclosed. However the petitioner shows that there are two class A channels available for assignment to these communities. On the other hand, channel 298 at Shreveport would preclude the use of channel 296A in an area located south of the community. However, if channel 296A were to be assigned to Many as requested herein, most of the preclusion area would be eliminated, leaving a very small area near Shreveport. As to other preclusions, the assignment of a channel to either Ruston or Shreveport would preclude future assignment on channels 297 and 298 over limited areas. If channel 296A were to be assigned to Many, the preclusion area would be either eliminated or reduced to a very small size, where there are no communities of the size to which a class C channel would be normally assigned.

9. In seeking a change in the channel assignment from channel 296A to channel 297, Ruston Broadcasting contends that its station (KRUS-FM) would provide additional broadcast service at night to 4,408 square miles wherein 225,773 persons reside, and that, based on FM stations operating with reasonable facilities or greater, its station would provide a first FM service to 554 square miles and 9,487 persons, and a second service to 673 square miles and 17,011 persons. It further contends that its station would provide first aural service to 223 square miles wherein 3,367 persons reside and a second service to 590 square miles, wherein 18,764 persons reside. As to Shreveport, no information has been submitted as to whether a class C station there would provide a first and a second service to any portion of the area it expects to serve. Information regarding this matter should be submitted.

10. *Showings required.*—Comments are invited on the proposals set forth and discussed above. Proponents will be expected to answer whatever questions, if any, are raised in the notice and other questions that may be presented by the initial comments. The proponents are expected to file comments even if nothing more than to incorporate by reference their petitions, and are expected to state their intentions to apply for use of the respective channels, if assigned, and, if authorized, to promptly build a station. Failure to make this showing may result in the denial of the petition.

11. *Cutoff procedures.*—As in the other recent FM rulemaking proceedings, the following procedures will govern:

(a) Counterproposals advanced in this proceeding 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 any of the proposals 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.

12. In view of the foregoing and pursuant to 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 Commission's rules and regulations, as follows:

City	Channel No.	
	Present	Proposed
Maury, La.		296A.
Ruston, La.	296A.	297 or 298.
Shreveport, La.	229, 233, 243, 261A, 266.	229, 233, 243, 261A, 266, 298.

13. Ruston Broadcasting Co., Inc., has requested modification of its license to specify operation on either channel 297 or 298. We view the request as consent to modification, and therefore find it unnecessary to issue an order to show cause why its license should not be modified to specify operation on either channel 297 or 298 if either channel is substituted for channel 296A at Ruston, La.

14. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before June 28, 1973, and reply comments on or before July 10, 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.

15. 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.

16. 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 NW.).

Adopted May 16, 1973.

Released May 21, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc. 73-10387 Filed 5-23-73; 8:45 am]

[ 47 CFR Part 73 ]

[Docket No. 19703]

TABLE OF ASSIGNMENTS, TV  
BROADCAST STATIONS

Order Extending Time for Filing Reply  
Comments

In the matter of amendment of § 73.606(b), *Table of Assignments, TV Broadcast Stations* (Fresno, California), Docket No. 19703, RM-1964.

1. The notice of proposed rulemaking in the above-entitled proceeding was

adopted on March 7, 1973, and published in the FEDERAL REGISTER on March 20, 1973 (38 FR 7341). The date for filing comments has expired and the date for filing reply comments is presently May 17, 1973.

2. On May 15, 1973, counsel for Capital Cities Broadcasting Corp. (Capital Cities), licensee of Station KFSN-TV, Fresno, Calif., filed a petition for extension of time in which to submit reply comments to and including May 31, 1973. Counsel states that comments were filed on behalf of Spanish International Communications Corp. (Spanish International), licensee of Station KMEX-TV, Los Angeles, and Station KFTV, Hanford, and as a result of these comments conversations have been engaged in between representatives of Capital Cities and Spanish International to explore the dimensions of any problem that may exist and the means that might be appropriate for the resolution of any such problem. He states that the requested extension is needed to permit the completion of this exploration and the preparation of reply comments. Counsel for Spanish International Communications Corp. states that he will interpose no objection to a grant of the additional time.

3. It appears that the requested extension of time is warranted and would serve the public interest. Accordingly, it is ordered, That the time for filing reply comments in docket No. 19703 is extended to and including May 31, 1973.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted May 16, 1973.

Released May 18, 1973.

[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 73-10391 Filed 5-23-73; 8:45 am]

[ 47 CFR Part 73 ]

[Docket No. 19742; 73-519]

TV BROADCAST STATIONS

Proposed Table of Assignments

In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations (San Bernardino-Riverside, Calif.), docket No. 19742, RM-2063.

1. The Commission has before it a petition filed by Inland Empire Telecasters seeking the assignment of UHF television channel 62 to the San Bernardino-Riverside, Calif., area.

2. Petitioner contends that there are no available television assignments in San Bernardino or Riverside to utilize in providing local television service. According to the petition, the area receives only signals emanating from Los Angeles, from stations which are not oriented toward responding to the local needs of the communities in the Riverside-San Bernardino area. To remedy this, we are urged to add the proposed channel 62 assignment, a step said to be

consistent with all applicable criteria and requirements.

3. Petitioner is correct in asserting that channel 62 could be assigned consistent with applicable spacing requirements. Nevertheless, the matter is not so simple or straightforward as the petitioner would suggest. This is not to say that the subject is not worth exploring. Rather, our point is that the pattern of area assignments suggests the need for careful consideration of the various factors involved.

4. All four of the commercial channels assigned in this area—two each to Riverside and San Bernardino—are occupied. In two cases, these channels have been utilized elsewhere under the provisions of § 73.607(b) of the rules. Thus, channel 46 assigned to Riverside is being used at Guasti. Riverside's other channel, 40 is being used at Fontana. As for San Bernardino, there is an outstanding permit for use of channel 18 in that community, and channel 30 is actually licensed to that community. By virtue of the proximity of the Riverside-San Bernardino area to Los Angeles, effective coverage is provided throughout by the various operating stations. While the Riverside-San Bernardino area has a substantial population (244,340 in these two communities alone) they are clearly overshadowed by the Los Angeles area.

5. At first blush, it appears that additional local service might indeed be warranted, but even if that were true, the matter is not that simple. Channel 62, like any other channel, in the table could be utilized in an unlisted community. Thus, there is no guarantee that the local needs of the San Bernardino-Riverside area would necessarily be met by addition of the proposed channel. Moreover, the petition did not take into account the channel 30 operation or the new one on channel 18, so that it is not clear that need for a channel 62 actually does exist. While we believe the matter worth exploring, we are in need of considerable information which is now lacking. In addition to comments on the need or lack of need for the proposed assignment of channel 62, we desire the benefit of the thinking of commenting parties on the wisdom of providing for special treatment of this channel if it were to be assigned. Should we act to insure that it is used at Riverside or San Bernardino rather than elsewhere by exempting the assignment from the provisions of § 73.607(b)? Is another particularized method of proceeding preferable, or should we simply act conventionally on this proposal? Finally, where should the channel be assigned if we conclude that it should be made? Since neither Riverside channel is used there, it appears that Riverside might be the preferable community. All relevant comments are invited on the proposal, its anticipatable consequences and the method of its accomplishment if we decide in favor of making the assignment.

6. In accordance with the provisions of sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as

amended, it is proposed to amend the Television Table of Assignments, § 73.606(b) of the Commission's rules, insofar as the communities listed, to read as follows:

City	Channel No.	
	Present	Proposed
Riverside, Calif.....	40, 46.....	40, 46, 62.
San Bernardino, Calif..	18, *24, 30.....	18, *24, 30, 62.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before June 28, 1973, and reply comments on or before July 10, 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.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents shall be furnished to the Commission. Responses filed in this proceeding will be available for public inspection during regular business hours in the Commission's public reference room at its headquarters in Washington, D.C. (1919 M Street NW.).

Adopted May 16, 1973.

Released May 21, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc. 10388 Filed 5-23-73; 8:45 am]

[ 47 CFR Part 61 ]

[Docket No. 19660; FCC 73-532]

DOMESTIC HANDLING OF INTERNATIONAL RECORD TRAFFIC

Proposed Tariff Revisions; Memorandum  
Opinion and Order

In the matter of International Record Carriers' Scope of Operations in the Continental United States, including possible revisions to the formula described under section 222 of the Communications Act.

Appearances.—Richard C. Hostetler, on behalf of The Western Union Telegraph Co., Howard A. White, on behalf of ITT World Communications, Inc., Ernest Brod, on behalf of Western Union International, Inc., Carl J. Cangelosi, on behalf of RCA Global Communications, Inc., Charles A. Miller, on behalf of TRT Telecommunications Corp.

1. On December 18, 1972, by notice of inquiry and proposed rule making herein, 38 FCC 2d 543 (docket No. 19660) (37 FR 28303, Dec. 22, 1972), we instituted a general inquiry to consider a number of related matters involving the relationship between The Western Union Telegraph Co., (WU) and the several inter-

national record carriers (IRC's). Among those matters were tariff revisions (free direct access) filed by the IRC's under which they would absorb the charges associated with the use of various domestic communications networks, rather than the WU message telegraph network, for the filing and delivery within the continental United States of international message telegrams. These tariff revisions, scheduled to become effective on June 1, 1973, were filed by ITT World Communications Inc. (ITT),<sup>2</sup> Western Union International, Inc. (WUI),<sup>3</sup> RCA Global Communications, (RCAG),<sup>4</sup> and TRT Telecommunications Corp. (TRT).<sup>5</sup> Under the proposed revisions, hinterland<sup>6</sup> customers would be able to file outbound international telegraph messages directly with IRC's by telephone,<sup>7</sup> collect TWX, collect WU telex (through the TCS system), and Data-Phone<sup>8</sup> and, if the customer uses the numbers designated by a carrier, the usage charge would be paid by the IRC's.<sup>9</sup> For inbound messages, the IRC's would, if the hinterland addressee has previously filed instructions with them<sup>10</sup> or with WU, or if the overseas sender includes in the address a paid service indicator, intercept and forward them to the addressee by means of a designated network<sup>11</sup> and will absorb the usage charges therefor. Under currently effective IRC tariffs, a hinterland user not wishing to employ the regular WU facilities for the domestic haul of his international messages may make use of

<sup>1</sup> Specifically, Tariff FCC No. 7, 374th revised page 1, 153d revised page 1A, 13th revised page 9, 13th revised page 10, 15th revised page 11D, 9th revised page 70A, and 8th revised page 70B.

<sup>2</sup> Specifically, Tariff FCC No. 12, 85th revised page 1, 8th revised page 9, 8th revised page 81, and 8th revised page 86.

<sup>3</sup> Specifically, Tariff FCC No. 60, 304th revised page 1, 12th revised page 6, 10th revised page 65, and 10th revised page 66B.

<sup>4</sup> Specifically, Tariff FCC No. 60, 161st revised page 1, 35th revised page 9, 25th revised page 9A, and 2d revised page 9B.

<sup>5</sup> The hinterland is that area within the continental United States which lies outside the cities authorized as gateways for a particular IRC.

<sup>6</sup> For this purpose, the IRC's propose to obtain from the American Telephone & Telegraph Co. inbound Wide Area Telephone Service (WATS) numbers for customers to use in filing international messages. ITT further proposes to accept at its New York office collect telephone calls originating within the New York City metropolitan area.

<sup>7</sup> The tariffs of ITT and WUI provide only for accepting at their New York office collect calls originating within the New York City metropolitan area. RCAG's tariff does not provide for the use of Data-Phone. TRT's tariff provides for use of Data-Phone but does not permit calls at its Miami, Fla., office.

<sup>8</sup> TRT's tariff also provides that messages may be filed by use of facsimile.

<sup>9</sup> Under the ITT, RCAG, and TRT proposed revisions, these instructions are in conjunction with a code address filed with the Central Bureau of Registered Addresses, while WUI's tariff provides only for instructions filed directly with it.

<sup>10</sup> The RCAG tariff only provides for forwarding of messages intercepted at its New York gateway.

the media described above;<sup>12</sup> however, he must pay the appropriate usage charges for reaching the offices of an IRC in addition to the regular tolls applicable to international telegraph message service.

2. On September 5, 1972, WU, alleging substantial adverse consequences both for itself and for the public if the proposed tariffs were permitted to become effective, filed petitions to reject or suspend the free direct access tariff revisions. In these petitions WU raised several arguments against the proposals.<sup>13</sup> At the time we instituted the inquiry herein, we considered those contentions and, with one exception, found them to be without merit, 38 FCC 2d at 549. As to WU's remaining contention that the free direct access proposals constitute an attempt by the IRC's to expand their existing gateways without the authorization required under section 222 of the Communications Act before tariff revisions implementing them can become effective, we indicated that WU had raised a valid threshold question which required separate consideration. We therefore deferred ruling on the tariff revisions and ordered briefing and oral argument on this question, 38 FCC 2d at 549-50. Pursuant to this order, the parties, on January 17, 1973, filed briefs in support of their respective positions and, on February 1, 1973, filed reply briefs. On February 13, 1973, we heard oral argument before the Commission en banc on the applicability of section 222 to these tariffs.

3. Section 222<sup>14</sup> was enacted by Congress to permit the merger of The Postal Telegraph-Cable Co. and WU. In connection with the merger legislation, Congress included provisions which relate to the scope of operations permitted to the merged carrier WU and to the IRC's respectively. The issue to be disposed of in this proceeding arises from the interpretation to be given to the proviso contained in section 222(a) (5) which carves out an exception to a general ban on domestic operations by IRC's. The specific language in question reads as follows:

*Provided*, That nothing in this section shall prevent international telegraph carriers from accepting and delivering international telegraph messages in the cities which constitute gateways approved by the Commission as points of entrance into or exit from the continental United States, under regulations prescribed by the Commission, and the incidental transmission of the same over its own or leased lines or circuits within the continental United States.

The fundamental question which must be answered is thus, whether free direct

<sup>12</sup> See All America Cables & Radio, Inc., 15 FCC 293 (docket No. 9433, 1950) and the discussion at par. 7, *infra*. See also The Western Union Telegraph Co. (TWX acquisition case), 24 FCC 2d 664 (docket No. 18519, 1970) and The Western Union Telegraph Co., 29 FCC 2d 422 (docket No. 19036, 1971).

<sup>13</sup> WU first filed a petition directed to the revisions filed by ITT which was incorporated by reference and made applicable to the other revisions as they were subsequently filed.

<sup>14</sup> 47 U.S.C. 222 (1970).

<sup>1</sup> Chairman Burch concurring in the result.

access constitutes an expansion of the existing gateways? If it is so construed, we believe that section 222(a) (5) requires Commission authorization before tariff revisions offering the service may be filed, and that requests for such authorization should be filed for consideration in the overall inquiry herein.

4. The IRC's argue that the section was intended to and should be construed as requiring prior authorization only in those instances where they seek to establish offices for the acceptance and delivery of message traffic outside their gateways and not to instances of the type involved herein where a domestic communications medium is used to transmit the message between the hinterland customer's premises and the IRC's existing offices in the present gateways. They further argue that the present proposals, since they do not involve the acquisition of facilities or offices outside currently authorized gateways, do not constitute expansion of existing gateway operations. They characterize their proposals as a reduction in the cost of direct access through removal of the penalty which hinterland customers presently pay to domestic carriers for direct service in addition to international telegraph message charges made for such messages. In support of their position, the IRC's rely on All America Cables & Radio, Inc., 15 FCC 293 (docket No. 9433, 1950), in which we first authorized direct access at customer expense. The IRC's note that we did not find that direct access involved IRC operations outside the gateways (and consequently did not require prior authority to offer such direct access), but that we viewed acceptance and delivery of messages as occurring at a carrier's gateway office even though the domestic transmission was over public communications networks such as telephone, TWX, or mail. According to the IRC's the fact that now the carriers would pay the usage charges formerly borne by the customer should not change this approach.

5. WU, on the other hand, argues that payment by the IRC's, rather than the customer, materially alters the practice approved in All America Cables & Radio, Inc., supra. WU contends that free direct access will abolish any practical distinction between gateway and hinterland so far as international message traffic is concerned. The use of the denominated communications networks for domestic pickup and delivery, it believes, would make them agents for the carriers and, therefore, amounts to an incorporation of these facilities as appendages to the IRC's existing international systems. WU further argues that payment by the IRC's of the domestic charges will cause the point at which acceptance and delivery occurs to shift from the gateway to the customer's location in the hinterland. Since the IRC's would be able to reach all parts of the hinterland by these networks, it would be unnecessary for them to open new offices or establish dedicated lines. It urges that section 222, by requiring Commission authorization before the

IRC's can operate in an area, was intended to place a restriction on the scope of the IRC's operations and, therefore, the determination of the applicability of the statute turns on the effect rather than the form of a service proposal.

6. At oral argument, while reiterating its view that free direct access constitutes an expansion of gateways, WU relied heavily on an economic argument derived in part from section 222(e) (1). That section provides for a Commission-approved or prescribed formula for dividing the charges for international telegraph messages between WU and the IRC's. WU argued that the proposed tariff revisions represent a unilateral and unlawful attempt by the IRC's to divert an estimated \$6 million in revenues from WU to the IRC's and, thus, to circumvent the division of tolls prescribed under 222(e) (1) which applies when international telegraph messages are filed with or delivered by WU over its public message facilities. It argues that under the proposed free direct access, although its own facilities would, for the most part, be used and in much the same manner as they are now used, the IRC's would pay WU only the regular tariffed charges applicable to the telex and TWX networks, which are substantially lower than the currently prescribed division of 6.5 cents per word<sup>14</sup> under the more usual method of handling international messages. These proposals, it believed, would leave WU handling only the messages which require physical handling and which, therefore, are the most costly. WU claims that it is already suffering a \$10 million deficit on the domestic handling of international messages and will be severely injured by the projected additional loss of \$6 million in revenues. The IRC's argued that the economic arguments of Western Union, even if valid, are not appropriate to a narrow question of statutory construction and should be disregarded. The only question involved, they say, is whether or not the proposals are properly viewed as expansions of present gateway operations.

7. Under section 222 the handling of international telegraph messages within the continental United States is a domestic telegraph operation,<sup>15</sup> and the section does not contemplate IRC participation in such operations beyond that provided for by the proviso contained in section 222(a) (5). That proviso permits the IRC's to accept or deliver international telegrams within the cities approved by the Commission as gateways for such carriers. Whether prior authority under section 222 is required therefore depends upon whether implementation of the free direct access proposals will result in operations by the IRC's outside their present gateways. By our decision in All America Cables & Radio, Inc., supra, we allowed to become effective tariff revisions which provided for direct access at customer expense. Our decision was

<sup>14</sup>This division is applicable to full-rate messages. There are corresponding charges for other classes of service.

<sup>15</sup>See 47 U.S.C. 222(a) (5) and (6) (1970).

based on the requirement in section 201 that common carriers must provide communications services whenever there has been a reasonable request therefor.<sup>16</sup> Our holding was limited to a finding that an otherwise reasonable request for service was not rendered unreasonable because customers filed outbound international messages with, or received inbound messages from, an IRC by such means as telephone, TWX, or mail. The decision rested on our view that a customer is free to choose the means by which he avails himself of the services of an IRC. Underlying this rationale is the view that when the customer pays for the use of one of the denominated media, the medium so chosen becomes his agent. Therefore, when an IRC accepts or delivers an international message in accordance with the customer's choice, acceptance or delivery occurs at the IRC's office in the gateway. Since all relevant operations by the IRC's occur within their authorized gateways, direct access at customer expense raised no section 222 issue. Other cases involving direct access at customer expense did not go beyond the scope of that case.<sup>17</sup>

8. After carefully considering the arguments of the various parties and the applicable authority, we have concluded that by proposing to absorb the costs of direct access, the IRC's have materially departed from existing practice. Therefore, the rationale which underlay our decision in All America does not apply. Under the proposed tariffs, the communications media to be used for direct access will become the agents of the IRC's rather than of the customer. Consequently, acceptance and delivery of international messages will no longer occur at the IRC's gateway offices, but will shift to the point in the hinterland where the customer is located. This will certainly alter the structure of the industry by altering the relationships between the domestic and international carriers as to the handling of international traffic. In large measure, it will render the statutory differentiation between gateway and hinterland meaningless so far as international telegraph messages are concerned. The IRC's could avoid the WU message service and establish direct connections with virtually any point in the continental United States. They will be able to do in this way what they could otherwise do only by establishing hinterland offices and facilities. Indeed, under free direct access, the IRC's will achieve even greater coverage than they could by establishing new offices outside present gateways. Had the IRC's proposed to open such offices, there would be little question that they would need Commission authorization. Since the IRC's would need authorization to directly expand their gateways, it makes little sense to allow them to achieve the same result without Commission authorization simply because they chose to accomplish their aims by filing tariff revisions. Any other interpretation would undermine

<sup>16</sup>47 U.S.C. 201(a) (1970).

<sup>17</sup>See footnote 11, supra.

the congressional determination that WU should principally engage in domestic operations and the IRC's should principally engage in international operations. From the language of section 222(a)(5), it is clear that Congress did not intend to restrict the IRC's for all time to their present gateways, but it is equally clear that it was left to the Commission to determine the extent of their operations on the mainland. To accomplish its intent, Congress gave the Commission in this section the duty to approve gateways and the power to regulate the IRC's gateway operations. Implicit in this power is a requirement for the Commission to determine the effect on the public interest of any proposals which would fundamentally alter the nature of current gateway concepts and a concomitant duty to assess the public need for additional gateways. We are, therefore, unable to accept the IRC's suggestion that section 222 should be given a narrow construction that applies it only to physical intrusions into the hinterland. The vast technological and operational changes expanding the scope and availability of communications facilities and services in the United States, and their potential use for international communications, compared to the environment existing in 1943, reinforce our view that the section must be applied as we have determined herein.

9. It has been suggested that economic impact on WU is irrelevant to the legal issue herein, and in view of the narrow procedural context in which the issue has been raised, that may be true. However, the free direct access proposal, discussed above, necessarily raises considerations which are clearly within the purview of section 222, to the extent that it alters carrier relationships and responsibilities in handling international telegraph traffic. Thus, within this context, the economic consequences of the proposals are relevant to a determination of its consistency with the public interest purposes and objectives of section 222. It was also suggested that section 222(a)(5) is inappropriate as a vehicle for assessing the free direct access proposals since that section, unlike sections 214 and 308, which deal with prior approval of carrier applications, does not specify any standards or procedures to be applied in evaluating requests for gateway authorizations. The IRC's would have us construe the language of section 222 as no more than a statement that they could continue to operate after the merger in the same manner as they were then operating. As noted above, we do not feel that Congress intended so narrow a construction. We view section 222(a)(5) as a particularized application of the general regulatory requirements embodied in section 214. Thus, when a proposal raises a gateway question, section 222(a)(5) directs the Commission to consider its impact on the public interest and brings into play the procedural framework outlined in section 214. Since

gateway expansions by definition involve an extension of service into an area not previously directly served, this latter section comes into play and provides statutorily-authorized procedures which are implicitly incorporated into section 222(a)(5).

10. Since we view the free direct access proposals as an attempt to expand the existing gateways, we feel the tariff revisions must be rejected for lack of appropriate statutory authority. By taking this course of action, we do not indicate any position as to the merits of the underlying proposals. We merely hold that the decision whether or not to institute free direct access should be made only after a consideration of all the issues involved. The appropriate context for this determination is an application under section 222(a)(5) for authorization to file tariff revisions offering the service. The carriers are, of course, free to recast their free direct access proposals in this form and submit them for our consideration. We note here that one of the matters included in the inquiry in docket No. 19660 is a series of applications for the authorization of additional gateway cities. It seems to us that, since the issues to be considered in both of these matters are similar, and intimately related to the overall subject of the inquiry, it is appropriate that any applications filed should be incorporated into the inquiry.

11. One matter remains for consideration. On February 16, 1973, TRT filed petitions against ITT, WUI, and RCAG which cite violations of the antitrust laws as the basis for urging suspension of their free direct access tariff revisions pending investigations of the alleged violations. TRT alleges that the three named carriers who currently operate the Central Bureau of Registered Addresses,<sup>24</sup> by refusing to permit TRT access to that register, are engaged in a concerted refusal to deal which is a per se violation of section one of the Sherman Act.<sup>25</sup> By our decision to reject the IRC's free direct access tariffs, including that of TRT itself, the relief requested in TRT's petitions has been rendered moot. For this reason, we hold that the petitions must be dismissed. At the same time, we recognize that we have an important duty to consider the effect of the antitrust laws in our regulatory functions and, therefore, we will, on our own motion, order that the issues raised in these petitions be included in the inquiry in docket No. 19660.

Accordingly, it is ordered, That, the above-referenced tariff revisions of ITT World Communications Inc., Western Union International, Inc., RCA Global

<sup>24</sup> The Central Bureau is a joint effort of ITT, RCA, WUI, and French Cable in which the member carriers maintain a joint list of customer telegraph code addresses. The purposes of the code is to eliminate the need, and the per-word charges, for reproduction in every international message of the addressee's name and actual street address.

<sup>25</sup> TRT, petitions to suspend, at p. 14.

Communications, Inc. and TRT Telecommunications Corp. are rejected for lack of statutory authority under section 222(a)(5).

It is further ordered, That, except to the extent granted herein, the petitions of The Western Union Telegraph Co. to reject or suspend the above-referenced tariff revisions are denied;

It is further ordered, That in the event the carriers file applications for authority under section 222 to institute free direct access, the applications shall be incorporated into, and be considered in conjunction with the inquiry ordered in docket No. 19660;

It is further ordered, That the petitions filed by TRT Telecommunications Corp. to suspend the above-referenced tariff revisions of ITT World Communications Inc., Western Union International, Inc., and RCA Global Communications, Inc., are hereby dismissed as they have been mooted by the action taken herein; and

It is further ordered, That the notice of inquiry and proposed rulemaking in docket No. 19660 is hereby amended to include consideration of the following issue:

Whether the carriers participating in the Central Bureau of Registered Addresses, by refusing the request of TRT Telecommunications Corp. to participate therein, have engaged in any practices which are:

- Anticompetitive in nature; or
- Contrary to the public interest standards of the Communications Act; and, if so, whether the public convenience and necessity would be served by granting the petition of TRT Telecommunications Corp. to participate in the Central Bureau of Registered Addresses.

Adopted May 16, 1973.

Released May 21, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>26</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.73-10384 Filed 5-23-73;8:45 am]

[ 47 CFR Part 61 ]

[Docket No. 19528]

#### MTS AND WATS SERVICES

##### Proposed New or Revised Classes; Extension of Time

In the matter of proposals for new or revised classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS).

1. We have before us a request for extension of time in this proceeding filed on behalf of the Ad Hoc Telecommunications Committee. The request is that

<sup>26</sup> Commissioner Johnson concurring in the result.

the time for filing comments and reply comments pursuant to the first supplemental notice in this proceeding (38 FR 8753) released April 3, 1973, FCC 73-340, 40 FCC 2d 315 (1973) be extended for 30 days. In support of its request the committee cites the difficulties it has experienced in obtaining certain documents cited in the first supplemental notice, and the Commission's requirement that alternative proposals be of similar detail to the recommendations of the PBX Advisory Committee and the office of the chief engineer.

2. Therefore, good cause having been shown: *It is ordered*, That, pursuant to authority delegated by § 0.303(c) of the Commission's rules, the time for filing of comments in this proceeding is extended until July 16, 1973, and the time for filing of reply comments is extended until September 17, 1973.

Adopted May 18, 1973.

Released May 18, 1973.

[SEAL]           BERNARD STRASSBURG,  
                  Chief, Common Carrier Bureau.

[FR Doc.73-10392 Filed 5-23-73;8:45 am]

## FEDERAL MARITIME COMMISSION

[ 46 CFR Part 512 ]

[Docket No. 73-15]

### NON-VESSEL OPERATING COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADE

#### Proposed Requirements To File Annual and Certain Other Financial Reports; Extension of Time

Upon request of interested persons and good cause appearing, time within which comments may be filed in response to the notice of proposed rulemaking in this proceeding (38 FR 9601; 4-18-1973) is enlarged to and including June 13, 1973. Replies of hearing counsel may be filed on or before July 5, 1973. Answers to hearing counsel shall be filed on or before July 16, 1973.

All comments, replies, and answers must be submitted in an original with 15 copies.

By the Commission.

[SEAL]           FRANCIS C. HURNEY,  
                  Secretary.

[FR Doc.73-10370 Filed 5-23-73;8:45 am]

# Notices

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

## INTERSTATE COMMERCE COMMISSION

[Notice 259]

### ASSIGNMENT OF HEARINGS

MAY 21, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-97310 subs 11 and 12, Bell Transfer Co., Inc., now assigned June 11, 1973, will be held in the East Courtroom, U.S. Court of Appeals, 600 Camp Street, New Orleans, La.

MC 114273 sub 110, Cedar Rapids Steel Transportation, Inc., now assigned continued hearing June 18, 1973, at Kansas City, Mo., is postponed indefinitely.

MC 69833 sub 105, Associated Truck Lines, Inc., now assigned June 4, 1973, at Columbus, Ohio, is canceled and the application is dismissed.

MC 127042 sub 97, Hagen, Inc., now assigned June 28, 1973, at Omaha, Nebr., will be held in the Continental Room, Continental Towers Motor Inn, 2121 Douglas Street, instead of Hilton Hotel, 1616 Dodge Street.

MC-105566 sub 81, Sam Tanksley Trucking, Inc., now assigned June 11, 1973, will be held in room 813, 610 South Canal Street, Chicago, Ill.

MC-101474 sub 23, Red Top Trucking Co., Inc., now assigned June 12, 1973, will be held in room 813, 610 South Canal Street, Chicago, Ill.

AB-1 sub 7, Chicago and North Western Transportation Co., abandonment between Stanwood and Tipton, Cedar County, Iowa, now assigned June 14, 1973, will be held in room 4B, Cedar County Courthouse, Tipton, Iowa.

MC 2900, Ryder Truck Lines, Inc., now assigned June 4, 1973, at Knoxville, Tenn., is canceled and transferred to modified procedure.

AB-3 sub 2, Missouri Pacific Railroad Co., abandonment between Eudora, Ark., and Delhi, La., in Chicot County, Ark., and West Carroll and Richland Parishes, La., now assigned June 20, 1973, will be held at Oak Grove Courthouse Building, Oak Grove, La.

MC 138109, Ray J. Forney, now assigned June 15, 1973, at Chicago, Ill., is canceled and transferred to modified procedure.

MC C 7998, Red Ball Motor Freight, Inc., investigation and revocation of certificates, now assigned June 18, 1973, will be held

in the West Courtroom, U.S. Court of Appeals, 600 Camp Street, New Orleans, La.

MC-115162 sub 255, Poole Truck Line, Inc., now assigned June 14, 1973, will be held in the West Courtroom U.S. Court of Appeals, 600 Camp Street, New Orleans, La.

MC-126625 sub 13, Murphy Surf-Air Trucking Co., Inc., now assigned June 15, 1973, will be held in the West Courtroom, U.S. Court of Appeals, 600 Camp Street, New Orleans, La.

MC-115840 sub 77, Colonial Past Freight Lines, Inc., now assigned June 11, 1973, will be held in the West Courtroom, U.S. Court of Appeals, 600 Camp Street, New Orleans, La.

MC 124211 sub 218, Hilt Truck Line, Inc., and MC 135874 sub 1, LTL Perishables, Inc., now assigned June 18, 1973, at Omaha, Nebr., will be held at the Hilton Hotel, 1616 Dodge Street, instead of Continental Room, Continental Towers Motor Hotel, 2121 Douglas Street.

MC 127042 sub 95, Hagen, Inc., now assigned June 26, 1973, at Omaha, Nebr., will be held in the Continental Room, Continental Towers Motor Inn, 2121 Douglas Street, instead of Hilton Hotel, 1616 Dodge Street.

I. & S. No. 8847, free time on export traffic, U.S. ports, now assigned June 11, 1973, at Washington, D.C., postponed to August 6, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

I. & S. M-26765, pickup and delivery charge at Chicago, and I. & S. M-26765 sub 1, pickup and delivery charge at Chicago, now assigned June 13, 1973, at Washington, D.C., is canceled.

[SEAL] JOSEPH M. HARRINGTON,  
*Acting Secretary.*

[FR Doc.73-10380 Filed 5-23-73; 8:45 am]

[Ex Parte 241, Rule 19; Exemption 40, Amdt. 2]

### LOUISIANA & ARKANSAS RAILWAY CO. Exemption Under Mandatory Car Service Rules

Upon further consideration of exemption No. 40 (Louisiana & Arkansas Railway Co.) issued April 19, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, exemption No. 40 to the Mandatory Car Service Rules ordered in *Ex Parte 241* be and it is hereby, amended to expire May 31, 1973.

This amendment shall become effective May 15, 1973.

Issued at Washington, D.C., May 14, 1973.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
*Agent.*

[SEAL]  
[FR Doc.73-10377 Filed 5-23-73; 8:45 am]

[Notice 281]

### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR pt. 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 23, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73995. By order of May 15, 1973, Division 3, acting as an appellate division, approved the transfer to Michael Scales, Sr., doing business as Scales's Delivery Service, Broomall, Pa., of the operating rights in certificate No. MC-133629 (sub-No. 1) issued September 13, 1971, to Terrific Trucking Service, Inc. (John J. McCreesh III, Esq., trustee), Sharon Hill, Pa., authorizing the transportation of general commodities, except classes A and B explosives, commodities in bulk, and those requiring special equipment, between the Philadelphia International Airport, at or near Philadelphia, Pa., on the one hand, and, on the other, points in Bucks County west of Pennsylvania Highway 232, Chester, Delaware, and Montgomery Counties, Pa., and Burlington County south of Rancocas Creek, Camden, Gloucester, and Salem Counties, N.J., restricted to the transportation of shipments having an immediate prior or subsequent movement by aircraft. Francis P. Desmond, 115 East Fifth Street, Chester, Pa. 19013, attorney for applicants.

No. MC-FC-74227. By order entered May 15, 1973, Division 3, acting as an appellate division, approved the transfer to Eagle River Transfer Co., Inc., Eagle River, Wis., of the operating rights set forth in certificate No. MC-82033, issued September 7, 1954, to Sweo Transfer Co., Inc., Rhinelander, Wis., authorizing the transportation of meats, packinghouse

products, packinghouse supplies and equipment, advertising matter, soap, soap products, cleaning compounds, such merchandise as is dealt in by wholesale, retail, and chain grocery, and food business houses, and in connection therewith, equipment, materials, and supplies, used in the conduct of such business, and general commodities, with the usual exceptions, from, to, or between specified points in Wisconsin; and household goods, as defined by the Commission, between points in a specified area in Wisconsin, and those in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in Wisconsin, Michigan, Indiana, Illinois, Iowa, and Minnesota. Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703, attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-10378 Filed 5-23-73;8:45 am]

[Notice 282]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g), of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR pt. 1132), appear below:

Each application (except as otherwise specifically noted), filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 13, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74333. By order of May 17, 1973, the Motor Carrier Board approved the transfer to James William Parkinson and Donna Lynn Parkinson, doing business as Glenrock-Casper Truck Line, Casper, Wyo., of certificate of registration No. MC-97445 sub-No. 2, and certificate No. MC-97445 sub-No. 3, issued January 29, 1965, and March 10, 1967, respectively, to Everett L. Simon, doing business as Glenrock-Casper Truck Line, Glenrock, Wyo., evidencing a right to engage in transportation pursuant to certificate of public convenience and necessity No. 194 issued by the Public Service Commission of Wyoming, and authorizing the transportation of general commodities, between Glenrock, Wyo., and the Dave Johnson Powerplant approximately 6 miles east of Glenrock. Harry E. Leimback, Leimback, Aspinwall & Hofer, 430 East First Street, Casper, Wyo. 82601, applicants' attorney.

No. MC-FC-74415. By order of May 17, 1973, the Motor Carrier Board approved the transfer to Kallmeyer Bros. Enterprises, Inc., 4 Schiller Street, P.O. Box 223, Hermann, Mo. 65041, of permit No. 124846, issued April 12, 1972, to Wilford Kallmeyer and Joy Kallmeyer, doing business as Kallmeyer Bros., authorizing the transportation of: Malt beverages, in containers, from Belleville, Ill., to Hermann, Mo., with no transportation for compensation on return except as otherwise authorized, limited to the performance of a transportation service for a named shipper.

No. MC-FC-74437. By order of May 17, 1973, the Motor Carrier Board approved the transfer to A. E. White Moving & Storage Co., Inc., East Rockaway, N.Y., of certificates Nos. MC-95900 and MC-95900 sub-1 issued October 9, 1952, and March 16, 1961, respectively, to Arnold E. White, doing business as A. E. White Co., East Rockaway, N.Y., authorizing the transportation of household goods, as defined, between specified points in New York, Connecticut, New Jersey, Pennsylvania, Ohio, Massachusetts, New Hampshire, Michigan, Virginia, Florida, Illinois, Vermont, and the District of Columbia. Max A. Bratt, 475 West Merrick Road, Valley Stream, N.Y. 11580, applicants' attorney.

No. MC-FC-74443. By order of May 18, 1973, the Motor Carrier Board approved the transfer to Pioneer Hauling Co., Inc., Lexington, Mo., of the operating rights in certificates Nos. MC-115623 and MC-115623 (sub-No. 4), issued April 23, 1970, and December 29, 1971, respectively, to Gartin Truck Line, Inc., Tusculumbia, Mo., authorizing the transportation of feed, seed, and fertilizer, from Kansas City, Kans., and East St. Louis, Ill., to Olean, Mo.; fertilizer, in bulk, in seasonal operations, from January 1 to June 30, both inclusive, and from August 1 to November 30, both inclusive, of each year, from National City, Ill., to points in Audrain, Lincoln, Marion, Monroe, Pike, Ralls, Randolph, and Shelby Counties, Mo., and to Atlanta, Canton, Edina, Gibbs, Kirksville, Knox City, Lewistown, Macon, and Monticello, Mo., and general commodities, with the usual exceptions, between Tipton, Mo., and points within 20 miles thereof, on the one hand, and, on the other, points in St. Clair County, Ill. Richard Southern, Hines & Southern, 202 Guitar Building, Columbia, Mo. 65201, attorney for applicants.

No. MC-FC-74444. By order of May 18, 1973, the Motor Carrier Board approved the transfer to Pioneer Hauling Co., Inc., Lexington, Mo., of the operating rights in certificates Nos. MC-119462, MC-119462 (sub-No. 1), and MC-119462 (sub-No. 2), issued April 14, 1961, September 20, 1961, and March 31, 1965, respectively, to G. W. Reynolds, doing business as Reynolds Truck Line, Clifton Hill, Mo., authorizing the transportation of feed and fertilizer, from East St. Louis, Ill., to points in Chariton, Howard, and Randolph Counties, Mo., and Boonville, Cooper County, Mo., and Madison, Mon-

roe County, Mo.; fertilizer (except liquid fertilizer, in bulk, in tank vehicles), from Kansas City and Lawrence, Kans., to points in Chariton, Howard, and Randolph Counties, Mo., and Boonville and Madison, Mo., and animal and poultry feeds (except in bulk, in tank vehicles), from Muncie, Kans., to points in Chariton, Howard, and Randolph Counties, Mo., and Boonville and Madison, Mo. Richard Southern, Hines & Southern, 202 Guitar Building, Columbia, Mo. 65201, attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-10379 Filed 5-23-73;8:45 am]

[Notice 40]

#### MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MAY 18, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by special rule 1100.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one 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

<sup>1</sup> Copies of special rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.



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 989 (sub-No. 21), filed April 9, 1973. Applicant: IDEAL TRUCK LINES, INC., 912 North State, Norton, Kans. 67654. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Ogallala and Scottsbluff, Nebr.: From Ogallala over U.S. Highway 30 to junction Nebraska Highway 71 at Kimball, Nebr., thence over Nebraska Highway 71 to Scottsbluff, and return over the same route, serving the intermediate points of Sidney, Kimball, and Gering, Nebr.; (2) between Ogallala and Alliance, Nebr.: From Ogallala over U.S. Highway 26 to junction U.S. Highway 385 at Bridgeport, thence over U.S. Highway 385 to Alliance, and return over the same route, serving the intermediate points of Bridgeport, Nebr.; and (3) between Bridgeport and Scottsbluff, Nebr.: From Bridgeport over U.S. Highway 26 to Scottsbluff, and return over the same route, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Scottsbluff, Nebr.

No. MC 2302 (sub-No. 450), filed April 23, 1973. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William Slabaugh (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and

B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Stauffer Chemical Co. at or near Adrian, Mich., as an off-route point in connection with applicant's regular route authority.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 4963 (sub-No. 38), filed April 23, 1973. Applicant: ALLEGHANY CORP., doing business as JONES MOTOR, Bridge Street and Schuylkill Road, Spring City, Pa. 19475. Applicant's representative: Roland Rice, suite 618, Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Farmington, N.H., as an off-route point in connection with applicant's regular route authority between Boston, Mass., and Manchester, N.H.

NOTE.—Common control was approved in MC-F-11221. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 5227 (sub-No. 6), filed April 5, 1973. Applicant: ECONOMY MOVERS, INC., P.O. Box 201, Mead, Nebr. 68041. Applicant's representative: Gailyn L. Larsen, P.O. Box 80806, 521 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, pumps, water systems, component parts for water systems, tanks, and towers, and parts for agricultural implements and pumps*, between Beatrice, Nebr., Springfield, Mo., Morton, Ill., and Amarillo, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) *equipment, materials and supplies used in the manufacture or distribution of the above-named commodities* (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Beatrice, Nebr., Springfield, Mo., Morton, Ill., and Amarillo, Tex.; and (3) *experimental and show display agricultural implements, pumps, water systems, component parts for water systems tanks and towers, and parts for agricultural implements, and pumps*, between points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 5470 (sub-No. 73), filed April 16, 1973. Applicant: TAJON, INC., Rural Delivery 5, Mercer, Pa. 16137. Applicant's representative: Donald E. Cross,

918 16th Street NW., suite 700, Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, (1) from Ashtabula and Cleveland, Ohio, to points in Pennsylvania and West Virginia, and (2) from Philadelphia, Pa., to points in New York, Ohio, and West Virginia.

NOTE.—Applicant states that the authority sought under item (1) can be tacked with existing authority at various Pennsylvania or West Virginia points to serve points in the New England, Middle Atlantic, and Southern States, and the authority sought in item (2) can be tacked at several points in western New York or West Virginia to serve points in the Central and Southern States. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 11620 (sub-No. 29), filed April 18, 1973. Applicant: ARROW TRANSFER, INC., Rural Route 2, West Harrison, Ind. 45630. Applicant's representative: Jack B. Josselson, Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Oleomargarine*, from Cincinnati, Ohio, to points in Arkansas, Louisiana, and Mississippi, and rejected or returned shipments on return, under contract with Miami Margarine Co.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Washington, D.C.

No. MC 13250 (sub-No. 122), filed April 20, 1973. Applicant: J. H. ROSE TRUCKLINE, INC., 5003 Jensen Drive, P.O. Box 16190, Houston, Tex. 77022. Applicant's representative: James M. Doherty, suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes and highway freight trailers*, and (2) *parts, attachments, and accessories of the commodities in (1) above*, between the plantsites of Hyster Co. at or near Crawfordsville, Ind., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Indiana, Kansas, Kentucky, Louisiana, Missouri, Nevada, New Mexico, Oklahoma, Tennessee, Texas, and Utah, restricted to shipments originating at or destined to the above named plantsites.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority under MC 13250 (sub-No. 112) to serve points between the involved plantsites, on the one hand, and, on the other, points in Washington, and Oregon, via Sparks, Nev., but further states that it does not propose to tack the authorities. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 16903 (sub-No. 35), filed April 27, 1973. Applicant: MOON FREIGHT LINES, INC., 120 West Grimes Lane,

Bloomington, Ind. 47402. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and gypsum and gypsum products and materials and supplies* used in the installation of building materials and gypsum and gypsum products (except liquid commodities in bulk), from the facilities of U.S. Gypsum Co. located in Martin County, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of shipments originating at the above described facilities and destined to points in the above named territory.

NOTE.—If a hearing is deemed necessary, applicant request it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 19227 (sub-No. 187), filed April 19, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. F. Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sewage disposal plants*, from Baltimore, Md., to points in Arkansas, Georgia, North Carolina, South Carolina, Tennessee, Delaware, West Virginia, and Kentucky.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Miami, Fla.

No. MC 25798 (sub-No. 238), filed April 26, 1973. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film*, in vehicles equipped with mechanical refrigeration, from the plantsite of Reynolds Metals Co., at or near Grottoes, Va., to points in Colorado, Kansas, Louisiana, Nebraska, Oklahoma, Texas, and Kansas City, Mo.

NOTE.—Common control was approved in MC-F-8953. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 25869 (sub-No. 115), filed April 3, 1973. Applicant: NOLTE BROS. TRUCK LINE, INC., 6217 Gilmore Ave-

nue, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, suite 530, Univac Building, 7100 West Center Road, 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, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the facilities utilized by United Packing Co., at or near Denver, Colo., to points in the Commercial Zones of Chicago, Ill., Detroit, Mich., New York, N.Y., and Philadelphia, Pa., as defined by the Commission, and to points in Maryland, and the District of Columbia, restricted to the transportation of traffic originating at the above-named origin point, and destined to the above-named destination points.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Denver, Colo.

No. MC 28478 (sub-No. 41), filed April 5, 1973. Applicant: GREAT LAKES EXPRESS CO., a corporation, 1150 North Niagara Street, Saginaw, Mich. 48602. Applicant's representative: L. R. Knapp (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Columbus, Ohio, and Mansfield, Ohio, serving all intermediate points, and the off-route point of Martel, Ohio; (a) from Columbus over U.S. Highway 23 to Marion, Ohio, thence over U.S. Highway 30S to Mansfield, Ohio, and return over the same route; (b) from Columbus, Ohio, over U.S. Highway 23 to Marion, Ohio, thence over Ohio Highway 4 to Bucyrus, thence over U.S. Highway 30N to Mansfield, Ohio, and return over the same route, serving the off-route point of Martel; and (c) from Columbus, Ohio, over U.S. Highway 33 to Marysville, Ohio (also over Ohio county road, formerly U.S. Highway 33, to Marysville), thence over Ohio Highway 4 to Marion, thence over U.S. Highway 30S to Mansfield and return over the same route; (2) between Bucyrus and Galion, Ohio, serving all intermediate points: From Bucyrus over Ohio Highway 19 to Galion and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 29120 (sub-No. 153), filed April 16, 1973. Applicant: ALL-AMERICAN, INC., 900 West Delaware, P.O. Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: Michael J. Ogborn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over ir-

regular routes, transporting: (1) *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766 (except commodities in bulk and hides) from Wagner, S. Dak. to points in Colorado, North Dakota, Kansas, Nebraska, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, and Tennessee; and (2) *meats, meat products and meat byproducts* as described in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766 (except hides and commodities in bulk) and *materials, supplies, and equipment* used by meatpackers in the conduct of their business from points in Colorado, North Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, and Tennessee to Wagner, S. Dak.

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 Sioux Falls, S. Dak.

No. MC 29886 (sub-No. 292), filed March 26, 1973. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 406 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic and metal working machinery and equipment*; and (2) *parts, attachments, and accessories* for the commodities named in (1) above, from the plantsite of National Automatic Tool Co. Inc., at Richmond, Ind., to points in Maryland, Ohio, Pennsylvania, and Wisconsin.

NOTE.—Common control was approved in MC-F-4798. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29910 (sub-No. 129), filed April 18, 1973. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, P.O. Box 43, Kelly Building, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of French & Hecht, at or near Walcott, Iowa, as an off-route point in connection with applicant's regular-route authority to and from Davenport, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Davenport, Iowa.

No. MC 31389 (sub-No. 164), filed March 27, 1973. Applicant: McLEAN TRUCKING CO., a corporation, 617 Wauhtown Street, P.O. Box 213, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Jonatan Industrial Center in Carver County, Minn., as an off-route point in connection with applicant's operations to and from Minneapolis-St. Paul, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 33919 (sub-No. 7), filed April 16, 1973. Applicant: FAIRCHILD GENERAL FREIGHT, INC., 19 West Washington Avenue, Yakima, Wash. 98902. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberboard containers and packing forms*, from the plantsite and warehouse facilities of Container Corp. of America at Portland, Oreg., to Winnemucca, Nev.; and (2) *glass containers and closures therefor*, from the plantsite and warehouse distribution facilities of Owens-Illinois, Inc., at Portland, Oreg., to Ogden, Utah.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 35628 (sub-No. 348), filed April 5, 1973. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville, SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen meats, and nonedible foods* when moving in vehicles equipped with mechanical refrigeration, from the facilities of Terminal Ice & Cold Storage Co., at Bettendorf, Iowa, to points in Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Kentucky, Ohio, Michigan, Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, New Hampshire, Virginia, and West Virginia.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 39871 (sub-No. 4), filed April 13, 1973. Applicant: EDWARD M. HOWEY, doing business as HOWEY'S

EXPRESS, Democrat Road, Mickleton, N.J. 08056. Applicant's representative: Alan Kahn, 1920 2 Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial finishes and coatings and materials and supplies* used or useful in the manufacture and distribution of industrial finishes and coatings, between Thorofare, N.J., on the one hand, and, on the other, points in Delaware, Maryland, New York, and Pennsylvania.

NOTE.—Applicant states that the requested authority can be tacked at commonly authorized points with its existing authority in MC-39871 and subs thereunder, 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 Philadelphia, Pa.

No. MC 42487 (sub-No. 809), filed April 4, 1973. Applicant: CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: E. T. Lipfert, suite 1100, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of the Ford Motor Co., Romeo, Mich., as an off-route point in connection with carrier's presently authorized regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 43421 (sub-No. 46), filed March 30, 1973. Applicant: DOHRN TRANSFER CO., a corporation, 4026 Ninth Street, P.O. Box 1237, Rock Island, Ill. 61201. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of Ford Motor Co. at Romeo, Mich., as an off-route point in connection with applicant's regular route operations to and from Detroit, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 51146 (sub-No. 319), filed April 23, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Charles Singer, 327 South La Salle Street, suite 1000, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, mineral wool products, insulating material, and insulated air duct*, from

Kansas City, Kans., to points in North Dakota, South Dakota, Wisconsin, and Minnesota.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states it has various duplicative items of authority under various subs but does not seek duplicative authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52704 (sub-No. 98), filed April 16, 1973. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer "H", LaFayette, Ala. 36822. Applicant's representative: Archie B. Culbreth, suite 246, 1252 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from points in Putnam County, Fla., to points in Alabama, Arkansas, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia; and (2) *equipment, materials, and supplies* used in the processing and manufacture of paper and paper products (except commodities in bulk and commodities requiring special equipment) from points in the destination States described in (1) above to points in Putnam County, Fla.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 52657 (sub-No. 705), filed April 16, 1973. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foreign-made motor vehicles*, in secondary movements, in truck-away service, from points in the Kansas City, Mo., commercial zone, to points in Kansas, Missouri, Nebraska, and South 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 Washington, D.C., or Chicago, Ill.

No. MC 52709 (sub-No. 320), filed April 2, 1973. Applicant: RINGSBY TRUCK LINES, INC., P.O. Box 192, 5773 South Prince Street, Littleton, Colo. 80120. Applicant's representative: J. Maurice Andren, P.O. Box 1631, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Casper and Sheridan, Wyo., over Interstate Highway 25 and/or U.S. Highway 87 and return over the same route, serving the terminal point of Sheridan for the purpose of joinder or interchange only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 57239 (sub-No. 20), filed April 3, 1973. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, Indianapolis, Ind. 46206. Applicant's representative: Rudy Yessin, P.O. Box B, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Louisville and Shelbyville, Ky., (a) from Louisville over U.S. Highway 60 and/or U.S. Highway 460 to Shelbyville, and return over the same route; (b) from Louisville over Interstate Highway 64 to junction Kentucky Highway 55, thence over Kentucky Highway 55 to Shelbyville and return over the same route; and (c) from Louisville over Interstate Highway 64 to junction Kentucky Highway 53, thence over Kentucky Highway 53 to Shelbyville and return over the same route, serving all intermediate points on each above described route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 57239 (sub-No. 21), filed April 2, 1973. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, Indianapolis, Ind. 46206. Applicant's representative: Rudy Yessin, P.O. Box B, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between the plantsite of the Anaconda Aluminum Co. at or near Sebree, Ky., and Evansville, Ind.: From the plantsite of the Anaconda Aluminum Co. at or near Sebree over U.S. Highway 41 or Pennyrlle Parkway to Evansville, and return over the same route, serving no intermediate points; (2) between the plantsite of the Anaconda Aluminum Co. at or near Sebree, Ky., and Indianapolis, Ind.: From the plantsite of the Anaconda Aluminum Co. at or near Sebree over U.S. Highway 41 to junction Indiana Highway 57, thence over Indiana Highway 57 to junction U.S. Highway 231, thence over U.S. Highway 231 to junction Indiana Highway 67, and thence over Indiana Highway 67 to Indianapolis, and return over the same route, serving no intermediate points; (3) between the plantsite of the Anaconda Aluminum Co. at or near Sebree, Ky., and Louisville, Ky.: From the plantsite of the Anaconda Aluminum Co. at or near Sebree over U.S. Highway 41 to junction Indiana Highway 57 at Evansville, thence over Indiana Highway 57 to junction Indiana Highway 64 at Oakland City, thence over Indiana Highway 64 to junction Interstate Highway 64 near New Albany, and thence over Interstate Highway 64 to Louisville, and return over the same route, serving no inter-

mediate points; and (4) between the plantsite of the Anaconda Aluminum Co. at or near Sebree and Hopkinsville, Ky.: From the plantsite of the Anaconda Aluminum Co. at or near Sebree over U.S. Highway 41 or Pennyrlle Parkway to Hopkinsville, and return over the same route, serving no intermediate points, and serving the junction of U.S. Highway 41 or Pennyrlle Parkway with the Western Kentucky Parkway for purposes of joinder only.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 59457 (sub-No. 26), filed April 13, 1973. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., Old Amity Road, Bethany, Conn. 06525. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dated, printed publications*, between the warehouse or storage facilities of Magazine Shippers Association, Inc., in Bridgeport, Conn., on the one hand, and, on the other, Boston and Springfield, Mass., Providence, R.I., Carle Place and Hauppauge, Long Island, N.Y., Trenton, N.J., Philadelphia, Pa., Baltimore, Md., Wilmington, Del., Concord, N.H., New Brunswick, N.J., and Canton, Mass.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Hartford or Bridgeport, Conn.

No. MC 59583 (sub-No. 136), filed April 16, 1973. Applicant: THE MASON AND DIXON LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, and couplings, connections, and accessories*, from Holt, Ala., to points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 60987 (sub-No. 19), filed April 3, 1973. Applicant: ARKIN TRUCK LINE, INC., 1600 South Indiana Avenue, Chicago, Ill. 60616. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and*

*materials, supplies, and equipment* used in the maintenance and operation of printing plants (except commodities in bulk, in tank vehicles), between the warehouse of Encyclopaedia Britannica at Chicago, Ill., on the one hand, and, on the other, the plantsite and facilities of Rand McNally & Co. at Lexington and Versailles, Ky., under a continuing contract with Encyclopaedia Britannica.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 66900 (sub-No. 42), filed April 16 1973. Applicant: HOUFF TRANSFER, INC., P.O. Box 91, Weyers Cave, Va. 24486. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Frederick and Clarke Counties, Va., on the one hand, and, on the other, points in West Virginia on and north of U.S. Highway 33.

NOTE.—Applicant states that the requested authority can be tacked at Frederick and Clarke Counties, Va., to provide service to and from points in Pennsylvania, New York, and those within 50 miles of the District of Columbia. Applicant further states that it presently performs the service requested herein and by the instant application seeks to eliminate its gateways through Augusta County, Va. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., or Washington, D.C.

No. MC 69116 (sub-No. 155), filed April 25, 1973. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) serving Walcott, Iowa, as an off-route point in connection with applicant's presently authorized regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 82841 (sub-No. 115), filed April 13, 1973. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes and highway freight trailers*; and (2) *attachments and accessories* of the commodities named in (1) above, between the plantsites of Hyster Co. at or

near Crawfordsville, Ind., on the one hand, and, on the other, points in Colorado, Kansas, Nebraska, and those in that part of Iowa on and west of U.S. Highway 69.

**NOTE.**—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 83539 (sub-No. 368), filed April 27, 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: *Trailers* (other than those designed to be drawn by passenger automobiles), in initial movements, from Minneapolis and St. Paul, Minn., to points in the United States including Alaska (but excluding Hawaii and Minnesota).

**NOTE.**—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 83539 (sub-No. 369), filed April 30, 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: *Dust collectors and pollution control equipment, materials and supplies*, from the plant site and warehouse facilities of Dusty Dustless, Inc., at Baldwinsville, N.Y., to points in the United States, including Alaska (but excluding Hawaii).

**NOTE.**—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83835 (sub-No. 107), filed April 23, 1973. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, winches, compacting and roadmaking equipment, rollers, mobile cranes and highway freight trailers*; and (2) *parts attachments and accessories* of the commodi-

ties named in (1) above, between the plantsite of Hyster Co. at or near Crawfordsville, Ind., on the one hand, and, on the other, points in Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, and Texas, restricted to the transportation of shipments originating at or destined to the above-named plantsite.

**NOTE.**—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 89684 (sub-No. 82), filed February 20, 1973. Applicant: WYCOFF CO., INC., 560 South Second West, Salt Lake City, Utah 84110. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), having a prior or subsequent movement by air, (1) serving all intermediate points on U.S. Highway 89, and the off-route point of Navajo power plant, in connection with applicant's presently authorized regular-route operations between Kenab, Utah and Flagstaff, Ariz.; (2) serving all intermediate points between Evanston and Rock Springs, Wyo. on Interstate Highway 80 and U.S. Highway 30, and the off-route points of Westvaco, Stauffer and Alchem, Wyo., in connection with applicant's presently authorized regular-route operations between Salt Lake City, Utah and Rock Springs, Wyo.; (3) serving all intermediate points on U.S. Highway 187, in connection with applicant's presently authorized regular-route operations between Rock Springs and Jackson, Wyo.; (4) between Shoshone and Ketchum, Idaho: from Shoshone over U.S. Highway 93 to Ketchum, and return over the same route, serving no intermediate points, and serving the off-route point of Sun Valley, Idaho; and (5) between Wendover, Utah and Elko, Nev.: from Wendover over U.S. Highway 40 and Interstate Highway 80 to Elko, and return over the same route, serving all intermediate points.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 95876 (sub-No. 136), filed April 17, 1973. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, winches, compacting and road making equipment, rollers, mobile cranes and highway freight trailers*; and (2) *parts, attachments, and accessories of the commodities named in (1) above*, between the plantsites of Hyster Co. at or

near Crawfordsville, Ind., on the one hand, and, on the other, points in Minnesota, North Dakota, South Dakota, and Wisconsin, restricted in (1) and (2) above to transportation of shipments originating at or destined to the above-named plant sites.

**NOTE.**—Common control was approved in MC-F-10457. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant request it be held at Chicago, Ill.

No. MC 98576 (Sub-No. 137), filed April 26, 1973. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone sawing wire and wire rope*, from Asheville, N.C., to points in California, Connecticut, Georgia, Illinois, Indiana, Minnesota, Oklahoma, South Dakota, Texas, Vermont, and Wisconsin.

**NOTE.**—Common control was approved in No. MC-F-10457. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Asheville or Winston-Salem, N.C.

No. MC 100666 (sub-No. 241), filed March 30, 1973. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 Northwest 58th, 280 National Foundation Life Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden beams, materials, and accessories* used in the installation thereof, from Delaware, Ohio, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, 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, Ohio, or Chicago, Ill.

No. MC 103051 (sub-No. 275), filed April 13, 1973. Applicant: FLEET TRANSPORT CO., INC., 934 44th Avenue North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed supplements*, from Nashville and Knoxville, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, and South Carolina.

**NOTE.**—Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities

are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 106398 (sub-No. 657), filed April 9, 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: *Buildings* in sections, mounted on wheeled undercarriages, from points of manufacture located in Rockingham County, N.H., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 107456 (sub-No. 20), filed April 6, 1973. Applicant: HARRY L. YOUNG & SONS, INC., 542 West Sixth South, Salt Lake City, Utah 84104. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in cargo containers and cargo vans, and empty *cargo containers and empty cargo vans*, between all points in the United States (including Alaska, but excluding Hawaii).

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or San Francisco, Calif.

No. MC 109136 (sub-No. 42), filed April 24, 1973. Applicant: ORIOLE CHEMICAL CARRIERS, INC., Heaver Plaza, 1301 York Road, suite 306, Lutherville, Md. 21093. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from points in Camden and Gloucester Counties, N.J., to points in Delaware, New Jersey, Maryland, those in that part of Pennsylvania on and east of U.S. Highway 220, those in that part of Virginia on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 220 to and including Roanoke, Va., and thence along U.S. Highway 11 to the Virginia-West Virginia State line near Charles Town, W. Va., those in that part of New York on, east, south and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 34 to Waverly, N.Y., thence along New York Highway 17 to Binghamton, N.Y., and thence along New York Highway 7 to the New York-Vermont State line, and the District of

Columbia, with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Diamond Shamrock Corp., Cleveland, Ohio.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109649 (sub-No. 14), filed April 23, 1973. Applicant: L. P. TRANSPORTATION, INC., Cross and Main Streets, Chester, N.Y. 10918. Applicant's representative: John L. Alfano, 2 West 45th Stret, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from Everett, Mass., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 110098 (sub-No. 135), filed April 11, 1973. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk) 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: (1) From Wagner, S. Dak., to points in Kansas, Missouri, Oklahoma, Arkansas, and New Mexico; and (2) from points in Colorado, Kansas, Missouri, Oklahoma, Arkansas, Texas, Louisiana, and New Mexico, to Wagner, S. Dak., restricted to transportation of traffic originating at the named origins and destined to the named destinations.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or San Antonio, Tex.

No. MC 110420 (sub-No. 680), filed April 23, 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) *Alcohol*, in bulk, in tank vehicles; from Juneau, Wis., to points in Illinois, Indiana, Ohio, Iowa, Michigan, and Min-

nesota; and (2) *cocoa and cocoa products*, dry, in tank or hopper type vehicles, from Milwaukee, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 110563 (sub-No. 106), filed April 30, 1973. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 741, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from Westbury, N.Y., to points in Ohio, Michigan, Virginia, Illinois, 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 New York, N.Y., or Washington, D.C.

No. MC 110683 (sub-No. 93), filed April 25, 1973. Applicant: SMITH'S TRANSFER CORP., P.O. Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Newport, Tenn., as an off-route point in connection with applicant's presently authorized regular-route operations between Cleveland and Greenville, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 111045 (sub-No. 102), filed April 11, 1973. Applicant: REDWING CARRIERS, INC., P.O. Box 436, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulfur*, in bulk, in tank vehicles, from Savannah, Ga., to Fernandina Beach, Fla.

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 Savannah, Ga., or Washington, D.C.

No. MC 111785 (sub-No. 54), filed April 4, 1973. Applicant: BURNS MOTOR FREIGHT, INC., P.O. Box 149, U.S. Highway 219 North, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)

*Leather and leather byproducts*, from the facilities of Howes Leather Co., at or near Frank, W. Va., 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, and those in Minnesota, Missouri, and Wisconsin; and (2) *materials and supplies* used by tanneries (except in bulk), from points in Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, and Illinois, to the facilities of Howes Leather Co. at or near Frank, W. Va.

**NOTE.**—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 111812 (sub-No. 489), filed April 26, 1973. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods and potato products* from Aroostook County, Maine, to points in South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Tennessee, West Virginia, Pennsylvania, New York, Maryland, Delaware, District of Columbia, and New Jersey; and (2) *frozen squash* from Belfast, Maine, to points in the District of Columbia, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

**NOTE.**—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in subs 141 and 174 at Cleveland, Ohio, to serve points in Oregon, Salt Lake City, Utah, and those in Washington, California, Colorado, Idaho, Montana, Nevada, North Dakota, Utah, and Wyoming. 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 Bangor, Maine.

No. MC 111812 (sub-No. 490), filed April 20, 1973. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)

*Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Wagner, S. Dak., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington; and (2) *meats, meat products and meat byproducts* as described in section A 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), and *materials, supplies, and equipment* used by meatpackers in the conduct of their business, from points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington, to Wagner, S. Dak., restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the named destinations.

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 111812 (sub-No. 491), filed April 23, 1973. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). 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, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the named origins.

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 112304 (sub-No. 66), filed April 27, 1973. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories and refractory products* from points in Columbiana and Jefferson Counties, Ohio, to points in New York,

New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, Kentucky, Indiana, Illinois, Michigan, Wisconsin, Missouri, and the District of Columbia.

**NOTE.**—Applicant states that the requested authority can be tacked with its existing authority under MC 112304 (sub-No. 61), but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 112627 (sub-No. 16), filed March 12, 1973. Applicant: OWENS BROS., INC., Box 247, Dansville, N.Y. 14437. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wines and champagnes*, in containers, and *advertising matter*, from Conesus, N.Y., to Naples, N.Y.

**NOTE.**—Applicant states that the requested authority can be tacked at Naples, N.Y., with its authority under MC 112627 and subs (6), and (7). 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 Buffalo, N.Y.

No. MC 112822 (sub-No. 271), filed April 26, 1973. Applicant: BRAY LINES INC., P.O. Box 1191, 1401 North Little, Cushing, Okla. 74023. Applicant's representative: J. R. Gardner (same address as applicant). 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 Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming, restricted to traffic originating at the named origins.

**NOTE.**—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., Amarillo, Tex., or with other applications requesting similar authority.

No. MC 113678 (sub-No. 491), filed April 30, 1973. Applicant: CURTIS, INC., P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Richard A. Peterson, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Foodstuffs and ingredients thereof*, from Superior, Nebr., to points in Illinois and Wisconsin.

**NOTE.**—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113459 (sub-No. 80), filed April 23, 1973. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, winches, compaction and roadmaking equipment, rollers, mobile cranes and highway freight trailers*, and (2) *parts, attachments, and accessories* of the commodities named in (1) above, between the plantsite of Hyster Co. at or near Crawfordsville, Ind., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, restricted to the transportation of shipments originating at or destined to the above plantsite.

**NOTE.**—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113855 (sub-No. 274), filed April 13, 1973. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marlon Road Southeast, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes and highway freight trailers*; and (2) *parts, attachments, and accessories* of the commodities named in (1) above, between the plantsites of Hyster Co. at or near Crawfordsville, Ind., on the one hand, and, on the other, Arizona, California, Colorado, Idaho, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, restricted to the transportation of shipments originating at or destined to the above-named plantsites.

**NOTE.**—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113908 (sub-No. 263), filed April 5, 1973. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale,

Springfield, Mo. 65804. Applicant's representative: Turner White, 805 Woodruff Building, Springfield, Mo. 65806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid soap products, liquid soap, and cleaning commodities*, in bulk, in tank- or hopper-type vehicles, (1) from Denver, Colo., to Chicago, Ill.; and (2) from Denver, Colo., to the ports of entry on the international boundary line between the United States and Canada at or near Piegan, Mont.

**NOTE.**—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 114004 (sub-No. 126), filed March 28, 1973. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, mounted on wheeled undercarriages equipped with hitch ball connections (from origins which are points of manufacture), (1) from points in Robeson County, N.C. (except from the plantsite of USCO, Inc., at or near Fairmont, N.C.), to points in the United States on and east of a line beginning at the Gulf of Mexico at the Louisiana-Texas State line, and extending northward along the Louisiana-Texas State line to the Louisiana-Arkansas State line, then eastward along the Louisiana-Arkansas State line to the Mississippi River, thence northward along the Mississippi River to its junction with the western boundary of Itasca County, Minn., and thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States-Canada (except Flint, Detroit, and Mount Clemens, Mich.); and (2) from the origin points named in (1) above, to points in the United States (including Alaska and excluding Hawaii.)

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 114211 (sub-No. 196), filed April 27, 1973. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Self-propelled vehicles*, (b) *equipment, materials, and supplies* designed for use in conjunction with self-propelled vehicles, and (c) *parts and attachments* for the commodities in (a) and (b) above and (d) *aluminum extrusions*, from points in Winnebago County, Iowa, to points in the United States (except Alaska and Hawaii), and (2) *equipment,*

*materials, and supplies* used in the manufacture or distribution of the above-mentioned products (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to points in Winnebago County, Iowa

**NOTE.**—Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 114273 (sub-No. 139), filed March 22, 1973. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, suite 315, Commerce Exchange Building, 2720 First Avenue NE, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from Portage, Ind., to points in Illinois, Iowa, Missouri, Minnesota, Nebraska, and Colorado.

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114533 (sub-No. 275), filed April 23, 1973. Applicant: BANKERS DISPATCH CORP., 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, (1) between Springfield, Mo., on the one hand, and, on the other, points in Kansas; (2) between points in St. Charles County, Mo., on the one hand, and, on the other, points in Illinois; and (3) between Peoria, Ill., on the one hand, and, on the other, points in Missouri.

**NOTE.**—Applicant holds contract carrier authority under MC 128616 and subs thereto, 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 Kansas City or St. Louis, Mo.

No. MC 114533 (sub-No. 276), filed April 23, 1973. Applicant: BANKERS DISPATCH CORP., 4970 South Archer Avenue, Chicago, Ill., 60632. Applicant's representative: Warren W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Graphic arts materials and exposed and processed film and prints, complimentary replacement film and supplies* (except motion picture films and materials and supplies used in connection with commercial and



television motion pictures), between Elk Grove, Ill., on the one hand, and, on the other, points in Indiana, Michigan, Missouri, and Wisconsin.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. Further, applicant holds contract carrier authority under MC 128616 and subs thereto, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114552 (sub-No. 76), filed March 30, 1973. Applicant: SENN TRUCKING CO., a corporation, P.O. Box 333, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition boards, insulation materials, urethane and urethane products and related materials, supplies, and accessories, incidental thereto (except commodities in bulk)*, from Cincinnati, Ohio, to points in Virginia, North Carolina, South Carolina, Georgia, Tennessee, Kentucky, and Florida.

**NOTE.**—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 115162 (sub-No. 272), filed April 23, 1973. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wax pregated sawdust logs, charcoal, in bags, or boxes, and wood chips, lighter fluid (other than in bulk) and barbecue based materials in mixed loads with charcoal and/or wax pregated sawdust logs, from points in Tucker County, W. Va., Maries County, Mo. Pulaski County, Ky., and Houston County, Ala., to points in the United States in and east of North Dakota, 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 does not specify a location.

No. MC 115215 (sub-No. 19), filed March 26, 1973. Applicant: NEW TRUCK LINES, INC., P.O. Box 639, Highway 27 South, Perry, Fla. 32347. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and fittings, from the plantsite and warehouse facilities of Kyle-Gifford-Hill, Inc., at or near Newberry, Fla., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Florida; and (2) materials and supplies used in the manufacture and installation of plastic pipe (except commodities in bulk), from points in the above-described destina-*

tions to the plantsite and warehouse facilities of Kyle-Gifford-Hill, Inc., at or near Newberry, Fla.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115840 (sub-No. 89), filed April 13, 1973. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner, P.O. Box 10327, Birmingham, Ala. 35202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, conduits, molding, valves, fittings, siding, compounds, joint sealer, bonding cement, and accessories and materials used in the installation thereof (except in bulk), from Social Circle, Ga., to points in Indiana, Ohio, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Tennessee, Kentucky, Alabama, Georgia, Florida, Mississippi, Louisiana, Texas, Arkansas, Oklahoma, Missouri, and Kansas. Restriction: Restricted to traffic originating at the plantsite and storage facilities of Certain-Teed Products located at or near the named origin.*

**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 either Atlanta, Ga., Baltimore, Md., or Washington, D.C.

No. MC 116014 (sub-No. 63), filed April 23, 1973. Applicant: OLIVER TRUCKING CO., INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Moldings, from Covington, Tenn., to points in Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, Wisconsin, and the District of Columbia.*

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 116073 (sub-No. 259), filed April 16, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Maine Avenue, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue, Moorhead, Minn. 56560. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles, in initial movements, and buildings complete or in sections, transported on wheeled undercarriages, from Redwood County, Minn., to points in the United States (except Alaska and Hawaii).*

**NOTE.**—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 116073 (sub-No. 260), filed April 16, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Maine Avenue, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Buildings and sections of buildings, mounted on wheeled undercarriages, with hitchball connectors, from Yellowstone and Missoula Counties, Mont., to points in the United States (except Alaska and Hawaii).*

**NOTE.**—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Helena, Mont.

No. MC 116073 (sub-No. 261) (correction), filed April 20, 1973, published in the FEDERAL REGISTER issue of May 10, 1973, and republished as corrected this issue.

**NOTE.**—The purpose of this republication is to show the correct docket number assigned thereto as shown above, in lieu of No. MC 11673 (sub-No. 261) which was in error.

No. MC 116763 (sub-No. 253), filed April 16, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Prepared animal food (except in bulk), from the plantsite of Lipton Pet Foods, Inc., at Golden Meadow, La., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, and the District of Columbia, restricted to traffic originating at the named plantsite and destined to the States named.*

**NOTE.**—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 117058 (sub-No. 10), filed April 26, 1973. Applicant: CAPITAL MESSENGERS, INC., 4700 Varnum Street, Bladensburg, Md. 20710. Applicant's representative: Nancy Pyeatt, 1030 15th Street NW., 420 Executive Building, Washington, D.C. 20005. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Copying and duplicating equipment, and materials and supplies necessary for operation and maintenance of such equipment, crated and uncrated, from Pennsauken and Moorestown, N.J., to points in Maryland, Virginia, and the District of Columbia, under a continuing contract with A. B. Dick Co.*

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117119 (sub-No. 471), filed March 29, 1973. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O.

Box 188, Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs* (except commodities in bulk) from Omaha, Nebr., to Dale, Evansville, and Vincennes, Ind.

**NOTE.**—Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 117322 (sub-No. 9), filed April 18, 1973. Applicant: LESTER NOVOTNY, doing business as CHATFIELD TRUCKING, Chatfield, Minn. 55923. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Albert Lea, Minn., to Chicago, Ill.

**NOTE.**—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 117940 (sub-No. 90), filed April 20, 1973. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald M. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unrated commercial clothes dryers*, from Fall River and New Bedford, Mass., to points in the United States (except Alaska, Hawaii, and Massachusetts).

**NOTE.**—Applicant holds motor contract carrier authority in No. MC-114789 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118806 (sub-No. 27), filed April 2, 1973. Applicant: ARNOLD BROS. TRANSPORT, LTD., 739 Lagimodiere Boulevard, Winnipeg, Manitoba, Canada. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are used in the manufacture of buses*, from points in the United States (except Alaska and Hawaii), to the port of entry on the international boundary line between the United States and Canada, at Noyes, Minn., restricted to the transportation of traffic moving in foreign commerce.

**NOTE.**—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119774 (sub-No. 68), filed April 30, 1972. Applicant: EAGLE TRUCKING CO., a corporation, 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: *Paper and paper products*, from plantsite and storage facilities of Olinkraft, Inc., at Monroe and West Monroe, La., to points in Alabama, Arkansas, Georgia, Kansas, Louisiana, Mississippi, Oklahoma, and Texas.

**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 Shreveport, La., New Orleans, La., or Dallas, Tex.

No. MC 120279 (sub-No. 4), filed April 25, 1973. Applicant: F & S CO., INC., 915 North Main Street, Tooele, Utah 84074. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ores and concentrates and mining and milling supplies*, between points in Utah and Nevada.

**NOTE.**—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Tucson, Ariz.

No. MC 120646 (sub-No. 12), filed April 4, 1973. Applicant: BRADLEY FREIGHT LINES, INC., P.O. Box 5875, Asheville, N.C. 28803. Applicant's representative: Walter Harwood, 1822 Parkway, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, furniture parts, and materials and supplies* used in the manufacture of furniture (except in bulk) between Nantahala, N.C., and points in Graham County, N.C., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

**NOTE.**—Applicant states that the requested authority can be tacked with its sub 5 authority at points in Graham County or Ferndale Station, Ky. 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 Asheville or Charlotte, N.C.

No. MC 123048 (sub-No. 252), filed April 2, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Agricultural implements and farm machinery*, from Crystal Lake, Ill., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, the Upper Peninsula of Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oregon, those in that part of Pennsylvania on and west of U.S. Highway 19, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

**NOTE.**—Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123048 (sub-No. 253), filed April 9, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, insulation, cement, metal fastening bands, canvas lap, binding strips, asphalt, asphaltum, coal tar paint, bearings, iron hooks, adhesive, staples, wire, and materials, equipment, and supplies* used in the installation of such commodities, (1) from Aurora, Ill., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming; (2) from Alliance, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; and (3) from Huntington, Ind., and Kalamazoo, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

**NOTE.**—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123872 (sub-No. 6), filed April 16, 1973. Applicant: W & L MOTOR LINES, INC., 10th and C Streets SE, Box 2607, Hickory, N.C. 28601. Appli-

cant's representative: J. Raymond Clark, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, and furniture parts*, from points in Graham County, N.C., to points in California, Colorado, Iowa, Kansas, Minnesota, Nebraska, New Mexico, Oklahoma, Texas, 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 Hickory or Charlotte, N.C.

No. MC 128007 (sub-No. 50), filed April 27, 1973. Applicant: HOFER, INC., P.O. Box 583, 20th and Bypass, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Polystyrene products*, from points in Montgomery County, Kans., to points in the United States (excluding Alaska and Hawaii), (b) *materials and supplies* (except in bulk), used in the manufacture of the commodities described in (a) above, from points in Pennsylvania and New Jersey to points in Montgomery County, Kans., and (2) *feed and feed ingredients*, between points in Crawford County, Kans., and points in Ohio, Wisconsin, Indiana, Louisiana, and Arizona.

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, Mo.

No. MC 128383 (sub-No. 29), filed March 30, 1973. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: James W. Patterson, 2107 the Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), having a prior or subsequent movement by air, between John F. Kennedy International Airport, New York, N.Y., Newark Airport, Newark, N.J., Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, Miami International Airport, at or near Miami, Fla., Hartsfield International Airport, at or near Atlanta, Ga., and Douglas Municipal Airport, at or near Charlotte, N.C.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in No. MC-128383 and subs 3 and 6 at the John F. Kennedy and Philadelphia International Airports and Newark Airport to provide a service between the named airports near Miami, Atlanta, and Charlotte, on the one hand, and, on the other, points in New Jersey and Pennsylvania, and Friendship International Airport, Anne Arundel County, Md., Dulles International Airport, Fairfax and Loudoun Counties, Va., Wash-

ington National Airport, Gravelly Point, Va., and La Guardia Airport, New York, N.Y. Applicant further states that it intends to tack with other permanent authority requests pending before the Commission. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 129051 (sub-No. 3), filed April 5, 1973. Applicant: ACTIVE MOVING & STORAGE, INC., 5401 F East Highway 190, Killeen, Tex. 76541. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Fort Worth, Tex., on the one hand, and, on the other, points in Cooke, Grayson, Fannin, Lamar, Delta, Hopkins, Hunt, and Collin Counties, Tex., restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized 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.

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 Fort Worth or Dallas, Tex.

No. MC 129675 (sub-No. 3), filed April 13, 1973. Applicant: CHEESE EXPRESS, INC., 4500 West 90th Street Terrace, Shawnee Mission, Kans. 66207. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, (a) as defined in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766; and (b) the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time, from Ord, Nebr., to points in Nebraska, Colorado, Wyoming, New Mexico, Missouri (except Springfield and Neosho), Oklahoma, Texas, Iowa, Illinois, Arizona, California, Kansas, and Provo, Utah (except that no service is authorized within Kansas and Missouri); and (2) *materials, supplies, and equipment* used in the manufacture of (1) above, on return, under a continuing contract with Ord Cheese Plant, a division of Tescott Cheese, Inc., or Ord, Nebr.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Kansas City, Mo.

No. MC 129876 (sub-No. 5), filed April 2, 1973. Applicant: DuBOIS TRUCKING, INC., P.O. Box 502, Montpelier, Vt. 05602. Applicant's representative: John P. Monte, 61 Summer Street, Barre, Vt. 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

ing: *Petroleum products*, from Ticonderoga, N.Y., and South Portland, Maine, to Barre, Barre Town, Berlin, Northfield, Montpelier, and Williamstown, Vt., under contracts with Couillard Heating Oils, Inc., and the northeastern region of Exxon Co.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Boston, Mass.

No. MC 133014 (sub-No. 6), filed April 27, 1973. Applicant: WOODCREST L & S CO., a corporation, 4701 West Iowa Street, Chicago, Ill. 60651. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold by mail order houses (except in bulk), between Charlotte, N.C., on the one hand, and, on the other, points in North Carolina, South Carolina, Alabama, Georgia, Tennessee, and Virginia, restricted to traffic originating at or destined to the facilities of Spiegel, Inc., at Chicago, Ill., pursuant to a continuing contract or contracts with Spiegel, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134323 (sub-No. 47), filed April 24, 1973. Applicant: JAY LINES, INC., 720 North Grand Street, Amarillo, Tex. 79105. Applicant's representative: Galyon Larson, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household laundry equipment and parts thereof*, from Herrin, Ill., to points in Florida and Georgia, under a continuing contract with Fedders Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Omaha, Nebr.

No. MC 134477 (sub-No. 30), filed April 27, 1973. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Anthony C. Vance, 1111 E Street NW., suite 501, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas; and (2) from points in Illinois, Missouri, and Wisconsin, to points in Arkansas, Colorado, Louisiana, Oklahoma, and Texas; restricted to shipments originating at and destined to the terminals and other facilities of A B C Freight Forwarding Corp., Midland Forwarding Corp., Inc., and National Carloading Corp., located in the above named States,

and further restricted to shipments on bills of lading issued by the above named carloaders.

**NOTE.**—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Chicago, Ill.

No. MC 134547 (sub-No. 3), filed April 27, 1973. Applicant: BILBO TRANSPORTS, INC., 2722 Singleton Boulevard, Dallas, Tex. 75212. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulating materials, and materials and supplies* used in the manufacture, installation, and distribution thereof (except iron and steel articles and commodities in bulk), between the plantsite of GAF Corp. at Dallas, Tex., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, and Tennessee, under a continuing contract with GAF Corp.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 134551 (sub-No. 3), filed April 9, 1973. Applicant: LANTER REFRIGERATED DISTRIBUTING CO., a corporation, No. 3 Caine Drive, Madison, Ill. 62060. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as describe in appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766 (except in bulk), from Madison and East St. Louis, Ill., to points in Missouri, south of the Missouri River and on and east of U.S. Highway 63; points in Kentucky on and west of the Tennessee River; and Blytheville, Ark., and Evansville, Ind.

**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 St. Louis, Mo., or Chicago, Ill.

No. MC 134631 (sub-No. 16), filed April 26, 1973. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 503, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Winona, Minn., to points in the United States (except Alaska and Hawaii), under contract with Watkins Products, Inc.

**NOTE.**—Applicant also holds common carrier authority under MC 118202 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 135007 (sub-No. 29), filed April 26, 1973. Applicant: AMERICAN TRANSPORT, INC., P.O. Box 37406 Millard Station, Omaha, Nebr. 68137. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 plantsites and storage facilities of Spencer Foods, Inc., at or near Schuyler and Fremont, Nebr., to points in Maine, under contract with Spencer Foods, Inc.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 135633 (sub-No. 4), filed April 18, 1973. Applicant: NATION-WIDE AUTO TRANSPORTERS, INC., 2185 Lemoine Avenue, Fort Lee, N.J. 07024. Applicant's representative: Harold G. Heryly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in drive-away service, between points in the United States, including Alaska and Hawaii.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Syracuse or Albany, N.Y.

No. MC 135871 (sub-No. 16), filed April 24, 1973. Applicant: H. G. M. TRANSPORT CO., a corporation, 1979 West Side Avenue, Jersey City, N.J. 07306. 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: *Such commodities* as are dealt in by department stores and *supplies and equipment* used in the conduct of such business, between points in the New York, N.Y. Commercial Zone as defined by the Supplemental Report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 in which local operations may be conducted pursuant to the partial exemptions section 203 (b) (8) of the Interstate Commerce Act (the "exempt" zone), on the one hand, and, on the other, Wilson, Goldsboro, Greenville, Gastonia, Lumberton, and Hickory, N.C., and Salisbury, Md., under a continuing contract with S. E. Nichols, Inc. of New York, N.Y.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 136570 (sub-No. 4), filed April 22, 1973. Applicant: BARNETT BROS., INC., Outer Eighth and Posey Streets, Henderson, Ky. 42420. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete products*, between Henderson, Ky., on the one hand, and, on the other, points in Tennessee.

**NOTE.**—Applicant states that the requested authority can be tacked with its existing authority at Henderson, Ky., but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind., or Louisville, Ky.

No. MC 136947 (sub-No. 2), filed April 9, 1973. Applicant: CUOMO & SON CARTAGE CO., a corporation, 2631 South Hillcock, Chicago, Ill. 60608. Applicant's representative: Philip A. Lee, 33 North Dearborn Street, suite 1801, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compost*, used as a growth medium for mushrooms, between Brighton, Ind.; Glenn, Mich.; and West Chicago (Prince Crossing), Ill.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 136903 (sub-No. 4) (amendment), filed February 5, 1973, published in the FEDERAL REGISTER issue of March 15, 1973, and republished as amended this issue. Applicant: INTERMODAL TRANSPORT, INC., P.O. Box 19022, Louisville, Ky. 40219. Applicant's representative: W. F. Hart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, from the sites of Bulk Distribution Centers, Inc., located in Newton and Fulton Counties, Ga., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia, restricted to shipments having a prior movement by rail.

**NOTE.**—The purpose of this republication is to broaden the territorial scope of the authority sought by adding the origin of Fulton County, Ga. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Louisville, Ky.

No. MC 138229 (sub-No. 2), filed April 13, 1973. Applicant: P & M TRANSPORT, INC., P.O. Box 518, Morrisville, Vt. 05661. Applicant's representative: John P. Monte, 61 Summer Street, Barre, Vt. 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Talc, talc*

*tailings, and asphalt filler*, in bags and in bulk, (1) from Johnson, Vt., to Burlington and St. Johnsbury, Vt., restricted to traffic having prior or subsequent out-of-State movement by rail, under contract with Eastern Magnesia Talc Co.; and (2) from Johnson, Vt., to points in the United States (excluding Hawaii and Alaska) and west and south of points in the area bounded as described below: Beginning at a point on the Pennsylvania-New York State line where said line intersects Lake Erie; thence southerly and easterly along the border of Pennsylvania and New York to the intersection of the New York-Pennsylvania State line with U.S. Highway 15 at Lawrenceville, Pa.; thence southerly along U.S. Highway 15 to Harrisburg, Pa. (excluding Erie County and Harrisburg, Pa.); thence southerly along Interstate Highway 83 to its intersection with the Pennsylvania-Maryland State line; thence easterly on the Maryland-Pennsylvania State line to its intersection with the Delaware State line; thence southerly and easterly along the Maryland-Delaware State line to its intersection with the shores of the Atlantic Ocean, under contract with Eastern Magnesia Talc Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Boston, Mass.

No. MC 138268 (sub-No. 2), filed April 9, 1973. Applicant: GREAT LAKES WAREHOUSES, INC., 12401 Euclid Avenue, Cleveland, Ohio 44106. Applicant's representative: Donald J. O'Connor, 114 Engineers Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Valves, iron and steel forgings, and materials and supplies used in the production of valves*, from Cleveland, Ohio, to Danville, Pa., and *finished and semifinished valves and forgings on return*, under a continuing contract with TRW of Cleveland, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 138313 (sub-No. 2), filed April 23, 1973. Applicant: MACK BURGESS, doing business as BUILDERS TRANSPORT, 409 14th Street SW., Great Falls, Mont. 59404. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay*, in bags and in bulk, from Lovell, Wyo., to points in Washington, Oregon, Idaho, and Montana, and Alberta, Saskatchewan, and British Columbia, Canada.

NOTE.—Applicant holds contract carrier authority under MC 128780 and subs thereto, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont., or Skokie, Ill.

No. MC 138327 (sub-No. 2), filed April 24, 1973. Applicant: RUSSELL R. BROWN, doing business as BROWN

TRANSPORT, 1674 Beck Street, Salt Lake City, Utah 84116. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fish feed*, in bulk, or in bags, (1) from Salt Lake City, Utah, to points in California, Oregon, Washington, Montana, Idaho, New Mexico, Nevada, Arizona, Colorado, and Wyoming, under a continuing contract with Moore-Clark Co.; and (2) from Murray, Utah, to points in California under a continuing contract with Sterling H. Nelson & Sons, Inc., Murray Elevator Division.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 138359 (sub-No. 1), filed April 2, 1973. Applicant: LENNEMAN TRANSPORT, INC., 116 Erie Street, South, Hutchinson, Minn. 55350. Applicant's representative: Thomas Lenneman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Hutchinson, Minn., under contract with Lenneman Beverage Distributors, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 138404 (sub-No. 2), filed February 26, 1973. Applicant: DALE FOWLER AND MERLE THRAPP, a partnership doing business as D & M TRANSPORT, Spragueville, Iowa 52074. Applicant's representative: Robert E. Konchar, 315 Commerce Exchange Building, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections and *trailers* designed to be drawn by passenger automobiles, from points in Dubuque County, Iowa, to points in the United States (including Alaska but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138467 (sub-No. 2), filed April 27, 1973. Applicant: CLAYWAY, INC., 3338 Tomson, Treton, Mich. 48183. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum rock*, crushed, ground, or pulverized, in bulk, in dump vehicles, from Shoals, Ind., to Wyandotte, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 138486 (sub-No. 2), filed April 19, 1973. Applicant: DAVID WHITE, doing business as DAVID WHITE TRUCKING, P.O. Box 488, Cerro Gordo, Ill. 61818. Applicant's representative:

Wilbur R. Casey, P.O. Box 1470, Decatur, Ill. 62525. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, animal or poultry*, prepared, in bulk or in bags; *feed supplements* in bags; and *condimental or medicinal feeding compounds for animals or poultry*, from Decatur, Ill., to points in Indiana, Iowa, Missouri, and Wisconsin, restricted to a transportation service to be performed under a continuing contract with Gooch Feed Mill Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill., or St. Louis, Mo.

No. MC 138595, filed April 9, 1973. Applicant: ROBERT RIDDIOUGH, an individual, rural delivery 3, Smithville, Ontario, Canada. Applicant's representative: Lauren D. Rachlin, 1212 Genesee Building, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals and waste products and materials*, between the ports of entry on the international boundary line between the United States and Canada on the Niagara River on the one hand, and on the other, points in Chautauqua, Cattaraugus, Erie, Niagara, Orleans, Genesee, Wyoming, Allegany, Livingston, and Monroe Counties, N.Y., under a continuing contract with I. Waxman & Sons Ltd.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 138625, filed April 6, 1973. Applicant: BENNEFELD TRUCKING, INC., 102 South Locust, Pittsburg, Kans. 66762. Applicant's representative: Kenneth E. Bigus, 1005 Grand, suite 700, Kansas City, Mo. 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, knocked down or in sections, *parts and accessories*, from Pittsburg, Kans., to points in Kansas, Missouri, Oklahoma, Arkansas, Nebraska, Iowa, Illinois, Minnesota, Tennessee, Colorado, Texas, Kentucky, Mississippi, Indiana, South Dakota, and New Mexico, under contract with Homes and Structures of Pittsburg, Kansas, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 138649 filed April 6, 1973. Applicant: P. J. CASEY & SON, INC., 50 Industrial Park, Canton, Mass. 02021. Applicant's representative: Lawrence T. Sheils, 316 Summer Street, Boston, Mass. 02210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Kitchen appliances, air conditioners, televisions and stereophonic sound systems, including radios, phonographs, and recorders, home intercom systems, central air conditioning and heating units, and parts and accessories thereto*, (a) from Boston, Canton and Westwood, Mass., to points in Maine, Massachusetts, New Hampshire, New York, Vermont, Connecticut, and Rhode Island; (b) from Albany, N.Y., to points in Maine, New

Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island; (c) from Portland, Maine, to points in New Hampshire, Vermont, and Massachusetts; (d) from East Hartford, Conn., to points in Connecticut, Maine, New Hampshire, Vermont, Massachusetts, New York, and Rhode Island; (e) from New Haven, Conn., to points in Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, and Vermont; (f) from Providence, R.I., to points in Massachusetts and Rhode Island; (g) from Rutland and Springfield, Vt., to points in Vermont, Maine, and New Hampshire; (h) from Claremont and Manchester, N.H., to points in Connecticut, Massachusetts, Rhode Island, New Hampshire, Maine, and Vermont, restricted in (e), (f), (g), and (h) above to the transportation of shipments having an immediately prior movement by rail; and (2) returned shipments of the commodities named in (1) above, from points in Maine, Massachusetts, New Hampshire, Vermont, Connecticut, Rhode Island, and New York, to Boston, Canton, and Westwood, Mass., under a continuing contract with General Electric Co.

**NOTE.**—Applicant holds a common carrier certificate in MC-65668, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 138661, filed April 26, 1973. Applicant: ROBERT E. KUKURUZA, doing business as BTS, 50 Solano Avenue, Vallejo, Calif. 94590. Applicant's representative: Jack B. Burstein, 1730 Sonoma Boulevard, Vallejo, Calif. 94590. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked driveable automobiles*, from San Francisco, Calif., and points in its commercial zone, to Troutdale, Oreg., under contract with Arrow Factors of Troutdale, Oreg.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 138664, filed April 16, 1973. Applicant: JPC LEASING CO., a corporation, Georges Road and U.S. Highway 130, P.O. Box 44, New Brunswick, N.J. 08903. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by supermarkets and supermarket suppliers, between the warehousing facilities of Market Distribution Services at or near South Brunswick, N.J., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, and those in Nassau, Suffolk, and Westchester Counties, N.Y., and Philadelphia, Pa., under a continuing contract with Market Distribution Services.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 138673, filed April 20, 1973. Applicant: GENERAL FREIGHTS, INC.,

P.O. Box 157, Hancock, Md. 21750. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, fuel oil, and kerosene*, in bulk, in tank vehicles, from Baltimore, Md., Harrisburg and Marcus Hook, Pa., and points in Fairfax and Prince William Counties, Va., to points in Maryland, Pennsylvania, and West Virginia, restricted to deliveries to retail outlets operated by Highway Petroleum Sales, Inc., Hancock, Md., and Thornton Oil Corp., Sellersburg, Ind., under a continuing contract, or contracts, with H.O. Anderson, Inc., of Martinsburg, W. Va., Highway Petroleum Sales, Inc., of Hancock, Md., and Thornton Oil Corp., of Sellersburg, Ind.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138674, filed February 20, 1973. Applicant: EASTMAN TRUCK SERVICE, INC., 780 Niles Road SE., Warren, Ohio 44483. Applicant's representative: David L. Pemberton, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, disabled, repossessed, and stolen motor vehicles, trailers, and buses* (except trailers designed to be drawn by passenger automobiles), and (2) *replacement vehicles* for wrecked, disabled, repossessed, and stolen motor vehicles, trailers, and buses (except trailers designed to be drawn by passenger automobiles), between points in Trumbull, Portage, and Mahoning Counties, Ohio, and Mercer County, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

#### APPLICATIONS FOR BROKERAGE LICENSES

No. MC 130200, filed March 12, 1973. Applicant: JACQUELINE WOLTERS, doing business as FARIBO TRAVEL, 103 Central Avenue, Faribault, Minn. For a license (BMC-5) to engage in operations as a broker at Faribault, Minn., in arranging for the transportation, by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in special and charter operations, between points in the United States (including Alaska but excluding Hawaii).

#### MOTOR CARRIERS OF PASSENGERS

No. MC 138568, filed March 20, 1973. Applicant: W. PAUL HENRY, 300 Robinwood Drive, Hagerstown, Md. 21740. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between points in Washington and Frederick Counties, Md., Berkeley and Jefferson Counties, W. Va., and those in Frank-

lin, Fulton, and Bedford Counties, Pa., located on and south of U.S. Highway 30, on the one hand, and, on the other, Friendship International Airport, in Anne Arundel County, Md., Dulles International Airport in Loudoun County, Va., and Washington National Airport at Gravelly Point, Va.

**NOTE.**—Applicant also holds common carrier authority to transport property under MC 125616 and subs. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

#### APPLICATION OF FREIGHT FORWARDER

No. FF-437, filed May 9, 1973 (U.S. International Freight Forwarders, Inc. Freight Forwarder Application). Applicant: U.S. INTERNATIONAL FREIGHT FORWARDERS, INC., 1269 Barclay Circle SE., Marietta, Ga. 30062. Applicant's representative: Alan F. Wonstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *freight forwarder*, through use of the facilities of common carriers by railroad, motor vehicle, water, express, in the transportation of (a) *Used household goods and unaccompanied baggage*, and (b) *used automobiles*, between points in the United States (including Hawaii but excluding Alaska), restricted in (b) to the transportation of import-export traffic.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

##### MOTOR CARRIERS OF PASSENGERS

No. MC 29957 (sub-No. 91), filed March 16, 1973. Applicant: CONTINENTAL SOUTHERN LINES, INC., P.O. Box 8435, Jackson, Miss. 39204. Applicant's representative: James E. Wilson, 425 13th Street NW., suite 1032, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and baggage of passengers* in the same vehicle with passengers or in separate vehicles, and in the same vehicle with passengers, *express, mail, and newspapers*, (1) between New Orleans and Lake Charles, La.: from New Orleans over Interstate Highway 10 to Lake Charles, La., and (c) at the junction of serving intermediate points (a) between New Orleans, and junction Interstate Highway 10 with Louisiana Highway 347 at or near Cecilia, La., (b) between junction Interstate Highway 10 with U.S. Highway 165 at, or near Iowa, and Lake Charles, La., and (c) at the junction of Interstate Highway 10, and U.S. Highway 167 at or near Lafayette, La., for purposes of joinder only; (2) between junction Interstate Highway 10 with Louisiana Highway 49 (Williams Boulevard), and junction U.S. Highway 61 with Louisiana Highway 49 (Williams Boulevard), at Kenner, La.: from junction Interstate Highway 10 with Louisiana Highway 49, over Louisiana Highway 49 to junction U.S. Highway 61 with

Louisiana Highway 49, and return over the same route, serving all intermediate points; (3) between junction Interstate Highway 10 with U.S. Highway 51, and junction U.S. Highway 61 with U.S. Highway 51; from junction Interstate Highway 10 with U.S. Highway 51, over U.S. Highway 51 to junction U.S. Highway 61, with U.S. Highway 51, and return over the same route, serving all intermediate points; (4) between junction Interstate Highway 10 with Louisiana Highway 44, and junction U.S. Highway 61 with Louisiana Highway 44; from junction Interstate Highway 10 with Louisiana Highway 44, over Louisiana Highway 44 to junction U.S. Highway 61, with Louisiana Highway 44 near Laplace, La., and return over the same route, serving all intermediate points; (5) between junction Interstate Highway 10 with Louisiana Highway 1, and junction U.S. Highway 190 with Louisiana Highway 1; from junction Interstate Highway 10 with Louisiana Highway 1, over Louisiana Highway 1 to junction U.S. Highway 190, with Louisiana Highway 1, and return over the same route, serving all intermediate points; (6) between junction Interstate Highway 10 with Louisiana Highway 77, and junction U.S. Highway 190 with Louisiana Highway 77; from junction Interstate Highway 10 with Louisiana Highway 77, over Louisiana Highway 77 to junction U.S. Highway 190, with Louisiana Highway 77, and return over the same route, serving all intermediate points; (7) between junction Interstate Highway 10 with Louisiana Highway 347, and junction U.S. Highway 167, with U.S. Highway 190; from junction Interstate Highway 10 with Louisiana Highway 347, over Louisiana Highway 347 to junction Louisiana Highway 31, thence over Louisiana Highway 31 to junction U.S. Highway 167, thence over U.S. Highway 167 to junction U.S. Highway 190, and return over the same route, serving no intermediate points; and (8) between junction Interstate Highway 10 with U.S. Highway 167, and junction U.S. Highway 167 with U.S. Highway 190; from junction Interstate Highway 10 with U.S. Highway 167, over U.S. Highway 167 to junction U.S. Highway 167, with U.S. Highway 190, and return over the same route, serving no intermediate points, and serving junction Interstate Highway 10, with U.S. Highway 167 for purposes of joinder only.

NOTE.—Common control was approved in Nos. MC-F-10160 and MC-F-10161. If a hearing is deemed necessary, applicant does not specify a location.

#### MOTOR CARRIERS OF PROPERTY

No. MC 128277 (sub-No. 3), filed April 16, 1973. Applicant: THE WALDORF ICE CREAM CO., doing business as: WALDORF DELIVERY, a corporation, 1505 Industrial Parkway, Akron, Ohio 44310. Applicant's representative: Sheldon A. Taft, 52 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Ice cream products and related*

*frozen desserts—primarily novelties*, including ice cream, ice milk, imitation ice cream, sherbets, water ices, ice cream products, frozen novelties, frozen desserts, singly, or in combination, with, or without flavored coatings, or sticks, in packages, and in straight or mixed shipments, between Akron, Ohio, on the one hand, and, on the other, points in Wayne, Randolph, Jay, Adams, Wells, Blackford, Delaware, Henry, Rush, Fayette, and Union Counties, Ind., under a continuing contract, or contracts, with B. C. P. Distributors, Inc., of Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-10292 Filed 5-23-73;8:45 am]

### DEPARTMENT OF STATE

#### Agency for International Development HOUSING GUARANTY PROGRAM FOR REPUBLIC OF PANAMA Information for Investors

The Agency for International Development (AID) has advised Instituto De Fomento De Hipotecas Aseguradas (the Borrower), an instrumentality of the Government of the Republic of Panama, that upon execution by an eligible U.S. investor acceptable to AID of an agreement to loan the Borrower an amount not to exceed \$9 million, and subject to the satisfaction of certain further terms and conditions by the Borrower, AID will guaranty repayment to the investor of the principal and interest on such loan. The guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority, contained in section 222 of the Foreign Assistance Act of 1961, as amended (the Act). Proceeds of the loan will be used to construct housing projects in Panama.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Dr. Antonio Dudley A., General Manager, Instituto De Fomento De Hipotecas Aseguradas, (IPHA), Apartado 6950, Panama, Rep. De Panama.

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

The loan will be disbursed in approximately 3 years beginning on or about September 1, 1973. This disbursement schedule is approximate and will depend upon the progress of the housing projects.

To be eligible for a guaranty, the loan must be repayable in full no later than the 30th anniversary of the final dis-

bursement of the principal amount thereof and the interest rate may be no higher than the maximum rate to be established by AID. AID will charge a guaranty fee equal to one-half of 1 percent per annum on the outstanding guarantied principal amount of the loan.

Information as to eligibility of investors and other aspects of the AID housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, room 300E, SA-2, Washington, D.C. 20523.

This notice is not an offer by AID or by the Borrower. The Borrower and not AID will select a lender and negotiate the terms of the proposed loan.

PETER M. KIMM,  
Director of Housing, Agency  
for International Development.

MAY 2, 1973.

[FR Doc.73-10356 Filed 5-23-73;8:45 am]

#### Office of the Secretary

[Public Notice 389]

#### CULTURALLY SIGNIFICANT OBJECTS OF ART

##### Temporary Exhibition Within United States

Pursuant to the authority vested in me by Public Law 89-259 of October 19, 1965 (79 Stat. 985), Executive order 11312 of October 14, 1966 (31 FR 13415, October 18, 1966) and Delegation of Authority No. 113 of December 23, 1966 (32 FR 58, January 5, 1967), Public Notice No. 380, published in the FEDERAL REGISTER on February 16, 1973 (38 FR 4583), as amended by Public Notice No. 381, published in the FEDERAL REGISTER on March 20, 1973 (38 FR 7348), is further amended by adding to the places of exhibition or display: Los Angeles County Museum of Art, on or about June 15 to July 8; Chicago Art Institute, on or about July 18 to August 12; and the Kimbell Art Museum, Fort Worth, Texas, on or about August 22 to September 16, 1973.

Notice of the amendment of this determination is ordered to be published in the FEDERAL REGISTER.

[SEAL] JOHN RICHARDSON, JR.,  
Assistant Secretary for  
Educational and Cultural Affairs.

MAY 18, 1973.

[FR Doc.73-10376 Filed 5-23-73;8:45 am]

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

[OR 8457]

#### OREGON

#### Designation of Lost Forest Natural Area; Correction

MAY 17, 1973.

In FR Doc. 73-8547 of the issue for Wednesday, May 2, 1973, appearing at page 10825, the designation is corrected to read as follows:

### DESIGNATION OF LOST FOREST RESEARCH NATURAL AREA

Pursuant to the authorities in 43 CFR part 2070 and 43 CFR 6225.0-5a, and the authorization from the Director dated April 6, 1973, I hereby designate the public lands in the following described area as the Lost Forest Research Natural Area:

#### WILLAMETTE MERIDIAN

T. 25 S., R. 20 E.,  
 Sec. 20, S $\frac{1}{2}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 21, S $\frac{1}{2}$ ;  
 Sec. 22, S $\frac{1}{2}$ , NE $\frac{1}{4}$ , and S $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 Sec. 23;  
 Sec. 24, W $\frac{1}{2}$ ;  
 Sec. 25, W $\frac{1}{2}$ ;  
 Secs. 26 to 30, inclusive;  
 Sec. 31, all except lot 4;  
 Secs. 32 to 35, inclusive;  
 Sec. 36, W $\frac{1}{2}$ .

The area described contains about 8,960 acres of public lands.

The Lost Forest Research Natural Area lands are a "Class IV—Outstanding Natural Area" under the Bureau of Outdoor Recreation system of classification.

MAXWELL T. LIEURANCE,  
 Acting State Director.

[FR Doc.73-10375 Filed 5-23-73; 8:45 am]

[Wyoming 15419]

### WYOMING

#### Proposed Withdrawal and Reservation of Lands

MAY 18, 1973.

Notice of Bureau of Land Management, U.S. Department of the Interior application, serial No. Wyoming 15419, for the withdrawal of certain vacant public domain lands, and patented lands with mineral estate owned by the United States, pursuant to the authority of Executive Order 10355, was published in the FEDERAL REGISTER, Document No. 68-11660, on pages 14477 and 14478 of the issue for September 26, 1968; amended by FEDERAL REGISTER Document No. 68-12295, on page 15078 of the issue for October 9, 1968, and corrected on page 15883 of the October 26, 1968, issue. The Bureau partially canceled the application in FEDERAL REGISTER Document No. 69-1506 which published February 6, 1969, on page 1776. FEDERAL REGISTER Document No. 69-6820, on page 9222 of the June 11, 1969, issue, further amended the application. The Bureau again canceled the application in part in FEDERAL REGISTER Document No. 70-10148 which published August 5, 1970, on page 12485.

The subject notice is hereby amended to add the vacant national resource lands (formerly called the public domain) and patented lands with mineral estate owned by the United States described below. The national resource lands will be withdrawn from all forms of appropriation under the public land laws, including the mining laws, excepting, however, State selection and leasing under the mineral leasing

laws. The private lands in which the United States owns the mineral estate will be withdrawn from location and entry under the mining laws, but not from leasing under the mineral leasing laws.

The applicant desires these additional lands to provide adequate protection to an intensive recreational use area—the National Girl Scout Center West.

On or before June 25, 1973, all persons who wish to submit comments, suggestions, or objections in connection with the amendment of the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2120 Capitol Avenue, Cheyenne, Wyo. 82001.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands to be added to the application are:

#### SIXTH PRINCIPAL MERIDIAN

##### VACANT NATIONAL RESOURCE LANDS

T. 47 N., R. 86 W., sixth principal meridian, Wyoming,  
 Sec. 5, lot 3;  
 Sec. 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
 Sec. 15, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 34, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

##### PATENTED LANDS WITH MINERAL ESTATE IN THE UNITED STATES

T. 46 N., R. 86 W., sixth principal meridian, Wyoming,  
 Sec. 4, lots 2, 3, and S $\frac{1}{2}$ N $\frac{1}{2}$ .  
 T. 47 N., R. 86 W.,  
 Sec. 2, lots 1 to 3, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 3, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 4, lots 3, 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ ;  
 Sec. 5, lots 1, 2, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;  
 Sec. 6, lots 1 to 7, inclusive, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 7, lots 1 to 3, inclusive, E $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , and E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
 Sec. 8, E $\frac{1}{2}$ , NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , and S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 9, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , and W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 11, NE $\frac{1}{4}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 14, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 17, E $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;  
 Sec. 18, lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 19, lots 1 to 3, inclusive, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
 Sec. 21, W $\frac{1}{2}$ ;  
 Sec. 22, E $\frac{1}{2}$ W $\frac{1}{2}$  and E $\frac{1}{2}$ ;  
 Sec. 27, NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 28, S $\frac{1}{2}$ NE $\frac{1}{4}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 29, N $\frac{1}{2}$ N $\frac{1}{2}$ ;  
 Sec. 30, NW $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 33, NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 34, NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

T. 47 N., R. 87 W.,  
 Sec. 22, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
 Sec. 26, N $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 Sec. 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ , and W $\frac{1}{2}$ ;  
 Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 33, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 34, N $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 Sec. 35, E $\frac{1}{2}$ SE $\frac{1}{4}$ .

The areas described aggregate a total of 2,753.18 acres of which 319.53 acres are national resource lands and 9,433.65 acres are private lands in which the United States owns the mineral estate.

DANIEL P. BAKER,  
 State Director.

[FR Doc.73-10320 Filed 5-23-73; 8:45 am]

#### Office of the Secretary

[INT DES 73-31]

### PROPOSED AMERICAN FALLS DAM REPLACEMENT AND POWERPLANT, MINIDOKA PROJECT, IDAHO

#### Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposed dam replacement for the purpose of maintaining an irrigation water supply, replacing an unsafe road crossing and constructing a hydro-powerplant. Written comments may be submitted to the Regional Director (address below) within 45 days of this notice.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner, Ecology, room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, telephone 203-343-4991.

Division of Engineering Support, Technical Services Branch, E. & R. Center, Denver Federal Center, Denver, Colo. 80225, telephone 303-234-3007.

Office of the Regional Director, Bureau of Reclamation, Federal Building, U.S. Courthouse, Box 043, 550 West Fort Street, Boise, Idaho, telephone 208-342-2109.

Snake River Planning Office, Bureau of Reclamation, 4620 Overland, Boise, Idaho 83705, telephone 208-342-2711.

Single copies of the final statement may be obtained on request to the Commissioner of Reclamation, Regional Director, or Snake River Planning Officer. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated May 17, 1973.

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

[FR Doc.73-10315 Filed 5-23-73; 8:45 am]



[INT DES 73-32]

**PROPOSED DESERT WILDERNESS AREA,  
NEVADA****Notice of Availability of Draft  
Environmental Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a draft environmental statement for 1,322,900 acres of the Desert National Wildlife Range and 76,000 acres of adjoining public domain lands to be designated as a unit of the National Wilderness Preservation System. The proposed desert wilderness consists of six individual wilderness sub-units, varying from 40,900 to 481,900 acres in size. Written comments are invited within 45 days of this notice.

Copies are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, 1500 Plaza Building, room 288, 1500 Northeast Irving Street, P.O. Box 3737, Portland, Oreg. 97208.

Headquarters, Desert National Wildlife Range, 1500 North Decatur Boulevard, Las Vegas, Nev. 89108.

Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, room 2245, 18th and "C" Streets NW., Washington, D.C. 20240.

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Quality. Please refer to the statement number above.

LAURENCE E. LYNN, Jr.,  
*Assistant Secretary,  
Program Development and Budget.*

MAY 18, 1973.

[FR Doc.73-10316 Filed 5-23-73;8:45 am]

**DEPARTMENT OF AGRICULTURE****Forest Service****RIO GRANDE NATIONAL FOREST MULTI-  
PLE USE ADVISORY COMMITTEE****Notice of Meeting**

The Rio Grande National Forest Multiple Use Advisory Committee will hold meetings on June 2, 1973, and again on July 19, 20, 21, and 22, 1973. The meeting on June 2, 1973, will be held in the Forest Supervisor's Office, Monte Vista, Colo. 81144, at 1 p.m.

The purpose of the meeting on June 2, 1973, is to complete the review of program accomplishment during fiscal year 1973 and to present the management program planned for the period July 1, 1973, through June 30, 1974. The committee will also review and recommend candidates to fill vacancies on the committee.

A field trip is planned for July 19-22, 1973, and will begin from the Forest Supervisor's Office at 9 a.m. on July 19, 1973. Purpose of this trip is to acquaint Committee members with forest pro-

grams and activities at the field level. The committee will visit timber sales, reforestation sites, recreation areas and water impoundments. Committee members will be invited to comment and to offer advice and recommendations on the nature of projects, levels of planning and methodology in accomplishment.

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

JAMES R. MATHERS,  
*Forest Supervisor.*

MAY 17, 1973.

[FR Doc.73-10310 Filed 5-23-73;8:45 am]

**PRESCOTT NATIONAL FOREST GRAZING  
ADVISORY BOARD****Notice of Meeting**

The Prescott National Forest Grazing Advisory Board will meet at 1 p.m., on June 7, 1973, at the Forest Supervisor's Office, 344 South Cortez Street, Prescott, Ariz.

The purpose of this meeting is to review items of mutual interest to grazing permittee and the Forest Service pertaining to the Perkinsville Grazing Allotment, Chino Valley Ranger District.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Prescott National Forest, 344 South Cortez Street, Prescott, Ariz., telephone number 602-445-4860, extension 311. Written statements may be filed with the Board before or after the meeting.

The Board has established the following rules for public participation:

Members of the public will be given an opportunity for comments and questions following discussion by the Advisory Board.

JAMES L. KIMBALL,  
*Forest Supervisor.*

MAY 17, 1973.

[FR Doc.73-10311 Filed 5-23-73;8:45 am]

**VEGETATION CONTROL BY MECHANICAL  
TREATMENT IN STATE OF ARIZONA****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 a Proposal for Vegetation Control by Mechanical Treatment in the State of Arizona, USDA-FS-DES(Adm)73-67.

The environmental statement considers probable environmental effects of the proposed program.

The draft environmental statement was filed with CEQ on May 17, 1973.

Copies are available for inspection

during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., room 3230, 14th St. and Independence Ave. SW., Washington, D.C. 20250.

USDA, Forest Service, Southwestern Region, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

Coronado National Forest, 130 South Scott, P.O. Box 551, Tucson, Ariz. 85702.

Kalbar National Forest, P.O. Box 817, Williams, Ariz. 86046.

Prescott National Forest, 344 South Cortez, P.O. Box 2549, Prescott, Ariz. 86301.

Sitgreaves National Forest, 203 West Hopi Dr., P.O. Box 908, Holbrook, Ariz. 86025.

Copies are available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151; and Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Ariz. 85001. Please refer to the name and number of the environmental statement above when ordering.

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, N. Mex. 87101.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

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

Comments concerning the proposed action and requests for additional information should be addressed to Regional Forester, U.S. Forest Service, Southwestern Region, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101. Comments must be received by July 2, 1973, in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,  
*Deputy Chief,  
Forest Service.*

MAY 17, 1973.

[FR Doc.73-10352 Filed 5-23-73;8:45 am]

**Office of the Secretary  
NATIONAL COTTON ADVISORY  
COMMITTEE****Reestablishment**

Notice is hereby given that the Secretary of Agriculture has reestablished the National Cotton Advisory Committee for the purpose of advising the Secretary and other officials on domestic and export requirements for cotton, production adjustment, and stabilization programs, and other matters relating to this commodity. The Secretary has determined that reestablishment of this committee is in the public interest in connection

with the duties imposed on the Department by law.

The chairman of this committee is the Assistant Secretary for International Affairs and Commodity Operations, U.S. Department of Agriculture, Washington, D.C. 20250.

This notice is given in compliance with Public Law 92-463.

Dated May 21, 1973.

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

[FR Doc.73-10394 Filed 5-23-73;8:45 am]

## DEPARTMENT OF COMMERCE

### Maritime Administration

[Docket No. S-352]

#### AMERICAN SHIPPING, INC.

##### Notice of Multiple Applications

Notice is hereby given that each of American Shipping, Inc., Atlas Marine Shipping Co., Pacific Shipping, Inc., and Worth Oil Transport, Inc., has applied for operating-differential subsidy under title VI of the Merchant Marine Act, 1936, as amended (the Act), on one new tanker of approximately 87,000 deadweight tons to be constructed by National Steel & Shipbuilding Co., and to be operated in worldwide service in the foreign commerce of the United States in the carriage of liquid bulk cargoes and dry bulk cargoes not subject to the cargo preference statutes including 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a.

The foregoing applications may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C., during regular business hours.

Any person having an interest in the granting of one or any of such applications and who would contest a finding by the Maritime Subsidy Board that the service now provided by vessels of U.S. registry for the worldwide carriage of liquid and dry bulk cargoes, not subject to the cargo preference statutes, moving in the foreign commerce of the United States or in any particular trade in the foreign commerce of the United States is inadequate, must, on or before May 31, 1973, notify the Board's secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event that a section 605(c) hearing is ordered to be held with respect to any of the applications identified hereinabove, the purpose of such hearing will be to receive evidence rele-

vant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated May 21, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,  
Secretary.

[FR Doc.73-10383 Filed 5-23-73;8:45 am]

### National Oceanic and Atmospheric Administration

[Docket No. B-561]

#### ERNEST F. HOYT

##### Notice of Loan Application

MAY 17, 1973.

Ernest F. Hoyt, Chauncey Creek Road, Kittery Point, Maine 03905, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new fiberglass vessel, about 42-feet in length, to engage in the fishery for lobsters, shrimp, cod, and haddock.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, on or before June 25, 1973. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JOSEPH SLAVIN,  
Acting Director.

[FR Doc.73-10312 Filed 5-23-73;8:45 am]

### Office of Import Programs

#### BALL STATE UNIVERSITY ET AL.

##### Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of

electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 73-00381-33-46040. Applicant: Ball State University, Muncie, Ind. 47306. Article: Electron microscope model HS-8P-1. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for embryonic, larval, pupal, and adult gonads to elucidate interactions of somatic and germ tissues during development. The article will also be used for educational purposes in courses in biology, medical technology, general science, biology teaching, biological science for nurses, botany, zoology, medicine, dentistry, pharmacy, and veterinary medicine (in the preparation of electron micrographs and training in operations of the electron microscope). Application received by Commissioner of Customs; February 1, 1973. Advice submitted by Department of Health, Education, and Welfare on May 10, 1973.

Docket No. 73-00385-33-46040. Applicant: University of Minnesota School of Medicine, Duluth, 2205 East Fifth Street, Duluth, Minn. 55812. Article: Electron microscope, model EM 201. Manufacturer: Philips Electronic Instruments, N.V.D., The Netherlands. Intended use of article: The article is intended to be used for experimentation with the carbohydrate-rich substances (glycoproteins, mucopolysaccharides or glycosaminoglycans) located intra- or extra-cellularly in a variety of tissues including: Human sweat and salivary glands from normal individuals and those afflicted with cystic fibrosis, rabbit, and human oviductal tissues obtained under a variety of hormonal states, and cat and human small intestinal tissues obtained under a variety of nutritional states. The bulk of the morphochemical experiments will involve the ultrastructural localization of extra cellular or intracellular glycoproteins and glycosaminoglycans in a variety of normal and abnormal epithelial and connective tissues by means of cytochemistry and/or autoradiography. In addition the article will be used in the following courses open to undergraduate science majors, undergraduate medical students, postdoctoral fellows, graduate students, and local physicians who have an expressed interest in high-voltage microscopy and associated techniques:

Introduction to ultrastructure; introduction to electron microscopy; advanced methodology in microscopy; ultrastructural cytochemistry; and problems course in electron microscopy.

Application received by Commissioner of Customs; February 6, 1973. Advice

submitted by Department of Health, Education, and Welfare on May 10, 1973.

Docket No. 73-00390-33-46040. Applicant: Virginia Commonwealth University, Medical College of Virginia, 12th and Broad Streets, Box 262, Richmond, Va. 23298. Article: Electron microscope, model HS-8. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used primarily by ophthalmic trainees who have decided on a future academic career, by Ph. D. candidates interested in vision and by special postgraduate fellows to obtain knowledge and skill in transmission electron microscopy. The article will also be used for studies of materials related to ocular tissue, normal and pathological, derived from human and animal eyes and their adnexa, and cells grown in cell culture. Experiments to be conducted include the following:

- Study of the fine structural morphological changes of corneal epithelium from glaucomatous human and animal eyes to explain clinically observable pathologic manifestations in this disease.
- To relate anterior chamber angle deformities observable by electron microscope studies to clinical malfunction in congenital glaucoma and to trace such possible morphological changes back to the embryonic development of the eye in experimental buphthalmic rabbit strains. Application received by Commissioner of Customs; February 8, 1973. Advice submitted by Department of Health, Education, and Welfare on May 10, 1973.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. Each of the foreign articles to which the foregoing applications relate is a relatively simple, medium-resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The most closely comparable domestic instrument is the model EMU-4C electron microscope which is a relatively complex instrument designed primarily for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its respectively cited memoranda, that the relative simplicity of design and ease of operation of the foreign articles described above are pertinent to the applicants' educational purposes. We, therefore, find that the Forglfo model EMU-4C electron microscope is not of equivalent scientific value to any of the foreign articles described above for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing

applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

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

[FR Doc.73-10336 Filed 5-23-73;8:45 am]

#### NATIONAL BUREAU OF STANDARDS

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 73-00339-65-46040. Applicant: U.S. Department of Commerce, National Bureau of Standards, Washington, D.C. 20234. Article: Electron microscope, model JEM 200A. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to examine various inorganic materials in connection with research programs on metals, metal carbides, crystalline ceramics, glasses, and polymers. Studies will include: Plastic deformation of super plastic Al-base alloys; equilibrium dislocation configurations and stacking fault energies in Ag-Sn and Au-Sn alloys; nucleation and growth of Bi-Sn alloy single crystals; stress corrosion phenomena in Cu- and Fe-base alloys; wear of sintered metal-carbide (-WC and -TiC) tool materials, Al<sub>2</sub>O<sub>3</sub>, SiC, and SiN<sub>x</sub>; plastic deformation and fracture of Al<sub>2</sub>O<sub>3</sub>, SiC, and SiN<sub>x</sub>.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a maximum accelerating voltage of 200 kV. The most closely comparable domestic electron microscope is the model EMU-4C manufactured by Forglfo Corp. The model EMU-4C provides a maximum accelerating voltage of 100 kV. We find that the higher accelerating voltage of the article provides the increased penetrating power required for the applicant's purposes and is, therefore, pertinent within the meaning of § 701.2(n) of the regulations. For this reason, we find that the model EMU-4C electron microscope is not of equivalent scientific value to the foreign article, for the purposes for which the article is intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to

the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.73-10342 Filed 5-23-73;8:45 am]

#### NEW YORK LEAGUE FOR THE HARD OF HEARING

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 73-00276-99-03400. Applicant: New York League for the Hard of Hearing, 71 West 23d Street, New York, N.Y. 10010. Article: Audio-therapy units, Suvag I and Suvag II and Vibrator. Manufacturer: SEDI, France. Intended use of article: The article is intended to be used in a research project involving the aural health care and education training of hearing-impaired people.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for an operating frequency range of 0.5 to 500 cycles. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated March 30, 1973, that the capability described above is pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

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

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

[FR Doc.73-10339 Filed 5-23-73;8:45 am]

#### NEW YORK UNIVERSITY SCHOOL OF MEDICINE, ET AL.

##### Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry

of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 73-00355-33-46040. Applicant: New York University School of Medicine, Department of Cell Biology, 550 First Avenue, New York, N.Y. 10016. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used by faculty members to carry out the following research projects:

(1) The study of ribosomes and microsomes from human fibroblasts and rat hepatocytes.

(2) The structural organization of the secretory apparatus of the liver, adrenal glands, and exocrine glands.

(3) Localization of 3 $\beta$ -hydroxysteroid dehydrogenase by cytochemistry at the electron microscope level.

Application received by Commissioner of Customs: January 24, 1973. Advice submitted by Department of Health, Education, and Welfare on: May 10, 1973.

Docket No. 73-00370-33-46040. Applicant: Kansas State University, Department of Physiological Sciences, Veterinary Medical Science Building, Manhattan, Kans. 66506. Article: Electron Microscope, model EM 301. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of thin sections of biological tissues embedded in Epon in a research program concerned with the structure and function of nervous systems, their synapses and other intercellular junctions involved in communication between cells of such phylogenetically primitive animals as coelenterates, sponges, and flatworms. Experiments will be conducted on identification of neurotransmitter and neurohormonal substances by such techniques as EM autoradiography, cytochemistry, enzyme digestion, and pharmacological treatment. Application received by Commissioner of Customs: January 1, 1973. Advice submitted by Department of Health, Education, and Welfare on: May 10, 1973.

Docket No. 73-00380-33-46040. Applicant: Veterans Administration Hospital, 2002 Holcombe Boulevard, Houston, Tex. 77031. Article: Electron microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of the ultrastructure of kidney biopsies and correlation with clinical and immunological status of patients to establish diagnosis and thereafter to guide thera-

peutic management. In addition, the article will be used for studies of the electron microscopic ultrastructures of human tumors and other lesions with the view of more precise delineation of the nature of the lesions examined in surgical pathology. In addition the applicant will study various structures deriving from human blood and discharge to isolate etiological agents using negative staining techniques. The article will also be used for the training of resident physicians and staff pathologists, medical students and students of the School of Medical Technology in the basic electron microscopic techniques. Application received by Commissioner of Customs: February 5, 1973. Advice submitted by Department of Health, Education, and Welfare on: May 10, 1973.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article has a specified resolving capability of 3 Angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is manufactured by the Forglfo Corp. (Forglfo). The Model EMU-4C has a specified resolving capability of 5 Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare, in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forglfo Model EMU-4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

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

[FR Doc.73-10335 Filed 5-23-73;8:45 am]

#### RUTGERS UNIVERSITY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the reg-

ulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 72-00448-98-34060. Applicant: Rutgers, the State University, Nuclear Physics Laboratory, University Heights, New Brunswick, N.J. 08903. Article: Negative polarized ion source. Manufacturer: Auckland Nuclear Accessory Co., Ltd., New Zealand. Intended use of article: The article is intended to be used to investigate spin, parities, energy levels, etc., of isotopes ranging in number from 1 through 92. The objectives pursued in the course of the investigations are to study the spin-dependent effects of nuclear forces and those properties of nuclear states which require the use of the polarized ion source. The article will also be used as part of the research and education program by graduate students studying for the Ph. D. degree in the Physics Department at the University. Application received by Commissioner of Customs: March 17, 1972. Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (February 16, 1970).

Reasons: The applicant intends to use the article in the study of spin dependent effects of nuclear forces and those properties of nuclear states which require use of a negative polarized ion source. The foreign article is a negative polarized ion source with the capability for producing polarized hydrogen and deuterium ions. We find this capability pertinent to the purposes for which the article is intended to be used. The National Bureau of Standards (NBS) advised in its memorandum dated May 4, 1973, that domestic manufacturers have never assembled polarized ion sources and that such sources are of such complexity that their performance cannot be predicted with assurance from design data. NBS also advised that domestic manufacturers would require considerable development time with no assurance of success within a reasonable time. The custom modifications required of the foreign article by the applicant are essentially straightforward modifications that do not involve development work. For these reasons, NBS advises that it knows of no instrument of equivalent scientific value to the foreign article for the applicant's intended purposes which was being manufactured in the United States at the time the article was ordered.

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

[FR Doc.73-10338 Filed 5-23-73;8:45 am]

## TEXAS A. &amp; M. UNIVERSITY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897), and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 72-00540-75-34060. Applicant: Texas A. & M. University, Cyclotron Institute, College Station, Tex. 77843. Article: Positive polarized ion source system. Manufacturer: Auckland Nuclear Accessory Co., Ltd., New Zealand. Intended use of article: The article is intended to be used to study a large variety of phenomena in nuclear physics and nuclear chemistry, ranging from the interaction between nucleons to the structure and reactions of complex nuclei. The experiments to be conducted will include the measurement of the asymmetry in the scattering of polarized neutrons from hydrogen, double-scattering studies and investigation of scattering from polarized targets, as well as scattering of polarized proton and deuteron beams from a large variety of nuclear targets. The article will also be used in the training of graduate students and the performance of graduate research (physics 691; chemistry 691).

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (April 7, 1970).

Reasons: The applicant intends to use the article in the study of spin dependent effects of nuclear forces and those properties of nuclear states which require use of a negative polarized ion source. The foreign article is a negative polarized ion source with the capability for producing polarized hydrogen and deuterium ions. We find this capability pertinent to the purposes for which the article is intended to be used. The National Bureau of Standards (NBS) advised in its memorandum dated May 4, 1973, that domestic manufacturers have never assembled polarized ion sources and that such sources are of such complexity that their performance cannot be predicted with assurance from design data. NBS also advised that domestic manufacturers would require considerable time with no assurance of success within a reasonable time. The custom modifications required of the foreign article by the applicant are essentially straightforward modifications that do not involve development work. For these reasons, NBS advises that it knows of no instru-

ment of equivalent scientific value to the foreign article for the applicant's intended purposes which was being manufactured in the United States at the time the article was ordered.

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

[FR Doc.73-10341 Filed 5-23-73;8:45 am]

## UNIVERSITY OF TEXAS

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 72-00174-98-41700. Applicant: The University of Texas at Austin, Center for Plasma Physics and Thermonuclear Research, Physics Department, room 330, Austin, Tex. 78712. Article: Laser scattering equipment. Manufacturer: Culham Laboratory, United Kingdom. Intended use of article: The article will be used in the applicant's Turbulent Tokamak experiment which is a part of a program aimed at achieving controlled thermonuclear power. The objective of this experiment is a demonstration of turbulent plasma heating in a feasible reactor geometry—namely, the Tokamak configuration. In particular, the experiment aims at a tenfold increase in electron temperature compared with existing Tokamak.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant's specifications for the foreign article call for laser scattering equipment suitable for measuring electron temperatures and drift velocities in the applicant's Tokamak experiment, covering the range of particle densities from  $10^{20}$  to  $5 \times 10^{20}$  cm<sup>-3</sup> and electron temperatures in the range 500 electron volts to 10 kiloelectron volts. The National Bureau of Standards (NBS) advises in its memorandum dated May 3, 1973, that a laser scattering system as specified by the applicant is pertinent to the applicant's research on controlled fusion. NBS further advises that the expertise to design and construct the instrument required by the applicant is uniquely available to the manufacturer of the foreign article and is not, to its knowledge, available to any domestic manufacturer.

The Department of Commerce knows

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

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

[FR Doc.73-10337 Filed 5-23-73;8:45 am]

## VIRGINIA POLYTECHNIC INSTITUTE

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number 72-00528-01-77030. Applicant: Virginia Polytechnic Institute and State University, Blacksburg, Va. 24061. Article: NMR spectrometer, Model JNM-PS-100. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to carry out the following research objectives:

(1) Measurement of electron-exchange rates between nitrogen-containing organometallic complexes in various stages of oxidation.

(2) Determination of <sup>13</sup>C and <sup>1</sup>H spectra of the colored modifications of photochromic and thermochromic organic compounds.

(3) Determination of <sup>13</sup>C, <sup>1</sup>H and <sup>19</sup>F spectra, for use in ascertaining structures of newly-synthesized compounds and in testing theoretical calculations of electronic structure.

(4) Determination relaxation times (T<sub>1</sub> and T<sub>2</sub>) in a wide variety of systems ranging from highly crystalline polymers to gases at a variety of temperatures.

(5) Determination of magnetic susceptibility of inorganic compounds as a function of temperature.

(6) Study of association phenomena as a function of temperature.

(7) Study of broadline NMR spectra of solids over a wide temperature range.

The article will also be used for instructing undergraduate and graduate students in the methods and uses of both continuous-wave and Fourier-transform NMR spectroscopy.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (March 1, 1972).

Reasons: The applicant intends to use the article in research on the determination of  $T_1$  and  $T_2$  relaxation times for a wide variety of systems ranging from crystalline polymers to gases. The National Bureau of Standards (NBS) advised in its memorandum March 22, 1973 that the narrow-pulse width provided by the foreign article is pertinent to the research described above. In addition NBS advised that the most closely comparable domestic instrument, the Model XL-100, manufactured by Varian Associates (Varian) did not provide the required short pulse capability at the time the article was ordered.

For these reasons, we find the Model XL-100 was not of equivalent scientific value to the article for the purposes for which the article is intended to be used.

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

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

[FR Doc.73-10340 Filed 5-23-73;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

### TOBACCO WORKING GROUP'S SUBCOMMITTEE ON DATA ANALYSIS

#### Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Tobacco Working Group's Subcommittee on Data Analysis, May 29, 1973, at 9 a.m., National Institutes of Health, Building 31, conference room 8. This meeting will be open to the public from 9 a.m. to 5 p.m. on May 29 to discuss current experimental data. 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, Md. 20014, 301-496-1911 will furnish summaries of the open meeting and roster of committee members.

Dr. Gio B. Gori, Executive Secretary, Building 31, room 11A03, National Institutes of Health, Bethesda, Md. 20014, 301-496-6616 will provide substantive program information.

JOHN F. SHERMAN,  
Deputy Director,  
National Institutes of Health.

MAY 16, 1973.

[FR Doc.73-10325 Filed 5-23-73;8:45 am]

## DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73 110N]

### U.S. NATIONAL COMMITTEE FOR PREVENTION OF MARINE POLLUTION

#### Notice of Open Meeting

This is to give notice pursuant to section 10(a) of the Federal Advisory Com-

mittee Act, Public Law 92-463, approved October 6, 1972, that the U.S. National Committee for Prevention of Marine Pollution will conduct an open meeting on Tuesday, May 29, 1973, in room 7200, Department of Transportation Headquarters, 400 Seventh Street SW., Washington, D.C., beginning at 10 a.m.

This meeting is being held to discuss the final draft of the Marine Pollution Convention and other pertinent documents in preparation for the International Conference on Marine Pollution, 1973.

This committee is chaired by the U.S. Coast Guard and is a subgroup of the Department of State's Shipping Coordinating Committee. It was established to carry out resolution 7 of the 1954 Convention on Pollution of the Seas by Oil to study, review, and advise the Department of State on matters of marine pollution in order to present U.S. positions in international fora on proposals to alleviate marine pollution.

Interested persons may seek additional information by writing the executive secretary, U.S. National Committee for Prevention of Marine Pollution, U.S. Coast Guard (GAIA/83), 400 Seventh Street SW., Washington, D.C. 20590.

Dated May 21, 1973.

W. M. BENKERT,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Marine Environment and Systems.

[FR Doc.73-10372 Filed 5-23-73;8:45 am]

### Federal Aviation Administration

[OE Docket No. 73-GL-4]

#### MIDWEST RADIO-TELEVISION, INC.

#### Notice of Petition for and Grant of Review

On March 30, 1973, the Federal Aviation Administration, Great Lakes Region issued a determination of hazard to air navigation under aeronautical study No. 71-GL-898-OE. The determination concerns a proposal by Midwest Radio-Television, Inc., Minneapolis, Minn., to erect a radio tower near Hamel, Minn., at lat. 45°01'49" N., longitude 93°32'25" W. The overall height would be 1,195 feet above ground level and 2,195 feet above mean sea level.

On April 27, 1973, Mr. Jerome S. Boros, attorney for Midwest Radio-Television, Inc., petitioned the Administrator for a review of the determination pursuant to § 77.37 of the Federal Aviation regulations. The petitioner cites the following aeronautical issues as grounds for a review of the determination:

1. The FAA failed to consider modifying aeronautical procedures to accommodate the proposed tower.

2. The determination sets forth statistics reflecting total aeronautical operations without relating these statistics to the proposed structure or to the adverse conclusion.

3. The determination finds that the proposed structure would have a substantial adverse effect upon operations

in the terminal area without putting these operations into context.

A review will be conducted on the basis of written materials in accordance with FAR, § 77.37(c)(1). Interested persons may, within 30 days of the issuance of this notice, submit information in writing to the Chief, Airspace Obstruction and Airports Branch, AAT-240, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Submissions must be filed in triplicate and be relevant to the question of whether the proposed construction would have an adverse effect on the safe and efficient use of airspace. Sufficient detail must be provided to establish a clear understanding of the reasons for any claim made.

Pending final disposition of the petition, the determination of hazard to air navigation issued by the Great Lakes Region under aeronautical study No. 71-GL-898-OE is not and will not be a final determination.

Issued in Washington, D.C., on May 11, 1973.

RAYMOND G. BELANGER,  
Acting Director,  
Air Traffic Service.

[FR Doc.73-10327 Filed 5-23-73;8:45 am]

## ATOMIC ENERGY COMMISSION

[Docket No. PRM-30-53]

### IDATA, INC.

#### Notice of Filing of Petition for Rulemaking

Notice is hereby given that Alan J. Olson, Esq., 111 West Monroe Street, Chicago, Ill. 60603, by letter dated April 24, 1973, has filed, on behalf of Idata, Inc., 63 East 64th Street, New York, N.Y. 10021, with the Atomic Energy Commission a petition for rulemaking to amend 10 CFR part 30 and 10 CFR part 32.

The petition requests that 10 CFR part 30, "Rules of General Applicability to Licensing of Byproduct Materials," be amended by adding photoidentification credentials and materials containing not more than 1 microcurie of promethium-147 per item to the list of products whose possession and use are exempt from licensing requirements under § 30.15. Promethium-147 is a radioactive material which emits weak beta radiation and has a radioactive half-life of about 2.6 years.

If the proposed amendment becomes effective, it would not be necessary for a person who desires such a credential for identification purposes to file an application with the Commission and receive a specific license to possess the credential; however, the supplier of such credential would be required to obtain a license to import, manufacture, and distribute them. Accordingly, the petition also proposes complementary amendments to §§ 32.14, 32.15, and 32.16 to make the substance of those licensing regulations applicable.

The petition states the credential was designed by Swedish scientists to reduce financial losses from fraudulent checks. It further states that their research indicated that under current technology a credential can be made counterfeitproof only by use of byproduct material. Ex-

amples given of public needs served by the credential are check-cashing identification, access to security areas and restricted documents, and identification for dispensing of controlled items such as drugs or weapons.

The petition also states that the credential is currently sanctioned, manufactured under permit from, and used by the Swedish Government and has been in use there for more than 2 years without incident. Attached to the petition is a current Rutgers University analysis of the credential entitled "Environmental Impact of I.D. Cards Containing Promethium."

A copy of the petition for rulemaking is available for public inspection in the Commission's public document room at 1717 H Street NW., Washington, D.C. A copy of the petition may be obtained by writing the Rules and Proceedings Branch at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rulemaking should send their comments to the Rules and Proceedings Branch, Office of Administration-Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, by July 23, 1973.

Dated at Germantown, Md., this 16th day of May 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,

Acting Secretary of the Commission.

[FR Doc.73-10100 Filed 5-23-73;8:45 am]

**CIVIL AERONAUTICS BOARD**

[Docket No. 25499]

**HOLLAND-AMERICA LINE AGENCIES, INC.**

Notice of Postponement of Hearing Regarding Foreign Air Carrier Permit Application Inclusive Tour, Bulk Inclusive Tour, and Travel Group Charter Operations

Notice is hereby given that the hearing, originally set to follow the prehearing conference on May 24, 1973 (38 FR 12249, May 10, 1973), is postponed to May 29, 1973, at the request of the parties.

The hearing is rescheduled to be held on May 29, 1973, at 10 a.m. (local time) in room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. (The prehearing conference will be held as originally set.)

Dated at Washington, D.C., May 18, 1973.

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

[FR Doc.73-10359 Filed 5-23-73;8:45 am]

**ENVIRONMENTAL PROTECTION AGENCY**

**PETROCHEMICAL INDUSTRY ADVISORY COMMITTEE**

**Notice of Meeting**

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the

Petrochemical Industry Advisory Committee will be held from 8:30 a.m. to 4:30 p.m. on June 18, 1973, in the National Environmental Research Center, main auditorium, Research Triangle Park, N.C.

The meeting will be primarily concerned with a review of the third interim report containing a study of various petrochemical industries submitted by the Houdry Division of Air Products, the contractor for the study.

The meeting will be open to the public. Any member of the public wishing to attend or participate or present comments should contact Mr. Leslie B. Evans, executive secretary, Petrochemical Industry Advisory Committee, 919-688-8146, extension 295.

ROBERT L. SANSON,  
Assistant Administrator for  
Air and Water Programs.

MAY 18, 1973.

[FR Doc.73-10397 Filed 5-23-73;8:45 am]

**FEDERAL COMMUNICATIONS COMMISSION**

**CANADIAN FM BROADCAST STATIONS**

Channel Allocations Within 250 Miles of the Canada-U.S.A. Border

MAY 16, 1973.

The attached table of Canadian FM broadcasting channel allocations is recapitulative and contains information supplied by the Departments of Communications of Canada, pursuant to the Canadian-U.S.A. FM Broadcasting Agreement (TIAS 1726). It reflects all the additions, changes, and deletions notified to the Commission by the above date and supersedes previous lists issued by the Commission.

Further additions, changes, and deletions, reported to the Commission by the Canadian Department of Communications, will be issued from time to time.

**FEDERAL COMMUNICATIONS COMMISSION,**

[SEAL] BEN F. WAPLE,  
Secretary.

**CANADIAN-U.S.A. FM AGREEMENT**

**TABLE OF ALLOCATIONS FOR FM**

(Listed by Province)

**TABLE A CANADA**

REVISED TO APRIL 1, 1973

**Explanations:**

A. No channel designation denotes class C.

B. Where directional antennas are involved, the rate of change of the field strength must not be greater than 2db for any 10° of azimuth. Limitations are in pertinent directions only.

C. Equivalence requires that the 1 mV/m contour remain at the same location as determined by the F(50, 50) propagation curve.

**ALBERTA**

Banff	286, 292.
Bellevue/Pincher Creek	237B.
Blairmore/Coleman	231B.
Brooks	227B, 235B.
Calgary	221, 225, 229, 233, 240, 245, 271, 276, 280.

**ALBERTA—Continued**

Cardston	273, 278.
Drumheller	296.
Edmonton	223, 227, 231, 235, 243, 247, 251, 258, 262, 290.
Fort Macleod	223B.
Grande Prairie	225, 255.
Hanna	263B.
High River	253A.
Lacombe/Stettler	273B, 282B.
Lethbridge	257, 261, 265, 299.
Medicine Hat	247, 254, 269.
Provost	286.
Red Deer	255, 266.
Taber	294.

**BRITISH COLUMBIA**

Bonnington	222A.
Castlegar	274, 298.
Chilliwack	271A, 298A*.
Clearwater	224B.
Clinton	293A.
Courtenay	268, 281B*.
Cranbrook	263*, 267.
Fernie	284, 288.
Hope	236A, 286B*.
Kamloops	239, 243, 252.
Kelowna	235B, 256B, 284.
Kimberly	243, 255*.
Merritt	280, 296.
Mount Timothy	259.
Nanaimo	237.
Nelson	233, 238B.
New Westminster	266.
North Vancouver	241.
Oliver	259B, 269B.
Penticton	223B*, 227B, 246.
Port Alberni	285A, 298A.
Powell River	261A, 276A.
Princeton	261B, 276.
Prince George	263, 267.
Prince Rupert	222, 260.
Revelstoke	278, 282B.
Rossland	249*.
Salmon Arm	221B.
Savona	270A.
Trail	294.
Vancouver	229, 233, 249, 257, 274B*, 278, 289, 300B*.
Vernon	265B, 288.
Victoria	221*, 245*, 253*, 262*, 270B*, 297B*.

**MANITOBA**

Boissevain	290.
Brandon	224, 241, 250, 296.
Carberry	262B.
Dauphin	227, 246.
Emerson	240B*.
Flin Flon	221, 225.
Gimli	298.
Melita	254*.
Morden/Winkler	300.
Neepawa	266B.
Portage La Prairie	280, 284, 278.
Russell	278.
St. Boniface	256, 268B.
Selkirk	264.
Steinbach	292.
The Pas	230.
Transcona	226B, 236.
Virten	258.
Winnipeg	221, 232, 244, 248, 252, 260, 272, 276, 288.

**NEW BRUNSWICK**

Bathurst	261*.
Campbellton	231, 243.

## NEW BRUNSWICK—Continued

Chatham	270, 274.
Dalhousie	289, 294.
Edmunston	223, 228, 254.
Fredericton	221*, 251, 277.
Moncton	235, 239, 280.
Newcastle	248B, 257, 266.
Richibucto	253A.
Sackville	229.
St. John	255, 259, 263, 268, 272, 295.
St. Stephen	288, 300.
Sussex	285.
Woodstock	233, 282.

## NOVA SCOTIA

Amherst	244.
Antigonish	256.
Bridgewater	227.
Dartmouth	237, 270.
Dominion	247.
Glace Bay	254, 258.
Halifax	222, 241, 261, 274, 278, 289.
Kentville	249.
Liverpool	231.
New Glasgow	252.
New Waterford	230.
North Sydney	222.
Pictou	283.
Shelburne	281.
Springhill	293.
Stellarton	300.
Sydney	226, 235, 290, 298.
Sydney Mines	274.
Truro	265.
Westville	233.
Wolfville	Educational only.
Yarmouth	243.

## ONTARIO

Barrie	226C, 239B, 266A.
Belleville	227B, 232A, 238C, 246B, 272B*.
Brantford	221B.
Brockville	262C, 271A.
Chatham	232B*, 236B*, 272A*.
Cobourg	224A*, 276C**.
Cornwall	221A, 238A, 251A*, 283C, 299A.
Fort Frances	223, 250.
Guelph	278B*, 291B.
Hamilton	237C, 275B*, 300B*.
Huntsville	221B, 294.
Kapuskasing	227, 245.
Kenora	228, 270, 286.
Kingston	242B*, 252C*, 258A*, 298C*.
Kirkland Lake	256, 268.
Kitchener-Waterloo	244B, 287C*.
Leamington	276A*.
London-St. Thomas	228C*, 240C*, 248B*, 257B*, 276A, 295A.
New Liskeard	237.
Niagara Falls	262A*, 298A*.
North Bay	229, 241, 261, 300.
Orillia	245A, 262A, 290B.
Oshawa	222A, 235B, 240A*.
Ottawa-Hill, Quebec	226B, 230C, 235C*, 256A, 273C, 277C, 287C, 291C, 295C, 300A.
Owen Sound	234B, 254C, 274C*, 285B, 298C*.
Parry Sound	232B, 248B, 258.
Pembroke	223B, 244C*, 250B, 260C, 264B, 285B.
Peterborough	268B*, 280B*, 286B, 292B*.
Port Colborne	285B*.
St. Catharines	249B*, 289B*.
St. Thomas	See London.
Sarnia	252A*, 260B*, 268A*, 280A, 292B*.

## ONTARIO—Continued

Sault Ste. Marie	242, 263, 282.
Smiths Falls	266C.
Stratford	224B, 281A*.
Sturgeon Falls	270, 277.
Sudbury	224, 246, 251, 287, 296.
Thunder Bay	224, 232, 236, 243, 274, 282.
Tillsonburg	263A.
Timmins	221, 233, 272.
Toronto	231C*, 242A*, 247B, 251C*, 256C**, 260C*, 264B*, 271C, (Bramp- ton), 283C*, 296C*.
Waterloo	See Kitchener.
Welland	266A*.
Windsor	204C**, 210C**, 230C*, 300A*.
Wingham	230A, 285B, 269B*.
Woodstock	267B.

## PRINCE EDWARD ISLAND

Charlottetown	276, 287.
Summerside	224, 297.

## QUEBEC

Alma	248.
Amos	247.
Arvida	229B.
Bagotville	244.
Basle St. Paul	279.
Chicoutimi	265, 300C.
Donnacona	241B*.
Drummondville	243A, 282B.
Granby	278A*.
Joliette-Sorel	276B*.
Jonquiere	239.
Kenogami	290.
Lachute	271A.
La Pocatiere	275.
La Tuque	224B.
Lennoxville	See Sherbrooke.
Mantwakl	255A.
Mantane	259.
Megantic	229B.
Mont Joli	236.
Montmagny	271B.
Montreal	223C*, 228C, 232C, 236B, 240C, 245C* (Verdun), 249C, 253C*, 264C, 268B, 289C, 293C, 297C.
New Carlisle	226.
Port Alfred	286.
Quebec City	222B, 227C, 233C, 237C, 246C, 251C, 263B, 284C, 288C, 292B, 298C.
Rimouski	268.
Riviere du Loup	296.
Roberval	258.
Rouyn	243.
St. Agathe des Monts	258A.
St. Anne de Beaupre	267B.
St. Hyacinthe	See Montreal.
St. Jean	285B.
St. Jerome	280B.
Shawinigan Falls	272B*.
Sherbrooke	221B*, 259B*, 266 C*, 270B*, 274 C*, 291B*.
Sorel	See Joliette.
Thetford Mines	256C*.
Three Rivers	230B, 261C*, 295B.
Val d'Or	254.
Verdun	See Montreal.

## SASKATCHEWAN

Assiniboia	266.
Higar	239.
Broadview	268.
Estevan	235, 286.

## SASKATCHEWAN—Continued

Eston	250.
Gravelbourg	278.
Herbert	241.
Indian Head	282.
Kindersley	221.
Lloydminster	278, 294.
Maple Creek	290, 297.
Melville	264.
Moose Jaw	237, 264, 270, 274.
Moosomin	272.
North Battleford	256, 261.
Oxbow	276.
Prince Albert	265, 269, 273.
Regina	221, 225, 229, 231, 245, 249.
Rosetown	235.
Saskatoon	280, 284, 288, 291, 296.
Shaunavon	282, 286.
Swift Current	227, 231.
Watrous	258.
Weyburn	292, 297.
Wilkie	225.
Wynyard	300.
Yorkton	256, 260.

## NORTHWEST TERRITORIES

Yellowknife	221.
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## YUKON TERRITORY

Dawson City	221. Whitehorse	231.
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## FEDERAL COMMUNICATIONS COMMISSION.

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 73-10268 Filed 5-23-73; 8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-534]

## NATIONAL RELIGIOUS BROADCASTERS, INC.

## Memorandum Opinion and Order

1. In *King's Garden, Inc.*, 34 FCC 2d 937, 24 R.R. 2d 281 (1972),<sup>1</sup> we stated that a station that is licensed to a religious organization may discriminate<sup>2</sup> on the basis of religion in its employment practices as to those hired to espouse the licensee's religious philosophy over the air. We further stated:

<sup>1</sup> Canadian educational channel on short separation to U.S. assignments.

<sup>2</sup> Limited to 20 kW—500 ft or the equivalent.

<sup>3</sup> Limited to 200 kW—441 ft or the equivalent.

<sup>4</sup> Educational channels to be used as commercial.

<sup>5</sup> Limited to 117 kW—646 ft or the equivalent.

<sup>6</sup> Limited to 50 kW—500 ft or the equivalent.

<sup>7</sup> Limited to 100 kW—1,851 ft or the equivalent.

\* Special negotiated short-spaced allocations.

<sup>1</sup> Affirmed on reconsideration, 38 FCC 2d 339, 25 R.R. 2d 1030 (1972). *King's Garden* has filed an appeal from our decisions in the U.S. Court of Appeals for the Ninth Circuit. Case No. 73-1058.

<sup>2</sup> Our general nondiscrimination requirements are set out in §§ 73.125, 73.301, 73.302 and 73.680 of our rules.



\* \* \* the Commission does not see any reason for a broad interpretation that would permit discrimination in the employment of persons whose work is not connected with the espousal of the licensee's religious views. (34 FCC 2d at 938, 24 R.R. 2d at 282)

Now under consideration is a letter seeking a ruling as to the applicability of the *King's Garden* decision to various employee categories, filed February 9, 1973, by National Religious Broadcasters, Inc. (NRB), on behalf of a number of its members. We shall consider the NRB's letter as a request for a declaratory ruling filed pursuant to § 1.2 of our rules.

2. In NRB's view, the exemption from the nondiscrimination rules should be interpreted:

\* \* \* to include those persons responsible for or connected with the planning, preparation, scheduling, presentation, and responses to queries relating to such programs espousing a particular religious philosophy. Illustratively this would include personnel having responsibility for or a direct connection with such programs as writers and research assistants for these religious programs, executive personnel supervising the programs, and the person or persons at the station charged with the responsibility of answering religious type communications stemming from such programs.

In addition, we are advised that some religiously oriented stations include among the station personnel religious counselors (1) answering inquiries on the air and (2) answering mail or telephone inquiries of a religious nature which are not broadcast.

3. We have no difficulty with some of the employee categories listed by NRB. Under the *King's Garden* decision, writers and research assistants' hired for the preparation of programs espousing the licensee's religious views are exempt from the nondiscrimination rules as being connected with the espousal of those views. Similarly, those hired to answer religious questions on a call-in program would be exempt. On the other hand, announcers, as a general category, would not be exempt from the nondiscrimination rules. There is no reason why an announcer must be of a particular faith in order to introduce a program or insert news, commercial announcements, or station identifications during or adjacent to any program.

4. There are other categories listed by NRB which are not so clear cut. As to those categories, which may be defined differently by each licensee, we do not believe that it is advisable to issue a general declaratory ruling such as that requested by the NRB. We have only general information and we are dealing with an area where first amendment rights are often involved. We believe it would be preferable, therefore, to have specific factual settings presented to us before issuing rulings. We can say generally that our present rules proscribe religious discrimination in employment practices and that the exemption from those rules

\* We are dealing with the function of the particular person, not his or her title. Thus, a secretary does not become exempt from the nondiscrimination rules by changing his or her title to writer or research assistant.

set out in the *King's Garden* decision is limited to those who, as to content or on-the-air presentation, are connected with the espousal of the licensee's religious views.

5. We wish to emphasize that our decisions in this area are restricted to the broadcast activities of licensees that are religious organizations. We cannot and do not make any ruling as to those activities that are not part of broadcast operations. Religious organizations that are licensees may wish to consider whether certain employees are actually part of the broadcast operation or a part of their religious activities generally.

6. In view of the above, it is ordered, That the request for a declaratory ruling filed by the National Religious Broadcasters, Inc., is granted to the extent indicated above, and is denied in all other respects.

Adopted May 16, 1973.

Released May 21, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.73-10389 Filed 5-23-73;8:45 am]

FEDERAL MARITIME COMMISSION  
CERTIFICATES OF FINANCIAL  
RESPONSIBILITY; OIL POLLUTION

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to part 542 of title 46 CFR.

Certificate No.	Owner/Operator and Vessels
01014	Robert Bornhofen Reederel: <i>Luse</i> .
01323	Manchester Liners Ltd.: <i>Manchester Vigour</i> .
01428	Ocean Transport & Trading Ltd.: <i>Eban, Helenus, Memnon, Laomedon, Cyclops, Antiochus, Daru, Priam, Perseus, Atreus, Elpenor, Dumbaia, Donga, Fian, Peisander, Patroclus, Autolytus, Maron, Dalla, Deido, Prometheus, Protesilaus, Achilles, Menestheus, Anchises, Dunkwa, Dumurra, Agamemnon, Antenor, Calchas, Akosombo, Degema, Dizcove, Phemius, Phronitis</i> .
01805	Suisse Atlantique Societe D'armement Maritime S.A.: <i>Silvretta</i> .
01893	Silver Line Ltd.: <i>Bellnes, Binanes</i> .
02198	The Peninsular & Oriental Steam Navigation Co.: <i>Remuera</i> .
02449	A/S Ivarans Rederi: <i>Santos</i> .
02831	Ednasa Co. Ltd.: <i>Lajumina</i> .
02958	Kawasaki Kisen K.K.: <i>Tivoli</i> .
02982	The Shipping Corp. of India Ltd.: <i>Vishva Prayas</i> .
03073	Freighters, Inc.: <i>American Wheat</i> .
03434	Hoko Suisan K.K.: <i>Carasaki-Marui</i> .
03457	Masumoto Kalunsangyo K.K.: <i>Dairin Maru</i> .
03695	Wood River Harbor Service, Inc.: <i>CE-58, Bunker</i> .
03754	Carbonavi Societa' Per Azioni Di Navigazione: <i>Noemi Lollighetti</i> .
03918	Mobil Shipping & Transportation Co.: <i>Mobil Petroleum</i> .
04002	Compagnie Des Messageries Maritimes: <i>Korrgan</i> .
04004	Koninklijke Java-China-Paketsvaart Lijnen N.V.: <i>Straat Forcados</i> .
04011	Haverton Shipping Ltd.: <i>Hilla</i> .
04020	Skips A/S Agnes: <i>Ronastar</i> .
04136	Thomas Marine Co.: <i>C-201</i> .
04184	M/G Transport Services, Inc.: <i>Barge M/G 10A, Barge M/G 10B, Barge MG 10C, Barge M/G 20, Barge M/G 21, Barge M/G 22</i> .
04641	American Tug Boat Co.: <i>ATB No. 99</i> .
04664	Hindman Transportation Co. Ltd.: <i>Coverdale</i> .
05036	Companhia Nacional De Navegacao: <i>Cabinda</i> .
05095	ESSO Tankvaart Maatschappij B.V.: <i>ESSO Nederland, ESSO Europoort, ESSO Den Haag, ESSO Bonaire</i> .
05097	ESSO Transport Co., Inc.: <i>ESSO Fuji</i> .
05425	Georgia Transporters Inc.: <i>Chotin 1841, Chotin 1159</i> .
05530	Consolidated Towing Co.: <i>Cindy Sue</i> .
05577	Far-Eastern Shipping Co.: <i>Alexandr Fadeev</i> .
06064	TMT Trailer Ferry, Inc.: <i>Isia Grande</i> .
06261	Puerto Rico Sun Oil Co.: <i>Peck Slip</i> .
06498	Federal Steam Navigation Co., Ltd.: <i>Wild Curlew</i> .
06921	Lee Lal Maritime: <i>Chieh Shun, Chieh Chuan</i> .
06990	Livestock Carriers Inc.: <i>Charolais Express</i> .
07530	Riverside Tank Corp.: <i>Udomar</i> .
07580	Chinese Maritime Transport, Ltd.: <i>Oriental Rio, Ru Yung, Hong Kong Surety, Tsui Yung, Geh Yung</i> .
07640	EXXON Co., U.S.A. (a Division of EXXON Corp.): <i>Ellis 2004, Ellis 2003</i> .
07706	Galidad Navegacion S.A., Panama: <i>Messiniaki Chara</i> .
07759	Arge Compania Maritima S.A.: <i>Parakopi</i> .
07797	New American Shipping Corp., Inc.: <i>Liberian Statesman</i> .
07807	D. Wandel & Co.: <i>Cap Palmas</i> .
07809	Yorigami Kensetsu K.K.: <i>Kiyo Maru No. 1</i> .
07836	Lunamarin S.A.: <i>Belgrano</i> .
07876	Sirikari Compania Naviera S.A.: <i>Panagiotis Xilas</i> .
07878	F.R.H.M. Shipping Corp.: <i>Asterix</i> .
07885	Rederiet Decimus K/S: <i>Decimus</i> .
07887	Miramarmadora S.A.: <i>Katingo Colocotronis</i> .
07893	Seaways Carriers Ltd.: <i>Eleranta</i> .
07894	Selmaduro La Guaira S.A.: <i>Manauere</i> .
07897	Carpasis Shipping Co., Ltd.: <i>Andros Island</i> .
07899	Compania Flotera Cajotamil, S.A.: <i>Ydra</i> .
07901	Andros Marine Star, Inc., Panama: <i>Montevideo</i> .
07904	Kabushiki Kaisha Koyo Gyogyo: <i>Koyo Maru No. 38, Koyo Maru No. 23, Koyo Maru No. 25, Koyo Maru No. 17</i> .

<sup>1</sup> Commissioners Johnson, Reid, and Wiley concurring in the result.

Certificate No.	Owner/Operator and Vessels
07907	Suramar Navigation Co., Ltd.: <i>Arenal</i> .
07910	Sealeader Maritime Co., Ltd.: <i>El-Innora</i> .
07912	Seabear Navigation Co., Ltd.: <i>Seabear</i> .
07913	Sealion Navigation Co., Ltd.: <i>Sealion</i> .
07920	Transportes Intermares Armadora S.A.: <i>Mesis</i> .
07921	Chrissanthemum Shipping Co. S.A.: <i>Pavlos V.</i>
07922	Itel Pegasus Inc.: <i>Itel Pegasus</i> .
07924	Cecil Shipping Corp.: <i>Beacon</i> .
07932	Centrais Electricas Brasileiras S/A Eletrobra: <i>Electron</i> .
07933	Marshall Navigation Co., Inc.: <i>Ingramar</i> .
07935	Independent Lighterage Co.: <i>Conqueror</i> .
07938	Arenas & Cia. Ltda.: <i>Tico</i> .
07939	Seatrans Shipping AB: <i>Bonne Bay</i> .
07942	Solstad Rederi A/S: <i>Soldroit, Lloyd Copenhagen, Sol Tulla</i> .
07943	Skips A/S Solhav & Co.: <i>Concordia Fonn</i> .
07945	Dido Shipping Co. S.A.: <i>Scapmount</i> .
07946	Midway Operations, Inc.: <i>MMS-101, MMS-102</i> .
07953	Dalki Kalun K.K.: <i>Yamak Maru</i> .
07954	Compania Valenciana De Navegacion, S.A.: <i>Pinazo</i> .
07955	Sadao Miyamoto: <i>Seishomaru No. 7, Seishomaru No. 17</i> .
07957	Tatsumi Sumida: <i>Tatsumi Maru No. 25</i> .
07958	Matsuoka Co., Ltd.: <i>No. 105 Odae Yang</i> .
07960	Aspelia Enterprise Shipping Co., Ltd.: <i>Enterprise</i> .
07962	Louisiana Towing Co., Inc.: <i>Blue Ridge</i> .
07963	Romeo Navigation Co., Ltd.: <i>Viviana</i> .
07964	Transocean Lines, Inc.: <i>Oriental Empress</i> .
07965	Transatlantic Shipping Co., Ltd.: <i>Lloyd Helsinki</i> .
07967	Woodlands Shipping Co., Ltd.: <i>Deganya</i> .
07969	Sequoia Tanker Corp., Ltd.: <i>Sinde</i> .
07975	Burns & Laird Lines Ltd.: <i>Lairdsglen</i> .

By the Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-10367 Filed 5-23-73; 8:45 am]

### CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

#### Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to part 542 of title 46 CFR and section 11(p) (1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/Operator and Vessels
01014	Robert Bornhofen Reederet: <i>Louise Bornhofen</i> .
01092	Thor Dahls Hvalfangerselskap A/S: <i>Thor I</i> .
01150	Chevron Transport Corp.: <i>Otto N. Miller</i> .

Certificate No.	Owner/Operator and Vessels
01428	Ocean Steam Ship Co., Ltd.: <i>Mennon, Laomedon, Atrous, Elpenor, Autolyceus, Maron, Menestheus, Anchises, Calchas, Akosombo, Cyclops, Antiochus, Dumbala, Donga, Dalla, Deido, Dunkwa, Dumurra, Degema, Dixcove, Daru, Priam, Fian, Feisander, Prometheus, Protesilaus, Agamemnon, Antenor, Phemius, Phrontis, Perseus, Patroclus, Achilles</i> .
01758	Chotin Transportation Inc.: <i>Chotin 1159, Chotin 1841</i> .
01805	Suisse-Atlantique Societe D'Armenet Maritime S.A.: <i>Los Andes</i> .
01841	Chas. Kurz & Co., Inc.: <i>Naeco</i> .
01857	Ohg. I. Fa. Bernhard Schulte: <i>Johann Christian Schulte</i> .
01861	BP Tanker Co., Ltd.: <i>British Adventure, British Justice</i> .
01877	Carbocoke-Societa Di Navigazione S.P.A.: <i>Cadimare</i> .
01904	Waterman Steamship Corp.: <i>Madaket</i> .
01934	Dampskibsselskabet Af 1960 Aktieselskab: <i>Marchen</i> .
01944	Jacob Sannes & Co.: <i>Wilyama</i> .
02005	Rederiet for M/S "Finland": <i>Finland</i> .
02443	Panama Transoceanic Co. S.A.: <i>Allison Conway</i> .
02449	A/S Ivarans Rederi: <i>Montevideo</i> .
02598	Centaurus Shipping Corp.: <i>Centaurus</i> .
02714	Golden Eagle Panama, Inc.: <i>Golden Condor, Golden Owl, Golden Petrel</i> .
02872	States Marine International, Inc.: <i>Copper State</i> .
02956	Ashland Oil Inc.: <i>M/G 10 A, M/G 10 B, M/G 10 C, M/G 10 D, M/G 11, T-8000</i> .
02962	Nippon Kisen Kabushiki Kaisha: <i>Yuko Maru</i> .
03071	Sincere Navigation Corp.: <i>Helena</i> .
03089	Transpacific Lines, Inc.: <i>Hongkong Surety</i> .
03108	Chinese Maritime Trust, Ltd., Taipei: <i>Tsui Yung, Ru Yung, Geh Yung, Oriental Rio</i> .
03328	Mid-Ohio Towing Inc.: <i>St. Louis Zephyr</i> .
03536	Herlofson Shipping Co. A/S: <i>Black Eagle</i> .
03679	Miami Terminal Transport Co.: <i>Freeport I</i> .
03695	Wood River Harbor Service Co.: <i>CE 58</i> .
03793	The Essence Shipping Ltd.: <i>Essence</i> .
03999	Hamilton Transport Co., Inc.: <i>Helene</i> .
04032	Sicula Oceanica S.A.: <i>Bello</i> .
04168	Dillingham Line, Inc.: <i>Makahani</i> .
04170	Dillingham Corp.: <i>HTB-32</i> .
04171	Young Bros., Ltd.: <i>YB-16, YB-18</i> .
04205	Partrederiet For MS Grimland: <i>Grimland</i> .
04289	Dixie Carriers, Inc.: <i>B-101, Barge Z-122, Offshore 1401, DXE-103, Eastern 4</i> .
04620	Wilson Marine Transit Co.: <i>Henry G. Dalton, B. F. Jones, Edward S. Kendrick, A. E. Nettleton, Frank R. Denton, C. L. Austin, A. T. Lawson, Ben Moreell, J. Burton Ayers, Thomas Wilson, J. H. Hillman, Jr.</i>
05330	Annapurna Shipping Co. S.A.: <i>Sauveréal</i> .
05573	Companhia De Navegacao Carregadores Acroreanos: <i>Acores, Monte Brazil</i> .

Certificate No.	Owner/Operator and Vessels
05888	Evros I Compania Naviera S.A.: <i>Evros I</i> .
06288	Partenreederei MS Hartwardersand: <i>Hartwardersand</i> .
06374	Datet Maritime Co., Ltd.: <i>Ta Fong</i> .
06550	Macosea Shipping Co. Ltd. of Cyprus: <i>Maco Felicity</i> .
06593	Flumini S.P.A. Di Navigazione: <i>Umberto D'Amato</i> .
06747	Taw Shipping Co. Ltd.: <i>Ionic King</i> .
07513	Minos Navigation Ltd.: <i>Ariadne</i> .
07640	Exxon Co., U.S.A.: <i>Exxon ST-10</i> .

By the Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-10366 Filed 5-23-73; 8:45 am]

[Independent Ocean Freight Forwarder License No. 1430]

### NORTH CAROLINA SHIPPING CO. Order of Revocation

By letter dated April 11, 1973, North Carolina Shipping Co., P.O. Box 690, Morehead City, N.C. 28557, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1430 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before May 8, 1973.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

North Carolina Shipping Co. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in "Manual of Orders," Commission Order No. 1 (revised) section 7.04(g) (dated May 1, 1972);

It is ordered, That Independent Ocean Freight Forwarder License No. 1430 of North Carolina Shipping Co. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1430 be and is hereby revoked effective May 8, 1973.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon North Carolina Shipping Co.

AARON W. REESE,  
Managing Director.

[FR Doc.73-10364 Filed 5-23-73; 8:45 am]

### AMERICAN MAIL LINE, LTD., AND FOSS ALASKA LINE, INC.

#### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 13, 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:**

W. R. Purnell, assistant vice president, American Mail Line, Ltd., 801 California Street, suite 610, San Francisco, Calif. 94108.

Agreement No. 9872-2, has been entered into by the above-named carriers to further amend their approved through billing arrangement in the trade from Alaska to Japan and Korea, with transshipment at Seattle, by revising the division of the through rates and the expenses and arrangements at the port of transshipment.

Dated May 21, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-10363 Filed 5-23-73;8:45 am]

**HOUSEHOLD GOODS FORWARDERS ASSOCIATION OF AMERICA RATE AGREEMENT**

**Notice of Agreements Filed**

Notice is hereby given that the following agreements have 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 agreements at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreements at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 13,

1973. Any person desiring a hearing on the proposed agreements 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 agreements (as indicated hereinafter) and the statement should indicate that this has been done.

**Notice of agreement filed by:**

Alan F. Wohlstetter, general counsel, Household Goods Forwarders Association of America, Inc., 1500 Massachusetts Avenue NW., suite 525, Washington, D.C. 20005.

Agreement No. 9510-2, amend the members to the Household Goods Forwarders Association of America Rate Agreement, amends the basic agreement of the parties by deleting from the preamble and from paragraph 7 thereof, certain language which implies that the parties thereto operate only as exempt freight forwarders of used household goods under the exemption of section 402(b)(2) of the Interstate Commerce Act, in addition to being common carriers by water subject to the Shipping Act, 1916.

The deletion reflects the fact that many parties to agreement No. 9510, as amended, have extended their operations to include those which render them subject to the Interstate Commerce Act.

Dated May 21, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-10361 Filed 5-23-73;8:45 am]

**COORDINATED CARIBBEAN TRANSPORT, INC. AND FLOTA MERCANTE GRAN CENTROAMERICANA, S.A.**

**Notice of Agreements Filed**

Notice is hereby given that the following agreements have 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 agreements at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 13,

1973. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which the 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:**

H. Calderon, President, Coordinated Caribbean Transport, Inc., P.O. Box 631, Main Post Office, Miami, Fla. 33101.

Agreement No. 10047 is an arrangement entered into on December 8, 1971, between Coordinated Caribbean Transport, Inc. (CCT) and Flota Mercante Gran Centroamericana, S.A. (FLOMERCA), whereby CCT has become a firm associated with FLOMERCA to the end that FLOMERCA commits itself not to present opposition to CCT's transportation of cargo from Miami to Guatemala.

Under the terms of the agreement, CCT is presently paying FLOMERCA 3 percent of all freight charges collected on all merchandise transported to Guatemala. Other significant provisions require that any increase in CCT's tariff rates shall be approved by FLOMERCA; a commitment by CCT to export all perishable products originating in Guatemala; FLOMERCA's disclaimer of all liability and responsibility of any sort with respect to CCT's operations; that the term of the arrangement shall be for 3 years from December 8, 1971, and may be renewed at FLOMERCA's option; and that FLOMERCA commits itself not to execute any contract of association with any other firm that may operate under the same conditions as CCT during the life of this contract.

Dated May 18, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-10368 Filed 5-23-73;8:45 am]

**COORDINATED CARIBBEAN TRANSPORT, INC. AND MARINA MERCANTE NICARAGUENSE, S.A.**

**Notice of Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the

Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 13, 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:**

H. Calderon, President, Coordinated Caribbean Transport, Inc., P.O. Box 631, Main Post Office, Miami, Fla. 33101.

Agreement No. 10046 establishes a cooperative working arrangement between Coordinated Caribbean Transport, Inc. (CCT) and Marina Mercante Nicaraguense, S.A. (Mamenic Line) relating to cargo moving between Florida and Nicaragua via CCT's roll-on/roll-off vessels. Under the agreement, the following pertinent aspects are:

(1) Mamenic Line will grant a waiver to CCT authorizing CCT to carry up to eight trailers weekly, loaded with cargo moving between Florida and Nicaragua;

(2) Mamenic Line will receive from CCT an overriding commission as stated in the agreement on ocean freight of the cargo moving to and from Nicaragua;

(3) Mamenic Line commits itself not to make any similar agreement with another company operating the same type service while this agreement is in effect;

(4) Any controversy arising in the application of the agreement will be adjusted in accordance with the laws of the Republic of Nicaragua; and

(5) The agreement shall have a duration of 5 years and may be extended for an equal period of time.

Dated May 18, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-10369 Filed 5-23-73;8:45 am]

**SPAIN/U.S. NORTH ATLANTIC  
WESTBOUND FREIGHT CONFERENCE**

**Notice of Petition Filed**

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015 or at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, on or before June 13, 1973. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system 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 petition (as indicated hereinafter), and the statement should indicate that this has been done.

**Notice of agreement filed by:**

Elliott B. Nixon, Esq., Burlingham Underwood & Lord, 25 Broadway, New York, N.Y. 10004.

Agreement No. 9615 D.R.-2, among the member lines of the above-named conference, extends the scope of the standard merchant's contract to include cargo moving from Portuguese ports and changes the conference name to the Iberian/U.S. North Atlantic Westbound Freight Conference.

Dated May 18, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-10362 Filed 5-23-73;8:45 am]

**SPAIN/U.S. NORTH ATLANTIC  
WESTBOUND FREIGHT CONFERENCE**

**Notice of Agreement Filed**

Notice is hereby given that the following agreement has been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 13, 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:**

Elliott B. Nixon, Esq., Burlingham Underwood & Lord, 25 Broadway, New York, N.Y. 10004.

Agreement No. 9615-6, among the member lines of the above-named conference, provides for inclusion of the range now served by the Portugal/U.S. North Atlantic Westbound Conference and the disbandment of that conference; changes the conference name to the Iberian/U.S. North Atlantic Westbound Freight Conference; establishes the initiation fee at \$3,025 as of July 1, 1973; provides for separate tariff sections for Spanish and Portuguese commodity rates; provides that only those carriers serving Spain or Portugal respectively may vote on the rates, rules and regulations pertaining thereto; and redesignates the "Olive Section" as the "Spanish Olive Section."

Dated May 18, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-10365 Filed 5-23-73;8:45 am]

## FEDERAL POWER COMMISSION

[Docket No G-4616, etc.]

APPLICATIONS FOR CERTIFICATES,  
ABANDONMENT OF SERVICE, AND PETI-  
TIONS TO AMEND CERTIFICATES<sup>1</sup>

## List of Applicants

MAY 10, 1973.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

<sup>1</sup>This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per thousand cubic feet	Pressure base
G-4616 D 4-30-73	Texaco, Inc., P.O. Box 2420, Tulsa, Okla. 74102.	Kansas-Nebraska Natural Gas Co., Inc., Guymon-Hugoton Field, Texas County, Okla.	(9)	-----
CI63-2 E 4-23-73	Gas Systems, Inc. (successor to Progress Petroleum, Inc.), 1308 Continental National Bank Bldg., Fort Worth, Tex. 76102.	Lone Star Gas Co., McGregor Gasoline Plant, Archer County, Tex.	17.0	14.65
CI66-148 D 4-30-73	Texaco, Inc.	Lone Star Gas Co., Sho-Vel-Tum Field, Carter County, Okla.	(9)	-----
CI67-248 E 1-73 <sup>2</sup>	Beacon Gasoline Co., P.O. Box 396, Minden, La. 71055.	Walker Creek Field, Lafayette and Columbia Counties, Ark.	-----	-----
CI68-505 D 4-30-73	Mobil Oil Corp., 3 Greenway Plaza East, suite 800, Houston, Tex. 77046.	Cities Service Gas Co., Northwest Quinlan Field, Woodward County, Okla.	(9)	-----
CI73-154 C 4-30-73	Tenneco Oil Co., P.O. Box 2311, Houston, Tex. 77001.	El Paso Natural Gas Co., Gallegos Canyon Area, San Juan County, N. Mex.	\$ 28.0	15.025
CI73-628 A 3-23-73	Theodore H. Solomon and Ruth McGarvey, P.O. Box 1567, Havre, Mont. 59501.	Northern Natural Gas Co., Tiger Ridge Field, Hill County, Mont.	\$ 23.5	15.025
CI73-703 (G-13222) F 4-16-73	Edwin L. Cox (Operator) et al. (successor to The California Co., a division of Chevron Oil Co.), 3800 First National Bank Bldg., Dallas, Tex. 75202.	Southern Natural Gas Co., Marrero Field, Jefferson Parish, La.	\$ 30.55	15.025
CI73-704 (G-2906) (G-2907) F 4-17-73	Pasco, Inc. (successor to Atlantic Richfield Co.), 530 Fifth Ave., New York, N.Y. 10036.	Kansas-Nebraska Natural Gas Co., Inc., Sand Draw Field, Fremont County, Wyo.	\$ 14.5725	15.025
CI73-705 (CI63-26) F 4-19-73	BLMP Oil Co. (successor to Exxon Co.-USA), 804 First National Bldg., Oklahoma City, Okla. 73102.	Arkansas Louisiana Gas Co., South Pine Hollow Field, Pittsburg County, Oklahoma.	18.0	14.65
CI73-708 (CI61-1528) B 4-23-73	Amerada Hess Corp., P.O. Box 2040, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Shattuck Field, Ellis County, Okla.	(9)	-----
CI73-710 A 4-23-73	Highland Resources, Inc., 1201 San Jacinto Bldg., Houston, Tex. 77002.	Michigan Wisconsin Pipe Line Co., Eugene Island Area, Offshore La.	\$ 32.0	15.025
CI73-712 4-23-73 <sup>3</sup>	Grover Thompson and Violet Thompson (successor to Buehrer Oil & Gas Co.), Route 1, Box 212, Louisa, Ky. 41230.	Kentucky West Virginia Gas Co., acreage in Lawrence County, Ky.	46.8	15.325
CI73-713 A 4-23-73	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Cities Service Gas Co., East Nile Area (Morrow Formation), Canadian County, Okla.	\$ 21.0	14.65
CI73-718 (CI66-649) B 4-25-73	Pioneer Production Corp. (Operator), P.O. Box 2542, Amarillo, Tex. 79105.	Northern Natural Gas Co., Mammoth Creek North Field, Lipscomb County, Tex.	Depleted	-----
CI73-719 (CI63-264) B 4-30-73	Anadarko Production Co., P.O. Box 9317, Fort Worth, Tex. 76107.	Panhandle Eastern Pipe Line Co., Carthage Area, Texas County, Okla.	(9)	-----
CI73-720 A 4-30-73	Placid Oil Co., 2500 First National Bank Bldg., Dallas, Tex. 75202.	Michigan Wisconsin Pipe Line Co., Eugene Island Area, Offshore Louisiana.	\$ 32.0	15.025
CI73-721 A 4-30-73	do	Michigan Wisconsin Pipe Line Co., West Cameron Area, Offshore Louisiana.	\$ 32.0	15.025
CI73-725 A 4-30-73	Pubco Petroleum Corp., P.O. Box 869, Albuquerque, N. Mex. 87103.	El Paso Natural Gas Co., Blanco Mesa Verde Field, San Juan County, N. Mex.	\$ 22.0	15.025
CI73-727 A 4-30-73	Amoco Production Co., P.O. Box 591, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Levelland Field, Cochran County, Tex.	\$ 35.0	14.65
CI73-728 A 4-30-73	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., East Cameron Area, Offshore Louisiana.	\$ 26.0	15.025

<sup>1</sup> Certain properties have expired or been released.

<sup>2</sup> The well has ceased to produce economical volumes of gas.

<sup>3</sup> Applicant proposes to gather and transport gas for Austral Oil Co. Inc.

<sup>4</sup> Acreage assigned to Robert L. Austin.

<sup>5</sup> Subject to British thermal unit adjustment.

<sup>6</sup> Subject to upward and downward British thermal unit adjustment.

<sup>7</sup> Rate in effect subject to refund in docket No. R173-141.

<sup>8</sup> Depleted, well plugged and abandoned.

<sup>9</sup> Applicant proposes to continue the sale of natural gas heretofore authorized by Buehrer Oil & Gas Co., a small producer in the Appalachian area.

<sup>10</sup> Applicant is willing to accept this as the initial rate, subject to upward and downward British thermal unit adjustment; however, the contract rate is 22.5 cents.

<sup>11</sup> Expiration of lease.

<sup>12</sup> Applicant is willing to accept a certificate at an initial rate of 26 cents, subject to upward and downward British thermal unit adjustment; however, the contract price is 45 cents.

Filing code: A—Initial service.  
B—Abandonment.  
C—Amendment to add acreage.  
D—Amendment to delete acreage.  
E—Succession.  
F—Partial succession.

See footnotes at end of table.

[FR Doc.73-10143 Filed 5-23-73; 8:45 am]

[Dockets Nos. RI73-285, etc.]

## RATE CHANGES

Order Providing for Hearing and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund<sup>1</sup>

MAY 9, 1973.

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

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

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

## The Commission finds

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

## The Commission orders

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until

date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

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

By the Commission.

[SEAL]

KENNETH F. PLUMB,  
Secretary.

## APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per thousand cubic feet*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI73-285...	Southern Union Production Co.	10	8	El Paso Natural Gas Co. (Dakota Formation, San Juan and Rio Arriba Counties, N. Mex., San Juan Basin).	( <sup>9</sup> )	4-16-73	5-17-73	<sup>12</sup> Accepted " 10-17-73	24.2	30.8	
RI73-286...	Skelly Oil Co.	204	*2	El Paso Natural Gas Co. (Canada Mesa No. 2 Unit, Rio Arriba County, N. Mex., San Juan Basin).	\$14,400	4-16-73		" 10-17-73	24.0	28.0	
RI73-287...	American Petrofina Co. of Texas.	16	21	El Paso Natural Gas Co. (Blanco Field, Rio Arriba County, N. Mex., San Juan Basin).	22,338	4-16-73	5-10-73	<sup>12</sup> Accepted " 10-17-73	22.0	29.4	
	do	24	10	do	3,634	4-16-73	5-19-73	<sup>12</sup> Accepted " 10-17-73	22.0	29.4	
RI73-288...	Exxon Corp.	249	1 to 15	El Paso Natural Gas Co. (Green River Bend Unit, Lincoln and Sublette Counties, Wyo., Uinta-Green River Basin).	9,643	4-9-73	4-11-73	<sup>12</sup> Accepted " 9-11-73	20.6509	28.8188	

\* Unless otherwise stated, the pressure base is 15.025 lb/in. a.  
<sup>1</sup> Includes upward British thermal unit adjustment for 1,100 B.t.u. per cubic foot. (2.4¢/M Btu).

<sup>2</sup> Increase to contract rate for wells completed on or after June 1, 1970.  
<sup>3</sup> No new wells have been commenced—no production at present time from wells completed on or after June 1, 1970.

<sup>4</sup> Applicable to acreage added by supplement No. 1.  
<sup>5</sup> Subject to British thermal unit adjustment.  
<sup>6</sup> Includes upward British thermal unit adjustment for 1,050 B.t.u. per cubic foot. (1.4 cent for 28-cent rate and 1.2 cent for 24-cent rate)

<sup>7</sup> Original filing submitted Feb. 6, 1973. Effective date is 5 months after underlying rate became effective pursuant to opinion No. 658.

<sup>8</sup> Includes 2.8¢/M Btu British thermal unit adjustment.  
<sup>9</sup> Includes 2.6¢/M Btu British thermal unit adjustment.

<sup>10</sup> The rate increase is accepted as of the date provided in the "Effective Date Unless Suspended" column insofar as it does not exceed the area just and reasonable rate established in opinion No. 658, where applicable, or insofar as it does not exceed the ceiling rate established by order No. 435, where applicable.

<sup>11</sup> The rate increase is suspended insofar as it exceeds the rate level prescribed in either order No. 435 or opinion No. 658, as applicable.

## APPENDIX "A"

In Opinion No. 658 issued April 11, 1973, docket No. R-425, the Commission determined the just and reasonable rate for sales of natural gas in the Rocky Mountain area under contracts dated prior to October 1, 1968, from wells commenced on or before December 31, 1972. For sales in the Rocky Mountain area under pre-October 1, 1968, contracts from wells commenced on or before January 1, 1973, and for all sales under contracts dated on or after October 1, 1968,

in Rocky Mountain, the ceiling rates established in order No. 435 are applicable.

The proposed rate increases are accepted insofar as they do not exceed the area just and reasonable rate established in Opinion No. 658, where applicable, and insofar as they do not exceed the ceiling rate established by order No. 435, where applicable.<sup>1</sup>

<sup>1</sup> The contract relating to Skelly's increase is dated on or after Oct. 1, 1968, and its currently effective rate is equal to the ceiling in order No. 435. Consequently, the entire increase is subject to suspension.

The subject rate increases are suspended for 5 months insofar as they exceed the rate level prescribed in either order No. 435 or Opinion No. 658, as applicable.

The rate increases granted in these cases have been reviewed in the light of and are consistent with the Economic Stabilization Act of 1970, as amended, Executive Order No. 11695, and the rules and regulations issued thereunder.

[FR Doc.73-10147 Filed 5-23-73;8:45 am]

**NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FINANCE TASK FORCE—FUTURE FINANCIAL REQUIREMENTS**

**Agenda of Meeting**

Agenda of third meeting of the Technical Advisory Committee on Finance Task Force—Future Financial Requirements, to be held at the Harvard Graduate School of Business Administration, Soldiers Fields Road, Boston, Mass., 10 a.m., May 24, 1973, Baker Library, room 133.

1. Meeting called to order by FPC coordinating representative.
2. Objectives and purpose of meeting.
- A. Approve minutes of March 6, 1973, meeting.
- B. Discussion of further refinements of model and data suitability.
- C. Discussion of task force activities report to Technical Advisory Committee on Finance.
- D. Discussion of other business.
- E. Schedule date for next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the task force, which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the task force.

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.73-10521 Filed 5-23-73; 11:28 am]

**NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT TASK FORCE ON ENERGY SOURCES RESEARCH**

**Agenda of Meeting**

Agenda for a meeting of the Technical Advisory Committee on Research and Development, Task Force on Energy Sources Research, to be held at the Fed-

eral Power Commission offices, 825 North Capitol Street NE., Washington, D.C., 9:30 a.m., May 24, 1973, room 6200.

1. Meeting called to order by FPC coordinating representative.
2. Objectives and purposes of meeting.
- A. Discussion of contents of task force report with regard to:
  1. Nuclear fuels.
  2. Fossil fuels.
  3. Geothermal energy.
  4. Solar energy.
  5. Liquid and solid waste as fuels.
  6. Renewable sources.
- B. Other business.
- C. Schedule of future meetings.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee, which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.73-10522 Filed 5-23-73; 11:28 am]

**NATIONAL SCIENCE FOUNDATION**

**CERTAIN ADVISORY PANELS**

**Notice of Meetings**

Pursuant to the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given of meetings of the following panels including the individuals to contact for further information respecting each panel. The purpose of each of these advisory bodies is to provide advice and recommendations as part of the review and evaluation process for proposals and projects.

The agenda for each of these meetings will be devoted to the review and evaluation of specific research proposals or projects.

The location of these meetings and the address of each staff contact is 1800 G Street NW., Washington, D.C. 20550.

Advisory group	Date	Time	Room No.	Staff contact
Advisory Panel for Metabolic Biology.	May 31 and June 1, 1973.	9 a.m.----	321	Dr. Elijah B. Romanoff, Program Director, Metabolic Biology Program, room 323.
Advisory Panel for Anthropology.	May 31 and June 1, 1973.	9 a.m.----	338	Dr. John B. Cornell, Program Director, Anthropology Program, room 205.
Advisory Panel for Sociology.	May 31 and June 1, 1973.	9 a.m.----	621	Dr. Donald R. Polch, Program Director, Sociology Program, room 305.
Advisory Panel for Political Science.	June 1, 1973.	9 a.m.----	550	Mrs. Bertia Rubinstein, Special Assistant, Division of Social Sciences, room 203.
Advisory Panel for History and Philosophy of Science.	June 1, 1973.	9 a.m.----	517	Dr. Vivien Shelanski, Assistant Program Director, History and Philosophy of Science Program, room 203.

These meetings are concerned with matters which are within the exemptions of the Freedom of Information Act, 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated January 15, 1973, pursuant to the provisions of sec-

tion 10(d) of the Federal Advisory Committee Act.

**T. E. JENKINS,**  
*Assistant Director  
for Administration.*

MAY 16, 1973.

[FR Doc.73-10355 Filed 5-23-73; 8:45 am]

**OFFICE OF EMERGENCY PREPAREDNESS**

**HAWAII**

**Major Disaster and Related Determinations**

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on May 16, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Hawaii resulting from an earthquake occurring on April 26, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Hawaii. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. Robert C. Stevens, Regional Director, OEP Region 9, to act as the Federal coordinating officer to perform the duties specified by section 201 of that act for this disaster.

I do hereby determine the following area in the State of Hawaii to have been adversely affected by this declared major disaster:

The county of:  
Hawaii.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

Dated May 19, 1973.

**DARRELL M. TRENT,**  
*Acting Director.*

*Office of Emergency Preparedness.*

[FR Doc.73-10357 Filed 5-23-73; 8:45 am]

**POSTAL SERVICE**

**SCHEDULED INCREASE IN CERTAIN POSTAGE RATES**

**Effective Date**

Notice is hereby given that, effective 12:01 am on July 6, 1973, the second step of phased postage rate increases will be placed in effect for the following classifications of mail: Second-class; controlled circulation; third-class bulk mail for qualified non-profit organizations; special fourth-class and library fourth-class.

This action represents the next step of scheduled rate increases for the designated classifications of mail to be phased in over a period of 5 or 10 years, depending upon the particular mail classification involved. The phased increases, the period of phasing, rates which are not affected by the July 6, 1973 increase, as well as a summary of the applicable au-

[70-4981]

**COLUMBIA GAS SYSTEM, INC., ET AL.**  
**Notice Regarding Proposed Allocation of Consolidated Tax Liabilities**

In the matter of the Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Del. 19807, Columbia Gas Transmission Corp., Columbia Gas of Ohio, Inc., The Ohio Valley Gas Co., Columbia Gas of West Virginia, Inc., Columbia Gas of Kentucky, Inc., Columbia Gas of Virginia, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of New York, Inc., Columbia Gas of Maryland, Inc., Columbia Hydrocarbon Corp., The Inland Gas Co., Inc., Columbia LNG Corp., Columbia Gas Development of Canada Ltd., Columbia Coal Gasification Corp., Columbia Gas Development Corp., Columbia Gas System Service Corp., Columbia Gulf Transmission Co.

The Columbia Gas System, Inc. (Columbia), a registered holding company, and its subsidiary companies named above have filed a joint declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act) designating sections 12(b) and 12(f) of the Act and rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said amended declaration, which is summarized below, for a complete statement of the proposed transactions.

Columbia and its subsidiary companies join annually in filing a consolidated Federal income tax return. The declaration states that, under the circumstances hereinafter described, certain inequities and distortions would result in the allocation of the group's consolidated income tax liabilities if the allocation were effected pursuant to the provisions prescribed by rule 45(b) (6) under the Act; and in accordance with subparagraph (a) of rule 45, declarants request authorization to allocate consolidated Federal income taxes in a manner which would deviate in certain respects from the method prescribed in rule 45(b) (6).

Columbia, through its subsidiaries, is an interconnected natural gas system (System), engaged in the production, purchase, storage, transportation, distribution and sale at wholesale and retail of natural gas. The major portion of the System's gas requirements has historically been obtained from the southwest area of the United States, such supplies having been initially obtained by purchase from nonaffiliated pipeline companies and producers. The growing needs of the System for supplies of natural gas, coupled with the general decline of supplies from traditional sources, has impelled the System to intensify its efforts for developing additional reserves, as more fully indicated below. These efforts have centered largely in the expanded exploration, development, and research activities of three of Columbia's non-utility subsidiary companies, namely, Columbia Gas Development Corp. (Development U.S.), Columbia Gas Development of Canada Ltd. (Development Canada) and Columbia Coal Gasification Corp. (Coal Gasification). The filing

states that these activities have required large aggregates of capital supplied by the parent company; that in connection with their activities these subsidiaries have in recent years incurred tax losses; that the inclusion of such tax losses in the consolidated tax returns filed by the System, has resulted in commensurate reductions in the System's consolidated tax liabilities; and that, under the tax allocation provisions of rule 45(b) (6) the benefit of such tax reductions are allocable to companies in the Columbia System other than the subsidiaries whose tax losses give rise to the tax reductions, thus making unavailable to the latter the tax savings which might otherwise be applied in furtherance of their efforts to develop additional gas reserves to meet the System's requirements. In general, the declaration seeks authorization to allocate consolidated taxes in a manner which would initially remit the consolidated tax savings arising from their tax losses to the three exploration subsidiaries in aid of their development programs.

With the shrinkage of southwest gas reserves, the responsibility for developing additional reserves in that area through lease acquisitions, exploration, and development has centered in Development U.S. As a most recent example, Development U.S., in participation with Energy Ventures, Inc., and Forest Oil Corp., bid for and acquired approximately \$135 million of leases in Federal lease sales held in December 1972 (see Holding Company Act Release No. 17808, December 14, 1972); and it is expected that Development U.S. will participate in future lease sales and related development work. The filing states that in each year 1966 through 1972, Development U.S. has had tax losses of various amounts and that in 1970 such tax losses reached an unusual peak of \$22,835,000, reflecting in part a tax loss of \$16,914,000 from abandonment of unproductive leases. The related total reduction in the 1970 consolidated tax liability amounted to \$11,234,904, of which approximately \$8,300,000 is attributable to the abandonment of these unproductive leases. Further, in 1971 and 1972, the tax losses of Development U.S. amounted to \$9,614,000 and \$2,340,000, respectively, with resultant reductions of \$4,615,000 and \$1,123,000 in the consolidated tax liability.

In 1970, Development U.S. entered into contracts for a joint project with Dome Petroleum, Limited (Dome), a nonaffiliate, for gas and oil exploration on approximately 15,000,000 net acres in Canada, involving initial capital requirements of \$30 million (Canadian). To conform with applicable Canadian law, Development Canada was formed in 1971 to take over these contracts and the obligations thereunder (see Holding Company Act Release Nos. 17290, September 27, 1971; and 17611, June 18, 1972); and the current filing states that Development Canada has since entered into other similar programs in Canada. Pursuant to these activities Development Canada, through December 31, 1972, has generated \$10,440,000 of tax losses, and expects additional tax losses as the project

thority and procedures, were set forth in a notice in part II of the FEDERAL REGISTER of July 1, 1972 (37 FR 13148-13150). The rates which will be placed in effect on July 6, 1973 are shown under Year "2" in schedules 1 through 7, except that the rates for regular rate third-class mail shall remain as provided in schedule "D" of said notice, pending Congressional action on appropriations for fiscal year 1974.

(39 U.S.C. 101(d), 401, 403, 404, 3621, 3626, 3627.)

ROGER P. CRAIG,  
*Deputy General Counsel,*

MAY 21, 1973.

[FR Doc.73-10371 Filed 5-23-73;8:45 am]

**SECURITIES AND EXCHANGE COMMISSION**

[File No. 500-1]

**CONTINENTAL VENDING MACHINE CORP.**

**Order Suspending Trading**

MAY 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10¢ par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors.

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 20, 1973, through May 29, 1973.

By the Commission.

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

[FR Doc.73-10321 Filed 5-23-73;8:45 am]

[File No. 500-1]

**RADIATION SERVICES, INC.**

**Order Suspending Trading**

MAY 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.01 par value, and all other securities of Radiation Services, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 21, 1973, through May 30, 1973.

By the Commission.

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

[FR Doc.73-10322 Filed 5-23-73;8:45 am]



of its exploration and development activities is accelerated. The consolidated tax reductions stemming from the above tax losses have aggregated approximately \$5,000,000. Under a ruling from Internal Revenue Service, Development Canada is treated as a U.S. corporation for Federal income tax purposes and it is proposed that it be so treated for purposes of rule 45(b)(6).

Coal Gasification was formed in 1970 to evaluate the extent and quality of commercially usable coal in acreage located in the Appalachian area, in which another nonutility subsidiary of Columbia owns coal rights. Coal Gasification is also evaluating other coal reserves which may be used for gasification of coal and is participating in research for the development of a process which would be feasible for that purpose. In 1971 and 1972, Coal Gasification expended \$2,776,000 and \$3,391,000, respectively, on these and related activities; and, as deductions in the consolidated return, these expenditures resulted in consolidated tax liability reductions of approximately \$1,332,000 and \$1,628,000 in those respective years. It is expected that expenditures for the above program will continue in the future.

To overcome the claimed inequities resulting from a strict adherence to the tax allocation provisions of rule 45(b)(6), certain deviations therefrom are proposed as follows:

1. For the years 1973 and 1974, Columbia, while computing the System's consolidated tax liabilities in the usual manner, will for purposes of assessing liability among the individual companies of the System, add back the reduction in such tax liabilities generated from any tax losses of Development U.S., Development Canada, and Coal Gasification resulting from their exploration, development and/or research activities for the obtaining of additional gas reserves.

2. The consolidated taxes as so adjusted will then be apportioned among the System companies other than Development U.S., Development Canada, and Coal Gasification in accordance with the procedure of rule 45(b)(6). The cash difference between the adjusted consolidated tax liability and the actual consolidated tax liability will be remitted by Columbia to Development U.S., Development Canada, and Coal Gasification in proportion to their respective tax losses, if any, incurred in 1973 and 1974 for use in further exploration and development work.

3. In respect of the year 1970, it is stated that the consolidated tax reduction of \$8,300,000 resulting from the tax loss attributable to the \$16,914,000 leasehold abandonment by Development U.S., was not allocated to the other System companies, but the cash equivalent of said tax reduction was remitted to Development U.S. subject to authorization of the Commission, which is requested herein.

4. In respect of the year 1971, it is stated that the tax reduction of approximately \$1,332,000 generated by Coal Gasification's expenditure of \$2,776,000, was not allocated among the other Sys-

tem companies but the cash equivalent of the reduction, presently deferred on the books of Columbia, is proposed to be remitted to Coal Gasification. Similarly with respect to the year 1972, it is proposed that the tax reduction of approximately \$1,628,000 generated by Coal Gasification's expenditures of \$3,391,000, be not allocated to the other System companies and that the cash equivalent of said tax reduction be paid to Coal Gasification.

5. In future years when Development U.S. or Development Canada or Coal Gasification has net taxable income they, or any of them, may be entitled to tax credits as a result of the loss carryback or carryover provisions of section 172 (b) of the Internal Revenue Code of 1954 in order to comply with the separate return limitations required by rule 45(b)(6). To the extent that those companies receive tax benefits pursuant to paragraph 1, 2, 3, or 4 above, such benefits would be applied to reduce any credits in future years to which any of those three companies might otherwise be entitled under the separate return limitations of rule 45(b)(6).

6. Subject to paragraph 5, in no event will the tax allocated to any subsidiary company of Columbia exceed the amount of tax of such company based upon a separate return computed as if such company has always filed its tax return on a separate return basis.

The 1970 tax remittance of \$8,300,000 to Development U.S. in respect of the leasehold abandonment (paragraph 3 above) was accounted for by a credit to its accumulated provision for depreciation and depletion, thus reducing the net book value of its natural gas properties. In accordance with the full cost accounting, exploration and development costs of Development U.S. are capitalized and subsequently amortized, i.e., charged to income on a unit of production basis as the related gas or oil is sold. Development U.S. will defer on its books any tax remittances received pursuant to paragraphs 1 and 2 above, and will charge the deferral as such capitalized exploration and development costs are amortized. It is stated that Development Canada's accounting treatment of such tax credits has not yet been determined, and that a determination will take into account, among other things, the expected lengthy time interval between discovery of reserves and bringing the gas to market. Remittances received by Coal Gasification (paragraphs 1, 2, and 4 above) will be credited to a deferred account, against which it would thereafter charge any increase in its future tax liabilities arising from the provisions of paragraph 5 above.

Under the proposals set forth above, the actual consolidated tax liabilities of the Columbia System will not change. What will change is the allocation of that tax among the members of the group so that any tax credits remitted to the three exploration companies would be matched by an equal aggregate increase in the tax allocation to other members of the group having taxable income. Assuming, however, that the

above proposals had been fully applied to the year 1972, the resulting tax allocation to each of the Columbia subsidiaries having taxable income, although larger than would be the case under strict adherence to rule 45(b)(6), would still have been smaller than the tax liability of each such company on a separate return basis.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses incurred in connection with the proposed transactions, to be paid by Columbia, are estimated at \$10,795, including accountants' fee of \$7,900 and charges, at cost, of \$2,795 by Columbia Gas System Service Corp.

Notice is further given that any interested person may, not later than June 11, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint-declaration, as amended or as it may be further amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rule 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.73-10323 Filed 5-23-73;8:45 am]

[70-5341]

**APPALACHIAN POWER CO. & AMERICAN ELECTRIC POWER CO., INC.**

Public Utility Holding Company Act of 1935, Rel. No. 17969

Notice of Proposed Issue and Sale of Common Stock to Holding Company and First Mortgage Bonds at Competitive Bidding

MAY 18, 1973.

Notice is hereby given that American Electric Power Co., Inc. (AEP), a registered holding company, and its electric utility subsidiary company, Appalachian

Power Co. (Appalachian), 2 Broadway, New York, N.Y. 10004, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(b) and 10 of the Act and rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Appalachian proposes to issue and sell, pursuant to the competitive bidding requirements of rule 50 under the Act, \$50 million aggregate principal amount of its first mortgage bonds in one or more new series maturing in not less than 5 and not more than 30 years. The number of new series of bonds and the maturity of the bonds will be determined not less than 72 hours prior to the bidding date. The interest rate on the bonds (which shall be a multiple of 1/8 of 1 percent) and the price to be paid to Appalachian (which shall not be less than 99 percent nor more than 102 3/4 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under and pursuant to the provisions of the mortgage and deed of trust dated as of December 1, 1940, made by Appalachian to Bankers Trust Co., and G. E. Maier, as trustees, as heretofore supplemented and amended and as to be further supplemented and amended by a supplemental indenture to be dated as of July 1, 1973, which precludes Appalachian from redeeming any such bonds prior to July 1, 1978, if such redemption is for the purpose of refunding such bonds through the use, directly or indirectly, of borrowed funds at an effective interest cost below that of the bonds.

Appalachian also proposes to issue and sell, and AEP proposes to acquire, 825,000 shares of Appalachian's common stock, no par value, at \$40 a share for a total cash consideration of \$33 million. Appalachian presently has 9,112,000 shares of common stock outstanding, all of which are held by AEP.

The proceeds of the bonds and common stock, together with other funds which may become available, are proposed to be used by Appalachian (1) to pay or prepay unsecured short-term indebtedness outstanding on the date of the sale of the bonds; (2) in connection with the company's \$130 million construction program, toward payment for (or retirement of short-term borrowings issued in payment for) a one-third interest in the Amos Generating Unit No. 3 (file No. 70-5318); and (3) for working capital and to reimburse its treasury for money actually expended for such purposes. As of March 31, 1973, no short-term debt was outstanding, and it is expected that, at the time of issuance and delivery of the bonds, an aggregate amount of commercial paper and notes to banks estimated not to exceed \$50 million will be outstanding.

The application indicates that the State Corporation Commission of Virginia, the State in which Appalachian is organized and doing business, and the

Tennessee Public Service Commission, in which State Appalachian is qualified to do business, have jurisdiction over the issue and sale of the bonds and common stock. It is further represented that the Public Service Commission of West Virginia, in which State Appalachian is also qualified to do business, has jurisdiction over the issuance and sale of the common stock. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred by Appalachian in connection with the proposed issue and sale of bonds will be supplied by amendment. Expenses with respect to the proposed common stock are estimated not to exceed \$1,500.

Notice is further given that any interested person may, not later than June 13, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.73-10324 Filed 5-23-73;8:45 am]

## SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 983]

### KENTUCKY

#### Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Kentucky as a major disaster area following severe storms and flooding beginning on or about March 19, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in Ballard, Carlisle, Fulton, Hickman, and McCracken Counties.

Applications may be filed at the: Small Business Administration, District Office, Federal Office Building, room 188, 600 Federal Place, Louisville, Ky. 40202.

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 92-385.

Applications for disaster loans under this announcement must be filed not later than July 16, 1973.

Dated May 17, 1973.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc.73-10318 Filed 5-23-73;8:45 am]

[Notice of Disaster Loan Area 964, Amdt. 3]

### TENNESSEE

#### Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Tennessee as a major disaster area following heavy rains and flooding which began on or about March 14, 1973, and the subsequent designation of the additional counties of Dyer, Lake, Lauderdale, Obion, Shelby, and Tipton, Tenn., by the Office of Emergency Preparedness as affected areas, the Small Business Administration will accept applications for disaster relief loans in these additional counties. (See 38 FR 8544, 38 FR 9124, 38 FR 11379)

Applications may be filed at:

Small Business Administration, District Office, 600 Union Street, Nashville, Tenn. 37219.

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than July 12, 1973.

Dated May 17, 1973.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc.73-10317 Filed 5-23-73;8:45 am]

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### STANDARDS ADVISORY COMMITTEE ON HEAT STRESS

##### Notice of Meeting

Notice is hereby given that the Standards Advisory Committee on Heat Stress, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Monday, June 11, 1973, at 9:30 a.m., and Tuesday, June 12, 1973, at 9:30 a.m., in conference rooms 216 A, B, C, D, at the Main Labor Building, 14th Street and Constitution Avenue NW, Washington, D.C.

The agenda for June 11 provides for the committee to hear presentations by invited experts on heat stress indices and instrumentation. On June 12, the committee will break into subgroups, to consider topics suggested by the June 11 proceedings.

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 June 6, 1973. Any such submission, timely received, 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 June 6, 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 to the executive secretary should be addressed as follows:

Executive Secretary, 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 21st day of May 1973.

JOHN STENDER,  
*Assistant Secretary of Labor.*

[FR Doc.73-10395 Filed 5-23-73;8:45 am]

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PART II



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## DEPARTMENT OF AGRICULTURE

Agricultural Research Service



NATIONAL POULTRY AND TUR-  
KEY IMPROVEMENT PLANS AND  
AUXILIARY PROVISIONS

Miscellaneous Amendments

Title 9—Animals and Animal Products  
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SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—POULTRY IMPROVEMENT  
NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS AND AUXILIARY PROVISIONS

Miscellaneous Amendments

On January 8, 1973, there was published in the FEDERAL REGISTER (38 FR 1104) a notice of proposed amendments of the National Poultry and Turkey Improvement Plans and Auxiliary Provisions. These proposed amendments were recommended by the 1972 National Plan Conference of representatives of the State agencies cooperating in the administration of the Plan. Certain changes in the blood testing procedures and techniques used to qualify poultry breeding flocks as U.S. Pullorum-Typhoid Clean, U.S. M. Gallisepticum Clean, and U.S. Typhimurium Controlled were proposed. Accordingly, § 447.5 the microagglutination test for pullorum-typhoid and typhimurium, was expanded to include newer techniques which were recently developed to improve this testing procedure; other clarifying changes were also made. Therefore, after due consideration of all relevant material in connection with such notice, pursuant to section 101(b) of the Department of Agriculture Organic Act of 1944 as amended (7 U.S.C. 429), title 9, chapter IV, subchapter A, Code of Federal Regulations is hereby amended as follows:

Parts 445, 446, and 447 are amended in the following respects:

PART 445—NATIONAL POULTRY IMPROVEMENT PLAN

1. Section 445.1 is amended by revising paragraph (d) to read as follows:

§ 445.1 Definitions.

(d) *Service*.—The Agricultural Research Service of the Department.

2. Section 445.4 is amended by revising paragraph (d) to read as follows:

§ 445.4 General provisions for all participants.

(d) Participants may not buy, sell, or receive for any purpose products from nonparticipants, except turkey breeding stock, hatching eggs, and poult produced in a State qualified for phase 1 or 2 of the pullorum-typhoid eradication program described in the November 6, 1972 Memorandum Number 565.1 of the Veterinary Services of the Animal and Plant Health Inspection Service of the Department: *Provided*, That with the permission of the Official State Agency and approval of the Service, other products may

be bought or received for use in breeding flocks or for experimental purposes.

3. Section 445.5 is amended by revising paragraph (c) to read as follows:

§ 445.5 Specific provisions for participating flocks.

(c) A flock shall be deemed to be a participating flock at any time only if it has qualified for the U.S. Pullorum-Typhoid Clean classification, as prescribed in subpart B, C, D, or E of this part.

4. Section 445.10 is amended to read as follows:

§ 445.10 Terminology and classification; flocks and products.

Participating flocks, and the products produced from them, which have met the respective requirements specified in subpart B, C, D, or E of this part may be designated by the following terms or illustrative designs:

(a) *U.S. approved*.—(See § 445.23(a), § 445.53(a).)



FIGURE 2

(b) *U.S. Pullorum-Typhoid Clean*.—(See § 445.23(b), § 445.33(b), § 445.43(b), and § 445.53(b).)



FIGURE 3

(c) *U.S. M. Gallisepticum Clean*.—(See § 445.23(c), § 445.33(c), § 445.43(c), and § 445.53(c).)



Figure 4

(d) *U.S. Typhimurium Controlled*.—(See § 445.23(d) and § 445.43(d).)



Figure 5

5. Section 445.11 is amended by revising paragraph (a) and adding a new paragraph (c) to read as follows:

§ 445.11 Supervision.

(a) The official State agency may designate qualified persons as authorized agents to do the sample collecting and blood testing provided for in §§ 445.5 and 445.14, and the selecting required for the U.S. approved classification provided for in § 445.10(a).

(c) Authorities issued under the provisions of this section shall be subject to cancellation by the official State agency on the grounds of incompetence or failure to comply with the provisions of the Plan or regulations of the official State agency. Such actions shall not be taken until a thorough investigation has been made by the official State agency and the authorized person has been given notice of the proposed action and the basis therefor and an opportunity to present his views.

6. Section 445.14 is amended by revising subparagraph (1) of paragraph (a) and the introductory statement and subdivision (ii) of subparagraph (2) of paragraph (a) to read as follows:

§ 445.14 Blood testing.

(a) *For Salmonella*.—(1) The official blood tests for pullorum-typhoid shall be the standard tube agglutination test, the microagglutination test, or the rapid serum test for all classes of poultry or the stained antigen, rapid whole-blood test for all classes of poultry except turkeys. The recommended procedures for conducting such tests are described in §§ 447.1, 447.2, 447.3, and 447.5 of this chapter. Each lot of antigen used for the whole-blood test shall be approved by the Department and shall be of the polyvalent type.

(2) The official blood tests for typhimurium shall be the standard tube agglutination test or the microagglutination test as described in §§ 447.4 and 447.5 of this chapter: *Provided*, That, if the following conditions are fulfilled, the tests for pullorumtyphoid and typhimurium may be combined:

(ii) A single combination antigen composed of equal quantities of pullorum antigen and typhimurium antigen is used at a dilution not exceeding 1:25



as a screening test in accordance with procedures described in § 447.1 or § 447.5 of this chapter.

§ 445.21 [Amended]

7. Section 445.21 is amended by deleting paragraphs (d) and (e).

8. Section 445.22 is amended by adding a new paragraph (d) to read as follows:

§ 445.22 Participation.

(d) Hatching eggs produced by primary breeding flocks shall be fumigated according to the procedures described in § 447.25(a) of this chapter.

§ 445.23 [Amended]

9. Section 445.23 is amended by deleting paragraphs (a), (b), and (c) and redesignating paragraphs (d), (e), and (f) as (a), (b), and (c), respectively.

10. Section 445.23 is further amended by revising the introductory portion of the redesignated paragraph (b) to read as follows:

(b) *U.S. Pullorum-Typhoid Clean.*—A flock in which freedom from pullorum and typhoid has been demonstrated to the official State agency under the criteria in one of the following subparagraphs (1) through (5) of this paragraph: *Provided*, That a flock qualifying by means of a blood test shall be tested within the past 12 months, except that the retesting of a participating flock which is retained for more than 12 months shall be at the discretion of the official State agency with the concurrence of the Service. (See § 445.14 relating to the official blood test where applicable.)

11. Section 445.23 is further amended by deleting the phrase "within the past 12 months" from subparagraph (1), subdivision (iii) of subparagraph (2), and subparagraph (5) of the redesignated paragraph (b).

12. Section 445.23 is further amended by revising subdivisions (i) and the introductory portion of subdivision (ii) of subparagraph (1) of the redesignated paragraph (c) to read as follows:

(i) It is a flock in which all birds, or a sample of at least 500 birds, in the flock have been tested for *M. gallisepticum* as provided in § 445.14(b) when more than 4 months of age: *Provided*, that to retain this classification, all birds or a sample of at least 500 birds shall be tested at intervals of not more than 90 days; or

(ii) It is a multiplier breeding flock which originated as *U.S. M. Gallisepticum Clean* chicks from primary breeding flocks and all birds, or a sample of at least 500 birds, in the flock have been tested for *M. gallisepticum* as provided in § 445.14(b) when more than 4 months of age: *Provided*, That to retain this classification, the flock shall be subjected to one of the following procedures:

13. Section 445.23 is further amended by adding a new paragraph (d) to read as follows:

(d) *U.S. Typhimurium Controlled.*—  
(1) A flock in which freedom from *S. typhimurium* has been demonstrated under the criteria specified in paragraph (d) (1) (i) or (ii) of this section.

(i) All birds have been tested within the past 12 months for *S. typhimurium* as provided in § 445.14(a) and no reactors were found on the first test, or

(ii) A sample of at least 500 birds in the flock has been tested within the past 12 months for *S. typhimurium* as provided in § 445.14(a) and environmental samples or cloacal swabs collected by a State inspector or authorized agent as described in § 447.12 of this chapter have been examined for *S. typhimurium* by an authorized laboratory, and no evidence of the disease was found.

(2) In order to sell hatching eggs or chicks of this classification, all hatching eggs and chicks handled shall meet the requirements for this classification.

14. Section 445.32 is amended by adding a new paragraph (c) to read as follows:

§ 445.32 Participation.

(c) Hatching eggs produced by primary breeding flocks shall be fumigated according to the procedures described in § 447.25(a) of this chapter.

§ 445.33 [Amended]

15. Section 445.33 is amended by deleting paragraphs (a) and (b), and redesignating paragraphs (c), (d), and (e) as (a), (b), and (c), respectively.

16. Section 445.33 is further amended by revising the introductory portion of the redesignated paragraph (b) to read as follows:

(b) *U.S. Pullorum-Typhoid Clean.*—A flock in which freedom from pullorum and typhoid has been demonstrated to the official State agency under the criteria in one of paragraphs (b) (1) through (5) of this section: *Provided*, That a flock qualifying by means of a blood test shall be tested within the past 12 months, except that the retesting of a participating flock which is retained for more than 12 months shall be at the discretion of the official State agency with the concurrence of the Service. (See § 445.14 relating to the official blood test where applicable.)

17. Section 445.33 is further amended by deleting the phrase "within the past 12 months" from subparagraph (1), subdivision (iii) of subparagraph (2), and subparagraph (5) of the redesignated paragraph (b).

18. Section 445.33 is further amended by revising subdivision (i) and the introductory portion of subdivision (ii) of subparagraph (1) of the redesignated paragraph (c) to read as follows:

(i) All birds have been tested for *M. gallisepticum* as provided in § 445.14(b) when more than 4 months of age: *Provided*, That to retain this classification, a random sample of at least 5 percent of the flock shall be tested at intervals of not more than 90 days; or

(ii) It is a multiplier breeding flock

which originated as *U.S. M. Gallisepticum Clean* chicks from primary breeding flocks and a sample of at least 5 percent of the birds in the flock has been tested for *M. gallisepticum* as provided in § 445.14(b) when more than 4 months of age: *Provided*, That to retain this classification, the flock shall be subjected to one of the following procedures:

§ 445.42 [Amended]

19. Section 445.42 is amended by deleting paragraph (a) and redesignating the introductory paragraph as paragraph (a).

§ 445.43 [Amended]

20. Section 445.43 is amended by deleting the present provisions contained in paragraph (a) and marking paragraph (a) as "[Reserved]," and by revising the introductory portion of paragraph (b) to read as follows:

(a) [Reserved]

(b) *U.S. Pullorum-Typhoid Clean.*—A flock in which freedom from pullorum and typhoid has been demonstrated to the official State agency under the criteria in one of the following subparagraphs (1) through (5) of this paragraph: *Provided*, That a flock qualifying by means of a blood test shall be tested within the past 12 months, except that the retesting of a participating flock which is retained for more than 12 months shall be at the discretion of the official State agency with the concurrence of the Service. (See § 445.14 relating to the official blood test where applicable.)

21. Section 445.43 is further amended by deleting the phrase "within the past 12 months" from subparagraph (1), subdivision (iii) of subparagraph (2), and subparagraph (5) of the redesignated paragraph (b).

22. Section 445.43 is further amended by revising subdivision (i) of subparagraph (1) of paragraph (d) to read as follows:

(i) (a) All birds have been tested within the past 12 months for *S. typhimurium* as provided in § 445.14(a) and no reactors were found on the first test: *Provided*, That the retesting of participating flocks which are moved from one premises to another or kept beyond 12 months after testing shall be at the discretion of the official State agency with the concurrence of the Service, or

(b) A sample of at least 500 birds in the flock has been tested within the past 12 months for *S. typhimurium* as provided in § 445.14(a) and environmental samples or cloacal swabs collected by a State inspector or authorized agent as described in § 447.12 of this chapter have been examined for *S. typhimurium* by an authorized laboratory and no evidence of the disease was found: *Provided*, That the retesting of participating flocks which are moved from one premises to another or kept beyond 12 months after testing shall be at the discretion of the official State agency with the concurrence of the Service.

23. Section 445.43 is further amended by revising the second sentence of subdivision (ii) of subparagraph (1) of paragraph (d) to read as follows:

All eggs used for hatching shall be visibly clean and fumigated as described in § 447.25(a) of this chapter as soon as possible after collection: *Provided*, That alternative sanitizing procedures may be used with the approval of the official State agency in each specific instance and general concurrence by the Service in the policy adopted by the official State agency.

24. Section 445.53 is amended by revising subparagraphs (1) and (2) of paragraph (c) to read as follows:

§ 445.53 Terminology and Classification.

(c) *U.S. M. Gallisepticum Clean*.—(1) A flock maintained in compliance with the provisions of § 447.26 of this chapter and in which no reactors were found when all birds, or a sample of at least 500 birds, in the flock were tested when more than 4 months of age in accordance with the procedures described in § 445.14(b): *Provided*, That to retain this classification, all birds, or a sample of at least 500 birds, in the flock shall be tested at intervals of not more than 90 days.

(2) A participant handling U.S. M. Gallisepticum Clean products shall keep these products separate from other products in a manner found satisfactory by the official State agency in each specific instance and with general concurrence by the Service in the policy adopted by the official State agency.

PART 446—[RESERVED]

25. The title of part 446 is amended by changing from "National Turkey Improvement Plan (Turkeys and Certain Other Poultry)" to "Reserved."

PART 447—AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN

26. Part 447, subpart A, table of contents is amended by adding a reference to a new § 447.5 to read as follows:

447.5 The microagglutination test for pullorum-typhoid and typhimurium.

27. Part 447, subpart A is amended by adding a new § 447.5 to read as follows:

§ 447.5 The microagglutination test for pullorum-typhoid and typhimurium.

(a) The procedure for the collection and delivery of blood samples in the microagglutination test is the same as that described in § 447.1(a). A method that has proven advantageous is to transfer the serum samples from the blood clot to a microplate as described in "Applied Microbiology," volume 24, No. 4, October 1972, pages 671-672. The dilutions are then performed according to paragraphs (d) or (e) of this section.

(b) Stained microagglutination test antigens for pullorum-typhoid, typhimurium, or combined pullorum-typhoid and typhimurium are supplied as concentrated stock suspensions and must be approved by the Department. Directions for diluting will be provided with the antigens. The stock as well as the diluted antigen prepared each day should be kept sealed in the dark at 5° to 10° C when not in use.

(c) The maximum serum dilution employed for pullorum-typhoid must not exceed 1:50 for chickens, nor 1:25 for turkeys. The maximum serum dilution for typhimurium and the combined test shall not exceed 1:25 for both chickens and turkeys. Available data indicate that a 1:20 dilution is the most efficient for both the typhimurium and the combined test. In all official reports on the blood test, the serum dilutions shall be indicated.

(d) The recommended procedure for the 1:25 dilution is as follows:

(1) Add 50 microliters (0.05 cc.) of 0.25 percent phenolized saline to each well of the microplate.

(2) Using a microdiluter, transfer 10 microliters (0.01 cc.) of the serum sample from the collected specimen to the corresponding well of the microplate. This is accomplished by touching the surface of the serum sample with the microdiluter and then transferring and mixing the serum with the diluent in the microplate well. The microdiluter is removed, blotted, touched to the surface of the saline wash, and again blotted. Other acceptable methods of serum delivery are described in "Applied Microbiology," volume 21, No. 3, March 1971, pages 394-399.

(3) Dilute the microagglutination test antigen with 0.25 percent phenolized saline and add 200 microliters (0.2 cc.) to each microplate well.

(4) Seal each plate with a plastic sealer or place unsealed in a tight incubation box as described in "Applied Microbiology," volume 23, No. 5, May 1972, pages 931-937. Incubate at 37° C for 18-24 hours.

(e) The recommended procedure for the 1:20 dilution is as follows:

(1) Add 100 microliters (0.10 cc.) of 0.25 percent phenolized saline to each well of the microplate.

(2) Using a microdiluter, transfer 10 microliters (0.01 cc.) of the serum sample from the collected specimen to the corresponding well of the microplate. This is accomplished by touching the surface of the serum sample with the microdiluter and then transferring and mixing the serum with the diluent in the microplate well. The microdiluter is removed, blotted, touched to the surface of the saline wash, and again blotted. Other

<sup>1</sup> Information as to criteria and procedures for approval of concentrated stock suspensions of stained microagglutination test antigens may be obtained from the National Poultry Improvement Plan Staff, building 265, Agricultural Research Center, Beltsville, Md. 20705.

acceptable methods of serum delivery are described in "Applied Microbiology," volume 21, No. 3, March 1971, pages 394-399.

(3) Dilute the microagglutination test antigen with 0.25 percent phenolized saline and add 100 microliters (0.1 cc.) to each microplate well.

(4) Seal or place the unsealed microplates in a tight incubation box and incubate as described in § 447.5(d)(4).

(f) The recommended procedure for a microagglutination test titration is as follows:

(1) Add 50 microliters (0.05 cc.) of 0.25 percent phenolized saline to each well of the microplate.

(2) To the wells representative of the lowest dilution in the titration, add an additional 50 microliters (0.05 cc.) of 0.25 percent phenolized saline making a total of 100 microliters (0.10 cc.) in these wells.

(3) Using a microdiluter, transfer 10 microliters (0.01 cc.) of the serum sample from the collected specimen to the first well containing 100 microliters in the titration, which represents the lowest dilution. This is accomplished by touching the surface of the serum sample with the microdiluter and then transferring and mixing the serum with the diluent in the microplate well. The microdiluter is removed, blotted, touched to the surface of the saline wash, and again blotted. Other acceptable methods of serum delivery are described in "Applied Microbiology," volume 21, No. 3, March 1971, pages 394-399.

(4) Make twofold serial dilutions of each serum by transferring 50 microliters (0.05 cc.) of diluted serum from one well to the next, using 50 microliter microdiluters. When transfers have been made to all the wells of the series, the 50 microliters (0.05 cc.) remaining in the microdiluters is removed by blotting, touching the microdiluters to the surface of the saline wash, and blotting again. A handle that will hold up to 12 microdiluters is useful in making these serial dilutions.

(5) Dilute the microagglutination test antigen with 0.25 percent phenolized saline and add 50 microliters (0.05 cc.) to each microplate well.

(6) Seal or place the unsealed microplates in a tight incubation box and incubate as described in § 447.5(d)(4). Dilutions provided by this technique start at 1:20 and increase in a two-fold fashion.

(g) Read the test results with the aid of a reading mirror. Results are interpreted as follows:

(i) N, or - (negative) when the microplate well has a large, distinct button of stained cells.

(ii) P, or + (positive) when the microplate well reveals no antigen button.

(iii) S, or ? (suspicious) when the microplate well has a small button. Suspicious reactions may tend to be more positive than negative [ $\pm$ ] or vice versa [ $\pm$ ] and can be so noted, if desired.

28. Part 447, subpart B, table of contents, is amended by adding a reference to a new § 447.12 to read as follows:

447.12 Procedures for collecting environmental samples and cloacal swabs for bacteriological examination.

29. Part 447, subpart B, is amended by adding a new § 447.12 to read as follows:

§ 447.12 Procedures for collecting environmental samples and cloacal swabs for bacteriological examination.

Information concerning the pen arrangement and number of birds per pen should be obtained from the owner so that the required number of samples per pen and per flock can be determined. A means of identifying each sample by pen of origin should be provided. The vehicle transporting the personnel taking the samples should be left as far as practical from the poultry pens. Sanitary precautions, including personal cleanliness, should be observed during the sampling procedure. The hands should be carefully washed with a sanitizing soap prior to the sampling. Outer clothing, including gloves, should be changed between visits to different premises so that clean clothing is worn upon entering each premises.

The used and clean apparel should be kept separate. Boots or footwear should be cleaned and disinfected between visits to different premises. Disposable caps should be provided and discarded after use on each premises. After collection, the samples should be protected from drying, light, and excessive temperatures and delivered to the laboratory within one day. If delivery is delayed, samples should be refrigerated.

(a) *Environmental samples.*—Fecal material, litter, or dust to be submitted for bacteriological examination should be collected in accordance with the procedures described in paragraph (a) (1) or (2) of this section:

(1) *Procedure for sampling in broth.*—Authorized laboratories will provide capped tubes 1-2 cm in diameter and 15-20 cm in length which are two-thirds full of a recently made, refrigerated, sterile enrichment broth (Selenite Brilliant Green Sulfapyridine or Tetrathionate Brilliant Green) for each sample. Sufficient tubes should be taken to the premises to provide at least one tube per

pen or one tube per 500 birds, whichever is greater. At least one sterile, cotton-tipped applicator will be needed for each tube. The dry applicator is first placed or drawn through fresh manure (under roost, near water troughs, cecal droppings, or diarrhetic droppings). After this and each subsequent streaking, the cotton-tipped applicator is placed in the tube of broth and swirled to remove the collected material. The applicator is then withdrawn and is used for taking additional specimens by streaking on or through areas where defecation, trampling of feces, or settling of dust are common; i.e., on or near waterers, feeders, nests, or rafters, etc. When the volume of material collected equals approximately 10 percent of the volume of the broth (usually 10-12 streakings), the applicator is placed in the tube and the stick is broken in half. The lower or cotton-tipped half is left in the broth, and the upper half is retained for future disposal. The cap is then replaced on the inoculated tube, and the sampling procedure is continued in other areas of the pen.

(2) *Procedure for sampling in dry containers.*—A sample of fecal material, litter, or dust is placed in a sterile, sealable container. The sample shall consist of several specimens of material taken from a representative location in the pen. At least 10 g (approximately a heaping tablespoonful) of material shall be collected for each sample. The specimens in each sample shall be collected with a sterile tongue depressor or similar uncontaminated instrument. The samples should vary in type and consistency. Half of the samples should be comprised of material representing defecated matter from a large portion of the flock; i.e., trampled, caked material near waterers and feeders. The minimum number of samples to be taken shall be determined by the following:

Five samples from pens of up to 500 birds;  
Ten samples from pens of 500 to 2,500 birds;  
Fifteen samples from pens with more than 2,500 birds.

(b) *Cloacal swabs.* Cloacal swabs for bacteriological examination are taken from each bird in the flock or from a minimum of 500 birds in accordance with the procedure described in paragraph (a) (1) of this section.

(1) *Procedure for taking cloacal swabs.*—The authorized laboratory will provide sterile capped tubes or other suitable containers and cotton-tipped applicators for use in taking the cloacal swabs. The cotton-tipped applicator is inserted into the cloaca and rectum in such a manner as to insure the collection of fecal material. The swab and adhering fecal material is then placed in the tube and the stick is broken in half, with the upper half retained for future disposal. The cloacal swabs may be combined in the sterile tubes in multiples of five or in combinations specified by the authorized laboratory.

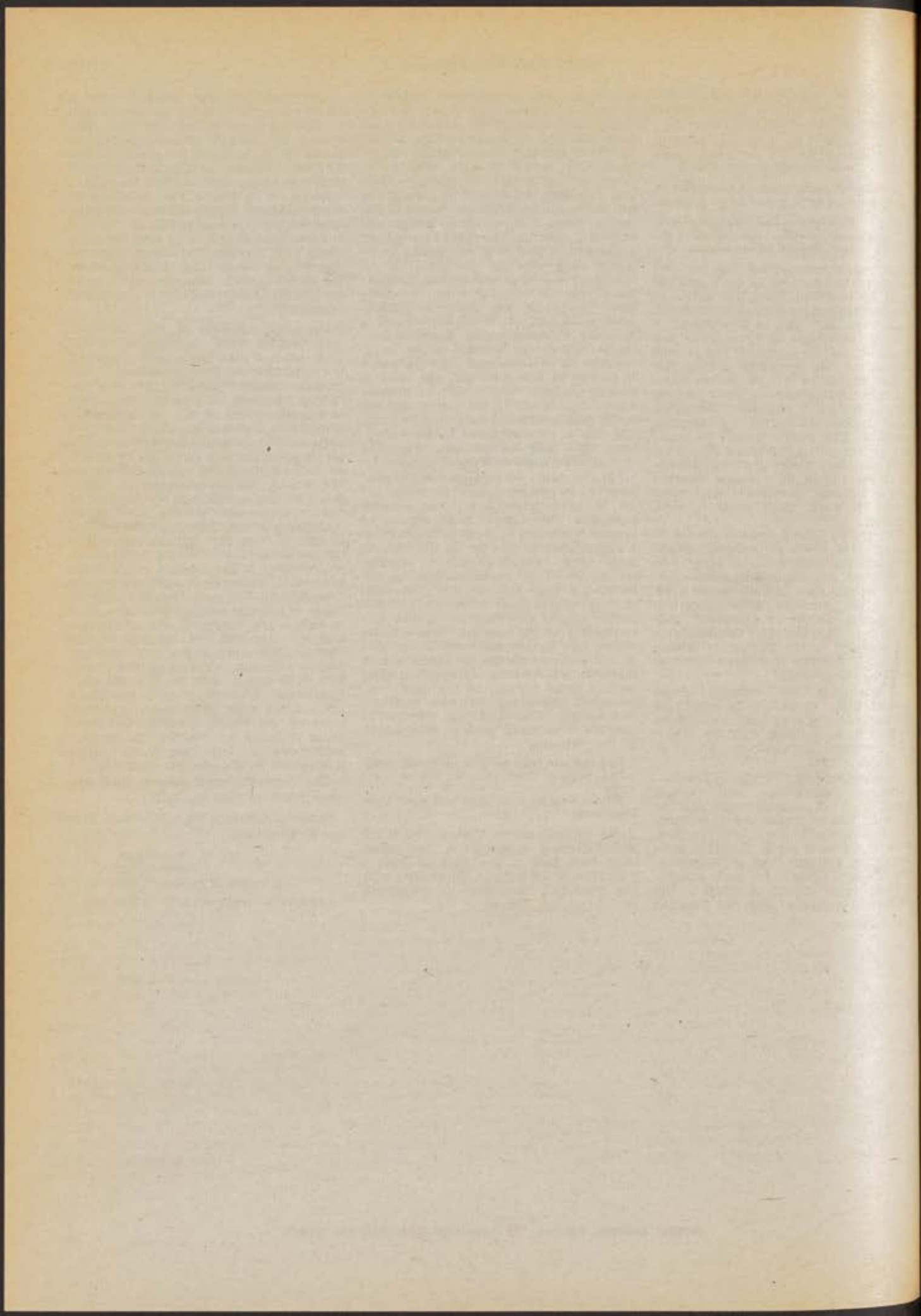
Poultrymen affected by the foregoing amendments were represented at the 1972 national plan conference. Copies of the amendments, when published in the FEDERAL REGISTER (38 FR 1104) as a notice of proposed rulemaking, were sent to representatives of each of the cooperating State agencies and other interested persons. The foregoing amendments differ in some respects from the proposals set forth in the notice but the differences are due to changes suggested by interested persons or made in the interest of clarity and to carry out the intent of the statute under which the amendments are issued. It does not appear that public participation in rulemaking proceedings with respect to the changes would make additional information available to the Department. The amendments should be made effective as soon as possible in order to reflect the wishes of the conference and to effectuate the purpose of the statute. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure are impracticable, unnecessary, and contrary to the public interest; and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

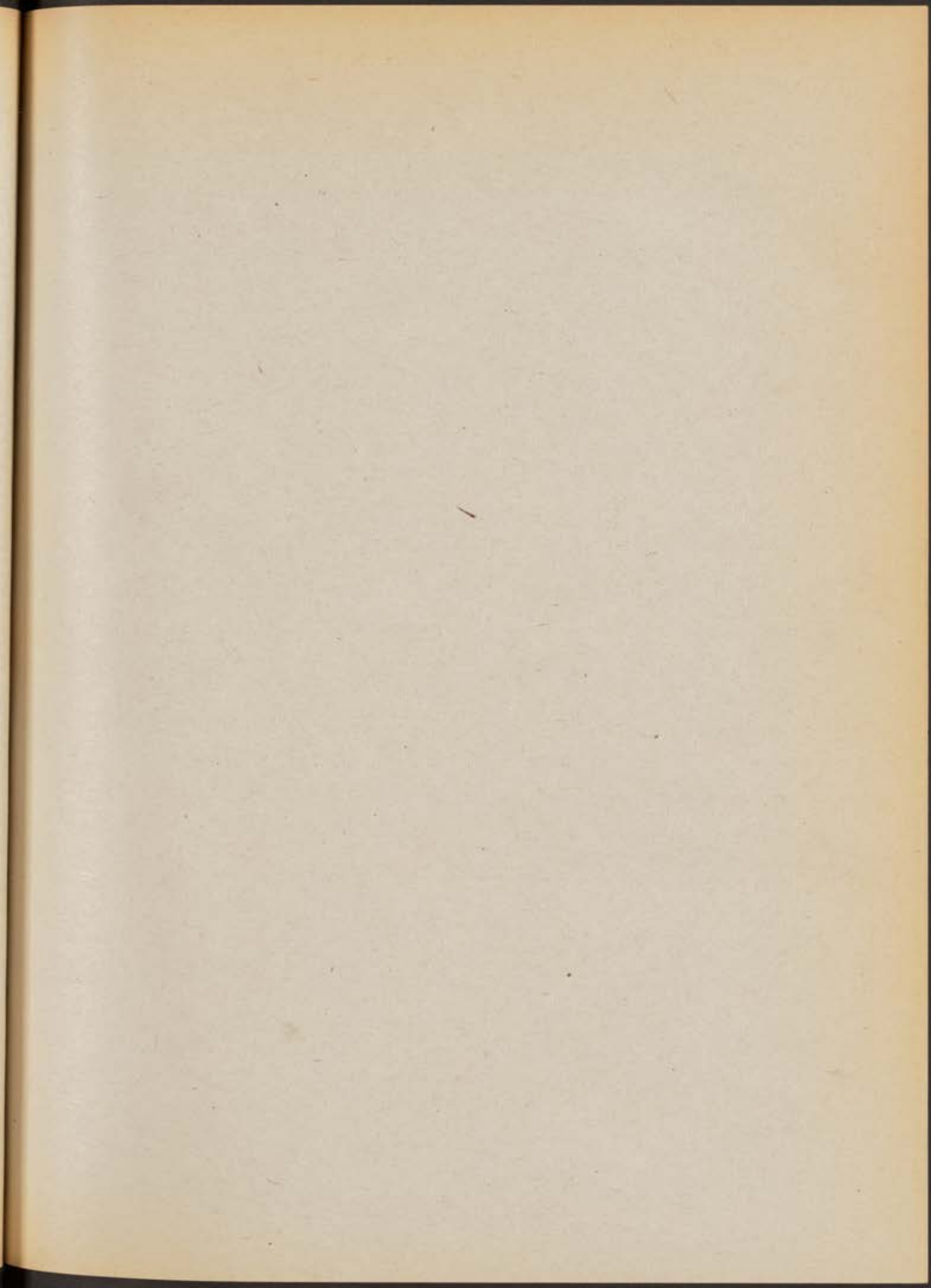
The foregoing amendments shall become effective May 24, 1973.

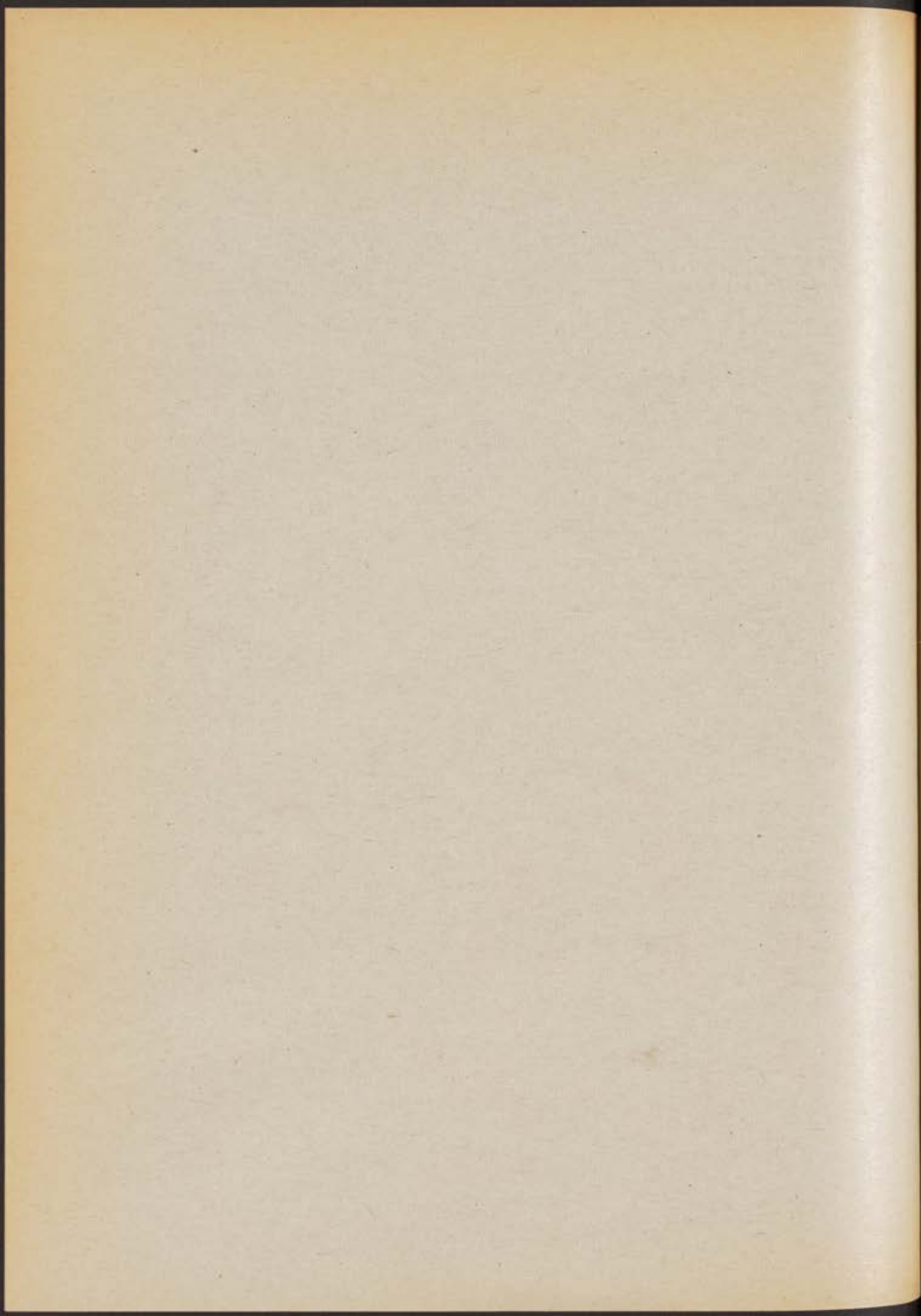
Done at Washington, D.C., this 21st day of May 1973.

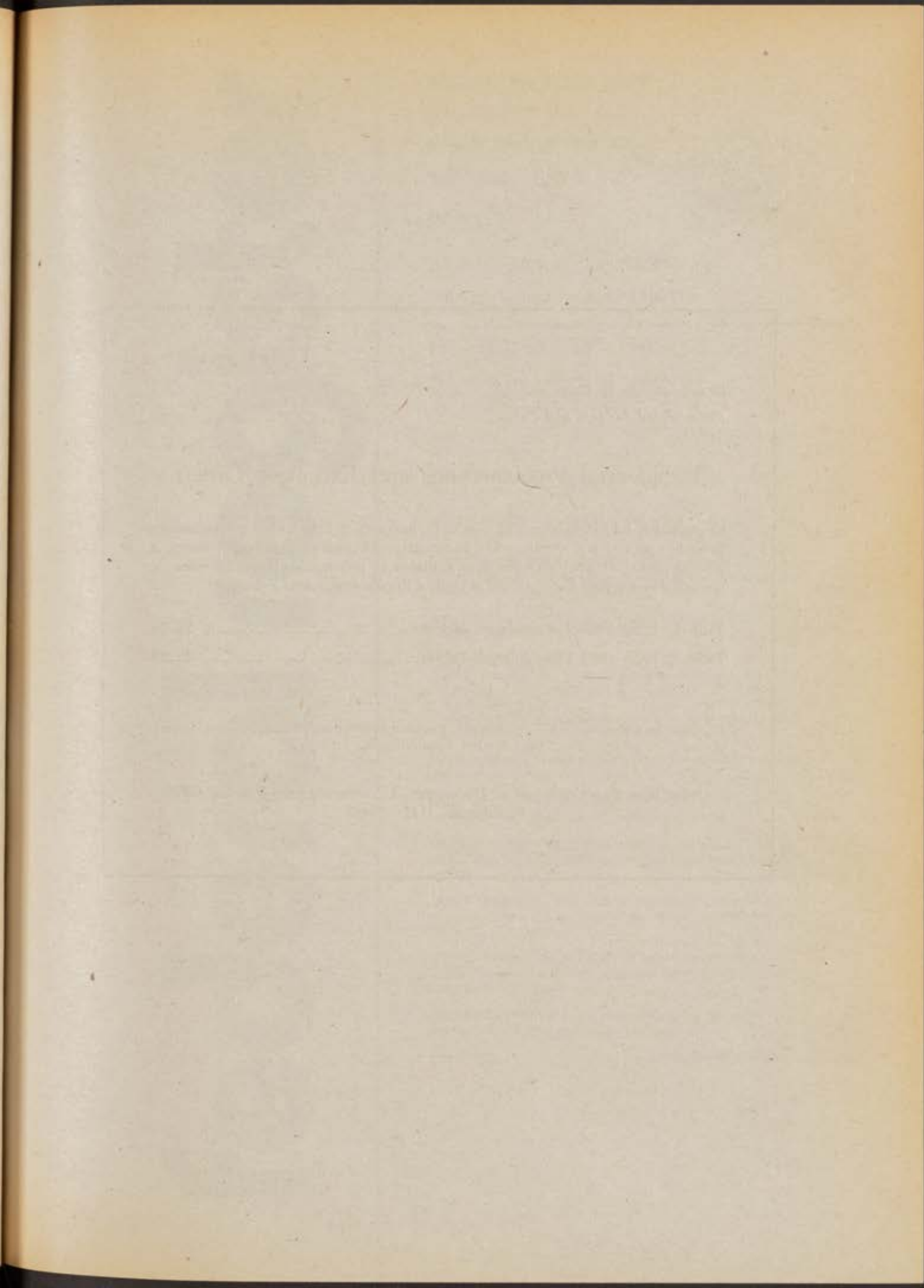
T. W. EDMINSTER,  
Administrator,  
Agricultural Research Service.

[FR Doc.73-10393 Filed 5-23-73;8:45 am]









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