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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 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

SUBCHAPTER E—DISCLOSURE STATEMENT

PART 351—BASIC REQUIREMENTS

Filing Requirements and Contract Awards

The purpose of this publication by the Cost Accounting Standards Board is to modify Part 351, Basic Requirements, of its rules and regulations. A proposed modification to Part 351 was published in the FEDERAL REGISTER of July 27, 1973 (38 FR 20101). That proposal was a revision of an earlier proposal published on May 21, 1973. Thirty-three sets of comments were received in response to the July publication and after considering those comments (discussed below), the Board is today publishing an amendment to its rules relative to the requirement for the submission of Disclosure Statements by defense contractors.

The Board's July 27 proposal required that, in determining who must file Disclosure Statements, only negotiated contracts of the type which are subject to Cost Accounting Standards were to be considered. All commentators who dealt with this matter supported the proposal. The Board, therefore, in the amendments being published today, specifically limits the contract awards to be included in the computation of a contractor's volume of defense contracts in determining whether the revised filing requirement has been met, to those of the type subject to the Board's jurisdiction. The Board recognizes that Standards were not required in contracts in Fiscal Year 1972. In view of this, the amendment refers to "negotiated national defense prime contracts of the type which are subject to Cost Accounting Standards." This filing requirement, therefore, includes all negotiated defense prime contracts in excess of $100,000 except those where the negotiated price is based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public or (2) prices set by law or regulation, or contracts which are otherwise exempt.

The amendment being published today by the Board to reduce the dollar level above which filing of a Disclosure Statement will be required excludes from the computation the amounts of all subcontracts and those negotiated defense prime contracts not subject to Cost Accounting Standards. In view of this exclusion, the Board is providing that if the dollar volume of prime contract awards to be considered exceeds $10 million, the contractor will be required to submit a Disclosure Statement. Also, in computing the amount, the amendments require that contracts awarded in either Federal Fiscal Year 1972 or 1973 should be considered. Contractors who meet the threshold amount in either year would be required to file Disclosure Statements, effective April 1, 1974.

The Board believes that the inclusion of the amount of subcontract awards in the Disclosure Statement filing requirement would be appropriate because subcontracts, unless specifically exempt, are subject to the Board's Standards, rules and regulations. The Board recognizes, however, that there is a lack of records relative to the nature of subcontracts awarded during fiscal years 1972 and 1973. Because of this, the Board concludes that it is inappropriate to include subcontracts in the determination of the threshold amount for filing Disclosure Statements at this time.

The amendments being published today thus limit consideration to the dollar value of prime contracts only. The Board wishes to point out, however, that future levels of the threshold amount may call for inclusion of the dollar value of subcontract awards in the calculation. Contractors are hereby advised that they may be required to determine the dollar value of negotiated defense subcontract awards subject to Cost Accounting Standards beginning with July 1, 1973. Contractors and subcontractors may find it advantageous to begin to identify and accumulate the value of such awards separately.

A major defense agency commented that reduction of the threshold at this time would be premature. It stated that a large number of Disclosure Statements would now be required from contractors less likely to have sophisticated accounting systems. Consequently, greater agency manpower efforts would be required to review them for adequacy. Also, the agency expressed concern with the upcoming work required for compliance reviews and the possibility of negotiation of price adjustments relative to Standards. Finally, it stated that a number of manpower spaces have already been provided in order to support Board requirements. The agency suggested that a threshold reduction be deferred until after July 1, 1974.

The Board believes that Disclosure Statements from "contractors less likely to have sophisticated accounting systems" would seem to be especially needed by the Government in order to know more precisely how such contractors account for their costs. Additionally, the Government has gained a great deal of experience in reviewing the Disclosure Statements already received, which should aid review of newly submitted statements on an expeditious basis. With respect to the potential workload required in compliance reviews, Government agencies have always had a responsibility for reviewing contractor accounting practices and the use of those practices for Government contract costing. The Disclosure Statement provides a benchmark which should facilitate such reviews in the future. Moreover, the Board is advised that most Disclosure Statements filed under the existing $30 million threshold have been reviewed for adequacy, and compliance reviews are now being made as a part of other routine audit work.

The need to provide manpower spaces to support Board requirements is to be expected. The advantages of the expanded disclosure requirement, however, are many. For example, another defense agency strongly endorsed the Board's proposal to reduce the threshold because of the useful information provided in Disclosure Statements to contracting officers and auditors. Additionally, one agency previously reported to the Board that the Disclosure Statement has become a valuable tool in giving the negotiator more cost visibility while another referred to the Statement as a significant asset for use in reviewing contract proposals. After considering the agencies' comments referred to above, the Board has concluded that a reduction in the threshold is desirable and within the capabilities of the agencies' staffs to review the additional statements that would be submitted.

The Board's July proposal included an effective date of January 1, 1974. The Board has concluded that additional time between the publication of these amendments and the effective date of the reduced threshold should be given to allow agencies to prepare fully to handle the additional volume of Disclosure Statements that will be submitted. Also, additional time will further assure that contractors meeting the new threshold requirement can complete the Disclosure Statement without interference with the prospective award of contracts. For these reasons, the amendments being published today require that contractors meeting the threshold must submit a Disclosure Statement in order to receive a covered contract after April 1, 1974.

Nine commentators urged the Board to provide an exemption for profit centers, divisions, etc., which are predominately commercially oriented and which have only a small dollar volume or percentage of covered defense contracts. The Board has announced that it is initiating a study to consider the establishment of a minimum dollar amount or percentage of covered contract effort below which contractors' profit centers and divisions

would be exempt from Board Standards, rules and regulations, including the disclosure requirement. In any case, the Board has concluded that $10 million in covered contracts on a company wide basis is a significant dollar volume and that it warrants establishment of the requirement for submission of a Disclosure Statement.

Two commentators objected to the establishment of an absolute dollar amount of awards as a basis for determining the requirement for filing a Disclosure Statement. They suggested that a percentage of overall business would be more appropriate. This kind of information is not available at the present time. In estimating the number of Disclosure Statements that would be submitted at any threshold amount, and relating that number of statements to the agency's capability to process them, the Board uses statistics on contract awards maintained by defense agencies. Because of this, for the present the Board has retained the requirement to compute the threshold amount for filing a Disclosure Statement in terms of a dollar volume of contract awards. The study discussed above may provide information to allow the Board to consider use of a percentage of covered contracts in relation to total business as a factor in setting future threshold requirements.

While not specifically related to the Board's proposal of July 27, 1973, the Board has received a number of oral inquiries concerning the intent of the second sentence of § 351.120(d) of the Board's regulations, which states:

Revised data for items 1.4.0 through 1.7.0, 8.1.0 and 8.2.0 must be submitted annually at the beginning of the contractor's fiscal year.

The Board did not intend that the changes to these items should be considered in counting the number of changes which would necessitate the resubmission of an entire Disclosure Statement. This information, which relates to the volume of business, should be sent to the recipients of Disclosure Statements only on an annual basis and only if the responses to the items in the Disclosure Statement on file require a change. If on a year-to-year basis, the sales data remain such that the contractor would check the same box in the Disclosure Statement, the Board's rules and regulations do not require resubmission of data concerning these particular items.

The Board's July 27 proposal included a requirement that contractors were to submit a copy of their Disclosure Statement to the Board only after a determination of adequacy has been made of the Statement. All commentators who dealt with this point supported this proposal, and it is included in the amendment being published today.

Today's publication is numbered in consonance with the new numbering system published on September 5, 1973, as part of the proposal set forth in 38 FEDERAL REGISTER 171 at page 23971 et seq. Pending adoption of the September 5, proposal, references to §§ 331.60, 351.40, 351.50, and 351.70 refer to §§ 331.6, 351.4, 351.5 and 351.7 respectively of the Board's current rules and regulations. The new § 351.41 will be located immediately after § 351.4 which will become 351.40.

The following modifications to Part 351 of the Board's regulations are being made today in view of the foregoing:

A new § 351.41 is added to read as follows:

§ 351.41 Filing requirement.

In addition to those contractors and subcontractors required to submit Disclosure Statements pursuant to § 351.40, each company, which together with its subsidiaries received net awards totaling more than $10 million of negotiated national defense prime contracts of the type which are subject to Cost Accounting Standards in either Federal Fiscal Year 1972 or 1973, must submit a completed Disclosure Statement. (NOTE.—This § 351.41 is a separate section and does not alter the requirement of § 351.40 with respect to contractors and subcontractors subject to that section or with respect to § 403.70 of the Board's Standards.)

Section 351.50 *Contract awards* is modified by adding a new paragraph (c) to read as follows:

§ 351.50 Contract awards.

* * * * *

(c) After April 1, 1974, no revelant Federal agency shall award any national defense contract subject to this regulation to any contractor required to submit a Disclosure Statement under § 351.41 unless such submission has been made or post-award submission has been authorized pursuant to § 331.60.

Section 351.70. *Submission* is modified by deleting the last sentence of the section and inserting in lieu thereof:

§ 351.70 Submission.

* * * Within ten days after the prime contractor or subcontractor receives notice that his Disclosure Statement, or any amendment thereto, has been determined to be adequate, he shall submit a copy of the Statement or amendment as appropriate to the Cost Accounting Standards Board, 441 G Street N.W., Washington, D.C. 20548.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.73-21152 Filed 10-3-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that one position of Special Assistant to the Director, Office of Public Affairs, is excepted under Schedule C.

Effective October 4, 1973, § 213.3318(c)(5) is added as set out below.

§ 213.3318 Environmental Protection Agency.

* * * * *

(c) *Office of Public Affairs.* * * *

(5) One Special Assistant to the Director.

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp. p. 219)

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

[FR Doc.73-21135 Filed 10-3-73;8:45 am]

PART 213—EXCEPTED SERVICE

United States Information Agency

Section 213.3328 is amended to show that one position of Special Assistant to the Assistant Director (Motion Picture and Television Service) is excepted under Schedule C.

Effective October 4, 1973, § 213.3328(1) is added as set out below.

§ 213.3328 U.S. Information Agency.

* * * * *

(1) One Special Assistant to the Assistant Director (Motion Picture and Television Service).

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp. p. 219)

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

[FR Doc.73-21137 Filed 10-3-73;8:45 am]

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one position of Special Assistant to the Deputy Administrator is expected under Schedule C.

Effective October 4, 1973, § 213.3337(a)(14) is added as set out below.

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* * * *

(14) One Special Assistant to the Deputy Administrator.

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

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

[FR Doc.73-21133 Filed 10-3-73;8:45 am]

PART 213—EXCEPTED SERVICE

Commission on Civil Rights

Section 213.3356 is amended to show that one position of Special Assistant to the Staff Director is excepted under Schedule C.

Effective Oct. 4, 1973, § 213.3356(e) is added as set out below.

§ 213.3356 Commission on Civil Rights.

* * * * *

(e) One Special Assistant to the Staff Director (5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 219)

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

[FR Doc.73-21134 Filed 10-3-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Deputy Assistant to the Secretary for Programs for the Elderly and the Handicapped is expected under Schedule C.

Effective Oct. 4, 1973, § 213.3384(a)(54) is added as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.*

* * * * *

(54) One Deputy Assistant to the Secretary for Programs for the Elderly and the Handicapped.

* * * * *

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

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

[FR Doc.73-21136 Filed 10-3-73;8:45 am]

PART 531—PAY UNDER THE GENERAL SCHEDULE

Conversion Rules for Rates of Basic Pay

Part 531 is amended to provide the regulations to convert rates of pay for employees at the time of adjustments to the General Schedule pay rates under 5 U.S.C. 5305.

Effective October 1, 1973, § 531.205 is amended as set out below.

§ 531.205 Pay conversion rules for rates of basic pay in the General Schedule at the time of a pay adjustment under 5 U.S.C. 5305.

(a) On the effective date of a pay adjustment under 5 U.S.C. 5305, the rate of basic pay of an employee subject to the General Schedule shall be initially adjusted, except as provided in paragraph (b) of this section, as follows:

(1) If an employee is receiving basic pay immediately before the effective date of his pay adjustment at one of the rates of a grade in the General Schedule, he shall receive the rate of basic pay for the corresponding numerical rate of the grade in effect on and after such date.

(2) If an employee is receiving basic pay immediately before the effective date of his pay adjustment at a rate between two rates of a grade in the General Schedule, he shall be paid the higher of the two corresponding rates of basic pay in effect on and after such a date.

(3) If an employee is receiving basic pay immediately before the effective date of his pay adjustment at a rate in excess of the maximum rate of his grade, he shall receive his existing rate of basic pay increased by the amount of increase made by the pay adjustment under 5 U.S.C. 5305 in the maximum rate for his grade.

(4) If an employee, immediately before the effective date of his pay adjustment, is receiving, pursuant to section 2(b)(4) of the Federal Employees Salary Increase Act of 1955, an existing aggregate rate of pay determined under section 208(b) of the Act of September 1, 1954 (68 Stat. 1111), plus subsequent increases authorized by law, he shall receive a aggregate rate of pay equal to the sum of his existing aggregate rate of pay on the day preceding the effective date of his adjustment, plus the amount of increase made by the pay adjustment under 5 U.S.C. 5305 in the maximum rate of his grade, until (i) he leaves his position, or (ii) he is entitled to receive aggregate pay at a higher rate by reason of the operation of any provision of law; but, when this position becomes vacant, the aggregate rate of pay of any subsequent appointee thereto shall be fixed in accordance with applicable provisions of law. Subject to paragraph (a)(4)(i) and (ii) of this section, the amount of the increase authorized by this section shall be held and considered for the purposes of section 208(b) of the Act of September 1, 1954, to constitute a part of the existing rate of pay of the employee.

(b) Rates of basic pay authorized under section 5303 of title 5, United States Code, paid to an employee subject to the General Schedule shall be adjusted in accordance with § 530.307 (b)(1) of this chapter.

(5 U.S.C. 5305; E.O. 11721, 38 FR 13717)

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

[FR Doc. 73-21191 Filed 10-3-73;8:45 am]

Title 7—Agriculture

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

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

Miscellaneous Amendments

Correction

In FR Doc. 73-20432 appearing at page 26797 for the issue of September 26, 1973, make the following changes: In Table 1 of § 56.217 the heading should read "Table 1.—*Summary of U.S. Consumer Grades for Shell Eggs.*" And the last entry for "Grade B" under the heading "Quality required" should read "80 percent B or better."

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 7]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1973

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended; 7 U.S.C. 1101), hereinafter referred to as the "Act". The purpose of this amendment to Sugar Regulation 811, as amended, is to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

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

On the basis of the latest information on sugar production and planned marketings by Hawaii during the balance of this year, it is herein found that Hawaii will be unable to fill its sugar quota by 42,000 short tons, raw value. Therefore, a deficit is herein determined in the 1973 quota for Hawaii of 42,000 short tons, raw value.

On the basis of information which recently became available to the Department, Peru will be able to market only 426,245 short tons, raw value, of its 1973 quota and a deficit of 8,549 short tons, raw value, is hereby declared. The deficit declared reduces the deficits previously prorated to Peru by 8,549 tons.

On the basis of information recently received by the Department, Nicaragua will be able to supply only 75,000 short tons, raw value, of quota sugar to the United States during 1973. Therefore, Nicaragua will be unable to accept its prorata share of deficits determined and prorated herein.

The section 202 quota and deficit prorations assigned to Honduras and that part of the Nicaraguan deficit proration it is not able to supply are prorated to other Central American Common Market countries.

The Hawaiian deficit is reallocated by allocating 30.08 percent to the Republic of the Philippines and the balance to Western Hemisphere countries. The deficit determined for Peru represents part of deficits previously allocated to it and is herein reprorated to other Western Hemisphere countries.

The marketing opportunities within the basic quotas established for Hawaii and Puerto Rico and within the Section 202 quotas established for foreign countries will not be limited as a result of deficit determinations and prorations provided in this Part 811.

It is hereby determined that deficits previously declared and those declared

herein constitute all known deficits on which data are currently ascertainable by the Department.

The computation of the quota for the West Indies has been revised pursuant to section 202(d)(4) of the Act to reflect a shortfall of 54,796 short tons, raw value in its 1972 quota entitlement. The Department inadvertently excused the West Indies of their 1972 quota short fall on the basis of force majuere, but since the West Indies exported substantial quantities of sugar to the United Kingdom in 1972 a force majuere finding cannot be applicable. This amendment reduces the 1973 quota established for the West Indies under Section 202 of the Act by the amount of the shortfall and also reduces deficits declared for it by a like amount. The adjusted 1973 quota for the West Indies in effect prior to this action remains unchanged.

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

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

§ 811.21 Quotas for domestic areas.

(a) * * *

(2) It is hereby determined, pursuant to section 204(a) of the Act, for the calendar year 1973, the Domestic Beet Sugar Area, Hawaii and Puerto Rico will be unable by 49,000, 42,000, and 765,000 short tons, raw value, respectively, to fill the quotas established for such areas in paragraph (a)(1) of this paragraph. Pursuant to section 204(b) of the Act, the determination of such deficits shall not affect the quotas established in paragraph (a)(1) of this paragraph.

* * * * *

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

§ 811.22 Proration and allocation of deficits in quotas.

(a) The total deficits determined in quotas established under section 202 of the Act in short tons, raw value, are as follows: Domestic Beet Sugar Area 49,000; Hawaii 42,000; Puerto Rico 765,000; the West Indies 59,907; Panama 3,137; Honduras 10,351; Venezuela 21,149 and Haiti 11,446. The deficits for the domestic areas, the West Indies, Venezuela, Haiti, and Panama totaling 951,639 tons are reallocated by allocating 30.08 percent or 286,253 tons to the Republic of the Philippines and by prorating the remaining 665,386 tons to Western Hemisphere quota countries with quotas in effect in accordance with section 204(a) of the Act, except such prorations to the West Indies, Panama, Venezuela, Haiti, Nicaragua and Peru are limited so that total quotas for each country will not exceed 60,207, 52, 500, 31,902, 15,295, 75,000, and 426,245 tons, respectively. The section 202 quota and deficit prorations to Honduras plus that part of the deficit proration to Nicaragua that it will be unable to fill are reprorated to other Central American Common Market countries on the basis of quotas determined under section 202 of the Act.

* * * * *

3. Section 811.23 is amended by amending paragraphs (b) and (c) to read as follows:

§ 811.23 Quotas for foreign countries.

* * * * *

(b) For the calendar year 1973, the quota for the Republic of the Philippines is 1,440,052 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202(b) of the Act, 286,253 short tons, established pursuant to section 204(a) of the Act and 27,779 short tons, established pursuant to section 202(d) of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202(b) of the Act, only 59,920 short tons, raw value, may be filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1973, the prorations to individual foreign countries other than the Republic of the Philippines, pursuant to section 202 of the Act, are shown in columns (1) and (2) of the following table. Deficits and deficit prorations are shown in column (3). Total quotas and prorations are shown in column (4).

Countries	Basic quotas	Temporary quotas and prorations pursuant to Sec. 202 (d) [1]	Deficits and deficit prorations	Total quotas and prorations
	(1)	(2)	(3)	(4)
	Short tons, raw value			
Dominican Republic	405,534	146,484	162,878	714,016
Mexico	358,689	129,546	144,045	632,280
Brazil	349,817	126,342	140,482	616,641
Peru	250,322	90,403	85,515	426,245
West Indies	89,650	30,464	−59,907	60,207
Ecuador	51,649	18,655	20,742	91,046
Argentina	48,480	17,510	19,469	85,459
Costa Rica	43,727	15,793	21,779	81,299
Colombia	43,093	15,564	17,306	75,963
Panama	40,875	14,762	−3,137	52,500
Nicaragua	40,875	14,762	19,363	75,000
Venezuela	33,974	14,077	−21,149	31,902
Guatemala	37,390	13,504	18,623	69,517
El Salvador	27,250	9,842	13,574	50,666
Belize (Br. Honduras)	21,547	7,781	8,653	37,981
Haiti	19,645	7,096	−11,446	15,295
Honduras	7,605	2,746	−10,351	0
Bolivia	4,119	1,488	1,654	7,261
Paraguay	4,119	1,488	1,654	7,261
Australia	159,065	44,951	0	204,016
Republic of China	66,224	18,715	0	84,939
India	63,689	17,999	0	81,688
South Africa	44,994	12,715	0	57,709
Fiji Islands	34,855	9,850	0	44,705
Mauritius	23,448	6,626	0	30,074
Swaziland	23,448	6,626	0	30,074
Thailand	14,576	4,118	0	18,694
Malawi	11,724	3,313	0	15,037
Malagasy Republic	9,506	2,686	0	12,192
Ireland	5,351	0	0	5,351
Total	2,340,290	805,911	569,747	3,715,948

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

* * * * *

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

Effective date. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable and contrary to the public interest and this amendment shall be effective September 28, 1973.

Signed at Washington, D.C., on September 28, 1973.

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

[FR Doc.73-21043 Filed 9-28-73;3:45 pm]

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Docket No. SH-320]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Proportionate Shares for Farms for 1974 Crop of Sugarbeets Not Required

The following determination is issued pursuant to section 302 of the Sugar Act of 1948, as amended.

1. Section 850.234 is revised to read as follows:

§ 850.234 Proportionate shares for the 1974 crop of sugarbeets not required.

It is determined for the 1974 crop of sugarbeets that, in the absence of proportionate shares, the production of sugar from such crop will not be greater than the quantity needed to enable the area to meet its quota for 1975, the calendar year during which the larger part of the sugar from such crop normally will be marketed, and provide a normal carryover inventory. Consequently, proportionate shares will not be in effect in the Domestic Beet Sugar Producing Area for the 1974 crop.

(Secs. 301, 302, 403, 61 Stat. 929, 930, as amended, 932; 7 U.S.C. 1131, 1132, 1153)

STATEMENT OF BASES AND CONSIDERATIONS

Section 302 of the Sugar Act, as amended, provides, in part that the Secretary shall determine for each crop year whether the production of sugar from any crop of sugarbeets will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determination may be made only after due notice and opportunity for an informal public hearing.

General. Sugarbeet acreage has not been restricted since the 1966 crop, although restrictions on the 1970 crop were established in October 1969 and then rescinded in April 1970 because of lower than anticipated sugar production from the 1969 crop and indications that total planting would be less than the acreage tentatively allotted for the 1970 crop.

Plantings to the 1972 crop were about 1,407,215 acres even though acreage restrictions were not established. Beet sugar production from the 1972 crop is estimated at 3,663,000 short tons, raw value, (preliminary) or about 29,000 tons less than the marketing opportunity for calendar year 1972. Effective inventory on January 1, 1973, was only about 152,000 tons higher than that of a year earlier and represents about 80.8 percent of the total 1973 quota for the area, as compared with 73.6 percent the previous year. These percentages are well below the range of 82 to 90 percent suggested as appropriate by the Senate Finance Committee when the Sugar Act was amended in 1965.

Proportionate shares were not established for the 1973 crop of beets. Plantings to the 1973 crop of about 1,280,000 acres at average yields indicates sugar production of about 3,200,000 tons. This would be about 349,000 tons less than the adjusted 1973 marketing quota currently in effect for the area. Assuming the area will market its full adjusted quota in 1973, the effective inventory on January 1, 1974, would be reduced by an equivalent quantity.

Public hearing. At the public hearing held in Denver, Colo., on August 9, 1973, views and recommendations were requested on the need for establishing proportionate shares for the 1974 crop. In the notice of hearing, persons proposing the establishment of proportionate shares were asked to include recommendations on the details of a program.

Representatives testifying on behalf of sugarbeet growers recommended that proportionate shares not be established for the 1974 sugarbeet crop. They generally agreed that the Department's estimate of an effective inventory on January 1, 1974, of about 2,569,000 tons or 70 percent of the area's probable 1974 marketing quota is a reasonable expectation. The representatives restated their position that acreage should be restricted whenever the area can provide a normal carryover inventory. A representative of all sugarbeet processors also recommended that farm proportionate shares not be established. An organization of farmers submitted a brief recommending that shares not be considered at this time.

Determination. This determination provides that proportionate shares will not be established for farms in the Domestic Beet Sugar Producing Area for the 1974 crop of sugarbeets.

The effective inventory of beet sugar on January 1, 1973, was about 2,869,000 tons. Although the 1973 crop is unrestricted, the estimated production from the crop suggests that the effective inventory on January 1, 1974, will be lower than a year earlier by 300,000 tons if this year's adjusted quota is fully marketed. The effective inventory would then represent only 70 percent of the area's 1974 marketing opportunities, assuming that 1974 requirements are established at 11.7 million tons. That level would be about 424,000 tons below the bottom of the range suggested as appropriate in the legislative history of the 1965 Sugar Act amendments.

After a thorough review of the latest information available, it is determined that the production of sugar from the 1974 crop of sugarbeets, in the absence of proportionate shares, will not be greater than the quantity needed to enable the Domestic Beet Sugar Area to meet its quota and provide a normal carryover inventory.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

Effective date October 4, 1973.

Signed at Washington, D.C., on September 28, 1973.

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

[FR Doc.73-21154 Filed 10-3-73;8:45 am]

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

[Valencia Orange Regulation 452]

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 October 5-11, 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.

§ 908.752 Valencia Orange Regulation 452.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to improve. Prices f.o.b. averaged $3.95 per carton on a sales volume of 640 carlots during the week ended September 27, 1973, compared with $3.72 per carton on sales of 576 carlots a week earlier. Track and rolling supplies at 339 cars were up 40 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section 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 section is based became available and the time when this section 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 section, 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 section effective during the period herein specified; and compliance with this section 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 October 2, 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 October 5, 1973 through October 11, 1973, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: 675,000 cartons;

(iii) District 3: "Unlimited."

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

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

Dated October 3, 1973.

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

[FR Doc.73–21330 Filed 10–3–73;12:19 pm]

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

Free and Restricted Percentages of Cherries for the 1972–73 Fiscal Period

This amendment releases the remaining 25 percent of the reserve pool which was established under the order's 1972 crop free and restricted percentage regulation. Handlers, eligible under the order, will be offered such an amount during the 10-day period November 1 through November 11, 1973. A determination as to the need for such a release was based upon all available information on market prices for frozen cherries and level of supplies currently available to the market.

Findings. (1) Pursuant to Marketing Order No. 930 (7 CFR Part 930), regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1973, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Cherry Administrative Board, established under the aforesaid amended marketing order, and upon other available information, it is hereby found that the release of reserve pool cherries, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Cherry Administrative Board for the release of frozen cherries from the reserve pool is consistent with the supply of frozen cherries available to commercial channels and prospective demand for such cherries.

(3) It is hereby further found that it is impractical and contrary to the public interest to give preliminary notice and engage in public rule making procedure, as this amendment relieves restrictions on the handling of cherries grown in the production area included under Marketing Order No. 930.

Order. A new subparagraph (2) is added to paragraph (a) of § 930.501 Free and restricted percentages for the 1972–73 fiscal period (37 FR 13789; 38 FR 12092). As so amended said § 930.501 reads as follows:

§ 930.501 Free and restricted percentages for the 1972–73 fiscal period.

(a) The free percentage and restricted percentage applicable to all cherries acquired during the fiscal period May 1, 1972, through April 30, 1973, shall be 85 percent and 15 percent, respectively.

(1) Seventy-five (75) percent of the volume of the reserve pool established pursuant to § 930.54, with the aforementioned restricted percentage cherries, shall be offered for sale to eligible handlers by the Cherry Administrative Board during the period starting 12:01 p.m. May 8, 1973, and ending 12 noon May 18, 1973, in accordance with the conditions governing the sale of reserve pool cherries.

(2) Twenty-five (25) percent of the volume of the reserve pool, established pursuant to § 930.54, with the aforementioned restricted percentage cherries, shall be offered for sale to eligible handlers by the Cherry Administrative Board during the period starting 12:01 p.m. November 1, 1973, and ending 12 noon November 11, 1973, in accordance with the conditions governing the sale of reserve pool cherries.

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

Dated September 26, 1973.

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

[FR Doc.73–21153 Filed 10–3–73;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 78—BRUCELLOSIS

Modified Certified Brucellosis Areas

This amendment deletes the following areas from the list of areas designated as Modified Certified Brucellosis Areas in 9 CFR 78.13 because it has been determined that such areas no longer come within the definition of § 78.1(i): Benton and Poweshiek Counties in Iowa; Henry and Sullivan Counties in Missouri; Hidalgo and Kenedy Counties in Texas.

The following county was deleted from the list of Modified Certified Brucellosis Areas in 9 CFR 78.13 on the specified date: Seminole County in Oklahoma on July 19, 1973. Since said date, it has been determined that this county again comes within the definition of § 78.1(i); and therefore, it has been redesignated as a Modified Certified Brucellosis Area.

Pursuant of § 78.16 of the regulations (9 CFR 78.16) issued under provisions of the Act of May 29, 1884, as amended; the Act of February 2, 1903, as amended; the Act of March 3, 1905, as amended; and the Act of July 2, 1962 (21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f), § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby revised to read as follows:

§ 78.13 Modified Certified Brucellosis Areas.

(a) All States of the United States are hereby designated as Modified Certified Brucellosis Areas except Iowa, Missouri, Oklahoma, and Texas.

(b) Each of the following States is hereby designated as a Modified Certified Brucellosis Area except for the counties named:

(1) Iowa except Benton and Poweshiek Counties.

(2) Missouri except Henry and Sullivan Counties.

(3) Oklahoma except Dewey County.

(4) Texas except Hidalgo and Kenedy Counties.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f; 37 FR 28464, 28477, 38 FR 19141, 9 CFR 78.16.)

Effective date. The foregoing amendment shall become effective October 4, 1973.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation

in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 28th day of September 1973.

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

[FR Doc.73-21122 Filed 10-3-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 72-SW-26; Amdt. 39-1729]

PART 39—AIRWORTHINESS DIRECTIVES

Mooney Model M20 Series

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive requiring a landing gear retraction test, inspection of the landing gear rigging, lubrication of bearings and installation of new landing gear links on Mooney Model M20 Series airplanes to supersede Amendment 39-1455, as amended by Amendment 39-1482, was published in 38 FR 22042.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments were received from Mooney Aircraft requesting a change in the reference material and additional instructions for use of the rigging tools. These comments have been incorporated into the A.D.

Another commentator suggested that the retraction test be required only at 12 calendar month intervals rather than at 100 hour or 12 calendar month intervals. This suggestion has been rejected since it could require an additional check in some cases and permit excessive operation without a check in other cases.

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

MOONEY. Applies to Mooney Models M20, M20A, M20B, M20C, M20D, M20E, M20F, and M20G airplanes.

Compliance required as indicated.

To prevent corrosion and/or misrigging in the flight control and landing gear systems which may result in binding or seizure of the joints and loss of flight control or collapse of the landing gear, accomplish the following:

(a) Within 25 hours time in service after July 10, 1972, unless already accomplished within the last 25 hours time in service, and thereafter at intervals not to exceed 12 calendar months from the last inspection or 100 hours time in service from the last inspection, whichever comes first, lubricate all flight control systems and landing gear system rod end bearings with a silicone spray lubricant or with an FAA approved equivalent lubricant.

(b) Within the next 50 hours time in service after July 10, 1972, unless already accomplished, install retracting links, P/N 530003-13 (1 ea.) and 510011-13 (2 ea.) on all M20B, C, E, F, and G aircraft and on M20D models coverted to a retractable gear, or equivalent parts approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA, Fort Worth, Texas. The new links incorporate grease fittings and improved overcenter travel resulting in lower preload rigging. New links are not required if the existing installations use -13 links which have grease fittings. (Reference Mooney Service Bulletin M20-155 dated 6-15-67, or later FAA approved revision.)

NOTE: For M20 and M20A models the present retract links are to be modified by the addition of grease fittings as shown in figures 1 and 2 attached. Follow procedures in Mooney M20/M20A Service and Maintenance Manual or other FAA approved procedure, for removal and replacement of links. Service Bulletins, Service Letters and Service Instructions referenced in this A.D. may be obtained from Mooney Aircraft, Louis Schreiner Field, Kerrville, Texas.

(c) At the next lubrication as required in (a) and thereafter at the same interval as specified in (a), perform a landing gear retraction test and check the landing gear rigging. Information regarding rigging and torque preload may be found in Mooney Service Bulletin No. M20-35A dated 7-11-60 for Models M20 and M20A, Mooney Service Instruction No. M20-32 dated 11-3-72 for other models or later FAA approved revisions. Special tools supplied by Mooney Aircraft as noted in the reference documents or FAA approved equivalent tools are required for proper preload rigging.

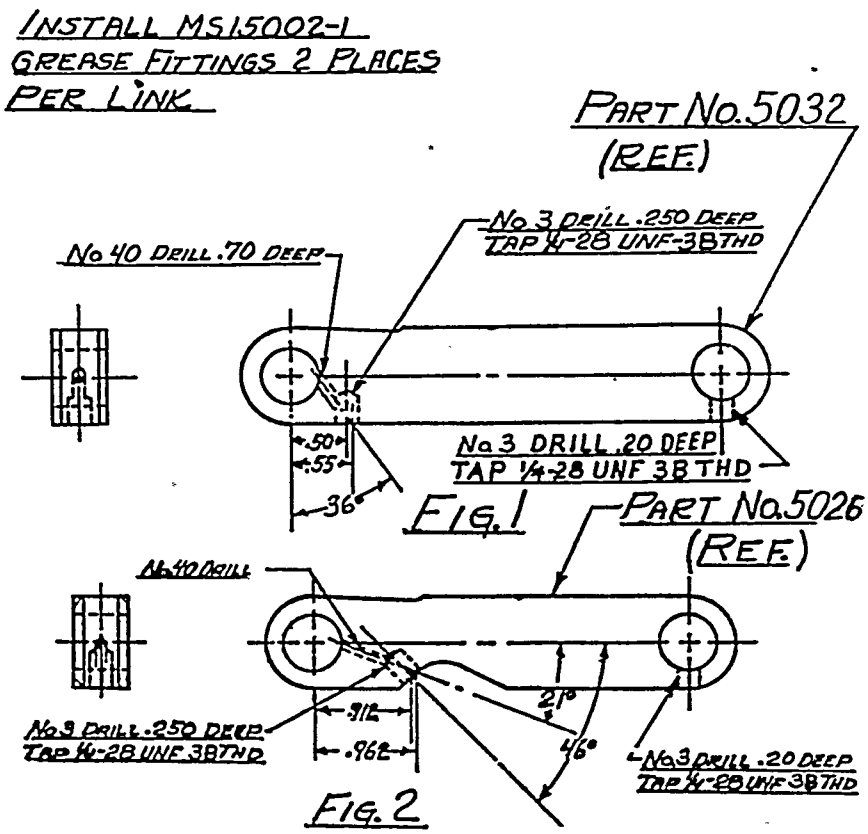
This supersedes Amendment 39-1455 (37 FR 11462), A.D. 72-12-2 as amended by Amendment 39-1482 (37 FR 13336).

This amendment becomes effective October 10, 1973.

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

Issued in Fort Worth, Texas on September 21, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.



[FR Doc.73-21021 Filed 9-3-73;8:45 am]

[Airspace Docket No. 73-SO-63]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Meridan, Miss. (NAS Meridan) control zone.

The Meridian (NAS Meridian) control zone is described in § 71.171 (38 FR 351). In the description, a portion of the effective time is shown as "0900 to 1900 hours, local time, Sunday and Federal legal holidays." Effective October 15, 1973, the effective time on these days will be "1,200 to 2,200 hours, local time, Sunday and Federal legal holidays." It is necessary to alter the description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 15, 1973, as hereinafter set forth.

In § 71.171 (38 FR 351), the Meridian, Miss. (NAS Meridian) control zone is amended as follows:

"* * * 0900 to 1900 hours, local time, Sunday and Federal legal holidays * * *" is deleted and "* * * 1,200 to 2,200 hours, local time, Sunday and Federal legal holidays * * *" is substituted therefor.

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

Issued in East Point, Ga., on September 25, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-21132 Filed 10-3-73;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

Lead-Containing Artists' Paints and Related Materials; Exemption From Banning

In the matter of exempting lead-containing artists' paints and related materials from classification under 16 CFR 1500.17(a)(6)(i) as banned hazardous substances:

In the FEDERAL REGISTER of January 4, 1973 (38 FR 799), the Food and Drug Administration, for reasons given, issued a proposal in the above-identified matter. The banning regulation involved, § 191.9(a)(6)(i), was promulgated March 11, 1972 (37 FR 5231), and, except for subdivision (i)(*a*) thereof, was confirmed as having become effective April 25, 1972, by an order published August 10, 1972 (37 FR 16078). (Note: In a revision/transfer issuance published September 27, 1973 (38 FR 27017), 21 CFR 191.9 was recodified as 16 CFR 1500.17.)

The portions of 21 CFR 191.9(a)(6)(i), now 16 CFR 1500.17(a)(6)(i), that became effective classify as a banned hazardous substance any paint or other similar surface-coating material intended, or packaged in a form suitable, for use in or around the household that is shipped in interstate commerce between December 31, 1972, and December 31, 1973, and that contains lead compounds of which the lead content (calculated as the metal) is in excess of 0.5 percent of the total weight of the contained solids or dried paint film.

The proposed exemption notice of January 4, 1973, contained a provision suspending application of the effective portions of 21 CFR 191.9(a)(6)(i), now 16 CFR 1500.17(a)(6)(i), to artists' paints and related materials pending promulgation of an order acting on the proposal.

The subject proposal was issued by the Food and Drug Administration pursuant to provisions of the Federal Hazardous Substances Act and under authority delegated to FDA by the Department of Health, Education, and Welfare. The proposal, however, is being acted on by the Consumer Product Safety Commission because effective May 14, 1973, section 30(a) of the Consumer Product Safety Act (Public Law 92-573, 86 Stat. 1231; 15 U.S.C. 2079(a)) transferred functions under the Federal Hazardous Substances Act from the Secretary of Health, Education, and Welfare to the Consumer Product Safety Commission.

In response to the proposal of January 4, 1973, 26 comments favoring the subject exemption were received from individual artists (amateur and professional), associations of artists (amateur and professional), art educators, interested persons, and manufacturers, distributors, and retailers of artists' supplies. No adverse comments were received.

The principal supportive arguments in the responses are as follows:

1. The use of lead carbonate (also known as white lead, flake white, cremnitz white, and silver white) is essential for certain techniques used by artists who work in the oil paint medium, and no substitute is available for such lead carbonate.

2. Because of the relatively high cost of artists' paints, these materials are unlikely to be used as household paints.

3. Artists' paints and related materials are not likely to be ingested by children after the paints have been applied to canvas or other artwork surfaces.

The comments and other relevant material having been considered, the Commission concludes that the proposed exemption should be adopted; however, artists' paints and related materials shall continue to be subject to all other applicable provisions of the Federal Hazardous Substance Act and regulations thereunder.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (sec. 2(f)(1)(A), (q), 74 Stat. 372, 374, as amended 80 Stat. 1304-05; 15 U.S.C. 1261(f)(1)(A), (q)) and the Federal Food, Drug, and Cosmetic Act (sec. 701(e), (f), (g), 52 Stat. 1055-56, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 371(e), (f), (g)) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)): *It is ordered,* That § 1500.17(a)(6) of 16 CFR (38 FR 27017) be amended by adding thereto a new subdivision (i)(D), as follows:

§ 1500.17 Banned hazardous substances.

(a) * * *

(6)(i) * * *

(D) The provisions of paragraph (a)(6)(i) of this section do not apply to artists' paints and related materials.

* * * * *

Any person who will be adversely affected by the foregoing order may, on or before November 5, 1973, file with the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in sextuplicate. Received objections may be seen in the Office of the Secretary, seventh floor, Air Rights Building, 7315 Wisconsin Avenue, Bethesda, Md., during working hours, Monday through Friday.

Effective date. This order shall become effective on December 3, 1973, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

The suspension of application of effective portions of 21 CFR 191.9(a)(6)(i), now 16 CFR 1500.17(a)(6)(i), to artists' paints and related materials, announced in the proposal of January 4, 1973, and mentioned in the preamble of this document, shall continue pending confirmation of the effective date of this order.

(Sec. 2(f)(1)(A), (q), 74 Stat. 372, 374, as amended 80 Stat. 1304-05, 15 U.S.C. 1261(f)(1)(A), (q); sec. 701(e), (f), (g), 52 Stat. 1055-56, as amended 70 Stat. 919, 72 Stat. 948, 21 U.S.C. 371(e), (f), (g); sec. 30(a), 86 Stat. 1231, 15 U.S.C 2079(a))

Dated September 28, 1973.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.73-21083 Filed 10-3-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-10398]

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

PART 249—FORMS, SECURITIES AND EXCHANGE ACT OF 1934

Permission for Independent Public Accountants To Perform Certain Audit Procedures; Reporting of Material Inadequacies

The Securities and Exchange Commission today announced the adoption of amendments to Rule 17a-5 and Form X-17A-5 thereunder to permit independent public accountants to perform audit procedures prior to the audit of the financial statements of brokers or dealers. In announcing the adoption of these amendments, the Commission has also clarified in this release the responsibilities of accountants with respect to the reporting of material inadequacies disclosed pursuant to his audit.

On July 25, 1973 in Securities Exchange Act Release No. 10297, 38 FR 20904 the Commission proposed to amend Rule 17a-5 and Form 17A-5 to permit the independent accountant greater flexibility in conducting his annual audit of a broker or dealer. A number of broker-dealers, who because they are public companies, are required to file reports annually on Form 10K under the Securities Exchange Act of 1934 as well as Form X-17A-5 with the Commission would therefore undergo two audits annually. The Commission has adopted these amendments to Rule 17a-5, Form X-17A-5, and the Audit Requirements thereof under the Securities Exchange Act of 1934 to eliminate duplicate costs and reporting, and which we believe will lead to more effective audits and more uniform reporting of financial data by brokers and dealers.

The Commission has carefully considered the comments received and a summary of the amendments follow.

Summary of the Amendments

The proposed amendment to Rule 17a-5 would require the member, broker or dealer to notify the Regional Office of the Commission for the region in which the firm has its principal place of business any time that preliminary audit work which requires the filing of Part III of Form X-17A-5 is commenced and that forty-five (45) days thereafter the broker or dealer shall file the Answers to Part III of Form X-17A-5 with the appropriate regional office as required by subparagraph (a)(2) of Rule 17a-5.

The proposal amends the audit requirements of Form X-17A-5 to permit the independent public accountant, at his option, to perform preliminary audit procedures with respect to his audit engagement. The amendment would not preclude the independent public accountant from performing an audit on a surprise basis, where appropriate, nor would the amendment limit the accountant in the scope of his preliminary procedures or preclude the accountant from performing those procedures again at the audit date where in his judgment it is necessary to do so. The amendment would require the independent public accountant if he performed any of the audit procedures prescribed in Items 2, 3, 4, or 6(c)-(g), excluding Item 6(e)(v) of the Audit Requirements, to perform all such procedures as of the same date. Those procedures which would be required to be performed as of the same date would include the securities count and comparison of that count with the underlying books and records; verification of those items in transfer or transit; balancing of all positions in securities, spot and future commodities; and, confirming in writing customer accounts (including both money balances and securities positions), accounts with broker-dealers or others and details of fails, securities borrowed or loaned; and, bank loans. It should be noted, however, the scope of the overall audit procedures would not be changed from the present requirements.

The proposal has been revised to require that if the independent public accountant chooses to perform the procedures set forth above preliminary to the audit date those procedures shall be performed not more than 190 days prior to the financial statement date. This change is intended to give the accountant greater flexibility in performing preliminary procedures when in his judgment such flexibility is desirable but would preclude preliminary work performed at a date too near the prior year audit.

Form X-17A-5 is amended to require the member, broker or dealer to file 45 days after the date of the preliminary work Part III of Form X-17A-5 containing a report signed by the independent public accountant which; (1) describes the scope of the examination; (2) states that the statistical information required to be reported is fairly presented; (3) comments upon any material inadequacies found to exist in the accounting system, the internal accounting control and procedures for safeguarding securities; and (4) indicates any corrective action taken or proposed. The accountant's report and any report of material inadequacies as well as Part III shall be confidential.[1]

Part III requires the respondent member, broker or dealer to report securities differences both with and without related money differences, commodity differences, unreconciled items reflecting differences between money balances on requests for confirmations, including customers' statements, and the appropriate general ledger control accounts as well as money differences reported in response to confirmation requests. In addition, the member, broker or dealer would be required to report data on aged fails, transfers and stock dividends. The statistical data submitted by the respondent on Part III would be required to be signed by him.

Material Inadequacies

The Audit Requrements of Form X-17A-5 as well as the proposed amendments to the Form provide that the independent public accountant shall, based upon his audit, comment upon any material inadequacies found to exist in: (a) The accounting system, (b) the internal accounting control, (c) the procedures for safeguarding securities, and (d) the practices and procedures employed in complying with Rule 17a-13 and in the resolution of securities differences.

The Commission has received inquiries as to what constitutes a material inadequacy reportable under the above audit requirements. The determination of what constitutes a material inadquacy of necessity involves the application of judgment to specific factual circumstances and therefore the term is not subject to any all-encompassing or self-limiting definition. In an effort to provide some guidance to both the securities industry and the independent public accountants who serve that industry, the Commission is setting forth its views in this regard.

A material inadequacy in the controls referred to above which is expected to be reported includes any condition which has contributed substantially to or if appropriate corrective action is not taken, could reasonably be expected to (a) inhibit a broker or dealer from promptly completing securities transactions or promptly discharging his responsibilities to customers, other broker-dealers or creditors; (b) result in material financial loss; (c) result in material misstatements of the broker or dealer's financial statements; or (d) result in violations of the Commission's recordkeeping or financial responsibility rules or rules which the accountant is specifically required to review pursuant to Rule 17a-5 and Form X-17A-5 thereunder.

In this regard, it is the Commission's view that both the public interest and the broker-dealer community are not properly served if weaknesses are considered material only after such inadequacies have resulted in substantial financial loss. Accordingly, it is incumbent upon the independent public accountant to report those inadequacies which in the exercise of his professional judgment could reasonably be expected to result in a substantial adverse impact if appropriate corrective action is not promptly taken, irrespective of the financial condition of the broker-dealer.

The text of the amendments to Rule 17a-5 and Form X-17A-5 follows:

Paragraph (a)(2) of § 240.17a-5 is amended by adding a new subdivision (iv) to read as follows:

[1] The Commission has examined the question of whether reports submitted on Part III of Form X-17A-5 should be treated as confidential and the Commission is satisfied that it may and should treat such reports as confidential.

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

(a) * * *

(2) * * * (iv) the member, broker or dealer shall on the date on which a preliminary audit examination commences, if the preliminary audit procedures performed requires a report on Part III of Form X-17A-5, notify in writing the Regional Office of the Commission for the region in which the member, broker or dealer has its principal place of business that such preliminary audit examination has commenced and shall file as required by this paragraph (a)(2), not later than 45 days thereafter, a duplicate original of Part III of Form X-17A-5, signed by a office, partner or principal, with such Regional Office which shall be deemed confidential.

* * * * *

The Audit Requirements of Form X-17A-5 are hereby amended by inserting a new paragraph after the first full paragraph and making a conforming amendment to the paragraph following the newly inserted paragraph of those requirements as follows:

The audit shall be made in accordance with generally accepted auditing standards and shall include a review of the accounting system, the internal accounting control and procedures for safeguarding securities including appropriate tests thereof for the period since the prior examination date. It shall include all procedures necessary under the circumstances to substantiate the assets and liabilities and securities and commodities positions as of the date of the response to the financial questionnaire and to permit the expression of an opinion by the independent public accountant as to the financial condition of the respondent at that date. Based upon such audit, the accountant shall comment upon any material inadequacies found to exist in: (a) The accounting system; (b) the internal accounting control; (c) procedures for safeguarding securities; (d) the practices and procedures employed in complying with Rule 17a-13 and in the resolution of securities differences; and (e) shall indicate any corrective action taken or proposed.

The independent public accountant may perform audit procedures at any time which he may deem appropriate; however, if the procedures prescribed in Items 2, 3, 4 and 6(c)-(g), excluding Item 6(e)(v), are performed at a date other than the audit date, then all such aforementioned procedures shall be performed as of the same date, which shall not be more than 190 days prior to the financial statement date.

The scope of the audit shall include the following procedures, but nothing herein shall be construed as limiting the audit or permitting the omission of any additional audit procedures which an independent accountant would deem necessary under the circumstances. As part of his audit the independent public accountant shall:

* * * * *

Item 6(g) of the audit requirements is hereby amended to read as follows:

(6)(g) Borrowings and accounts covered by "satisfactory subordination agreements" (The procedure to be performed at the preliminary audit date may be limited to obtaining written confirmation of borrowings of securities covered by subordination agreements and securities held as collateral to notes receivable related to subordinated borrowings. As of the audit date confirmation of both money balances and securities positions shall be obtained).

* * * * *

Form X-17A-5 shall be amended by adding after Part II a new Part III which shall be entitled Answers to Part III of Form X-17A-5 and shall read as follows:

ANSWERS TO PART III OF FORM X-17A-5

(a) The member, broker or dealer shall submit an accountants report which (1) describes the scope of the examination, (2) states the accountants opinion that Part III presents fairly the statistical information required to be reported and (3) comments upon any material inadequacies found to exist based upon the scope of his preliminary examination in (A) the accounting system, (B) the internal accounting control, (C) procedures for safeguarding securities, and (D) indicating any corrective action taken or proposed.

(b) The following questions shall be answered by the respondent.

	Number of items	Note 1 Money balances		Note 1 Market value	
		Debit	Credit	Long	Short
1. Securities (Note 2):					
(a) Securities differences without differences in related money balances:					
(i) Long.					
(ii) Short.					
(b) Securities differences with differences in related money balances:					
(i) Long value and related money balances.					
(ii) Short value and related money balances.					
2. Commodities (Notes 2 and 3):					
(a) Number and amount of unresolved reconciling money items:					
(i) Debit.					
(ii) Credit.					
(b) Number and market value of unresolved future contract differences after comparison and balancing with proprietary and customers' positions:					
(i) Long.					
(ii) Short.					
3. Money Balances:					
(a) Unreconciled items reflecting differences between the appropriate general ledger control accounts and money balances on requests for confirmations, including customers' statements:					
(i) Debit.					
(ii) Credit.					
(b) Number and amount of money differences reported in response to confirmation requests:					
(i) Debit.					
(ii) Credit.					
4. Aged item as of the date of the fail confirmations:					
(a) Number of items, ledger debit balances and long security valuations of fails to deliver:					
(i) 40 to 49 days old.					
(ii) 50 to 59 days old.					
(iii) 60 days or more.					
(b) Number of items, ledger credit balances and short security valuation of fails to receive over 39 days old.					
(c) Number of items and market value of transfer positions over 40 days old which had not been confirmed in writing within such 40 day period by the transfer agent.					
(d) Number of items and market value of stock dividends and similar distributions receivable outstanding more than 30 days after payable date.					

NOTES

(1) The terms long and short as used in reporting securities and commodity differences shall reflect the differences on the securities or commodities records of the respondent. The terms debit and credit as used in reporting money differences shall reflect potential losses to the respondent or liabilities of the respondent unknown parties, respectively.

(2) The amounts reported under securities, commodities and money balances shall be those items which have not been satisfactorily differences shall include, but not necessarily be limited to, the following:

(a) Securities count differences;

(b) Differences between the positions reflected in the requests for confirmation, including customers' accounts, and the securities record;

(c) Differences reported in responses to requests for confirmation, except that immaterial differences reported in responses to confirmation of customers' accounts may be excluded;

(d) Differences between securities positions as reflected in the trading and investment accounts of the respondent and the securities record;

(e) Any securities positions which were reflected on the securities record at the preliminary examination date which were not susceptible to either count or confirmation (but shall not include dividends payable).

(3) Differences reported under commodities shall include commodities cleared on an exchange and commodities cleared through another member, broker or dealer.

(Secs. 17(a), 23(a), 48 Stat. 897,901, secs. 4, 8, 49 Stat. 1379, sec. 15, 52 Stat. 1076 sec. 10, 48 Stat. 580, 15 U.S.C. 78s(a), 78w(a))

Statutory Basis. These amendments are hereby adopted under the Securities Exchange Act of 1934, particularly sections 15(c)(3), 17(a), 10(b), and 23(a) thereof and are effective immediately.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

SEPTEMBER 20, 1973.

[FR Doc.73-21114 Filed 10-3-73;8:45 am]

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

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

Methaqualone and Its Salts

A notice dated April 6, 1973, and published in the FEDERAL REGISTER on April 11, 1973 (38 FR 9170), as amended on April 17, 1973, and published on

April 23, 1973 (38 FR 10010), proposed placement of methaqualone and its salts in Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513). All interested persons were given thirty days after publication to submit their objections, comments, or requests for hearing.

On May 14, 1973, Covington and Burling, Counsel for William H. Rorer, Inc. (Rorer), a principal manufacturer and distributor of methaqualone under the trade name Quaalude, requested a hearing concerning the proposed placement of the drug methaqualone in Schedule II.

Subsequent to Rorer's request for a hearing, prehearing conferences were held on June 15 and June 29, 1973. The evidentiary hearings were held on July 17 and 18 and August 1 and 2, 1973. The record was closed on the last day of hearings and proposed findings and replies were filed by the parties on August 31 and September 14, 1973.

As a result of those hearing, Administrative Law Judge Theodor P. von Brand, submitted the following Recommended Decision which has been reviewed and adopted without modification by the Acting Administrator, Drug Enforcement Administration.

Before the United States Department of Justice, Drug Enforcement Administration.

In the matter of scheduling of Methaqualone and its salts (Docket No. 73-11).

RECOMMENDED DECISION

Theodor P. von Brand, Administrative Law Judge; Robert J. Rosthal, Esq., Harold D. Murry, Jr., Esq., and Richard Ona Lebovitz, Esq., Counsel for the Drug Enforcement Administration; Covington and Burling, Washington, D.C., by Eugene I. Lambert, Esq., and Christopher M. Little, Esq.; Thomas E. Quay, Esq., Fort Washington, Pennsylvania, Counsel for William H. Rorer, Inc.

PRELIMINARY STATEMENT

This is a rulemaking proceeding pursuant to the provisions of the Controlled Substances Act, Public Law 91-513 (1970), 21 U.S.C. Section 801 et seq. By notice dated April 6, 1973, as amended on April 17, 1973,[1] the Director of the then Bureau of Narcotics and Dangerous Drugs (BNDD) [2] found that methaqualone and its salts:

1. Have a high potential for abuse;
2. Have a currently accepted medical use in treatment in the United States; and
3. May, when abused, lead to severe physical and psychological dependence.

On the basis of those findings, the Director proposed an amendment of 21 CFR 1308.12, by listing the drug methaqualone in Schedule II pursuant to the provisions of the Act.

On May 14, 1973, William H. Rorer, Inc. (Rorer) [3] requested a hearing concerning the proposed amendment of the list of drugs contained in Schedule II of the Bureau's regulations (ALJ Exhibit 4). In its comments on the Bureau's proposal, Rorer contended essentially that the Bureau had failed to meet one of the statutory prerequisites to the listing of the drug under Schedule II because of a failure to show that abuse of the drug "may lead to severe psychological or physical dependence" (ALJ Exhibit 7).

Subsequent to Rorer's request for a hearing, prehearing conferences were held on June 15 and June 29, 1973. The evidentiary hearings were held on July 17 and 18 and August 1 and 2, 1973. The record was closed on the last day of hearings and proposed findings and replies were filed by the parties on August 31 and September 14, 1973.

Rorer does not contest the Drug Enforcement Administration's findings that methaqualone and its salts:

1. Have a high potential for abuse; and
2. Have a currently accepted medical use in treatment in the United States.

The sole issue to be decided is whether the abuse of methaqualone "may lead to severe psychological or physical dependence."

This matter is now before the undersigned for final consideration of DEA's notice of proposed rulemaking, Rorer's comments and requests for hearing, the evidence, the proposed findings of fact, conclusions and briefs filed by counsel for the Government and for Rorer. Consideration has been given to the proposed findings of fact, conclusions and briefs filed by the parties and all proposed findings of fact and conclusions not herein specifically found or concluded are rejected; the undersigned, having considered the entire record herein, makes the following recommended findings of fact and conclusions drawn therefrom:

RECOMMENDED FINDINGS OF FACT

1. Methaqualone is a depressant drug of the sedative hypnotic group (Fort 54).

2. A drug is any biologically active substance that alters the physiology or chemistry of the body whether used in the treatment of illness or used for non-medical social purposes (Fort 53).

3. The psychoactive or mind-altering category of drugs comprises those drugs whose primary effect is on the mind or consciousness of the individual (Fort 53).

4. The central nervous system depressants are drugs that relieve anxiety (sedatives) or induce sleep (hypnotics) (Rorer Exhibit 2, p. 10).

The depressant drugs are one of the major subtypes of the psychoactive or mind-altering drugs. They decrease or dampen the electrical and chemical activity of the brain beginning with the frontal areas and then with progressive dosages, spread to involve the lower centers of the brain on to and including control of respiration and heart action (Fort 53-54).

The depressant drugs are comprised of the sedative hypnotic group which includes the barbiturates, methaqualone, and a variety of other drugs. The narcotics such as heroin, morphine, codeine, and methadone are also included among the depressant drugs (Fort 54).

5. The sedative hypnotic drugs which work on the central nervous system, tend to produce drowsiness, diminish alertness and decrease inhibitions. They impair muscular coordination and to some extent vision, as well as judgment, reasoning, and memory. These results vary with the dosage consumed (Fort 54-55).

The short-term effect of a large dose of a depressant drug or of a sedative hypnotic drug may progress into stupor and coma. If the dose is sufficient in a concentrated time period, it may lead to death with the terminal stages of the individual's comatose state sometimes involving convulsions or chronic movements of the body and a variety of other symptoms (Fort 55).

6. The standard drug in the sedative hypnotic class are the barbiturates (Fort 56).

In the strict sense, methaqualone is a nonbarbiturate hypnotic (Brown 210). Nevertheless, there is a substantial element of resemblance between methaqualone and the barbiturate hypnotics in terms of the chemical and pharmacological properties of this drug (Brown 210). As far as methaqualone's pharmacology and biochemistry is concerned, it is almost indistinguishable from the short-acting barbiturates (Brown 218, 227).[4]

The accepted medical use for the barbiturate drugs is to relieve tension, anxiety, stress or to induce sleep. Another common use is as an adjunct in the treatment of certain forms of epilepsy and as a preanesthetic medication (Fort 57).

Methaqualone, like the barbiturates, is medically prescribed for sedation or for the induction of sleep. It is also used nonmedically for the same reasons as other sedative hypnotics, viz., a user would use it in terms of turning on, feeling good, getting high, escaping, or relaxing (Fort 64-65).

Methaqualone would be closest to the short-acting barbiturates such as pentobarbital and secobarbital. By short-acting, it is meant that the drug has a quick onset of action somewhere between two and six hours (Fort 67).

7. The therapeutic dose of methaqualone for sedation would be 75 to 150 milligrams. There is an increasing practice of using the larger tablet, namely, 150 milligrams although 75 milligrams was previously indicated as satisfactory. A therapeutic dose for hypnosis, namely, sleep induction, would be 300 milligrams. The drug is also manufactured in tablets of 400 milligrams and 500 milligrams (Fort 68).

8. Use of a drug means that the person has consumed it. Abuse of a drug means that part of drug use where heavy use measureably impairs health, and/or social or vocational function. For example, drug abuse may impair the body organs such as the liver, impair faculties while driving, or lead to interpersonal conflict associated with heavy use of the drug (Fort 69-70).

9. Physical dependence means addiction and includes the elements of tolerance and withdrawal illness or abstinence syndrome (Fort 70, 11, 74).

10. Tolerance is an adaptive process by the body's cells or the body as a whole to an alien compound such as a drug. It is measurable by pharmacological or biochemical tests (Brown 237).

The practical consequence of tolerance is that an individual must take increasing amounts of a particular substance to obtain the same effect (Matthew 253).

Tolerance is part of the withdrawal syndrome since it is highly probable that an individual who has become tolerant to a drug will exhibit the withdrawal or abstinence syndrome when the drug is stopped (Matthew 253-54, Fort 74). In the case of the sedative hypnotics, tolerance and the withdrawal syndrome always go together (Matthew 254).

11. The abstinence syndrome is evidenced by symptoms such as restlessness, agitation, a fast pulse, and frequently, sweating. This may progress through various stages to toxic psychosis and epileptic fits (Matthew 257).

Toxic psychosis is characterized by hallucinations and delusions similar to delirium tremens from alcohol withdrawal (Matthew 257).

[1] 38 FR 9170 (1973), 38 FR 10010 (1973).

[2] BNDD is one of the predecessor agencies of the present Drug Enforcement Administration (DEA).

[3] Rorer is a principal manufacturer and distributor of methaqualone under the brand name Quaalude (ALJ Exhibit 4).

[4] The opinion of Dr. Brown, who is a clinical biochemist, is entitled to particular weight on this point.

12. Severity of physical dependence is measured primarily in terms of the duration and danger of the withdrawal symptoms exhibited (Wieland 438).

13. The barbiturate-alcohol type dependence is the severest kind of physical or psychological dependence occurring with the mind-altering drugs (Fort 100–01, Deutsch 473–74). In the case of sedative-hypnotic dependence, there is central nervous system involvement and withdrawal will precipitate serious syndromes such as convulsions, delirium and organic psychoses which can be life threatening (Deutsch 473).

While withdrawal may be fatal in the case of the sedative hypnotic drugs, this does not occur in the case of narcotics (Fort 79).

14. A clinical study on 116 patients poisoned with methaqualone correlating blood levels of the drug with degree of consciousness, objectively demonstrated the development of tolerance in the case of methaqualone with respect to 42 individuals (Brown 219–20, Matthew 256–57; Government Exhibit 20).

Tolerance to methaqualone on the part of seven patients was established by the administration of a sodium pentobarbital[5] tolerance tests. Such patients were also given pentobarbital for the purpose of treatment, the average patient requiring more than 200 milligrams of pentobarbital, indicating a rather marked dependence on this type of drug (Deutsch 482). Detoxification of such individuals with gradually reduced doses of pentobarbital took approximately three weeks (482–83).

15. Proof that individuals may become tolerant to methaqualone demonstrates that abuse of this drug may lead to physical dependence. In the case of the sedative hypnotics, such as methaqualone, tolerance is one of the indicia of the withdrawal syndrome (Finding 10, supra).

16. The fact that sedative hypnotic drugs can be cross-substituted indicates they are of equal dependence liability (Fort 86–87).

17. In the case of withdrawal from methaqualone, a patient would be expected to go through the minor side effects appearing after eight hours or more. These symptoms would then continue over the next 24 to 28 hours. The patient would then have a significant chance of going on to the major withdrawal symptoms such as convulsions, organic psychosis, and delirium (Deutsch 484). A computer study of the symptoms of patients, who by history had taken methaqualone daily, when they could not get the drug, demonstrated that they had an abstinence syndrome indistinguishable from individuals taking tuinal or seconal (Deutsch 476).

Opinion testimony such as that of Dr. Matthew, Dr. Fort, and Dr. Deutsch based on an examination of and interviews with abusers of methaqualone, that abuse of this drug has severe physical dependence liability is persuasive (Fort 106, 113–14, 170–71, Deutsch 484, 473, Matthew 258).[6] The record demonstrates their qualifications to make such a judgment based on their evaluation of withdrawal symptoms exhibited in the early stages or on their assessment of histories taken from methaqualone abusers. Such opinions need not be based on an examination of the entire clinical course of withdrawal. Correct medical procedure and ethical considerations require that treatment be instituted to prevent the dangerous or life-threatening symptoms of the later stages of withdrawal (Fort 88, Matthew 258, Deutsch 481).

18. The abuse of methaqualone may lead to severe physical dependence (Findings 9 to 17, supra).

19. "* * * In general, a person is considered as psychologically dependent upon drugs when the physical sensation or psychological state brought about through the use of the drug is of such a nature that he desires the repetition of the sensation or state, and feels more or less psychological disturbance or distress during periods of abstinence from the drug." "Comprehensive Drug Abuse Prevention and Control Act of 1970" (H. Rep. No. 91–1444 (Part 1) 91st Cong. 2nd Sess. 1970 at 7; See also Fort 106 and Deutsch 477–78).

Dr. Deutsch, who treated seven abusers of methaqualone, testified that if treatment had not interrupted the withdrawal syndrome, these individuals would have been expected to develop the abstinence syndrome with a significant chance of going on to the major withdrawal symptoms such as convulsions and toxic psychosis, which are life threatening (Deutsch 484, 473).

20. Physical and psychological dependence overlap (Fort 108). Nevertheless, a person may have severe psychological dependence in the case of a particular drug without being physically dependent on it, and it is possible to be severely psychologically dependent on a drug without exhibition of withdrawal symptoms (Wieland 467).

21. The symptoms of psychological dependence range from mild symptoms such as feelings of uneasiness and restlessness through manifestations such as a compulsion or craving for the drug so that the individual cannot function without it (Fort 106–07).

22. Case histories taken by Dr. Lional Deutsch, a New York physician in charge of the inpatient detoxification service at Queens Hospital, demonstrate that persons abusing methaqualone exhibited a craving for the drug lasting from two weeks to a month or more, relapsed after discontinuance, and persisted in use of the drug despite social pressure (Deutsch 477).

23. Abuse of methaqualone may lead to severe psychological dependence (Deutsch 477, Fort 114, 107–08, Findings 20–22, supra).

DISCUSSION

This is a case of first impression. It is evidently the first contested rulemaking proceeding under the Controlled Substances Act pertaining to the scheduling of a drug under Section 202 of the statute (21 U.S.C. Section 812).

The Government and Rorer disagree both on the meaning of the applicable statutory standard, namely:

"Abuse of the drug or other substances may lead to severe psychological or physical dependence"

and the weight which would be accorded to the testimony of the witnesses and certain of the exhibits as well as the inferences which may be drawn therefrom.

It is Rorer's position that the term "may lead to" should be construed as meaning "can be expected to lead in a significant percentage of cases" to severe psychological or physical dependence. DEA argues on the contrary, that the imposition of such a standard cannot be justified either from the legislative history or on the basis of this record. In this connection, the Government contends that the term should be equated with meaning "might lead to" or "could lead to" severe psychological or physical dependence. There is no precedent affording guidance on this subject. The Act does not define the term "may lead" nor does the legislative history in the form of the Senate and House reports give specific guidance on this issue. It is evident, however, from the text of the statute that the scheduling of drugs thereunder is intended to be a prophylactic measure before a drug becomes a public health problem in the form of addiction, i.e., severe physical or psychological dependence. This is clear from the plain meaning of the word "may" which requires that the Government demonstrate that the drug has this potential. Moreover, the statute in this respect does not impose a quantitative standard. The dispute between the Government and Rorer as to the adequacy of the proof and the weight to be attributed to certain of the testimony should be evaluated in the light of these considerations.

The proposed findings and supporting argument principally raise the question of how much weight should be accorded to the expert testimony where there is a conflict between the witnesses or with other items of evidence. An administrative agency, however, is not precluded by conflicts in the evidence from passing on the weight to be accorded to the testimony and other portions of the evidentiary record and making findings thereon. See Korber Hats Inc. v. FTC, 311 F.2d 358, 362 (1st Cir. 1962); Carter Products Inc. v. FTC, 268 F.2d 461, 491 (9th Cir. 1959) cert. denied 361 U.S. 884 (1959); NLRB v. Nevada Consolidated Copper Corp., 316 U.S. 105, 106 (1942).

The main thrust of Rorer's argument is that the testimony of the DEA witnesses is speculative since none had observed severe withdrawal or psychological symptoms resulting from methaqualone abuse. The testimony of Drs. Fort, Matthew and Deutsch, on the basis of their observations of abusers of methaqualone and their assessment of the histories of such individuals that abuse of the drug has severe physical dependence liability, however, cannot be dismissed as unfounded speculation. These experts clearly have the qualifications to make such a judgment based on their assessment of withdrawal symptoms exhibited in the early stages and on their evaluation of the histories taken from and interviews with methaqualone abusers. This evidence supports the finding that there is a probability that methaqualone abuse may lead to severe physical dependence. Neither the demeanor or the testimony of these witnesses gave any indication that they would engage in speculation on questions of this nature. Their testimony that the failure to treat patients prior to the onset of major withdrawal symptoms would be dangerous and contrary to sound medical practice is convincing. Under the circumstances, a prognosis by expert opinion of this nature as to the consequences of drug abuse is within the comtemplation of the statute whose purpose is to prevent a public health problem before it arises.

There are additional reasons for not rejecting the opinion of DEA's experts for failure to meet a standard of hard medical evidence. Clinical observation by physicians involves not only what the physician sees with his eyes but also requires an exercise of judgment as to the significance of the patient's report of his subjective state.[7] The opinion

[5] Pentobarbital is a short-acting barbiturate (Fort 67).

[6] Dr. Matthew of the Regional Poisoning Treatment Center in Royal Infirmary in Edinburgh, United Kingdom, has personally observed about 50 individuals severely addicted to methaqualone (258).

[7] See Wieland, Tr. 441.

of the DEA witnesses, based on their observation of patients and evaluation of the histories of drug abusers constitutes such an exercise of judgment and should be regarded as reliable.[8] Finally, the view of the DEA witnesses that the abstinence syndrome is best established through determining tolerance is evidently an accepted scientific concept which should not be rejected as speculative.[9]

Turning specifically to the issue of psychological dependence, the testimony of the DEA experts, and in particular, that of Dr. Deutsch, who carefully recorded the histories of methaqualone abusers is persuasive. Certainly, his findings based on detailed histories cannot be considered as conjectural. The opinion evidence of the DEA witnesses compels the finding that there is a probability that abuse of methaqualone will lead to severe psychological dependence. Consideration has been given to the testimony of Dr. Wieland that although there may be cases of methaqualone abuse leading to severe psychological dependence, this is "not dealing in probabilities." (Tr. 467). To the extent that Dr. Wieland's views on this point conflict with those of Dr. Deutsch, the opinion of the latter appears entitled to more weight in the light of his empirical work on this point demonstrated by the record.

Since an individual may have severe psychological dependence without exhibiting symptoms of the withdrawal syndrome, a fortiori observation of the full clinical course of withdrawal cannot be prerequisite to a finding as to the existence of severe psychological dependence.

Although there are conflicts in the evidence between the testimony of DEA's experts and those of Rorer, the Government, by a clear preponderance of the evidence, has established that abuse of methaqualone and its salts may lead to severe psychological and physical dependence. There is no indication in the testimony of DEA's experts that severe psychological or physical dependence would be limited to an insignificant number of instances if abuse of the drug were unchecked.

[8] Consideration has been given to the contention of Rorer that Government Exhibit 20 demonstrates that methaqualone does not lead to severe psychological or physical dependence. This exhibit and Dr. Matthew's testimony at Tr. 254–57 and 272–76 are cited for the proposition that 42 persons proven tolerant to methaqualone were abruptly withdrawn from the drug and not a single case of severe physical or psychological withdrawal symptoms reported. However, the article is devoted to the treatment of methaqualone poisoning by conservative management such as avoidance of diuresis and does not appear to address itself to the withdrawal problem as such. Individuals tolerant to the drug are not necessarily poisoned (Tr. 260–61). As a result, the silence with respect to withdrawal of an article devoted to treatment of Mandrax poisoning affords an uncertain basis for drawing an inference conflicting with the testimony of Dr. Matthew. His express testimony that he treated persons considered dependent on methaqualone with barbituarates or a strong tranquilizer with a barbiturate and that persons tolerant to the drug, on withdrawal, could be expected to display the abstinence syndrome is persuasive and not vitiated by the possible conflicting inference drawn from the article in question. Moreover, as DEA states, Dr. Matthew did not testify with respect to the article except on the development of tolerance and the treatment of Mandrax poisoning.

[9] See Dr. Deutsch's citation of Cecil and Loeb, a "classical textbook of medicine", on this point (Tr. 481).

RECOMMENDED CONCLUSIONS OF LAW

A. Under the Controlled Substances Act of 1970 (21 U.S.C. 801 et seq.).

1. The Controlled Substances Act of 1970 was intended to protect the public health and safety by establishing a system of control procedures for drugs with a potential for abuse.

2. These controls include registration requirements, export and import restrictions, labeling and packaging requirements, production quotas, recordkeeping procedures and reports, order forms and prescription restrictions.

3. The controls are effected through a system of scheduling drugs or other substances according to criteria set forth in the Controlled Substances Act of 1970 relating to legitimate medical use and abuse potential.

4. Methaqualone is a drug, with a high potential for abuse and a currently accepted medical use in treatment in the United States within the meaning of 21 U.S.C. 812 (b)(2)(A) and 21 U.S.C. 812(b)(2)(B), as Rorer has stipulated.

5. The Government has proved by substantial evidence of record that the abuse of the drug methaqualone may lead to severe psychological dependence within the meaning of 21 U.S.C. 812(b)(2)(C).

6. The Government has proved by substaintial evidence of record that the abuse of the drug methaqualone may lead to severe physical dependence within the meaning of 21 U.S.C. 812(b)(2)(C).

THEODOR P. VON BRAND,
Administrative Law Judge.

Based on the investigations of the Drug Enforcement Administration and after careful consideration of the Recommended Decision printed above, as well as the entire record herein, and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education and Welfare, received pursuant to Section 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(b)), the Acting Administrator, Drug Enforcement Administration, finds that methaqualone and its salts:

(1) Have a high potential for abuse;

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

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

Therefore, under the authority vested in the Attorney General by section 201 (a) (21 U.S.C. 811(a)) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (see 38 FR 18380, July 2, 1973), it is hereby ordered that:

1. Section 1301.02 of Title 21 of the Code of Federal Regulations be amended by adding a new paragraph (b)(10) to read as follows:

§ 1301.02 Definitions.

* * * * *

(b) * * *

(10) Each of the substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, listed in § 1308.12 (e) of this chapter.

* * * * *

2. Section 1308.12 of Title 21 of the Code of Federal Regulations be amended by adding a new paragraph (e) to read as follows:

§ 1308.12 Schedule II.

* * * * *

(e) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Methaqualone 2565

* * * * *

The requirements imposed upon the substances controlled by this order shall become effective as follows:

1. *Registration.* Any person who manufactures, distributes, engages in research, imports or exports any of these substances or who proposes to engage in the manufacture, distribution, importation, or exportation of, or research with, any of these substances, shall obtain a registration to conduct that activity on or before November 5, 1973.

2. *Security.* These substances must be manufactured, distributed and stored in accordance with §§ 1301.71, 1301.72(a), 1301.73, 1301.74(a), 1301.75, and 1301.76 of Title 21 of the Code of Federal Regulations on or before January 3, 1974. In the event that this imposes special hardships, the Drug Enforcement Administration will entertain any justified requests for extensions of time.

3. *Labeling and packaging.* All labels on commercial containers of, and all labeling of, any of these substances which are packaged after April 15, 1974, shall comply with the requirements of §§ 1302.03–1302.05 and 1302.08 of Title 21 of the Code of Federal Regulations. In the event this effective date imposes special hardships on any "manufacturer", as defined in section 102(14) of the Controlled Substances Act, 21 U.S.C. 802(14), the Drug Enforcement Administration will entertain any justified requests for an extension of time.

4. *Quotas.* Quotas on these substances will be established to take effect on January 1, 1974. All interested persons required to obtain quotas shall submit applications pursuant to § 1303.22 of Title 21 of the Code of Federal Regulations on or before November 15, 1973.

5. *Inventory.* Every registrant required to keep records who possesses any quantity of any of these substances shall take an inventory, pursuant to §§ 1304.11–1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of those substances on hand on November 5, 1973.

6. *Records.* All registrants required to keep records pursuant to §§ 1304.21–1304.27 of Title 21 of the Code of Federal

Regulations shall maintain such records on these substances commencing on the date on which the inventory of those substances is taken.

7. *Reports.* All registrants required to file reports with the Drug Enforcement Administration pursuant to §§ 1304.37–1304.41 of Title 21 of the Code of Federal Regulations shall report on the inventory taken under paragraph 5 above and on all subsequent transactions.

8. *Order forms.* Each distribution of any of these substances on or after November 5, 1973, shall utilize an order form pursuant to Part 1305 of Title 21 of the Code of Federal Regulations except as permitted in § 1305.03 of that title.

9. *Importation and exportation.* All importation and exportation of any of the substances on and after November 5, 1973, shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

10. *Criminal liability.* Pursuant to Title 21 of the Code of Federal Regulations § 1308.48, the Acting Administrator, Drug Enforcement Administration hereby finds that:

1. Individuals are taking methaqualone in amounts sufficient to create a hazard to their own health or the safety of the community;

2. There exists significant diversion of methaqualone from legitimate channels;

3. Persons are taking methaqualone on their own initiative rather than on the advice of a physician.

4. Methaqualone is being used in suicides and attempted suicides as well as causing other injuries resulting from unsupervised use.

Therefore, the Acting Administrator finds that conditions of Public Health and Safety necessitate that any activity with any of the substances, not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act, conducted after October 4, 1973, shall be unlawful, except that any person who is not now registered to handle these substances but who is entitled to registration under those Acts may continue to conduct normal business or professional practice with those substances between the date on which this order is published and the date on which he obtains or is denied registration.

11. *Other.* In all other respects, this order is effective on October 4, 1973.

Dated October 2, 1973.

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

[FR Doc.73-21243 Filed 10-3-73;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 516—RECORDS TO BE KEPT BY EMPLOYERS

Clarification of Recordkeeping Requirements for Certain Agricultural Labor

On June 27, 1973, there was published in the FEDERAL REGISTER (38 FR 16909) a notice of a proposed amendment clarifying the employment status of recordkeeping requirements for agricultural labor supplied by crew leaders where the farmer has the power to direct, control or supervise the work of, or to determine the pay rates or method of payment for, laborers to conform to the recent court decisions in Hodgson v. Okada (C.A. 10), 20 WH Cases 1107 and Hodgson v. Griffin & Brand (C.A. 5), 20 WH Cases 1051, which affirm the employer status of the farmer and crew leader. See also Mitchell v. Hertzke, 234 F.2d 183, 12 WH Cases 879 (C.A. 10). These decisions hold a farmer to be a joint employer where, in addition to the advantages of harvest accruing to him as owner of the crop from the work of the laborers, he has the power to direct, control or supervise this work, or to determine their pay rates or method of payment.

Interested persons were invited to submit written data, views or comments on or before July 27, 1973. All relevant matter which was submitted has been carefully considered and I have decided to adopt the proposed amendment as set forth below.

Therefore, pursuant to the Fair Labor Standards Act of 1938 (Pub. L. 75–718, 52 Stat. 1060, 29 U.S.C. 201 et seq.) as amended, Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004) and Secretary's Orders Nos. 13–71 and 15–71 (36 FR 8755–6), § 516.33 of Part 516 Title 29, Code of Federal Regulations, is amended to read as follows:

1. In § 516.33 paragraph (a) and the introductory text of (b) are revised and a new paragraph (g) is added as follows:

§ 516.33 Employees employed in agriculture.

(a) No records, except as required under paragraph (f) of this section, need be maintained by an employer who did not use more than 500 man-days of agricultural labor in any quarter of the preceding calendar year, unless it can reasonably be anticipated that more than 500 man-days of agricultural labor (including agricultural workers supplied by crew leaders if the farmer has the power to direct, control or supervise the work, or to determine pay rates or method of payment) will be used in at least one calendar quarter of the current calendar year.

(b) If it can reasonably be anticipated that the employer will use more than 500 man-days of agricultural labor (including agricultural workers supplied by crew leaders if the farmer has the power to direct, control or supervise the work, or to determine pay rates or methods of payment, but not counting members of the employer's immediate family and hand harvest laborers as defined in section 13(a)(6)(B) of the Act), the employer shall maintain and preserve payroll records containing the following information with respect to each worker:

* * * * *

(g) Where a farmer and a bona fide independent contractor or crew leader are joint employers of agricultural laborers, each employer is responsible for maintaining and preserving the records required by this section. Duplicate records of hours and earnings are not required. The requirements will be considered met if the employer who actually pays the employees maintains and preserves the records specified in § 516.33(c).

(52 Stat. 1060, as amended; 29 U.S.C. et seq.)

Effective date. This amendment shall be effective October 4, 1973.

Signed at Washington, D.C. this 28th day of September, 1973.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.73-21118 Filed 10-3-73;8:45 a.m.]

PART 780—EXEMPTIONS APPLICABLE TO AGRICULTURAL COMMODITIES, PROCESSING OF AGRICULTURAL COMMODITIES, AND RELATED SUBJECTS UNDER THE FAIR LABOR STANDARDS ACT

Clarification of Employment Status of Certain Agricultural Labor

Pursuant to the Fair Labor Standards Act of 1938 (Pub. L. 75–718, 52 Stat. 1060, 29 U.S.C. 201 et seq.) as amended, Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004) and Secretary's Orders Nos. 13–71 and 15–71 (36 FR 8755–6), I hereby amend Part 780 of Title 29 of the Code of Federal Regulations. This Part is amended to conform to the recently decided cases of Hodgson v. Okada (C.A. 10), 20 WH Cases 1107 and Hodgson v. Griffin & Brand (C.A. 5), 20 WH Cases 1051. See also Mitchell v. Hertzke, 234 F.2d 183, 12 WH Cases 877 (C.A. 10). These decisions hold a farmer to be a joint employer where, in addition to the advantages of harvest accruing to him as owner of the crop from the work of the laborers, he has the power to direct, control or supervise their work, or to determine their pay rates or method of payment.

Notice of proposed rule making and opportunity for public hearing are not required. This amendment merely represents clarification in interpretative rulings which are deemed advisable to reflect the holding in these court decisions. Therefore notice and public procedure thereon are contrary to the public interest.

This amendment shall be effective October 4, 1973.

1. Paragraph (c) of § 780.305 is added to read as follows:

§ 780.305 500 man-day provision.

* * * * *

(c) A farmer whose crops are harvested by an independent contractor is considered to be a joint employer with the contractor who supplies the harvest hands if the farmer has the power to direct, control or supervise the work, or to determine the pay rates or method of payment for the harvest hands. (See § 780.331.) Each employer must include the contractor's employees in his man-day count in determining whether his own man-day test is met. Each employer

will be considered responsible for compliance with the minimum wage and child labor requirements of the Act with respect to the employees who are jointly employed.

2. Paragraph (d) of § 780.331 is revised to read as follows:

§ 780.331 Crew leaders and labor contractors.

* * * * *

(d) Whether or not a labor contractor or crew leader is found to be a bona fide independent contractor, his employees are considered jointly employed by him and the farmer who is using their labor if the farmer has the power to direct, control or supervise the work, or to determine the pay rates or method of payment. (Hodgson v. Okada (C.A. 10), 20 WH Cases 1107; Hodgson v. Griffin & Brand (C.A. 5) 20 WH Cases 1051; Mitchell v. Hertzke, 234 F.2d 183, 12 WH Cases 877 (C.A. 10).) In a joint employment situation, the man-days of agricultural labor rendered are counted toward the man-days of such labor of each employer. Each employer is considered equally responsible for compliance with the Act. With respect to the recordkeeping regulations in 29 CFR 516.33, the employer who actually pays the employees will be considered primarily responsible for maintaining and preserving the records of hours worked and employees' earnings specified in paragraph (c) of § 516.33.

(52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.)

Signed at Washington, D.C., this 28th day of September 1973.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.73-21119 Filed 10-3-73;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 209—PAYMENT TO FINANCIAL ORGANIZATIONS FOR CREDIT TO ACCOUNTS OF EMPLOYEES

On August 15 in the FEDERAL REGISTER at page 22032 to 22034, the Department of the Treasury published a Notice of Proposed Rulemaking to revise its existing regulations governing payments to financial organizations for credit to accounts of employees at 31 CFR Part 209 (also appearing as Department Circular No. 1076, Revised). The main purposes of the proposed revision are to:

(1) Include drawing of checks in favor of financial organizations for any class of recurring payments, as authorized by Public Law 92-366 (31 U.S.C. 492(d)) approved on August 7, 1972;

(2) Emphasize that Civil Service Commission regulations exclusively govern allotments to pay membership dues in labor organizations; and

(3) Make mandatory the formerly permissive use of composite checks under certain circumstances for payments of net pay to employees.

Interested persons were given 30 days within which to submit written comments and the comments received have been duly considered.

The Department finds in accordance with 5 U.S.C. 553(d)(2) that there is no good cause to postpone the effective date of the revision, since it represents a combination of rules interpretative of Federal statutes and of statements of Treasury policy. Therefore, the proposed revision is hereby adopted, effective on Oct. 4, 1973, subject to the following changes:

1. In § 209.4(c), the period at the end of the text is deleted; a comma substituted therefor, and the following language added after the comma: "and the disbursing officer shall draw the checks in that manner if the financial organization has agreed to such an arrangement."

2. In § 209.5(b)(3), a period is substituted for the comma after the word "check" where that word first appears. The language following is deleted.

3. In § 209.5(c), the period at the end of the text is deleted; a comma substituted therefor, and the following language added after the comma: "and the disbursing officer shall draw the check in that manner if the financial organization has agreed to such an arrangement."

4. In § 209.6(b)(2), the word "addresses" is changed to read "address."

Dated September 28, 1973.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

Sec.
209.1 Scope of regulations.
209.2 Definitions.
209.3 Allotments of pay for savings accounts.
209.4 Payments of net pay for employees.
209.5 Recurring payments for beneficiaries.
209.6 Identification of financial organization office to receive remittances for allotments of pay.
209.7 Depositor account numbers.
209.8 Service charge.
209.9 Financial organization as agent.
209.10 Acquittance to the United States.
209.11 Financial organization not Government depositary.
209.12 Procedural instructions.

AUTHORITY: R.S. 3620, as amended, 31 U.S.C. 492.

§ 209.1 Scope of regulations.

(a) The regulations in this part govern the regular remittance to financial organizations of Federal payments which are for credit to the accounts of employees and beneficiaries, as defined herein, including payments for:

(1) Full amounts of salaries and wages of civilian employees, and pay and allowances of members of the uniformed services;

(2) Allotments of pay for savings accounts (available hereunder only to civilian employees [1]); and

(3) Recurring annuities and benefits.

(b) The regulations in this part do not supersede, and shall not be used to circumvent, the requirements of particular statutes, Executive orders or other executive branch regulations; for example, see Civil Service Commission regulations at 5 CFR Part 550, Subpart C, issued pursuant to 5 U.S.C. 5525. Savings allotments under the regulations in this part shall not be used as a means to pay dues to labor organizations.

§ 209.2 Definitions.

As used in these regulations:

(a) "Agency" means any department, agency, independent establishment, board, office, commission, or other establishment in the executive, legislative (except the Senate and House of Representatives), or judicial branch of the Government, any wholly owned or controlled Government corporation, and the municipal government of the District of Columbia;

(b) "Financial organization" means any bank, savings bank, savings and loan association or similar institution, or Federal or State chartered credit union;

(c) "Employee" means (1) when used in reference to allotments of pay for savings accounts, a civilian employee of an agency, and (2) when used otherwise, a civilian employee of an agency or a member of a uniformed service;

(d) "Beneficiary" means a person or persons receiving an annuity or benefit payment or other recurring payment under Federal law, other than a payment of salary or wages or pay and allowances;

(e) "Allotment of pay for a savings account" means an authorization from an employee for a recurring payroll deduction from salary or wages due, in a specified dollar amount, to be remitted to a financial organization of his choice, for credit to his savings account;

(f) "Savings account" means an account (single or joint) for the purchase of shares (other than shares of stock) or for the deposit of savings in any financial organization, the title of which account includes the name of the authorizing employee;

(g) "Net pay" means the amount of salaries or wages of civilian employees and pay and allowances of members of the uniformed services remaining due after all payroll deductions for allotments of pay for savings accounts and other purposes and all other payroll deductions;

(h) "Recurring payment" means a benefit, annuity, or other payment which is made repeatedly at regular intervals.

§ 209.3 Allotments of pay for savings accounts.

(a) Any employee whose place of employment is within the United States may authorize an allotment of pay for a savings account under these regulations, provided that allotments of pay for savings are not otherwise available to the employee under the regulations referred to in § 209.1(b).

[1] See 32 CFR Part 59—Voluntary Military Pay Allotments, issued pursuant to 37 U.S.C. 701-706, for military allotments for savings.

(b) The head of an agency shall effectuate such allotments of pay for savings accounts:

(1) If the employee provides the agency with a written request (on a form promulgated by the Treasury or such agency-adapted form as may be approved by the Treasury for the purpose) which designates the financial organization and such financial organization, by endorsement thereon, states its willingness to act in this respect as agent of the employee and to accept, as its expense, the service charge specified in accordance with § 209.8 which is to be deducted from the aggregate total of the allotments remitted;

(2) If the allotment is a fixed amount, in round dollars (no cents), to be deducted in each successive payroll (until canceled by the employee, in writing, or otherwise terminated);

(3) If not more than two such allotments for any employee shall be in effect at any time;

(4) To the extent that the amount of salary or wages becoming due an employee for any pay period thereafter is sufficient to cover (i) in the case of a single allotment, the full amount thereof, or (ii) in the case of two allotments, the aggregate amount of both. In making any determinations under this subparagraph, all payroll deductions otherwise required shall have priority over those authorized by this section; and

(5) Regardless of the manner in which the allotment for savings ultimately will be disposed of by the employee (which is at his own discretion), except that the purpose of the allotment may not circumvent statutes, Executive orders, and other executive branch regulations (see § 209.1(b)).

§ 209.4 Payments of net pay for employees.

(a) Any employee may request that the full amount of net pay due him, in lieu of being paid by check drawn to his order, be paid to him regularly by check drawn in favor of a financial organization of his choice, for credit to his account.

(b) The head of an agency shall authorize the appropriate disbursing officer to pay an employee by sending to the financial organization designated by that employee a check that is drawn in favor of that organization and for credit to the account of that employee. This procedure shall be used only:

(1) If the employee provides the agency with a written request (on a form promulgated by the Treasury or such agency-adapted form as may be approved by the Treasury for the purpose) which designates the financial organization.

(2) For the full amount of net pay becoming due on successive payrolls (until the request is canceled by the employee in writing); and

(3) For payments for credit to any account (single or joint) designated by the employee, the title of which includes the name of the employee as stated on the check.

(c) Whenever, under the procedures set out in paragraph (b) of this section, payments are made by an agency on the same regularly recurring dates to five or more employees who designate the same financial organization, the head of the agency shall authorize the appropriate disbursing officer to draw the check for the total amount in favor of that organization for credit to the accounts of the several employees, and the disbursing officer shall draw the check in that manner if the financial organization has agreed to such an arrangement.

§ 209.5 Recurring payments for beneficiaries.

(a) The head of an agency may authorize the appropriate disbursing officer to make a recurring payment to a beneficiary by sending to the financial organization designated by that beneficiary a check that is drawn in favor of that organization and is for credit to the account of that beneficiary, in lieu of payment by check drawn to his order.

(b) The procedure set out in paragraph (a) of this section may be adopted only:

(1) If the beneficiary to whom the recurring payment is to be made provides the agency with a written request (on a form promulgated by the Treasury or such agency-adapted form as may be approved by the Treasury for the purpose) which designates the financial organization;

(2) For the full amount of the recurring payment becoming due on successive payment dates (until the request is canceled by the beneficiary in writing); and

(3) For payments for credit to an account, designated by the beneficiary to whom the recurring payment is to be made, the title of which includes the name of the beneficiary as stated on the check.

(c) Whenever, under the procedures set out in paragraph (a) of this section, recurring payments are made to two or more beneficiaries who designate the same financial organization, the head of the agency, may, after consultation with, and approval by, the Fiscal Assistant Secretary of the Treasury, authorize the appropriate disbursing officer to draw a single check for the total amount in favor of that organization for credit to the accounts of the several beneficiaries, and the disbursing officer shall draw the check in that manner if the financial organization has agreed to such an arrangement.

(d) The procedures set out in this section shall not be used for allotting a part of a recurring payment or for effectuating an assignment of a recurring payment.

(e) The Fiscal Assistant Secretary will initiate, as appropriate, joint Treasury-agency consideration of application of the procedures set forth in this section.

§ 209.6 Identification of financial organization office to receive remittances for allotments of pay.

(a) Except as authorized in accordance with paragraph (b) of this section, remittances covering allotments of pay for savings accounts in behalf of all employees designating the same financial organization shall be forwarded uniformly to a single office of such financial organization notwithstanding the fact that the employees may otherwise make deposits to their accounts at different branch offices of such financial organization. In executing the form required pursuant to § 209.3, each employee will be expected to ascertain from the financial organization the address of its single office which is to receive remittances. In any event, the financial organization, in executing the form, shall:

(1) Review the address inserted and, if necessary, correct it to conform with the requirements of this section;

(2) Insert, in the space provided, the "employer identification number" assigned to it by the Internal Revenue Service, Department of the Treasury. Such identification numbers, which are susceptible of universal application in identifying each individual financial organization as a whole, will be used in agency payroll systems to facilitate the assembly of all of its payroll deductions applicable to the same financial organization; and

(3) Identify the block specified on the form which indicates conformance with the requirement for a single remittance point in the financial organization.

(b) A financial organization which maintains its savings accounts at branch offices only and which cannot comply with the requirements of paragraph (a) of this section, on the basis that its own internal transmission of deposit credits from a single remittance point to its respective branch offices is impracticable, may certify to that effect by identifying the block provided for this purpose on the form required by § 209.3. Such certification shall serve to waive the requirements of paragraph (a) of this section on the basis that the financial organization cannot otherwise agree to accept remittances for credit to accounts of employees designating such financial organization. Such financial organization shall:

(1) Establish a standardized series of numeric codes consisting of three digits (001 through 999) to be used uniformly in identifying each of its branch offices required to receive remittances;

(2) Insert, in the space provided on the form, its "employer identification number" and, as a parenthetical suffix, its three-digit code identifying the applicable branch office consistent with the address of that office as shown on the form; and

(3) Make such inter-office adjustments of deposit credits as may become necessary in the event a remittance to one branch office includes credit for a particular savings account at a different

branch office, whether by reason of an inconsistency in the initial designation of the branch office code on the form or otherwise.

§ 209.7 Depositor account numbers.

Based on the forms submitted by employees and beneficiaries pursuant to §§ 209.3, 209.4 and 209.5, agencies shall use depositor account numbers supplied by the financial organization as an identification of the account to be credited, in addition to the name and social security account number of the employee or beneficiary. Records supporting checks issued pursuant to § 209.3, § 209.4(c) and § 209.5(c) shall be so identified. Individual checks issued pursuant to § 209.4(b) and § 209.5(a) shall be identified, as a minimum, with the name and depositor account number of the employee or beneficiary. The United States shall not assume responsibility for the correctness of such depositor account numbers, and the name and/or social security account number of the employee or beneficiary to whom payment is to be made will govern the crediting of the account.

§ 209.8 Service charge.

The Government's cost in the administration of the system established by § 209.3 shall be recovered by each agency on the basis of standard (Government-wide) rates established in these regulations. The total service charge applicable to a remittance to a financial organization, derived by application of the standard rates, shall be automatically collected from the financial organization by deduction from the total amount to be remitted.

(a) Subject to revision from time to time on the basis of studies of Government-wide costs incurred, the standard rates shall be:

(1) Six (6) cents for each payroll deduction stated on the record which is to accompany the aggregate remittance (for all administrative and payrolling costs in the agency); plus

(2) Twelve (12) cents for each remittance, as a single charge for the entire record accompanying the remittance, regardless of the number of payroll deductions listed (for all check preparation and mail preparation costs in the disbursing office, including postage).

(b) In accordance with the provisions of section 501 of the Act of August 31, 1951, 65 Stat. 290 (31 U.S.C. 483a), the total service charge collected pursuant to this section shall be covered into the Treasury as miscellaneous receipts unless the agency has statutory authority otherwise to dispose of the credit.

§ 209.9 Financial organization as agent.

A financial organization which receives checks under the procedure set out in §§ 209.3, 209.4 and 209.5 does so in each case as the agent of the employee or beneficiary who has designated the financial organization to receive the check and credit his account. Such a financial organization may revoke its agency by notice to the employee or beneficiary. The death of that employee or beneficiary revokes the authority of the financial organization to credit the amount to the account of that individual. In the case of a check covering a payment to one employee or beneficiary, the proceeds of which cannot be credited to the account because of death or any other reason, the financial organization shall promptly return the check to the issuing disbursing officer or remit its own check in an equal amount, with a statement in either case identifying the reason therefor and the individual. In the case of a check covering payment to more than one employee or beneficiary, a portion of which cannot be credited to an account because of death or for any other reason, the financial organization shall promptly remit to the agency responsible for making payment a check in an amount equal to that portion which could not be properly credited to the account, with a statement identifying the individual and the reason for refund.

§ 209.10 Acquittance to the United States.

(a) A financial organization which receives checks under the procedure set out in §§ 209.3, 209.4 and 209.5 shall comply with the provisions of 31 CFR Part 360—Indorsement and Payment of Checks Drawn on the Treasurer of the United States, in particular 31 CFR 360.8. A financial organization's endorsement shall constitute a guaranty of the continued existence of the beneficiary for whom it receives payment.

(b) Payment by the United States of a check drawn in favor of and properly endorsed by the financial organization designated by an employee or beneficiary to whom payment is to be made shall, if the check or accompanying record properly specifies that employee's or beneficiary's name and/or social security account number, constitute a full acquittance to the United States for the amount of such payment.

§ 209.11 Financial organization not Government depositary.

A financial organization to which a check is drawn under the procedures set out in §§ 209.3, 209.4 and 209.5 does not thereby become a Government depositary and shall not advertise itself as one because of that fact.

§ 209.12 Procedural instructions.

Procedural instructions for the guidance of agencies in the implementation of these regulations and a new form to request the remittance of recuring payments to financial organizations will be issued by the Commissioner of Accounts. The several forms presently in use to request remittance of the full amount of net pay to a financial organization, and the form presently used to request an allotment of pay for credit to a savings account with a financial organization (Standard Form No. 1198), will be continued.

Prior to adoption of the proposed revision, consideration will be given to any data, views, or arguments submitted to the Commissioner of Accounts, U.S. Department of the Treasury, Washington, D.C. 20226, and received not later than September 14, 1973. Pursuant to 31 CFR 1.4(b), 36 FR 13835, comments submitted in response to this notice are available to the public upon request therefor unless confidential status for the submission has been requested and approved.

[FR Doc.73-21115 Filed 10-3-73;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 883—MILITARY JUSTICE

Correction

Section 883.3(a)(3), as published in 38 FR 26803, September 26, 1973, should be corrected to read as follows:

§ 883.3 [Corrected]

(a) * * *

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

By order of the Secretary of the Air Force.

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

[FR Doc.73-21079 Filed 10-3-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

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

4,6-Dinitro-o-Cresol and Its Sodium Salt

An order was published in the FEDERAL REGISTER of June 11, 1973 (FR 15365), establishing an interim tolerance of 0.02 part per million for residues of 4,6-dinitro-o-cresol and its sodium salt in or on the raw agricultural commodity apples from application of these plant regulators to apple trees at the blossom stage as fruit-thinning agents.

Accordingly, 4,6-dinitro-o-cresol and its sodium salt should have been listed as members of the class of pesticides known as dinitrophenols (§ 180.3(e)(6)) since 4,6-dinitro-o-cresol is also 2,4-dinitro-6-methylphenol.

Therefore, § 180.3 *Tolerances for related pesticide chemicals* is amended by alphabetically inserting the item "4,6-Dinitro-o-cresol and its sodium salt" in the list of dinitrophenol pesticides in paragraph (e)(6) of this section.

Since the order established by this document merely corrects an oversight and is noncontroversial, notice, public procedure, and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall become effective October 4, 1973.

Dated October 1, 1973.

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

[FR Doc.73-21164 Filed 10-3-73;8:45 am]

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

Oryzalin

A petition (PP 3F1347) was filed by Elanco Products Co., Division of Eli Lilly and Co., Indianapolis, IN 46206, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the herbicide oryzalin (3,5-dinitro-N^4,N^4-dipropylsulfanilamide) in or on the raw agricultural commodities soybean forage, soybean hay, and soybeans at 0.1 part per million.

Subsequently, the petitioner amended the petition by withdrawing the requested tolerances for negligible residues of the herbicide in or on soybean hay and soybean forage.

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

1. The herbicide is useful for the purpose for which the tolerance is being established.
2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.
3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), Part 180 is amended by adding a new section as follows:

§ 180.304 Oryzalin; tolerances for residues.

A tolerance is established for negligible residues of the herbicide oryzalin (3,5-dinitro-N^4,N^4-dipropylsulfanilamide) in or on the raw agricultural commodity soybeans at 0.1 part per million.

Any person who will be adversely affected by the foregoing order may at any time on or before November 5, 1973 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW, Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective October 4, 1973.

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

Dated September 27, 1973.

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

[FR Doc.73-21081 Filed 10-3-73;8:45 am]

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

3,5-Dichloro-N-(1,1-Dimethyl-2-Propynyl) Benzamide

A petition (PP 3F1317) was filed by Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for combined residues of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide and its metabolites (calculated as the herbicide) in or on the raw agricultural commodities alfalfa, clover, crown vetch, sainfoin, trefoil at 15 parts per million; kidney and liver of cattle and poultry at 1 part per million; and eggs, milk, and meat, fat, and meat byproducts (except kidney and liver of cattle and poultry) of cattle, goats, hogs, horses, poultry, and sheep at 0.05 part per million (negligbile residue).

Subsequently, the petitioner amended the petition by (a) reducing the proposed tolerances for residues in or on alfalfa, clover, crown vetch, sainfoin, and trefoil from 15 parts per million to 5 parts per million; (b) revising the proposed tolerances for residues in kidney and liver of cattle and poultry at 1 part per million to include goats, hogs, horses, and sheep at 0.2 part per million; and (c) changing the proposed tolerances for residues in eggs, milk, and meat, fat, and meat byproducts (except kidney and liver of cattle and poultry) of cattle, goats, hogs, horses, poultry, and sheep at 0.05 part per million (negligible residue) to 0.02 part per million (negligible residue) in eggs, milk, and meat, fat, and meat byproducts (except kidney and liver) of cattle, goats, hogs, horses, poultry, and sheep.

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

1. The herbicide is useful for the purpose for which the tolerances are being established.
2. Residues of the herbicide in eggs, meat, milk, and poultry will not exceed the proposed tolerances.
3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.317 is revised to read as follows:

§ 180.317 3,5-Dichloro-*N*-(1,1-dimethyl-2-propynyl)benzamide; tolerances for residues.

Tolerances are established for residues of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide and its metabolites (calculated as 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide) in or on raw agricultural commodities as follows:

5 parts per million in or on fresh forage and hay of alfalfa, clover, crown vetch, sainfoin, and trefoil.

2 parts per million in or on endive (escarole) and lettuce.

0.2 part per million in kidney and liver of cattle, goats, hogs, horses, poultry, and sheep.

0.02 part per million (negligible residue) in eggs, milk, and meat, fat, and meat byproducts (except kidney and liver) of cattle, goats, hogs, horses, poultry, and sheep.

Any person who will be adversely affected by the foregoing order may at any time on or before Nov. 5, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective October 4, 1973.

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

Dated October 1, 1973.

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

[FR Doc.73-21165 Filed 10-3-73;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 31]

PART 308—WAR RISK INSURANCE

Miscellaneous Amendments

In FR Doc. 73-5126, appearing in the FEDERAL REGISTER issue of March 16, 1973

(38 FR 7117) Part 308 was amended to reflect the following changes:

Amend § 308.6 Period of interim binders and renewal procedure, § 308.106 Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement, § 308.206 Standard form of war risk protection and indemnity insurance interim binder, and § 308.305 Standard form of Second Seamen's war risk insurance interim binder, by changing the expiration dates contained therein to read "midnight October 7, 1973, G.m.t."

The same is hereby further amended by changing the expiration dates contained therein to read "midnight April 7, 1974, G.m.t."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated October 1, 1973.

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

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.73-21159 Filed 10-3-73;8:45 am]

SUBCHAPTER H—TRAINING

[General Order 97, Rev., Amdt. 2]

PART 310—MERCHANT MARINE TRAINING

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

Effective on October 4, 1973, § 310.53 of this subpart C which was published in the FEDERAL REGISTER on April 11, 1973 (38 FR 9166) is revised to read as follows:

§ 310.53 General requirements for eligibility.

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

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

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

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

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

(§ 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114; § 216, 53 Stat. 1182, as amended; 46 U.S.C. 1126)

(Catalog of Federal Domestic Assistance Program No. 11.507 U.S. Merchant Marine Academy (Kings Point)).

Dated October 1, 1973.

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

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.73-21158 Filed 10-3-73;8:45 am]

SUBCHAPTER J—MISCELLANEOUS

[General Order 81, Revised]

PART 350—SEAMEN'S SERVICE AWARDS

Pursuant to the authority vested in the Secretary of Commerce by P.L. 84-759, 70 Stat. 605, and delegated to the Assistant Secretary for Maritime Affairs by Department of Commerce Order 10-8 (38 FR 19707, July 23, 1973) the Seaman's Service Awards regulations (46 CFR Chapter II, Part 350) have been revised. These regulations relate to the issuance of service ribbon bars to masters, officers and crew members of United States ships who served in areas of danger during the operations by Armed Forces of the United States in Korea and Vietnam, and the replacement of awards previously issued for service in the United States Merchant Marine during World War II, under earlier Acts of Congress and Executive Orders, now repealed. The revision establishes August 15, 1973 as the termination date of qualified service time for award of the service ribbon bar for service in waters adjacent to Vietnam. The revision also indicates a change in the authorized distributor of the ribbon bars and provides a procedure for replacing lost certification cards.

The Seamen's Service Awards regulations involve a function of military affairs and consequently have been revised and are hereby published in the FEDERAL REGISTER without notice of proposed rulemaking.

Part 350 of Chapter II of Title 46 of the Code of Federal Regulations is revised to read as follows:

Sec.
350.1 Purpose.
350.2 Korean Service Bar.
350.3 Vietnam Service Bar.
350.4 Procedure for purchase.
350.5 Replacements.
350.6 Unauthorized sale.

AUTHORITY: P.L. 84-759, 70 Stat. 605, Department of Commerce Order 10-8 (38 FR 19707, July 23, 1973), Administrator's Order 2 (amended) (November 27, 1972).

§ 350.1 Purpose.

The purpose of this part is to prescribe regulations pursuant to P.L. 84-759, 70 Stat. 605, governing the issuance of service ribbon bars to masters, officers and crew members of United States ships in recognition of their service in areas of danger during the operations by Armed Forces of the United States in Korea and Vietnam, and the replacement of awards previously issued for service in the United States Merchant Marine during World War II, under earlier Acts of Congress and Executive Orders, now repealed.

§ 350.2 Korean Service Bar.

A red, white, and blue umbra silk ribbon bar, one and three-eights inches wide by three-eighths inch long, may be issued, in accordance with the procedure set forth in § 350.4 of this part, to each master, officer or member of the crew of any United States ship who, between June 30, 1950 and September 30, 1953, served in the waters adjacent to Korea within the following bounds:

From a point at latitude 39°39′ N., longitude 122°45′ E.; southward to latitude 33° N., longitude 122°45′ E.; thence eastward to latitude 33° N., longitude 127°55′ E.; thence northeastward to latitude 37°05′ N., longitude 133° E., thence northward to latitude 40°40′ N., longitude 133° E., thence northeastward to a point on the east coast of Korea at the juncture of Korea with the U.S.S.R.

§ 350.3 Vietnam Service Bar.

A red, blue and yellow silk ribbon bar, one and three-eighths inches wide by three-eighths inch long, may be issued, in accordance with the procedure set forth in § 350.4 of this part, to each master, officer, or member of the crew of any United States ship who, between July 4, 1965, and August 15, 1973, served in the waters adjacent to Vietnam within the following bounds:

From a point on the east coast of Vietnam at the juncture of Vietnam with China southeastward to 21° N. Lat., 103° E. Long.; thence southeast to 18° N. Lat., 108° E. Long.; thence southeastward to 17° 30′ N. Lat., 111° E. Long.; thence southward to 11° N. Lat., 111° E. Long.; thence southeastward to 7° N. Lat., 105° E. Long.; thence westward to 7° N. Lat., 103° E. Long.; thence northward to 9° 30′ N. Lat., 103° E. Long.; thence northeastward to 10° N. Lat., 104°27′ E. Long.; thence northward to a point on the west coast of Vietnam at the juncture with Cambodia.

§ 350.4 Procedure for purchase.

(a) Application for the Korean Service Bar and Vietnam Service Bar shall be made to the Office of Maritime Manpower, Maritime Administration, Department of Commerce, Washington, D.C. 20230. The application should include the seaman's complete name, mailing address, Book or "Z" number, the name or names of ships on which the seaman served, and dates of service. If found to be eligible, a certification card will be supplied to the applicant.

(b) The Korean Service Bar, Vietnam Service Bar or a replacement of a bar described in § 350.5(a)(1) of this part may be purchased from the authorized distributor, A & N Trading Company, 714 12th Street, NW., Washington, D.C. 20005 at a cost of fifty-five cents, prepaid by check or money order, payable to the vendor. Certification cards need not be presented to the authorized vendor in order to purchase the boards. However, the wearing of any Merchant Marine decoration by other than authorized personnel is prohibited by law.

§ 350.5 Replacements.

(a)(1) The following may be replaced if the bar is lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the owner:

(i) Korean Service Bar.

(ii) Vietnam Service Bar.

(iii) Ribbon bars, previously issued for service in the United States Merchant Marine during World War II, pursuant to earlier Acts of Congress and Executive Orders, now repealed. The ribbon bars include the following:

(A) Atlantic War Zone Bar.

(B) Pacific War Zone Bar.

(C) Mediterranean—Middle East War Zone Bar.

(D) Combat Bar.

(E) Defense Bar.

(F) Victory Medal Bar.

(2) The procedure set forth in section 350.4(b) of this part is to be complied with when purchasing a replacement.

(b) The following decorations may be replaced at cost upon application to the Office of Maritime Manpower, Maritime Administration, Department of Commerce, Washington, D.C. 20230.

(1) Distinguished Service Medal.

(2) Meritorious Service Medal.

(3) Mariner's Medal.

(4) Victory Medal.

(5) Merchant Marine Medal.

(6) Honorable Service Button.

(c) If certification cards are lost or destroyed, replacements may be obtained upon application to the Office of Maritime Manpower, Maritime Administration, Department of Commerce, Washington, D.C. 20230.

§ 350.6 Unauthorized sale.

The sale of any Merchant Marine decorations by anyone other than an authorized distributor is prohibited by law.

Dated October 1, 1973.

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

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.73-21160 Filed 10-3-73;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 32—HUNTING

J. Clark Salyer National Wildlife Refuge, N. Dak.

The following special regulation is issued and effective on October 4, 1973.

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

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of geese on the J. Clark Salyer National Wildlife Refuge, North Dakota, is permitted from September 29 through November 18, 1973, and the hunting of ducks and coots is permitted from September 29 through November 18, 1973, and the hunting of common snipe (Wilson's) is permitted from September 29 through November 16, 1973, but only on the area designated by signs as open to migratory waterfowl hunting. This open area comprising 2,850 acres is delineated on a map available at the refuge headquarters, Upham, North Dakota, and from the Area Office, Bureau of Sport Fisheries and Wildlife, Federal Building, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Blinds—Temporary blinds of approved material may be constructed.

(2) Retrieving zones—Retrieving zones will be designated by signs. Possession of firearms in retrieving zones is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 18, 1973.

ROBERT C. FIELDS,
Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, North Dakota.

SEPTEMBER 26, 1973.

[FR Doc.73-21121 Filed 10-3-73;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges

The following special regulations are issued and are effective October 4, 1973.

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

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots and sandhill cranes on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted as follows: Ducks, geese and coots, from November 6, 1973, through January 20, 1974, inclusive; sandhill cranes, from October 27, 1973, through January 27, 1974, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,320 acres, is delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, New Mexico, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots and sandhill cranes.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 27, 1974.

OKLAHOMA

SEQUOYAH NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese and coots on the Sequoyah National Wildlife Refuge, Oklahoma, is permitted as follows: Ducks and coots, from October 27 to November 18, 1973, inclusive, and from December 8, 1973, through January 13, 1974, inclusive; geese, from October 8, through November 11, 1973, inclusive, and from November 30, 1973, through January 5, 1974, inclusive, but only on three areas designated by signs as open to hunting. These open areas are delineated on maps available at refuge headquarters, Sallisaw, Oklahoma, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese and coots subject to the following special conditions:

(1) Hunting weapons of any kind are prohibited in areas not posted as open to public hunting, except the Kerr-McClellan Navigation Channel where weapons must be cased or broken down.

(2) Camping or possession of firearms on the refuge at night is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 13, 1974.

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese and coots on the Tishomingo National Wildlife Refuge, Oklahoma, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Oklahoma, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese and coots subject to the following special conditions:

(1) Ducks and coots may be hunted in Zones 1 and 2 from one-half hour before sunrise to 11:45 AM on Tuesdays, Thursdays, Saturdays, Sundays and National holidays, from October 27 through November 18, 1973, inclusive, and from December 8, 1973, through January 13, 1974, inclusive. Duck hunting in Zone 2 will be restricted to hunters with retrievers. Geese may be hunted (Zone 3 only) from one-half hour before sunrise to 11:45 AM on Tuesdays, Thursdays, Saturdays, Sundays and all National holidays, from October 27 through November 11, 1973, inclusive, and from November 30, 1973, through January 3, 1974, inclusive.

(2) An experimental program to evaluate field use of iron shot shells will be conducted this season by the Bureau of Sport Fisheries and Wildlife on the Tishomingo National Wildlife Refuge. Iron shot shells are available only in 12 gauge; therefore, shotguns of this gauge will be the only legal firearm used in this hunt.

(3) Each hunter, as he checks into the hunting area, will purchase from the check station attendant his iron shot for use in the hunt. All unused iron shot will be retained by the hunter. It will be illegal to possess any other shells within the hunt area.

(4) Sky-busting (in excess of 45 yards) is against area regulations. Hunters in violation will be removed from the blinds and their season's hunting privileges will be revoked.

(5) In Zone 3 thirty-five goose blinds are provided, and hunters will be assigned to blinds by applying for a blind reservation. Temporary blinds may not be constructed in Zone 3. Eight duck blinds are provided in Zone 1, and hunters will be assigned to these blinds on first-come first-choice basis. Construction of temporary blinds may be done in the pothole area in Zone 1. These blinds may be placed where desired after giving due consideration to safety and hunting opportunities of other sportsmen, but blinds must be at least 80 yards apart.

(6) Hunting in Zone 3 is by application, and actual blind assignment is determined by a punchboard. Hunters will be accepted into Zone 1 on a first-come-first-choice basis. All hunters, upon entering or leaving the area, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

(7) Hunters must remain in their assigned blinds in Zone 1 and Zone 3, leaving them only to place decoys, retrieve birds and decoys, or return to the check station. Hunters may leave their blinds to check out only at 9:30 AM and 11:30 AM.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 13, 1974.

TEXAS

BRAZORIA NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese and coots on the Brazoria National Wildlife Refuge, Texas, is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 2,000 acres of Rattlesnake Island on the southeast side of the Intracoastal Waterway and adjacent to Christmas. Drum and Bastrop Bays, is delineated on maps available at refuge headquarters, Angleton, Texas, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) The open season for hunting ducks and coots on the refuge extends from November 10 through November 25, 1973, inclusive, and from December 8, 1973 through January 20, 1974, inclusive.

(2) The open season for geese on the refuge extends from October 29 through November 25, 1973, inclusive, and from December 8, 1973 through January 20, 1974, inclusive.

(3) Access to the hunting area is entirely over public water routes. Travel across the refuge mainland to and from the area open to hunting is not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 20, 1974.

September 28, 1973.

W. O. NELSON, Jr.,
Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico.

[FR Doc.73-21088 Filed 10-3-73;8:45 am]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective during the period October 3, 1973 through December 14, 1973.

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

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

The public hunting of migratory game birds on the Missisquoi National Wildlife Refuge, Vermont is permitted only on the areas delineated on maps available at refuge headquarters, RD 2, Swanton, Vermont, 05488 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of migratory game birds subject to the following special condition: 1. In the open area south and east of State Route 78, with the exception of the lakeshore marsh along Maquam Bay, no permanent blinds are allowed. All materials used in blind construction must be removed from the area daily.

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

September 25, 1973.

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

[FR Doc.73-21086 Filed 10-3-73;8:45 am]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective during the period November 15, 1973 through December 1, 1973.

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

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Missisquoi National Wildlife Refuge, Vermont is permitted only on the areas delineated on maps available at refuge headquarters, RD 2, Swanton, Vermont 05488, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following special condition:

1. During the regular season, rifles may not be used on that part of the refuge lying east of the Missisquoi River.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in title 50, Code of Federal Regulations, Part 32,

and are effective through December 1, 1973.

September 25, 1973.

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

[FR Doc.73-21087 Filed 10-3-73;8:45 am]

PART 33—SPORT FISHING

Big Lake National Wildlife Refuge, Arkansas

The following special regulations are issued and are effective on October 31, 1973.

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

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Trotline fishing on Big Lake National Wildlife Refuge, Arkansas, will close on October 31, 1973 rather than on November 23, 1973 as previously announced. This action is necessary due to fluctuating water levels and the failure of fishermen to pick up trotlines when not in use, thereby creating a safety hazard. Trotlines must be removed from the refuge by October 31, 1973. All other regulations pertaining to sport fishing remain in effect.

The provisions of these special regulations 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 December 31, 1973.

PHILLIP S. MORGAN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 28, 1973.

[FR Doc.73-21120 Filed 10-3-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Self-Employed Registered, Practical, and Trained Nurses

The purpose of this amendment is to add a new § 150.503 to Subpart O of Part 150 of Title 6, Code of Federal Regulations relating to price adjustments by certain registered, practical, and trained nurses. These nurses are presently considered to be noninstitutional providers of health services thus making the fees they charge subject to the price stabilization regulations.

The Cost of Living Council has determined that the 2.5 percent annual aggregate price increase limitation of Price Stabilization Regulation 6 CFR 300.19 causes certain inequitable results when applied to independent or self-employed registered, practical, and trained nurses who charge for their services on a time period basis (e.g., per day, per-hour, or per-shift).

Because the fees of these nurses are strictly time-based and are integrally related to pay adjustments of similarly employed personnel in the larger labor market, the Council believes it to be more equitable to regulate the fees charged by these particular nurses under the regulations governing pay adjustments in the health industry rather than as prices charged by noninstitutional providers of health services under the price regulations. This regulation also applies to fees established by a central registry or association for private duty nurses. The Council's general wage and salary standard of a 5.5 percent increase per annum, established in Phase II and in effect on January 10, 1973 would apply.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the administration of the Economic Stabilization Program, the Council finds that further notice and procedure thereon is impracticable and that good cause exists for making it effective in less than 30 days. Interested persons may submit communications regarding these regulations. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

In consideration of the foregoing, Subpart O of Part 150 of Chapter 1 of Title 6, Code of Federal Regulations is amended as set forth below, effective October 1, 1973.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743 (12 U.S.C. 1904, note); Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473, E.O. 11730, 38 FR 19345, Cost of Living Council Order No. 14, 38 FR 1489).

Issued in Washington, D.C., on October 1, 1973.

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

1. Subpart O of the table of sections at the beginning of Part 150 is amended by adding the following section number and heading: § 150.503 *Self-employed registered, practical, and trained nurses.*

2. Subpart O of Part 150 is amended by adding a new § 150.503 to read as follows:

§ 150.503 Self-employed registered, practical, and trained nurses.

Registered, practical, and trained nurses who charge fees for their services based solely on fixed time units, including, but not limited to an hourly, shift, or daily basis are not subject to the price adjustment provisions of § 150.502. Notwithstanding the provisions of 6 CFR 300.19 or of any other economic stabilization regulations, these registered, practical and trained nurses may adjust their fees within the guidelines established in 6 CFR 300.18(d) governing permissible aggregate wage and salary increases incurred by institutional providers of health services and included in determining allowable price increases under that section; provided, however, that they shall otherwise be subject to the regulations of Subpart I of Part 152 of this title governing pay adjustments in the health industry. The term "fees", as used in this section, includes those fees established for private duty nurses by a central registry or association.

[FR Doc.73-21224 Filed 10-2-73;1:00 pm]

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Special Rule No. 2—Certain Rubber Products Price Increases

Special Rule No. 2 governing certain rubber products price increases is being issued pursuant to the authority of § 150.220 of the Phase IV price regulations.

The Cost of Living Council conducted public hearings on September 17, 1973, to take testimony with respect to the impact on the economy on proposed price increases by the rubber industry. The Council, having reviewed the hearing record, considered other data presented to the Council and having analyzed the Notices of Proposed Price Increases submitted to the Council, has concluded that, notwithstanding the fact that the proposed price increases were generally cost justified, the implementation at this time, of full prices increases for rubber tires and tube products would be of such magnitude and would have such an impact upon the economy as to be unreasonably inconsistent with the goals of the Economic Stabilization Program. Therefore, pursuant to the authority of § 150.154 of the Phase IV price regulations, the Council has concluded that orders must be issued deferring the price increases prenotified by firms in the rubber industry. By virtue of this special rule, the Council is setting forth the general terms and conditions which it will apply to these proposed rubber price increases. The Council will supplement this special rule by individual decisions and orders issued to the firms which have filed prenotifications. These decisions and orders will implement the general provisions of this special rule as to each such individual firm in a manner consistent with the special rule.

In consideration of the foregoing the Appendix following Subpart J of Part 150, Title 6, Code of Federal Regulations is amended by adding Special Rule Number 2 as set forth below.

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

Issued in Washington, D.C., on October 2, 1973.

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

SPECIAL RULE NUMBER 2

1. *Scope.* This special rule applies to all firms which have prenotified proposed price

increases for tire and tube rubber products in Standard Industrial Code 3011.

2. *Rubber products.* Proposed price increases for tire and tube rubber products may be implemented in accordance with the provisions of this paragraph.

a. No firm may place into effect a price increase on these rubber products (SIC 3011), prior to October 8, 1973.

b. Effective October 8, 1973, firms may increase prices above base prices for these rubber products which do not exceed, on the average, a dollar-for-dollar pass-through of one half of the allowable prenotified price increase.

c. Effective January 1, 1974, firms may resubmit proposed price increases for these rubber products.

3. *Decisions and orders.* The Council will issue to each firm prior to October 8, 1973, a decision and order specifying implementation of proposed price increases for these rubber products in accordance with the provisions of this special rule.

4. *Reservation.* This rule may be modified, revoked or otherwise altered by the Council in accordance with the provisions of the Phase IV price regulations.

[FR Doc.73-21323 Filed 10-3-73;10:45 am]

PART 152—COST OF LIVING COUNCIL PHASE IV PAY REGULATIONS

Pay Adjustments Affecting Employees in the Health Industry

The purpose of this amendment is to add a new paragraph to § 152.92 of Subpart I of Part 152 of Title 6, Code of Federal Regulations in order to conform Subpart I to an amendment being made to Subpart O of Part 150 of Title 6, Code of Federal Regulations which adds a new § 150.503. For reasons set forth in the preamble to that amendment the Cost of Living Council has determined that the fees charged by certain self-employed registered, practical, and trained nurses are more equitably controlled under the regulations governing pay adjustments in the health industry rather than under the regulations governing prices charged by noninstitutional providers of health services. Since these nurses are not otherwise covered by the Phase IV pay regulations, a conforming amendment is necessary to include them within the coverage of Subpart I.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the administration of the Economic Stabilization Program, the Council finds that further notice and procedure thereon is impracticable and that good cause exists for making it effective in less than 30 days. Interested persons may submit communications regarding this amendment. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

In consideration of the foregoing, Subpart I of Part 152 of Chapter 1 of Title 6, Code of Federal Regulations is amended as set forth below, effective October 1, 1973.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743 (12 U.S.C. 1904, note); Pub. L. 93-280, 87 Stat. 27; E.O. 11695, 38 F.R. 1473, E.O. 11730, 38 F.R. 19345, Cost of Living Council Order No. 14, 38 F.R. 1489).

Issued in Washington, D.C. on October 1, 1973.

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

In 6 CFR Part 152, § 152.92 is amended by designating the existing material as paragraph (a) and by adding a new paragraph (b). As amended, § 152.92 reads as follows:

§ 152.92 Pay adjustments affecting employees in the health industry.

(a) *General.* Pay adjustments affecting employees in the health industry remain subject to the classification, prenotification, and reporting requirements of the Council and the rules and regulations of the Pay Board in effect on January 10, 1973. The Cost of Living Council shall succeed to and assume all applicable rights, duties, and obligations of the Pay Board contained therein. Whenever authorizations from or reports to the Pay Board are required under those rules and regulations, such authorizations shall be obtained from and reports made to the Council in the form and within the time required under regulations of the Pay Board in effect on January 10, 1973.

(b) *Special rule.* For purposes of this subpart, the term "pay adjustments affecting employees in the health industry" includes payments to self-employed registered, practical, and trained nurses who charge fees for their services based solely on fixed time units including, but not limited to, an hourly, shift, or daily basis, and who are subject to the provisions of § 150.503 of this chapter. For purposes of this paragraph, the term "fees" includes those fees established by a central registry or association for such nurses.

[FR Doc.73-21226 Filed 10-2-73;1:00 p.m.]

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 729]

PEANUTS

Proposed Proclamation With Respect to 1974 National Marketing Quota, National Acreage Allotment, Apportionment of National Acreage Allotment to States

The Secretary of Agriculture is required by section 358(a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(a)), to proclaim, between July 1 and December 1 of each calendar year, the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year. The amount of such quota is the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions.

Section 358(a) of the act further provides that the national marketing quota for peanuts shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustment as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields.

Section 358(a) of the act also requires that the national marketing quota be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

Section 358(c)(1) of the act (7 U.S.C. 1358(c)(1)) provides that the national acreage allotment for any year shall be apportioned among the States on the basis of their shares of the national acreage allotment for the most recent year in which such apportionment was made. Pursuant to this provision of the act, the national acreage allotment for the 1974 crop of peanuts will be apportioned to States on the basis of their shares of the 1973 national acreage allotment.

The subjects and issues involved in the proposed determinations are:

1. The amount of the national marketing quota.

2. The amount of the national acreage allotment.

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations covered by this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to ths notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)). All submissions must, in order to be sure of consideration, be postmarked not later than October 15, 1973.

Signed at Washington, D.C., on September 28, 1973.

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

[FR Doc.73-21138 Filed 10-3-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 235]

ADMINISTRATION OF FINANCIAL ASSISTANCE PROGRAMS

Establishing Paternity and Securing Support for Children Receiving Aid to Families With Dependent Children

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations relate to establishing paternity of children born out of wedlock and securing support for such children and tions thereto which are submitted in deserted, and are receiving AFDC.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objectios thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue, SW, Washington, D.C. 20201, before Nov. 5, 1973. Comments received will be available for public inspection in Room 5224 of the Department's offices at 330 C Street, SW, Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202-962-4451).

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302). (Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance-Maintenance Assistance (State Aid).)

Dated September 5, 1973.

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

Approved September 28, 1973.

FRANK CARLUCCI,
Acting Secretary.

Part 235 of Chapter II of Title 45 of the Code of Federal Regulations is amended by adding a new § 235.75, as set forth below:

§ 235.75 Establishing paternity and securing support for children receiving Aid to Families with Dependent Children.

(a) *State plan requirements.* A State plan under title IV-A of the Social Security Act must provide:

(1) For a program, with respect to children receiving AFDC, under which the agency will undertake:

(i) To establish the paternity of, and secure support for, a child born out of wedlock, and

(ii) To secure support for a child deserted or abandoned by his parent, from such parent or any other legally liable person, using reciprocal arrangements with other States to obtain or enforce court orders for support.

(2) For the establishment of a single organizational unit in the State agency and in large local agencies to administer the program referred to in paragraph (a)(1) of this section.

(3) For cooperative arrangements with appropriate courts and law enforcement officials:

(i) To assist the agency in carrying out the program, and with respect to any other matters of common concern;

(ii) To reimburse them for such assistance; and

(iii) To provide them with pertinent information needed in locating putative or deserting fathers, establishing paternity and securing support, including immediate referral of the case record when requested by law enforcement officials, under agreement that such information will be used only for the intended purpose.

(4) That the agency will cooperate with the State welfare agencies responsible for the AFDC program in other States, in locating the parent of an AFDC child against whom a support petition has been filed in another State, and in

attempting to secure the parent's compliance with a court order for support, when such parent is now residing in the agency's own State.

(5) That clearance procedures established with the Internal Revenue Service will be used to secure the address of parents of AFDC children whose location is unknown and who are failing to comply with existing court orders for support payments or against whom petitions for orders of support have been filed.

(6) That the State agency shall submit monthly statistical report of paternity and child support activities in the form and containing the information prescribed by the Secretary.

(b) *Federal financial participation.*

(1) Federal financial participation at the 50 percent rate is available for the following:

(i) Costs, including salaries and expenses, of State or local agency staff engaged in locating and planning with deserting or putative fathers; assessing potentials and determining appropriate actions; developing voluntary support; assisting relatives to file petitions for the establishment of paternity; reuniting families; cooperative planning with appropriate courts and law enforcement officials; collection of support payments, accounting for such funds, and determining the effect of support funds on eligibility or assistance payments.

(ii) Cost, including direct and indirect, of reimbursing courts and law enforcement officials under plans of cooperation approved by the single State agency for their assistance to the State or local agency in respect to its program to secure support and establish paternity.

(2) Federal financial participation at the 75 percent rate is available in the cost of training provided to public welfare staff by court and other law enforcement officials.

(3) Federal financial participation is not available in the ordinary administrative costs of the judiciary system.

[FR Doc.73-21139 Filed 10-3-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 249]

[Release No. 34-10392]

ANNUAL REPORT OF MEMBERS, BROKERS AND DEALERS

Notice of Proposed Amendments to Form X-17A-5

In view of the developments in the securities industry since 1967 which have affected the auditing and regulation of brokers and dealers the Commission today announced a proposal to amend Form X-17A-5 (17 CFR 249.617), the annual report of members, brokers and dealers pursuant to section 17(a) of the Securities Exchange Act of 1934 and Rule 17a-5 thereunder. The principal proposed amendments are intended to revise and improve the content of the annual report and the audit requirements by:

1. Requiring separate reporting of certain amounts given specific consideration in the computation of the reserve requirement prescribed by Rule 15c3-3 and a schedule setting forth such computation at the financial statement date.

2. Requiring separate reporting under Question 4E of balances with clearing organizations representing securities borrowed or failed to deliver and securities loaned or failed to receive.

3. Changing the reporting requirements of Question 6—Customers' Security Accounts as follows:

(a) Question 6A—Cash Accounts—from reporting accounts which are "current" within the meaning of section 4(c) of Regulation T[1] to reporting such accounts as being "governed" by section 4(c) of Regulation T.

(b) A new Question 6H for reporting fully paid securities borrowed from customers pursuant to specific written agreement.

(c) A new Question 6I to report the allowance for customers' accounts doubtful of collection by class of accounts.

4. Clarifying the Audit Requirements to indicate that (a) the scope of the review and tests of the accounting system, internal accounting control and procedures for safeguarding securities shall be sufficient to provide "reasonable assurance that any material inadequacies existing at the date of the examination would be disclosed";[2] (b) the report on the above review shall be filed concurrently with the report on Form X-17A-5; and, (c) if the review did not disclose any material inadequacies the accountant shall so report.

5. Adding Items 10 and 11 to the Audit Requirements relating to review of compliance with:

(a) Section 4(c) of Regulation T.

(b) Paragraphs (e) and (f) of § 221.2 of Regulation U.

(c) The provisions of Rule 15c3-3.

6. Requiring separate disclosure of amounts receivable from others for securities shipped "free" to such parties.

In addition, a number of minor changes have been made to clarify existing requirements.

The amendments are proposed to be adopted pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 10(b), 15(c)(3), 17(a) and 23(a) thereof.

The text of the proposed amendments to Form X-17A-5 are set forth below:

General Instruction B. 2 shall be amended to read as follows:

2. The valuations of customers' fully paid securities and excess margin securities in respondent's physical possession or control need not be included in the answers. For the purpose of this questionnaire the terms "fully paid securities," "excess margin securities" and "physical possession or control" shall have the meanings found in the applicable provisions of Rule 15c3-3.

The following question in Part I of the Questionnaire would be amended to read as follows:

Question 1—Bank Balances and Other Deposits.

State separately total of each kind of deposit (cash and/or market value of securities) with adequate description. This shall include cash on hand; cash in banks representing funds subject to immediate withdrawal; "Special Reserve Bank Account for the Exclusive Benefit of Customers"; "Special Account for the Exclusive Benefit of Customers"; cash in banks subject to withdrawal restrictions; cash and securities segregated pursuant to regulations of any agency of the Federal Government, any state, any national securities exchange or national securities association; contributions to clearing organizations incident to membership; deposits with clearing organizations in connection with commitments; guaranty and margin deposits; good faith deposits (see Note 3 to Question 14); drafts with securities attached deposited for collection.

NOTE.—In support of the amount in the "Special Reserve Bank Account for the Exclusive Benefit of Customers" submit a schedule of the computation required under Rule 15c3-3(e) in the form prescribed in Exhibit A of Rule 15c3-3. The computation shall be as of the audit date and shall be accompanied by a reconciliation of the amounts set forth in the schedule with the amounts reported elsewhere in this Questionnaire. A schedule shall be submitted even though no deposit was required to be maintained as a result of the computation unless the member, broker or dealer is exempt from Rule 15c-3-3 by any provision of paragraph (k) of that rule. If the member, broker or dealer was not required to maintain a "Special Reserve Bank Account for the Exclusive Benefit of Customers" because he was exempt from Rule 15c 3-3, a note shall so state.

Question 4—Other Open Items With Brokers and Dealers. Items A, B, and Note 1 would be amended and Items E, F, and Note 4 added as follows:

State separately totals of ledger debit balances; ledger credit balances; long security valuations; short security valuations, and classify as follows:

A. Securities borrowed (i.e., amount to be received from others upon return to them of securities borrowed by respondent):

1. For settlement of customers' transaction.

a. Short sales.

b. All other transactions.

2. For settlement of accounts reportable under 8 or 9.B.

3. For settlement accounts reportable under 9.A, 10, 11 and 12.

B. Securities failed to deliver (i.e., amount to be received from brokers and dealers upon delivery of securities sold by respondent):

1. Customers' securities.

2. Securities reportable under 8 or 9.B.

3. Securities reportable under 9.A, 10, 11 and 12.

C. Securities loaned (i.e., amount to be paid to others upon return of securities loaned by respondent):

[1] Regulation T of the Board of Governors of the Federal Reserve System, 12 CFR 220.4 (c).

[2] This change is necessary to clarify that the scope of the accountant's review required shall extend over the entire area of accounting control rather than be limited to the extent necessary to provide "a basis for reliance thereon and for the determination of the resultant extent of the tests to which auditing procedures are to be restricted". See American Institute of Certified Public Accountants—Statement on Auditing Standards 1, Codification of Auditing Standards and Procedures, particularly at 150.02.

1. Customers' securities.
2. Securities reportable under 8 or 9.B.
3. Securities reportable under 9.A, 10, 11 and 12.

D. Securities failed to receive (i.e., amount to be paid to brokers and dealers upon receipt of securities purchased by respondent):
1. For customers.
2. For accounts reportable under 8 or 9.B.
3. For accounts reportable under 9.A, 10, 11 and 12.
a. Sold at a date of report.
b. Unsold at date of report.

E. Balances with clearing organizations (representing securities borrowed or failed to deliver; and securities loaned or failed to receive):
1. For customers.
2. Securities reportable under Questions 8 and 9.B.
3. Securities reportable under Questions 9.A, 10, 11 and 12.

F. Free shipments (i.e., amount to be received from others for securities already sent to them not accompanied by documents requiring payment upon delivery):

NOTES.—1. Where it is impractical or unduly expensive to allocate all securities borrowed and loaned and all securities failed to deliver and failed to receive to each category in A, B, C and D, proper allocation shall be made to the extent feasible and all other such ledger balances and security valuations shall be reported under Items A.3, B.3, C.1, or D.1, respectively.

2. State separately or in a footnote the totals of ledger debit balances; ledger credit balances; long security valuations; short security valuations, for transactions outstanding 30 calendar days or longer included in the answers to Question 4.B. (Securities Failed to Deliver); and Question 4.D. (Securities Failed to Receive). The amounts reported for Question 4.B shall be classified in accordance with the period that the transactions have been outstanding; 30 to 39 calendar days; 40 to 49 calendar days; 50 to 59 calendar days; and 60 or more calendar days.

3. Where it is impractical or unduly expensive to allocate the ledger balance to each category in E, a net amount may be reported and the balance shall be so indicated. Security valuations shall be allocated to E.1, 2 and 3 to the extent feasible and all other such security valuations shall be reported under E.1.

The caption to Question 5 would be amended to read as follows:

Question 5—Valuation of Securities and Spot (Cash) Commodities in Box, Depositories, Transfer and Transit.

The present note would be redesignated Note 1 and the following Note 2 would be added:

NOTES.—1. Question 5 requires entries in short valuation column only.

2. State separately or in a footnote the market value of securities which have been in transfer in excess of 40 calendar days and have not been confirmed to be in transfer by the transfer agent or the issuer during the 40 days.

Question 6—Customers' Security Accounts. Items A, G and Note 1 would be amended and Items H, I and Notes 6, 7, 8 and 9 would be added as follows:

State separately totals of ledger debt balances; ledger credit balances; long security valuations; short security valuations and classify as follows:

A. Cash accounts (i.e., accounts governed by Section 4(c) of Regulation T of the Board of Governors of the Federal Reserve System) which have both unsettled money balances and positions in securities:
1. Accounts with debit balances.
2. Accounts with credit balances.

B. Secured Accounts:
1. Accounts with debit balances.
2. Accounts with credit balances.

C. Partly secured accounts (accounts liquidating to a deficit):
1. Accounts with debit balances.
2. Accounts with credit balances.

D. Unsecured accounts.

E. Accounts with credit balances having open contractual commitments.

F. Accounts with free credit balances.

G. Excess Margin Securities and Fully Paid Securities Not in Possession or Control:

1. Fully paid securities not in physical possession or control and excess margin securities for which instructions to place in physical possession or control had been issued and which are not in physical possession or control.

2. Excess margin securities for which instructions to place in physical possession or control had not been issued.

H. Fully paid securities borrowed from customers pursuant to specific written agreements.

I. Allowance for customers' accounts doubtful of collection.

NOTES.—1. All unsecured cash accounts shall be reported under D and partly secured accounts deemed doubtful of collection shall be reported under C.

* * * * *

6. State separately or in a footnote, description, quantity, price and valuation of any specific security included in the long security valuations at B.1 and C.1 and which exceeds 15 percent of the aggregate securities valuations reported at these two questions.

7. State parenthetically or in a footnote the aggregate market valuation of fully paid securities reported under G.1 for which instructions to place in physical possession or control had not been issued.

8. State separately or in a footnote the amount of securities included under G.1 on the audit date which had not been reduced to possession or control within the time periods specified in the subparagraphs of Rule 15c3-3(d) and indicate any subsequent disposition of such amounts.

9. State separately or in a footnote the allocation of the allowance for customers' accounts doubtful of collection to each of the several categories of customers' debit balances.

Question 8—Accounts of Officers and Directors.

The note would be redesignated Note 1 and the Note 2 would be added:

NOTES.—1. If an individual is both an officer and a director, classify the accounts under 8A.

2. All "excess margin" and "fully paid securities" of officers and directors shall be reported together and Notes 7 and 8 to Question 6 shall not apply to this Question.

Question 9—General Partners' Individual Accounts.

A new Note 3 would be added as follows:

NOTES.—1. Total valuations of "exempted securities" reported in answer to Question 9.A shall be stated separately.

2. The noncapital accounts of partners other than general partners shall be included either with customers' accounts in the appropriate classifications of Question 6 and 7 or, where applicable, in Question 12.

3. All "excess margin" and "fully paid securities" shall be reported together and Notes 7 and 8 to Question 6 shall not apply to this Question.

Question 10—Trading and Investment Accounts of Respondent.

A new note 4 would be added as follows:

NOTES.—1. Ledger balances may be combined with respect to all security accounts, and also with respect to all spot (cash) commodity accounts.

2. Treasury stock of respondent shall not be included hereunder.

3. In the case of a sole proprietor, see General Instructions B.9.

4. State separately or in a footnote short security valuations attributable to principal sales to customers included in the answer to Question 10.A.

Question 13—Other Accounts, etc.

This question would be amended to read as follows:

State details (ledger balances, valuations of securities and spot (cash) commodities; status of future commodity positions; and any other relevant information) of any accounts which have not been included in one of the answers to the above questions. These shall include: accounts for exchange memberships; furniture, fixtures, and other fixed assets; valuation reserves; funds provided or deposited by the respondent as margin in joint accounts; revenue stamps; dividends receivable, payable and unclaimed; floor brokerage receivable and payable, commissions receivable and payable, advances to salesmen and other employees; commodity difference account; goodwill; organization expense, prepaid expenses and deferred charges; liability reserves; mortgage payable; other liabilities and deferred credits; market value of securities borrowed (other than for delivery against customers' sales) to the extent to which no equivalent value is paid or credited; drafts payable (issued in settlement of customers' credit balances); long security count difference valuations; and other accounts not specifically mentioned herein.

NOTES.—1. Any liability reported under this question secured by collateral in any form shall be identified by reference to the related collateral.

2. State in a footnote (a) long security count difference valuations and short security count difference valuations classified in accordance with the date of the physical count and verification pursuant to Rule 17a-5 or 17a-13 in which they were discovered, and (b) the value of long security count differences sold and short security count differences bought-in to resolve differences since the last report on Form X-17A-5 classified in accordance with the date that the related differences were discovered.

3. State in a footnote the number of securities in which there were long security count differences; the number in which there were short security count differences; and the total number of securities in which there were positions as of the audit date.

4. State separately or in a footnote (a) the market value of stock dividends, stock splits and similar distributions receivable outstanding over 30 calendar days, (b) market value of short security count difference valuations over 30 calendar days old, and (c) ledger credit balances and short security valuations in all suspense accounts over 30 calendar days.

Audit Requirements. The introductory paragraph and Item 2 would be revised and Items 10 and 11 added as follows (deletions are lined through):

The audit shall be made in accordance with generally accepted auditing standards and shall include a review of the accounting system, the internal accounting control and procedures for safeguarding securities including appropriate tests thereof for the period since the prior examination date. The scope of such review and tests shall be sufficient to provide reasonable assurance that any material inadequacies existing at the date of the examination would be disclosed. The audit shall include all procedures necessary under the circumstances to substantiate the assets and liabilities and securities and commodities positions as of the date of the responses to the financial questionnaire and to permit the expression of an opinion by the independent public accountant as to the financial condition of the respondent at that date. Based upon such audit, the accountant shall concurrently comment upon any material inadequacies found to exist in: (a) the accounting system; (b) the internal accounting control; (c) procedures for safeguarding securities; and, (d) the practices and procedures whose review is specified in Items 8, 9, 10 and 11 below; and shall indicate any corrective action taken or proposed. If the audit did not disclose any material inadequacies, the accountant shall so report.

2. Account for by physical examination and comparison with the books and records: all securities, including customers' fully paid and excess margin securities; material amounts of currency and tax stamps; warehouse receipts; and other assets on hand, in vault, in box or otherwise in physical possession. Control shall be maintained over such assets during the course of the physical examination and comparison.

(10) Review and test respondent's procedures relating to:

(a) Compliance with the requirement for the prompt payment for securities pursuant to section 4(c) of Regulation T of the Board of Governors of the Federal Reserve System; and,

(b) Compliance with requirements to hypothecation of customers' and respondent's securities pursuant to section 221.2(e) and (f) of Regulation U of the Board of Governors of the Federal Reserve System.

(11) (a) Review the procedures followed in making the periodic computations and deposits required under the provisions of paragraph (e) and Exhibit A of Rule 15c3-3.

(b) Review the procedures followed in obtaining and maintaining physical possession or control of all fully paid and excess margin securities of customers as required under the provisions of Rule 15c3-3.

(c) If respondent is exempt from Rule 15c3-3, the independent public accountant shall ascertain that the conditions of the exemption were being complied with as of the examination date and that no facts came to his attention to indicate that the exemption had not been complied with during the period.

(Sections 17(a), 23(a), 48 Stat. 897,901, sec. 4, 8, 49 Stat. 1379, sec. 5, 52 Stat. 107, sec. 10, 78 Stat. 580, 15 U.S.C. 78s (a), 78w (a).)

All interested persons are invited to submit their views and comments on the foregoing proposals to amend Form X-17A-5 to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, on or before October 31, 1973. Such communications should refer to File No. S7-496. All such communications will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

SEPTEMBER 14, 1973.

[FR Doc.73-21131 Filed 10-3-73;8:45 am]

Notices

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

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

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

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Thirteenth National Bank Region will be held at 9 a.m. on October 19, 1973, at the Lone Mountain Guest Ranch, Big Sky, Montana.

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

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

Dated September 28, 1973.

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

[FR Doc.73-21116 Filed 10-3-73;8:45 am]

United States Customs Service

[T.D. 73-274]

FOREIGN CURRENCIES

Certification of Exchange Rates

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 73-190 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

India rupee:	
September 17, 1973	$0.1290
September 18, 1973	.1285
September 19, 1973	.1290
September 20, 1973	.1290
September 21, 1973	.1290
Ireland pound:	
September 17, 1973	$2.4110
September 18, 1973	2.4165
September 19, 1973	2.4180
September 20, 1973	2.4210
September 21, 1973	2.4240
New Zealand dollar:	
For the period September 17 through September 21, 1973, rate of $1.4750.	
Norway krone:	
September 19, 1973	$0.1805
United Kingdom pound:	
September 17, 1973	$2.4110
September 18, 1973	2.4165
September 19, 1973	2.4180
September 20, 1973	2.4210
September 21, 1973	2.4240

[SEAL] R. N. MARRA,
Director, Appraisement and Collections Division.

[FR Doc.73-21117 Filed 10-3-73;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 73-10]

AFRO-AMERICAN PHARMACY, INC.

Revocation of Certificate of Registration

On March 22, 1973, the Director of the Bureau of Narcotics and Dangerous Drugs issued an Order to Show Cause to Afro-American Pharmacy, Inc., 2400 West Madison Street, Chicago, Illinois, as to why its Certificate of Registration (BNDD Registration NO. AA3905239), issued on May 9, 1972, should not be revoked "* * * for the reasons that on or about April 5, 1972, Clifford T. Green, President of Afro-American Pharmacy, Inc., was convicted of a violation of the laws of the State of Louisiana, a felony violation of said laws relating to controlled substances, as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970; and on May 2, 1972, he executed an Application for Registration, under the Controlled Substances Act of 1970, as President of the applicant corporation, whereon he denied ever having '. . . been convicted of a felony under State or Federal law relating to the manufacturer, distribution, or dispensing of controlled substances,' thereby materially falsifying the Application for Registration of Afro-American Pharmacy, Inc. required to be filed by the Controlled Substances Act."

In addition, and in accordance with the provisions of section 304(d) of the Controlled Substances Act (21 U.S.C. 824(d)), and pursuant to the authority granted to the Director of the Bureau of Narcotics and Dangerous Drugs, under § 0.100, Title 28, Code of Federal Regulations, as amended, the Director coincident with the issuance of this Order to Show Cause, ordered the Immediate Suspension of the above BNDD Registration. This action was taken in view of the serious nature of the aforesaid criminal violation and the material misstatement and falsification, and therefore, the Director determined that for the respondent to retain its Certificate of Registration, during the pendency of these proceedings, would result in imminent danger to the public health and safety.

Thereafter, the respondent requested a hearing in the matter and, on June 21, 1973, that hearing was held before Charles W. Schneider, Administrative Law Judge. Following that hearing, proposed findings of fact and conclusions of law were submitted to Judge Schneider by the Office of Chief Counsel, Drug Enforcement Administration.

On July 13, 1973, Judge Schneider filed the following recommended findings of fact and conclusions of law, and his recommended decision, with the Drug Enforcement Administration:

On May 9, 1972, the Bureau issued to the Respondent Pharmacy registration certificate No. AA3905239, bearing an expiration date of June 30, 1973. The registration authorized the Respondent to dispense certain controlled substances pursuant to the provisions of section 303 of the Act. This Registration was a renewal of similar annual certificates issued to the Respondent by the Bureau for the 2 previous years, 1971 and 1972.

The Respondent's registration certificates for the years ending June 30, 1972 and June 30, 1973 were issued pursuant to separate written applications therefor executed on behalf of the Respondent by Clifford T. Green on, respectively, April 2, 1971 and May 2, 1972. According to the Respondent's 1972 Annual Report, Clifford T. Green is the Respondent's president and sole director. The only other officer of the Respondent listed in that report is Henry G. Fort, secretary-treasurer.

Each of the applications in 1971 and 1972 required answer to the following question:

"(b) Has the applicant or any officer or partner of the applicant been convicted of a felony under state or federal law relating to the manufacture, distribution or dispensing of controlled substances?"

In each instance the application bears the response "no" to that question. These representations were false. The record discloses that on March 29, 1962, Clifford T. Green was convicted in a State Court in the State of Louisiana of the unlawful sale of a narcotic drug, namely 30 Dilaudid tablets, "in violation of [Louisiana] R.S. 40:962." On April 10,

1962 Green was sentenced by the Court to serve a term of 10 years at hard labor in the Louisiana State penitentiary. I take judicial notice that the Criminal Code of Louisiana defines as a felony a crime punishable by imprisonment at hard labor (Louisiana R.S. 14:2).

Dilaudid is a trade name for a chemical substance known as dihydro morphinone hydrochloride, which is a controlled substance under schedule II (a) (1) section 202(c) of the Act (21 U.S.C. 812).[2]

On May 10, 1965, on recommendation of the Louisiana Board of Pardons, the Governor of Louisiana pardoned Clifford T. Green. Specifically, Green was granted a "full pardon with restoration of citizenship." Under Louisiana law an executive pardon does not wipe out the conviction or the determination of guilt. It merely restores civil and political rights lost as a consequence of the conviction.[3]

In connection with the Order to Show Cause of March 22, 1973, the Director of the Bureau of Narcotics and Dangerous Drugs ordered Agent Ronald R. Boerner of the Chicago Office of the Bureau to make personal service of the Order on Clifford T. Green, and also to take control of any related items then in possession of the Respondent and Green: specifically controlled substances, the certificate of registration, and order forms. Boerner made personal service of the Order to Show Cause on Green on April 6, 1973. However, Green, through and upon the advice of counsel, refused to surrender any of the material. So far as the record discloses, those items continue to be in the possession and control of the Respondent and Green. On November 13, 1972, Green was arrested on a charge of violation of the Act, specifically illegal distribution of controlled substances and criminal conspiracy. On June 7, 1973, Green and other individuals, among them Henry G. Fort, were indicted in the U.S. District Court Northern Division of Illinois, for felony offenses in violation of the Act, through the medium inter alia of Respondent. Green is presently free on bond awaiting trial.

The applicable provisions of the Act. The Act (section 302) requires that every person who manufactures, distributes or dispenses any controlled substance shall obtain annually a registration issued by the Attorney General, in accordance with rules and regulations promulgated by him.

Section 303 of the Act provides inter alia that the Attorney General shall register an applicant to distribute controlled substances if consistent with the public interest. In determining whether registration is so consistent, the section further provides that, among other matters, there shall be considered the prior conviction record of the applicant under federal or state laws relating to the manufacture, distribution or dispensing of controlled substances, and such other factors as may be relevant to and consistent with the public health and safety.[4]

The Attorney General has by order assigned to the Director of the Bureau, subject to the general supervision of the Attorney General, the exercise of the powers and performance of the functions vested in the Attorney General by the Act. (28 Code of Federal Regulations, Chapter 1, subpart R, 0.100, p. 31.)

Section 304 of the Act provides that a registration under section 303 may be suspended or revoked if the registrant has materially falsified an application or been convicted of a felony relating to a controlled substance.[5] Opportunity for hearing thereon is provided the registrant in accordance with the Federal Administrative Procedure Act, 5 U.S.C. 551 et seq.

Section 304 of the Act further provides that, in cases where he finds an imminent danger to public health or safety, the Attorney General may in his discretion suspend any registration simultaneously with the institution of proceedings for revocation of the registration, such suspension to continue in effect until final disposition of the proceedings.[6]

Section 304 of the Act further provides that upon suspension of a registration all controlled substances owned or possessed by a registrant pursuant to the registration may, in the discretion of the Attorney General, be placed under seal.

Regulations of the Bureau (21 CFR 301.45(d)) provide that upon service of any order of suspension or revocation the registrant shall immediately deliver his certificate of registration, and any order forms in his possession to the nearest office of the Bureau. In addition, the subsection requires the registrant, as instructed by the Director, to deliver all controlled substances in his possession to the nearest office of the Bureau or to authorized agents, or to place them under seal.[7]

Conclusions of fact and law. It is apparent from the foregoing facts that Clifford T. Green materially falsified the applications for registration on behalf of Respondent Pharmacy, inasmuch as he had, contrary to his declarations in the applications, been previously convicted of a felony under the laws of the State of Louisiana relating to a substance defined in the Act as a controlled substance. The executive pardon did not nullify the conviction or constitute a remission of guilt. Under the provisions of Section 304 of the Act and the applicable Regulations, the Director was consequently authorized, as he did, to suspend the registration and to require surrender to the Bureau of the certificate of registration, order forms, and the controlled substances in the possession of the Respondent. As has been seen, Green; the representative, agent, and alter ego of the Respondent, refused to surrender these materials to the Bureau. In the circumstances Green's refusal was the action of the Respondent.

It has also been seen that Green is presently under indictment, instituted apparently as a consequence of investigation by the Bureau, for substantial violations of the Act, through the medium, inter alia, of Respondent Pharmacy.

Under these circumstances it is clear and it is found that the Director appropriately suspended the registration of the Respondent and correctly demanded surrender of the controlled substances, the certificate of registration, and the order forms in possession of the Respondent. It is further clear and it is also found that under these circumstances continued registration of the Respondent is at this time inconsistent with public health and safety. Consequently, effectuation of the policies of the statute require that the registration of Respondent Pharmacy be revoked, and I so recommend.[8]

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[2] The substances controlled by that subparagraph are described in the Act as,

"Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate."

Dilaudid is a derivative of morphine, which in turn is a derivative of opium. Dilaudid has addictive characteristics similar to morphine.

[3] See Verneco, Inc. v. Fidelity Co., 219 So. 2d 508 (1969); State v. Gowland, 179 So. 41 (1938); State ex rel Collins v. Lewis, 35 So. 816 (1904).

[4] Thus, section 303 states, in part: The Attorney General shall register an applicant to distribute a controlled substance * * * unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

* * * * *

(3) prior conviction record of applicant under Federal or State laws relating to the manufacture, distribution or dispensing of such substances;

* * * * *

(5) such other factors as may be relevant to and consistent with the public health and safety.

[5] Thus section 304 states in part:

SEC. 304. (a) A registration pursuant to section 303 to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the Attorney General upon a finding that the registrant—

(1) has materially falsified any application filed pursuant to or required by this title or title III;

(2) has been convicted of a felony under this title or title III or any other law of the United States, or of any State, relating to any substance defined in this title as a controlled substance.

[6] Thus section 304(d) provides:

(d) The Attorney General may, in his discretion, suspend any registration simultaneously with the institution of proceedings under this section, in cases where he finds that there is an imminent danger to the public health or safety. Such suspension shall continue in effect until the conclusion of such proceedings, including judicial review thereof, unless sooner withdrawn by the Attorney General or dissolved by a court of competent jurisdiction.

[7] Thus Section 304(f) states in part:

(f) In the event the Attorney General suspends * * * a registration granted under Section 303, all controlled substances owned or possessed by the registrant pursuant to such registration at the time of suspension * * * may, in the discretion of the Attorney General, be placed under seal.

[8] Though the registration expired on June 30, 1973, a formal order of revocation is necessary in view of the fact and nature of the illegality involved in securing the registration, and in order to fully effectuate the policies and purposes of this Act.

I hereby certify and forward to the Administrator the entire record in the above-entitled matter.

Recommended decision. Based upon the foregoing findings of fact and conclusions, I recommend to the Drug Enforcement Administration that registration AA3905239 issued to Afro-American Pharmacy, Inc., Chicago, Illinois, remain suspended, and further, that it be revoked by the Administrator.

Therefore, in accordance with the provisions of § 316.66, Title 21, Code of Federal Regulations, and in view of the foregoing Findings of Fact, Conclusions of Law and Recommended Decision, it is the Administrator's opinion that the Respondent has materially falsified its Application for Registration, under the Controlled Substances Act, as a retail pharmacy, executed on May 2, 1972, and its President has been convicted of a felony, under the laws of the State of Louisiana, relating to controlled substances, as defined by the Controlled Substances Act.

Therefore, under the authority vested in the Attorney General by section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824), and redelegated to the Administrator of the Drug Enforcement Administration, by section 0.100, as amended, Title 28, Code of Federal Regulations, the Administrator hereby orders that the Certificate of Registration of Afro-American Pharmacy, Inc., (BNDD Registration No. AA3905239), be, and hereby is revoked, effective October 4, 1973.

Dated October 1, 1973.

JOHN R. BARTELS, Jr.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73-21244 Filed 10-3-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Proposed Withdrawal and Reservation of Lands

SEPTEMBER 24, 1973.

The Forest Service, Department of Agriculture, has filed an application, serial number AA-8402, for withdrawal of lands described herein from location and entry under the public mining laws. The withdrawal would designate the lands as a water influence zone and recreation area. The Forest Service desires that the tract be preserved in a near natural condition because any disturbance of this significantly scenic area would adversely affect its value for public purposes. The area contains no recreation developments, but it is a popular and important widely dispersed recreation area. It is heavily used for fishing, sightseeing and observing a variety of wildlife. Future use of this area is expected to increase in proportion to increased population and tourism. An appropriation of the land under the mining laws would not be compatible with this use.

On or before November 5, 1973, all persons who wish to submit comments or suggestions in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

Departmental regulation 43 CFR 2351.4(c) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the views of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

The determiation 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.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in this application is described as follows:

MONTANA CREEK

WATER INFLUENCE ZONE AND RECREATION AREA

North Tongass National Forest
Copper River Meridian, Alaska

Beginning at a point S. 66°10′ W., 37.5 chains from corner No. 2 of USS 3820, this point being the true point of beginning, thence N. 66°10′ E., 37.5 chains to corner No. 2; thence N. 10°28′ E., 28.5 chains to corner No. 3; thence N. 3°52′ W., 58.9 chains to corner No. 4; thence S. 85°58′ W., 41.5 chains to corner No. 5; thence N. 3°43′ W., 19.8 chains to corner No. 6; thence S. 86°06′ W., 19.8 chains to corner No. 7; thence N. 3°44′ W., 59.3 chains to corner No. 8; thence S. 84°56′ W., 20.3 chains to corner No. 9; thence N. 3°57′ W., 60.1 chains to corner No. 10; thence S. 86°05′ W., 39.3 chains to corner No. 11; thence N. 4°12′ W., 19.7 chains to corner No. 12; thence S. 85°33′ W., 31.0 chains to corner No. 13; thence S. 4°08′ E., 30.0 chains to corner No. 14; thence N. 85°10′ E., 20.3 chains to corner No. 15; thence S. 4°08′ E., 29.8 chains to corner No. 16; thence N. 86°29′ E., 10.2 chains to corner No. 17; thence S. 3°32′ E., 40.0 chains to corner No. 18; thence N. 85°27′ E., 29.5 chains to corner No. 19; thence S. 3°32′ E., 39.4 chains to corner No. 20; thence N. 86°55′ E., 10.1 chains to corner No. 21; thence S. 3°39′ E., 39.6 chains to corner No. 22; thence N. 85°43′ E., 40.2 chains to corner No. 23; thence S. 3°25′ E., 79.5 chains to corner No. 1, the point of beginning.

Containing approximately 1,100 acres in the North Tongass National Forest, Alaska, 12 miles northwest of Juneau, Alaska.

CURTIS V. MCVEE,
State Director.

[FR Doc.73-21125 Filed 10-3-73;8:45 am]

BAKER DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Baker District Advisory Board will hold meetings on December 11, 1973, and January 15, 1974, at 9 a.m., at the Conference Room, Room 235, Federal Building, Baker, Oregon. The agenda for the initial meeting will include considering applications and making recommendations for grazing privileges on national resource lands for the 1974 grazing year, and discussion of proposed rulemaking. The agenda for the second meeting will include hearing protests on proposed allocation of grazing privileges, reports of district programs and proposed plans for following fiscal year, wildlife reports.

The meetings will be open to the public as space is available. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration. The Advisory Board Chairman is Harlan Wendt, Bridgeport, Oregon 97819. Written statements should be submitted to Mr. Wendt, c/o District Manager, Bureau of Land Management, P.O. Box 589, Baker, Oregon 97814.

ALBERT ROMEO,
District Manager.

SEPTEMBER 27, 1973.

[FR Doc.73-21084 Filed 10-3-73;8:45 am]

BUREAU OF MINES

Advisory Committee on Coal Mine Safety Research; Notice of Meeting

Notice is hereby given that the Advisory Committee on Coal Mine Safety Research will meet October 10 and 11, 1973, commencing at 9 a.m. in Room 260, Building A, Bureau of Mines complex, 4800 Forbes Street, Pittsburgh, Pennsylvania. The purpose of the Committee is to consult with and to make recommendations to the Secretary on matters involving or relating to coal mine safety research. The meeting will be open to the public on October 10, 1973. On October 11, 1973, the committee will meet in Executive Session at which there will be considered proposed research contracts which contain commercial or financial information which is privileged or confidential matter under 5 U.S.C. 552(b)(4). This session will not be open to the public. Persons desiring further information concerning this meeting may contact

Dr. Earl T. Hayes, Department of the Interior, Bureau of Mines, Room 3610, Telephone (202) 343-5643.

The agenda of the two-day meeting is set forth below.

Dated September 28, 1973.

STEPHEN A. WAKEFIELD,
Assistant Secretary, Energy and Minerals.

AGENDA

Advisory Committee on Coal Mine Safety Research, Eleventh Meeting, Room 260, Bldg. A, Bureau of Mines, 4800 Forbest Street, Pittsburgh, Pa., October 10 and 11, 1973.

Oct. 10—Presentations by various coal operators on safety research needs.

9:00 a.m.	Presentation by Consolidation Coal Co.
10:30 a.m.	Presentation by Bethlehem Steel Corp.
12:00 noon	Lunch.
1:00 p.m.	Presentation by Eastern Associated Coal Corp.
2:30 p.m.	Presentation by United States Steel.
4:00 p.m.	Adjourn.

Oct. 11—9:00 a.m.—Executive session. Review of coal operators research needs and formulation of Advisory Committee recommendations. Closed to the public.

12:00 noon	Lunch.
1:30 p.m.	Continuation of Executive Session.

[FR Doc.73-21085 Filed 10-3-73;8:45 am]

Office of the Secretary

[INT DES 73-59]

CROW CEDED AREA COAL LEASE, WESTMORELAND RESOURCES MINING PROPOSAL, MONT.

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 for the issuance of leases for strip mining of coal from approximately 1,100 acres of land. The coal rights belong to the Crow Indians. Written comments are invited before November 19, 1973.

Copies are available for inspection at the following locations:

Division of Environmental Quality, Bureau of Indian Affairs, Room 3429, Interior Building, Washington, D.C. 20240, telephone (202) 343-2139.

Office of the Billings Area Director, Bureau of Indian Affairs, 316 North 26th Street, Billings, Montana 59101, telephone (406) 245-6315.

Single copies of the draft statement may be obtained by writing to the Commissioner of Indian Affairs or the Billings Area Director.

Dated October 1, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-21142 Filed 10-3-73;8:45 am]

Office of the Secretary

[INT FES 73-54]

CUMBERLAND GAP NATIONAL HISTORICAL PARK, KY., TENN., VA.

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for Proposed Wilderness Classification for Cumberland Gap National Historical Park, Kentucky, Tennessee, and Virginia.

The final environmental statement considers the designation of 6,375 acres in Cumberland Gap National Historical Park as wilderness. Additionally, 3,810 acres are recommended as potential wilderness.

Copies are available from or for inspection at the following locations:

Southeast Regional Office, National Park Service, 3401 Whipple Avenue, Atlanta, Georgia 30344.

Cumberland Gap National Historical Park, P.O. Box 840, Middlesboro, Kentucky 40965.

Dated October 1, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-21141 Filed 10-3-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

PACIFIC NORTHWEST FORESTRY RESEARCH ADVISORY COMMITTEE

Notice of Meeting

The Pacific Northwest Forestry Research Advisory Committee will meet 8-5:30 p.m., October 25 and 8-3:30 p.m., October 26, at the Forestry Sciences Laboratory near Olympia, Washington.

The purpose of this meeting is to review the forest research program in intensive timber culture of the Pacific Northwest Forest and Range Experiment Station, U.S. Forest Service.

The meeting will be open to the public. Persons who wish to attend should notify Dr. Robert E. Buckman, Pacific Northwest Forest and Range Experiment Station, U.S. Forest Service, P.O. Box 3141, Portland, Oregon 97208; telephone No. 503-234-3361, Ext. 4909. Written statements may be filed with the committee after the meeting.

ROBERT E. BUCKMAN,
Director.

[FR Doc.73-21080 Filed 10-3-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

CONSTRUCTION OF TANKERS OF ABOUT 400,000 DWT

Computation of Foreign Cost; Notice of Intent

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost of the construction of tankers of about 400,000 dwt.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on November 1, 1973, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and "E" Streets NW., Washington, D.C. 20230.

Dated October 1, 1973.

By order of the Maritime Subsidy Board Maritime Administration.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.73-21161 Filed 10-3-73;8:45 am]

TANKER CONSTRUCTION PROGRAM

Recommended Revisions to Standard Specification for Merchant Ship Construction

Notice is hereby given that the Maritime Subsidy Board pursuant to Final Opinion and Order of the Maritime Subsidy Board, Docket No. A-75, Served August 30, 1973 considers it necessary to amend certain provisions of section 70 of the Standard Specifications for Merchant Ship Construction, which specifies sensitivity requirements for oily water content meters and oily water separators in terms of parts per million (ppm) of oil. The current level of sensitivity, established when the Specifications were originally issued, is 10 ppm. However, the Board has determined that no meters or separators are commercially available for vessels that can measure or separate reliably down to a level of 10 ppm. As a consequence, the Board had requested that the Staff recommend a standard which at present is technically feasible and appropriate and to present its views concerning the necessity for supplementing the environmental impact statement concerning the Tanker Construction Program.

The Staff has recommended to the Board that a standard of 50 ppm be established for oil content meters. Such a standard reflects the best technology currently available and will provide significant control of the operational pollution from tankers to protect the marine environment. It is well below the comparable standard for 100 ppm contained in the recommended IMCO performance requirements concerning such devices.

Full flow oily water separators have not been developed to date. Should these separators become available, a standard of 50 ppm is considered by the Staff to be technically feasible and should be applicable to separators as well as to content meters.

Accordingly, it is recommended that Section 70 of the Maritime Administration Standard Specification for Merchant Ship Construction be revised to read as follows:

SECTION 70—*POLLUTION ABATEMENT SYSTEMS AND EQUIPMENT*

* * * * *

4. Bilge and ballast systems.

* * * * *

(c) *Tank Vessels* * * *

(3) Alternatively, an effective oil/water separator system of full flow capacity equivalent to at least one main cargo oil pump shall be installed with automatic shut-down of effluent when the oil content exceeds 50 ppm.

(d) *Oily water separators.* Approved separators installed in the bilge and ballast system shall be capable of producing an effluent containing not more than 50 ppm.

(e) *Oil content meters.* An oil content meter shall be installed in each bilge and oily ballast overboard discharge line. The oil content meter shall be fitted with an alarm device set to operate at a preset value to shut-down the pump or an appropriate valve in the discharge line automatically when the oil content in the overboard discharge exceeds 50 ppm.

The Staff is of the opinion that the recommended revisions of the Standard Specifications do not require a supplement to the environmental impact statement concerning the Tanker Construction Program. The effectiveness of metering devices is noted in the statement and the establishment of a practically obtainable standard will not significantly affect control of operational pollution from tankers.

Any person having an interest in this matter may file comments by close of business November 5, 1973 with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099-B, Department of Commerce Building, 14th and E Streets NW, Washington, D.C. 20230.

Dated October 1, 1973.

By the order of the Maritime Subsidy Board Maritime Administration.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.73-21163 Filed 10-3-73;8:45 am]

[Docket No. S-394]

WATERMAN MARINE CORP.

Notice of Application

Notice is hereby given that Waterman Marine Corporation has filed an application for operating-differential subsidy on four (4) ore/bulk/oil carriers (to be constructed) of approximately 80,000 deadweight tons each. Waterman Marine Corporation is the parent of Waterman Steamship Corporation, holder of operating-differential subsidy contracts for liner operations. Said vessels are proposed for operation worldwide in the foreign commerce of the United States except for intermediate voyages between foreign ports as part of a round voyage between United States ports, in the carriage of liquid 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.

Interested parties may inspect this application in the office of the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce Building, Fourteenth and E Streets NW., Washington, D.C. 20230.

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of United States 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 October 24, 1973 notify the Secretary, Maritime Subsidy Board, 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.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant 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 in such service.

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.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

Dated October 1, 1973.

By order of the Maritime Subsidy Board.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.73-21162 Filed 10-3-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

STATUS OF REVIEW OF GRAS AND PRIOR SANCTIONED DIRECT HUMAN FOOD INGREDIENTS

Notice of Availability of Information

Correction

In FR Doc. 73-15206 appearing at page 20054 in the issue of Thursday, July 26, 1973, and corrected at page 24233 in the issue for Thursday, September 6, 1973, the quotation that reads "(36 FR 12084)" should read "(36 FR 12094)".

ATOMIC ENERGY COMMISSION

ENVIRONMENTAL AND SITING REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued a guide in its Regulatory Guide series. The Regulatory Guide series has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.

The new guide is in Division 4, "Environmental and Siting." Regulatory Guide 4.3, "Measurements of Radionuclides in the Environment—Analysis of I-131 in Milk" provides a procedure for analyzing I-131 in milk with improved sensitivity over conventional methods. The calculated potential dose to the thyroid of infants that would result from I-131 levels detectable by this method represents only a small fraction of established radiation protection standards.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated.

Other Division 4 Regulatory Guides currently being developed include the following:

Measurements of Radionuclides in the Environment—Sampling and Analysis of Plutonium in Soil

Measurements of Radionuclides in the Environment—Analysis of Sr-89 and Sr-90

Measurements of Radionuclides in the Environment—Analysis of I-129 in Milk

Dated at Bethesda, Maryland this 27th day of September 1973.

For the U.S. Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-21078 Filed 10-3-73;8:45 am]

[Docket No. 50-424, et al.]

GEORGIA POWER CO.

Notice and Order for Special Prehearing Conference

In the matter of Georgia Power Company (Alvin W. Vogtle Nuclear Plant (Units 1, 2, 3 and 4)).

Take notice, that pursuant to the Atomic Energy Commission's "Notice of Hearing on Application For Construction Permits," dated April 26, 1973, and in accordance with section 2.751a of said Commission's restructured rules of practice, a special prehearing conference will be held in the subject proceeding on October 16, 1973, at 9:30 a.m., local time, in the City County Municipal Building, Court Room 320, 530 Green Street, Augusta, Georgia 31902.

This Special Prehearing Conference is preliminary to a hearing that will be held, at a time and place to be set in the future by the Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Georgia Power Company (the applicant), for construction permits for four pressurized water nuclear reactors designated as the Alvin W. Vogtle Nuclear Plant Units 1, 2, 3 and 4 (the facilities), each of which is designed for initial operation at approximately 3411 thermal megawatts, with a net electrical output of approximately 1100 megawatts. The proposed facilities are to be located at Burke County, Georgia. The hearing will be scheduled to begin in the vicinity of the site of the proposed facilities.

The special prehearing conference will deal with the following matters:

1. Any Motions addressed to the Atomic Safety and Licensing Board,
2. Identification of the key issues in the proceeding,
3. Discussion of any steps necessary for further identification of issues,
4. Consideration of intervention petitions to allow the Board to make such preliminary or final determination of the status of the parties as may be appropriate,
5. Establishment of the need for discovery and the time required for such discovery, if any,
6. Establishment of schedules for further action in the proceeding, and
7. Such other matters as may aid in the orderly disposition of the hearing.

The attorneys for the respective parties are hereby directed to confer in advance of the special prehearing conference (either in person or by telephone) and report to the Board at the time of said conference on the prospects for:

1. Settlement,
2. An agreed schedule for discovery,
3. Any stipulations which would limit the matters in controversy or the number of witnesses and exhibits to be offered at the evidentiary hearing.

At the special prehearing conference, the Board will hear oral argument on the outstanding petitions to intervene. The petitioners as well as the parties, will be given an opportunity to be heard in this regard.

This Board will be concerned with the health and radiological safety issues and environmental issues set forth in the September 21, 1972 Notice of Hearing, 37 FR 20344, September 29, 1972.

All members of the public are entitled to attend the special prehearing conference, as well as any subsequent prehearing conference and the evidentiary hearing itself.

It is so ordered.

Issued at Washington, D.C., this 28th day of September 1973.

ATOMIC SAFETY AND LICENSING BOARD,
THOMAS W. REILLY,
Chairman.

[FR Doc.73-21077 Filed 10-3-73;8:45 am]

[Docket Nos. 50-344, 50-344-OL]

PORTLAND GENERAL ELECTRIC CO. ET AL.

Order Convening Hearings

In the matter of Portland General Electric Company, the City of Eugene, Oregon and Pacific Power & Light Company (Trojan Nuclear Plant).

On December 29, 1972, the U.S. Atomic Energy Commission published in the FEDERAL REGISTER (37 FR 28770) a Notice of Hearing Pursuant to 10 CFR Part 50, Appendix D, Section B, to consider environmental issues relating to Construction Permit No. CPPR-79, issued on February 8, 1971, to Portland General Electric Company; The City of Eugene, Oregon; and Pacific Power & Light Company (the licensees), which had authorized the construction of the Trojan Nuclear Plant at the licensees' site on the west shore of the Columbia River in Columbia County, Oregon.

Subsequently, on February 23, 1973, the Commission published a combined "Notice of Receipt of Application for Facility Operating License; Notice of Consideration of Issuance of Facility [Operating] License and Notice of Opportunity for Hearing" (38 FR 5004) in this proceeding which resulted in the decision by the Atomic Safety and Licensing Board (Board) to hold a hearing to consider the issuance of an operating license in view of the Board's granting of a petition to intervene filed by a member of the public.

Accordingly, the Board issued a "Notice of Hearing on a Facility Operating License" dated May 21, 1973, which was published in the FEDERAL REGISTER on May 25, 1973 (38 FR 13771).

Both matters having come before the Board at the Prehearing Conferences held on July 19 and September 10, 1973, and all parties having been present and participating, dates convenient for the convening of the Evidentiary Hearings in this proceeding have been agreed upon.

Wherefore, *it is ordered,* In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that Evidentiary Hearings in this proceeding shall convene as follows.

I. Evidentiary Hearings shall convene on October 30, 1973, at 10 a.m., local time, in Courtroom 204, United States Court of Appeals, The Pioneer Courthouse, Portland, Oregon 97204.

II. Successive Evidentiary Hearings will be held encompassing both proceedings. The contested proceeding on the application for a facility operating license will precede the mandatory proceeding on environmental issues relating to the construction permit. In the event that the hearings have not been completed by Friday afternoon, November 2nd, the hearings will reconvene during the week of November 5-9 and beyond should that prove necessary.

III. All persons who have requested the opportunity to make a limited appearance will be afforded an opportunity to state their views or to file a written statement on the first day of the hearings or at such other times as the Licensing Board may for good cause designate.

Issued at Washington, D.C., this 28th day of September 1973.

ATOMIC SAFETY AND LICENSING BOARD,
ROBERT M. LAZO,
Chairman.

[FR Doc.73-21076 Filed 10-3-73;8:45 am]

GENERAL ADVISORY COMMITTEE

Notice of Meeting

OCTOBER 1, 1973.

In accordance with the purposes of section 26 of the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2036), the General Advisory Committee will hold a meeting on October 16-18, 1973 at the AEC Headquarters in Germantown, Maryland, and in Room 1115, 1717 H Street, NW., Washington, D.C.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

Tuesday, October 16, Room A-410 at AEC Headquarters, Germantown, Maryland.
1:30-3:00 p.m.—Briefing on program of Controlled Thermonuclear Research Division.
3:00-4:30 p.m.—Briefing on activities of Office of Planning and Analysis.

In addition to the above agenda items, the Committee will meet with members of AEC Headquarters offices and hold executive sessions not open to the public under the authority of section 10(d) of Public Law 92-463 (Federal Advisory Committee Act) to exchange opinions and formulate recommendations on the above topics and other matters. I have determined that it is necessary to close portions of the meeting to discuss certain information that is privileged and falls within exemption (4) of 5 U.S.C. 552(b); and to exchange opinions and formulate recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect the free interchange of internal views and avoid undue interference with Commission and Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the above agenda items, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 12 copies thereof, postmarked no later than October 10, 1973, to the Secretary, General Advisory Committee, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the above agenda items.

(b) Questions may be propounded only by members of the Committee.

(c) Seating for the public will be available on a first-come, first-served basis. Persons wishing to attend the open portion of the meeting should check in at the North Lobby reception desk, AEC Headquarters, Germantown, Maryland.

(d) Copies of minutes of public sessions will be made available for copying, in accordance with the Federal Advisory Committee Act, on or after November 16, 1973 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., upon payment of all charges required by law.

ROBERT A. KOHLER,
Acting Advisory Committee Management Officer.

[FR Doc.73-21227 Filed 10-2-73;1:00 pm]

LIQUID METAL FAST BREEDER REACTOR PROGRAM

Preparation of Environmental Impact Statement

Notice is hereby given that in accordance with the National Environmental Policy Act the U.S. Atomic Energy Commission has commenced the preparation of an environmental impact statement on the Liquid Metal Fast Breeder Reactor (LMFBR) program.

Copies of documents to be utilized in the preparation of this statement will be available for Inspection at the AEC Public Document Room, 1717 H Street, NW., Washington, D.C.

All interested persons desiring to submit suggestions for consideration in connection with the preparation of the draft environmental impact statement should send them in duplicate to Dr. James L. Liverman, Assistant General Manager for Biomedical and Environmental Research and Safety Programs, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before November 22, 1973.

Dated at Germantown, Maryland this 28th day of September 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-21126 Filed 10-3-73;8:45 am]

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Availability of Initial Decision of Atomic Safety and Licensing Board and Notice of Issuance of Amendment to Construction Permit

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulation in Appendix D, Sections A.9 and A.11, to 10 CFR Part 50, notice is hereby given that an Initial Decision, dated September 13, 1973, was issued by the Atomic Safety and Licensing Board in the above captioned proceeding which authorized issuance of an amendment to Construction Permit No. CPPR-80 to The Toledo Edison Company and The Cleveland Electric Illuminating Company (Applicants). The construction permit is for the Davis-Besse Nuclear Power Station, a pressurized water reactor facility which is designed for initial operation at approximately 2633 megawatts (thermal), which is located in Ottawa County, Ohio. The Initial Decision is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Ida Rupp Public Library, Port Clinton, Ohio 43452. The Initial Decision is also being made available at the Office of the Governor, State Clearinghouse, 62 East Broad Street, 2d Floor, Columbus, Ohio 43215.

Based upon the record developed in the above captioned matter, the Initial Decision modified in certain respect the contents of the Final Environmental Statement relating to the construction of the Davis-Besse Nuclear Power Station prepared by the Commission's Directorate of Licensing. A copy of this Final Environmental Statement is also available for public inspection at the above designated locations.

Pursuant to the provisions of 10 CFR Part 50, Appendix D, Section A.11, notice is hereby given that the Final Environmental Statement is deemed modified to the extent that the findings and conclusions relating to Environmental matters contained in the Initial Decision are different from those contained in the Final Environmental Statement. As required by Section A.11 of Appendix D, a copy of the Initial Decision, which modifies the Final Environmental Statement, has been transmitted to the Council on Environmental Quality and is being made available to the public as noted herein.

In accordance with the Commission's regulations in 10 CFR Part 2, notice is hereby given that pursuant to the Initial Decision, Amendment No. 2 to the construction permit has been issued by the Commission's Directorate of Licensing. The amendment adds conditions to the permit for the protection of the environment which include: (1) establishment of an environmental monitoring program; (2) a requirement that, if harmful effects or evidence of irreversible damage are detected, a plan of action be provided by the Applicants to the Commission's staff to eliminate or significantly reduce those effects; (3) a requirement that the Applicants shall, during the time of operating license review, submit proposed environmental Technical Specifications which assure that the environmental impact of operation are not significantly different from those described in the Final Environmental Statement; (4) a requirement that the design of the facility will be such that, by careful operation, the total residual chlorine concentration in the effluent will be 0.1 ppm or less, not to exceed two (2) hours/day.

The Commission has found that the provisions of the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Single copies of the Initial Decision, Amendment No. 2 to CPPR-80, and of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland this 28th day of September 1973.

For the Atomic Energy Commission.

ROBERT L. FERGUSON,
Acting Chief, Pressurized Water Reactors Branch No. 4, Directorate of Licensing.

[FR Doc.73-21127 Filed 10-3-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25772]

AERLINTE EIREANN TEORANTA

Reassignment of Proceeding on Foreign Air Carrier Permit Service to Boston as Intermediate Point

This proceeding, heretofore assigned for prehearing conference and hearing before Administrative Law Judge Ross I. Newmann, (38 FR 23988, September 5, 1973), is hereby reassigned to Administrative Law Judge Louis W. Sornson. Future communications should be adressed to Judge Sornson.

Dated at Washington, D.C., September 28, 1973.

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

[FR Doc.73-21146 Filed 10-3-73;8:45 am]

[Docket No. 25855]

AMERICAN AIRLINES, INC.

Prehearing Conference on Forty Passenger Non-Affinity Group Fare Between Boston and Chicago

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 30,

1973, at 2:00 p.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before October 23, 1973, and the other parties on or before October 29, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., September 28, 1973.

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

[FR Doc.73-21148 Filed 10-3-73;8:45 am]

[Docket No. 25397]

AMERICAN AIRLINES, INC. AND FRONTIER AIRLINES, INC.

Notice of Hearing on Route Exchange Agreement

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on October 30, 1973, at 10:00 a.m. (local time) in Room 1031 North Universal Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Thomas P. Sheehan.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report, served August 3, 1973, the supplemental prehearing conference report, served August 22, 1973, and other documents in this docket on file in the Docket section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 28, 1973.

[SEAL] THOMAS P. SHEEHAN,
Administrative Law Judge.

[FR Doc.73-21147 Filed 10-3-73;8:45 am]

[Docket No. 25936; Order 73-9-108]

PROPOSED DOMESTIC PASSENGER FARE INCREASES

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of September 1973.

By tariff revision posted July 26, 1973, and marked to become effective September 15, 1973, Trans World Airlines, Inc. (TWA) proposed to increase the level of its domestic passenger fares within the 48 contiguous states by seven percent. Subsequently, tariff revisions containing general passenger fare increases of five to eight percent, were filed by American Airlines, Inc. (American), Braniff Airways, Inc. (Braniff), Continental Air Lines, Inc. (Continental), Delta Air Lines, Inc. (Delta), Eastern Air Lines, Inc. (Eastern), National Airlines, Inc. (National), Northwest Airlines, Inc. (Northwest), United Air Lines, Inc. (United), Western Air Lines, Inc. (Western), and Hughes Air Corp. d.b.a. Airwest (Airwest). All tariff revisions were made to Airline Tariff Publishers, Inc., Agent, Tariff, C.A.B. No. 136.[1]

The tariffs are before the Board for consideration by virtue of Order 73-9-56, September 13, 1973 removing the prescriptive provisions of Order 72-8-50, our Phase 7 decision which had established domestic passenger fares. The result is the first occasion to pass upon overall industry-wide fare-increase proposals since the Board's decision in the various phases of the Domestic Passenger-Fare Investigation (DPFI). The ratemaking principles set forth in those opinions must be applied in this review.

The thrust of the carriers' respective justifications is that the traffic growth rate this year has fallen well below that anticipated, that costs have risen at a rapid rate and are continuing to do so, and that their rate of return on investment falls far short of the Board's standard. Accordingly, the carriers argue that a fare increase is essential to prevent a deterioration in their financial condition. A more detailed summary of the justifications, along with a summary of the various complaints and answers thereto, is set forth in Appendix B.[2]

Upon consideration of the tariff filings, the justifications, complaints, answers, and all relevant matters the Board concludes that each of the proposals here under consideration may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. We further conclude that the fares should be suspended pending investigation.

Our conclusion is based on the carriers' failure to establish that the requested increases are warranted when their tariff justifications are measured against the DPFI ratemaking standards. When we vacated Order 72-8-50, our action was limited to the issue of maximum fare level and did not encompass the ratemaking standards and policies established in Phase 7 and other phases of the DPFI. Nevertheless, as will be discussed in greater detail, the carriers' justifications are in many respects inconsistent with those standards. Nor have they established a persuasive basis for failing to apply those standards in support of the fare proposals here before us.

Our review of the various fare-increase proposals focuses on three key areas—the appropriate load factor standard to be employed, the methodology to be used in making the discount fare adjustment as required by Phase 5, and cost increases. Each of these areas is discussed separately below.

Load-Factor Standard. The Board established the 55 percent long-term load-factor standard against which general revenue increase proposals such as are now before us must be measured in Phase 6B. No carrier made the necessary adjustments to meet the 55 percent load factor standard in its tariff justification.

In the DPFI we adopted an interim load-factor standard because traffic growth was virtually nil (actual load factors had dropped well below 50 percent), and in light of "the lack of guidance" which would have been available had the Board been in a position to establish load-factor standards earlier.[3] However, we have twice indicated our intention to adopt the 55 percent load-factor standard before now, and the carriers have provided no persuasive argument for continued application of the interim standard. While traffic growth has not been spectacular, it has achieved a respectable level since the Board's April 1971 decision. Moreover, the carriers have had more than two and one-half years' notice of the Board's intention regarding application of a standard load factor, and there no longer is valid reason to further postpone its implementation.

Much ado is made in the various justifications that the Board's revenue passenger-mile forecast in Phase 7 was too high. The fact remains, however, that the carriers forecasts were even higher. Yet they have been able, unilaterally or through capacity agreements, to restrain capacity in the face of disappointing demand. In the final order on fare level the Board noted that the carriers, when faced with the reality that profitable operations will be dependent upon responsible capacity control, have shown a far greater ability than their representations to the Board would indicate.

For the year 1971, the carriers operated 183 billion available seat miles as contrasted with the 204.1 billion they had earlier forecast. Trends in load factor indicate the industry is capable of maintaining and improving its load factor, and that it has so demonstrated. In our opinion, permitting these proposed increases to go into effect on the basis of

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[1] A summary of the proposed tariff revisions, and effective dates is contained in Appendix A hereto, filed as part of original document.

[2] Appendix B filed as part of original document. The American Society of Travel Agents, Inc. (ASTA) has filed a motion for leave to intervene for the limited purpose of responding to various allegations put forth by the National Passenger Traffic Association, Inc. (NPTA) concerning the commercial practices of travel agents. Also, NPTA has filed a motion to strike designated portions of TWA's answer to the complaint which it feels are unfounded and improper characterizations of its association. Neither motion is a proper document at this stage, and accordingly, the motions will be denied.

[3] The Board's decisions implementing Phase 6B of the DPFI are set forth in Order 71-4-60, decided April 9, 1971, and Order 72-8-50, decided August 10, 1972.

other than the long-term standard would be contrary to the Board's continuing efforts toward a rational balance between capacity and traffic.

In light of the foregoing, the Board finds that proposed fare increases must be tested against the long-term 55 percent load-factor standard, and in this connection we reiterate here our earlier comments on the subject:

> At this juncture, we again wish to emphasize that we will not permit present and future fare levels to be burdened by the operation of capacity which is inconsistent with the level permitted under our load-factor standards. In this connection, we reiterate our intention, as set forth in the tentative decision, to implement the long-term load-factor standard for fare-level purposes one year hence. The Board views with great concern published reports of carrier plans to make significant additions to capacity in 1972, particularly in the face of load factors which are still below our interim standards and which are unlikely to rise to the long-term standard of 55 percent by the end of this year. The achievement by the industry of the return on investment deemed reasonable by the Board is dependent upon the realization of the standard load factor; failure to earn the allowable return due to improvident increases in capacity will be borne by carrier management and shareholders, and not by the traveling public. (Order 72-8-50.)

Discount fares. In the decision in Phase 5 of the DPFI, the Board concluded that fare levels would henceforth be calculated on a hypothetical full normal-fare base, i.e., as if the discount fares were not a part of the fare structure. Only four carriers purported to make the necessary adjustments in their tariff justifications. We must also conclude those attempts that were made were deficient.

Our examination of industry revenue need reflects adjustment regarding discount-fare traffic to eliminate those specifically dealt with in Phase 5.[4] We have used the findings of Phase 5 in making these adjustments. We first eliminated all generated traffic and revenues and made the load factor adjustment. The revenues related to the remaining traffic (diverted traffic) were adjusted to reflect the full-fare level.

For the reasons that the Board ordered a phased cancellation of the discount fares found unlawful and adopted a phased approach to the 55 percent load-factor standard, we conclude that this same conservative approach is appropriate for present purposes with respect to full implementation of the Phase 5 decision.[5]

However, the Board has concluded that a rule-making proceeding should be instituted to consider an appropriate mechanism for effectuating the Phase 5 decisions with regard to all other discount fares. To this end, the Board has instructed its staff to prepare a notice of proposed rule making that would establish reporting requirements for promotional fare proposals and for reports to be filed at the conclusion of the temporary period for which any such fares are authorized. The rule-making notice will also propose in greater particularity just how the Phase 5 principles may be effectuated in the future, including the manner in which the Board may apply the adjustment of revenues and economic costs related to the load-factor standard for those discount fares which continue in effect or are permitted in the future.

Costs. The final key ingredient in the carriers' failure to justify their fare increases is their demonstration of cost increases. The DPFI opinions indicate that overall industry revenues will be considered and fares established on an industry-wide basis. Only a few carriers have purported to show cost increases on an industry basis. Equally important, most submissions are deficient in that they reflect cost increases without regard to productivity. Typically, the carriers' cost presentations have merely adjusted operating expenses to account for actual cost increases on a this year-last year basis. Increases in raw costs alone, however, are not a valid basis for fare increases. A cost inflation factor net of productivity must be derived and the carriers' failure to do this, with appropriate supporting data, is a serious weakness in their justifications. The use of revenue ton-mile or available ton-mile costs, properly adjusted to reflect variances in unit growth rates and load factor, should provide an indication of true net cost change.

Our review of the carriers' tariff justification submissions reveals various departures from the DPFI ratemaking standards as outlined above.[6] First, no carrier used a 55 percent load-factor standard, and all others used either a 52.5 percent standard or made no adjustment to any standard. Second, only four carriers— American, Delta, Eastern, and United—made a discount-fare adjustment, and as best we can determine from their submissions, none of the adjustments made measure up to the provisions of the policy set forth in the Phase 5 decision. Third, no carrier presented a cost projection which properly recognized productivity.

In summary, in the absence of application of the long-term load-factor standard of 55 percent, appropriate discount-fare adjustments, and a proper measurement of costs/productivity, we are unable to conclude that fare increases in the five to eight percent range now before the Board are warranted.[7]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix E[8] attached hereto, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix E hereto are suspended and their use deferred to and including December 29, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints in Dockets 25777, 25819, 25829, 25830, 25860, 25861, 25872, 25884, 25885, 25886, 25887, 25888, 25889, 25910, and 25912 are hereby dismissed;

4. The motion of the National Passenger Traffic Association, Inc. to strike designated portions of the answer of Trans World Airlines, Inc. and the motion of the American Society of Travel Agents, Inc. for leave to intervene for a limited purpose, filed in Docket 25777, are hereby dismissed;

5. The proceeding ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

6. Copies of this order will be filed in the aforesaid tariffs and served on American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Hughes Air Corp. d.b.a. Airwest, National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., General Services Administration, National Passenger Traffic Association, Inc., and the Honorable John E. Moss, et al.,

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[4] Appendix D, filed as part of original document, shows for the 12 months ended March 31, 1973 (48 states) revenue, expense, and investment data adjusted to reflect elimination of the discount fares, as well as application of the 55 percent load-factor standard.

[5] c.f. Order 72-12-18, p. 76.

[6] Appendix C, filed as part of the original document, contains a brief summary, by carrier, of the methodology each employed.

[7] The Honorable John E. Moss, et al, Members of Congress (MOC) contend that the proposed increases should be suspended because they may not result in a net increase in gross revenues as intended. Fare elasticity is, of course, a very complex and imprecise factor. It was the subject of extensive consideration through the formal hearing process in the DPFI. While we would agree with MOC that fare elasticity may vary with changes in the economic climate, we have no reason to believe that the —.7 coefficient determined in the DPFI is not a valid basis for measuring the impact of fare adjustments on traffic at the present time.

[8] Filed as part of original document.

Members of Congress, which are hereby made parties to this proceeding, and the American Society of Travel Agents, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[9]

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.73-21151 Filed 10-3-73;8:45 am]

[Docket No. 24694; Order 73-9-102]

MIAMI-LOS ANGELES COMPETITIVE NONSTOP CASE

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of September, 1973.

Administrative Law Judge William H. Dapper issued an initial decision in the above-entitled case and, by Order 73-6-78, June 19, 1973, the Board granted discretionary review of the initial decision on its own initiative. In accordance with the review schedule set out in that order, briefs to the Board were filed on August 13, 1973. One of the matters raised in the briefs concerns the environmental impact of a possible award in this proceeding. For reasons outlined below, the Board has determined to defer the review proceedings temporarily to permit a fuller exploration of the environmental question.[1]

At the time this proceeding was commenced, the Board did not believe that any decision in this case would come within the category of actions covered by the National Environmental Policy Act of 1969 (NEPA). The proceeding did not involve one of the types of cases which the Board had determined, in its Policy Statement implementing NEPA, would generally constitute a major Federal action significantly affecting the quality of the human environment. See § 399.110 of the Board's policy statements. Rather, it involved merely the possible restoration of nonstop competitive service between Miami and Los Angeles which had originally been authorized by the Board in 1969 and which had, in fact, been operated between October 1, 1969 and August 1, 1972. Thus, our instituting order did not invoke the special procedures outlined in § 399.110 of the Board's policy statements. Order 72-8-95, August 23, 1972.[2]

As Judge Dapper has indicated, none of the participants in the proceeding disputed the Board's decision in this regard at the time of the prehearing conference or during the evidentiary hearing. On brief to the Administrative Law Judge, however, and for the first time in the proceeding, National, the incumbent carrier, took the position that any decision to certificate a nonstop competitive carrier would constitute a major Federal action significantly affecting the quality of the environment and that a detailed environmental statement is required in advance of a decision on the merits in this case. Judge Dapper rejected National's argument and concluded, on the basis of the data available to him, that a competitive award would not constitute a major Federal action significantly affecting the quality of the human environment. The carrier renews its argument on brief to the Board.

We have again reviewed our earlier conclusion, and Judge Dapper's more recent findings, in light of the swiftly evolving standards enunicated by the courts since the institution of this proceeding. We note that Judge Dapper found basically that the addition of three landings and take-offs at the Los Angeles International Airport and the Miami International Airport[3] will represent only a minor quantitative and qualitative change from the existing operations at either airport. It also appears that the addition of these few frequencies will result in no cumulative adverse effect in view of the generally declining volume of aircraft movements at both airports. And, finally, Judge Dapper considered the effect of a competitive award on fuel consumption and found that the increase in such consumption would be quite small and that the benefits of competition outweighed whatever minor adverse effect increased fuel consumption may cause. (I.D. 96-100). Thus, there is no basis on the record before us for altering our earlier judgment that any decision in this case will not result in a major Federal action significantly affecting the quality of the environment.

Nonetheless, the Board wishes to give the fullest consideration to the environmental questions raised by National. Thus, while we do not necessarily believe that more comprehensive consideration or explication is required,[4] we shall nevertheless instruct the Director, Bureau of Operating Rights, on behalf of the Board, to prepare a statement with respect to the environment for consideration and comment by the parties, other environmentally concerned Federal agencies, and other interested persons. We expect the parties to this proceeding, in particular, to address themselves with specificity to any conclusion or factual statement with which they disagree, and to document their disagreement, objections, or comments with detailed material, including quantitative measurements, if appropriate. The parties will provide the sources of any data contained in their comments and shall clearly identify, in detail, any estimates or hypotheses employed, and the bases thereof. If further procedures are requested, the objector should state in detail why such procedures are considered necessary, what relevant material or data the objector would expect to present or establish, and why such material is necessary to the Board's decision-making process and cannot be established or presented in written form in the objector's comments. General, vague, or unsupported objections or comments from parties will not be entertained. Thereafter, it is the Board's intention to proceed expeditiously to final decision in this case.[5]

While the Board does not believe that further procedures in this case are necessarily required under the judicial decisions interpreting NEPA, we are nonetheless desirous of complying with the spirit as well as the letter of the statute. The procedures outlined above will allow for a full and adequate examination of the possible environmental consequences which could flow from a decision in this case and represent our best effort at fulfilling the purposes of NEPA in the context of the proceeding as it is now before us.[6]

Accordingly, it is ordered, That:

1. The proceedings on review be and they hereby are deferred until further notice;

2. The Director, Bureau of Operating Rights, shall have an appropriate environmental statement prepared and circulated;[7]

3. Comments with respect to the environmental statement shall be submitted by the parties and other interested persons within 45 days of the date of circulation by the Director, Bureau of Operating Rights.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.73-21150 Filed 10-3-73;8:45 am]

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[9] Appendices A through E filed as part of the original document.

[1] At our direction, the Associate Chief Administrative Law Judge, on September 12, 1973, deferred oral argument until further notice.

[2] Compare, by way of example, Northeast Corridor VTOL Investigation, Order 71-1-74, January 15, 1971.

[3] No applicant proposed more than three round trips between Los Angeles and Miami.

[4] See Hanley v. Mitchell, 460 F.2d 640 (2d Cir.), cert. denied 409 U.S. 990 (1972) and Hanley v. Kleindienst, 471 F.2d 823 (2d Cir. 1972). Specifically, we do not imply that a formal environmental impact statement (as opposed to a negative declaration) is necessarily required for a full consideration of environmental matters in this case.

[5] We anticipate that the Bureau Director will assign the highest priority to the speedy preparation of the environmental statement, consistent with the need for a thoroughgoing exploration of the various matters required to be analyzed.

[6] Compare City of New York v. United States, 337 F.Supp. 150 and 344 F.Supp. 929 (E.D.N.Y. 1972) (3-judge court) and Arizona Public Service Company v. FPC, No. 72-1636 (D.C. Cir. July 30, 1973).

[7] The Director is hereby authorized to make such requests for data and other material of the parties as he deems necessary for the preparation of the environmental statement. The parties will be expected to comply fully with such requests and any procedural dates in connection therewith established by the Director.

[Docket No. 20472; Order 73-9-100]

MOHAWK SEGMENTS 8 AND 9 RENEWAL CASE

Order of Remand

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of September, 1973.

By Order 72-12-121 decided December 27, 1972, the Board issued a tentative decision in the above-entitled proceeding in which it concluded that Allegheny Airlines should be authorized to provide nonstop service between Rochester and Syracuse, N.Y., on the one hand, and Philadelphia, Pa., on the other. In issuing that tentative decision, the Board noted that it had recently remanded several other route proceedings for additional evidentiary hearings in order to reassess possible changed economic circumstances or to appraise the impact of mergers on carrier selection considerations. Nonetheless, it was anticipated that the Board could resolve the issues in this proceeding on the basis of the existing record and recent officially noticeable data. Exceptions to our tentative decision and briefs have now been filed by Eastern Air Lines and United Air Lines, the incumbent carriers. These carriers argue basically that their existing service is sufficient, that traffic has declined recently, and that future traffic needs do not require the authorization of competitive service. Allegheny Airlines and the City of Philadelphia and the Philadelphia Chamber of Commerce filed in support of the Board's tentative decision.[1]

Upon consideration of the matters presented, the Board has determined to remand the proceeding to the Administrative Law Judge for further hearings and a new initial decision.[2]

Our tentative decision concluded, in part, that projected traffic levels would enable Allegheny to conduct an economically sound operation leading to a subsidy need reduction within the reasonably near future. As a corollary, we concluded that competitive awards in the two markets would not adversely affect either of the incumbent carriers. As noted above, those conclusions were necessarily based on a somewhat stale record and certain officially noticeable data available at the time. More recent information suggests that anticipated traffic trends relied upon in reaching those conclusions may not have materialized. For example, we noted that traffic in the Syracuse market was growing at a substantial rate (better than 18 percent between Calendar 1970 and 1971) and could reach the neighborhood of 100,000 annual passengers by 1973. Similarly, we observed that traffic in the Rochester market had once again begun to rise. The most recent available data show that traffic in both markets actually declined in the period FY 1971 to FY 1972 to a level of about 60,000 local O&D and connecting passengers each, or about 80-85 passengers in each direction. The most recent segment load factor data also indicate that neither incumbent carrier is operating at high load factors.[3] This recent experience raises substantial questions regarding our underlying findings regarding the economic prospects of Allegheny's proposed operations, the effect on incumbent carriers, and the public benefits which Allegheny's proposed operations would provide.[4] Under these circumstances, we do not believe that it is desirable to make final our tentative decision without further analysis. Rather, it is our judgment that the questions presented are best resolved by a remand of the proceeding to permit a full evidentiary exploration of all these matters on the basis of the most recent available data.

In reopening the proceeding, we wish to emphasize our intention to consider certain matters that are of particular importance to the Board. The air transportation system is slowly emerging from a period of lagging traffic growth and overcapacity and the Board is now engaged in a long-range program looking toward a rationalization of the existing system and an improvement in the economic health of the industry. The earnings prospects of the carriers, however, still remain somewhat uncertain. In such an atmosphere the Board must be more than usually careful in appraising all of the various costs and benefits that a route award might have on the air transportation system and on the public, which, in the end, can only be served by the maintenance of a healthy industry. This is particularly so since today's air transportation network is highly integrated and the service benefits flowing to the public in a particular market, if considered solely in the narrow framework of a single route award, may be outweighed by a reduction in the public benefits in other markets or throughout the air transportation system. Similarly, the profits and passengers gained by one carrier from an award of new route authority may be offset by lower load factors and consequent profits lost by other carriers or the industry in the aggregate. Further, an award to a subsidized carrier may improve that carrier's subsidy picture when only the single award is considered, although the net effect on the system may be unsatisfactory if traffic to be carried pursuant to the new award will be drawn from services which will remain subsidy eligible, to the overall detriment of the carrier, other subsidized carriers, and the Federal Treasury. On remand we expect the parties and the Administrative Law Judge to carefully focus on these matters.

Finally, we are unable to conclude at the present time that the remanded proceeding will result in a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). The case will not involve one of the types of proceedings which the Board has determined, in its Policy Statement implementing NEPA, would generally constitute a major Federal action significantly affecting the quality of the environment and we perceive no special circumstances which would otherwise bring this particular case within our general guidelines. See sec. 399.110 of the Board's Policy Statements. The three airports directly involved — Philadelphia International Airport, Rochester Municipal Airport, and Hancock Field—already receive a substantial volume of service and we do not believe that a possible increase of one or two departures at Syracuse and Rochester, or four departures at Philadelphia, with the small jet equipment likely to be employed, will represent more than a minor quantitative or qualitative change in the existing environmental conditions at these airports.[5]

Nonetheless, the Board wishes to give appropriate consideration to all the environmental questions which may be presented. Therefore, we shall invoke the procedures outlined in our Policy Statement implementing NEPA and shall also instruct the Director, Bureau of Operating Rights, to prepare a statement with respect to the environment for consideration and comment by the parties, other environmentally concerned Federal agencies, and other interested persons. In accordance with section 399.110 of the Board's Policy Statements, the Board

[1] Allegheny's brief was accompanied by a motion for leave to file an unauthorized document. Eastern has requested permission to file a response to Allengheny's brief. We shall grant both motions.

[2] We shall dismiss that portion of the application which requests Binghamton-Washington authority. As noted in our tentative decision, Allegheny indicated that it would not prosecute the Binghamton-Washington portion of Mohawk's original application.

[3] United's average load factors have not exceeded 50 percent in any month during the 12-month period ended May 1973; the carrier's average load factors have, in fact, been in the 38%-45% range during many of these months. Similarly, Eastern's average monthly load factors have ranged between 37% and 54% over the same period. Although service segment data is generally not subject to public disclosure, the Board finds that it is in the public interest to disclose the information which it does in this order.

[4] We do note, on the other hand, that Allegheny now suggests that its recent merger will permit it to offer certain new beyond services which it could not provide prior to the merger and which, of course, were not considered at all in this proceeding. Such services could include, for example, first single-plane service in the Syracuse/Rochester-Norfolk/Newport News markets (about 6,000 passengers traveled in the Norfolk-Syracuse market alone in FY 1972).

[5] Philadelphia is a large hub served by eleven certificated carriers and generated 81,000 annual scheduled aircraft departures in the year ended December 1972. Rochester is a medium hub served by three certificated carriers and generated almost 23,000 scheduled departures during calendar 1972. Syracuse is also a medium hub served by four certificated carriers and generated almost 20,000 scheduled departures in calendar 1972. In the original phase of this case, Allegheny proposed to operate two daily round trips each in the Rochester-Philadelphia and Syracuse-Philadelphia markets.

encourages participation in this proceeding, in accordance with the Rules of Practice, by the appropriate Federal, State and local agencies and by other interested persons to the end of insuring that a complete record is developed which will permit full consideration of environmental factors.

Accordingly, it is ordered, That:

1. The amended certificate tentatively issued to Allegheny Airlines for route 97 pursuant to Order 72-12-121, December 27, 1972, and the findings upon which the issuance of said certificate was based, be and they hereby are rescinded;

2. The above-entitled proceeding, hereinafter entitled the Philadelphia-Rochester/Syracuse Case, be and it hereby is reopened and remanded to the Administrative Law Judge for a further hearing and a new initial decision;

3. The remanded proceeding shall determine whether the public convenience and necessity require the authorization of competitive nonstop service between Philadelphia, Pa., on the one hand, and Syracuse and Rochester, N.Y., on the other hand, and, if so, which carrier or carriers should be authorized to provide the required service;[6]

4. Motions to consolidate applications, and motions or petitions seeking modification or reconsideration of this order, may be filed by parties to this proceeding and other interested persons no later than 21 days from the service date of this order, and answers to such pleadings shall be filed no later than 7 days thereafter;

5. This proceeding shall be conducted in accordance with the standards established in 14 CFR 399.110: *Provided,* That the Director, Bureau of Operating Rights, shall have a draft statement with respect to the environment prepared and circulated at least 15 days prior to the date of the hearing to be held pursuant to paragraph 2;

6. A copy of this order shall be served upon the following:

(a) The Departments of Commerce; Health, Education, and Welfare; Housing and Urban Development; Interior; and Transportation;

(b) The Environmental Protection Agency and the Council on Environmental Quality;

(c) The Governors of the States of New York and Pennsylvania;

(d) The Bureau of Environmental Protection of the New York State Department of Law (80 Center Street, New York, New York 10013), the New York State Department of Environmental Conservation (50 Wolf Road, Albany, New York 12201), and the Pennsylvania Department of Environmental Resources (South Office Building, Harrisburg, Pennsylvania 17120).

7. The motions of Allegheny Airlines and Eastern Air Lines for leave to file an unauthorized document be and they hereby are granted.

[6] Any award made in the remanded proceeding shall be ineligible for subsidy. The application for Binghamton-Washington authority is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[7]

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.73-21149 Filed 10-3-73;8:45 am]

[7] Murphy, member, dissenting and issuing statement filed as part of original document.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN HAITI

Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 28, 1973.

On November 3, 1971, the United States Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Haiti concerning exports of cotton textiles and cotton textile products from Haiti imported into the United States over a five-year period beginning on October 1, 1971, and extending through September 30, 1976. Among the provisions of the agreement are those establishing an aggregate limit for the 64 categories, and within the aggregate limit specific limits on Categories 39, 53, and 54 for the third agreement year beginning October 1, 1973.

The agreement also provides for the establishment of consultation levels of 385,875 square yards equivalent for each category not having a specific limit in Categories 39 through 63 for the agreement year beginning October 1, 1973. Pursuant to paragraph 16 of the agreement, the United States Government has decided to control imports in Categories 51 and 63 at these levels for the agreement year beginning October 1, 1973. Accordingly, there is published below a letter of September 28, 1973 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textile products in Categories 39, 51, 53, 54, and 63 produced or manufactured in Haiti, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning October 1, 1973, and extending through September 30, 1974, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Previously, the Chairman of the Committee for the Implementation of Textile Agreements issued a directive pursuant to the bilateral agreement prohibiting entry of cotton textile products from Haiti in Category 51. The letter published below also cancels and supersedes that directive.

SETH M. RODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

SEPTEMBER 28, 1973.

DEAR MR. COMMISSIONER: This directive cancels and supersedes the directive issued to you on April 25, 1972, as amended, by the Chairman of the Committee for the Implementation of Textile Agreements regarding imports of cotton textile products in category 51, produced or manufactured in Haiti.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of November 3, 1971, between the Governments of the United States and Haiti, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective October 1, 1973 and for the twelve-month period extending through September 30, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 39, 51, 53, 54 and 63, produced or manufactured in Haiti, in excess of the following levels of restraint:

Category		*Twelve-Month Levels of Restraint*
39	dozen pairs	220,500
51	dozen	21,682
53	do	20,687
54	do	33,075
63	pounds	83,836

In carrying out this directive, entries of cotton textile products in Categories 39, 53, and 54, produced or manufactured in Haiti and which have been exported to the United States from Haiti prior to October 1, 1973, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1972 through September 30, 1973. In the event that the levels of restraint established for such goods for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

Entries of cotton textile products in Categories 51 and 63, produced or manufactured in Haiti and which have been exported to the United States from Haiti on or after October 1, 1973, shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of November 3, 1971, between the Governments of the United States and Haiti which provide, in part, that within the aggregate limit, the limits of certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by further letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8803), as amended on February 14, 1973 (38 FR 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Haiti with respect to imports of cotton textiles and cotton textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-21234 Filed 10-2-73;4:14 pm]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 28, 1973.

On December 30, 1971, the United States Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral agreement with the Government of the Republic of Korea concerning exports of cotton textiles and cotton textile products from Korea to the United States. Subsequently, the agreement was amended by limiting the product coverage of the specific export limitation for Category 31 to shop towels (also known as wiping cloths); and by deleting the specific export limitation for Category 63. Among the provisions of the agreement, as amended, are those establishing specific export limitations on Categories 7, 9/10, 18/19/26 (printcloth), 22/23, 26 (duck fabric), 27/26 (other than duck fabric and printcloth), 31 (shop towels), 34/35, 38, 39, 45, 46/47, 48, 49, 50, 51, 52, 53, 54, 55, 60, and parts of 64 (tablecloths, napkins, and zipper tapes only), for the fourth agreement year beginning October 1, 1973.

There is published below a letter of September 28, 1973 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above categories, produced or manufactured in the Republic of Korea, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning on October 1, 1973, and extending through September 30, 1974, be limited to certain designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washintgon, D.C. 20229.

SEPTEMBER 28, 1973.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral Cotton Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective October 1, 1973, and for the twelve-month period extending through September 30, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in categories 7, 9/10, 18/19/26 printcloth only), 22/23, 26 (duck fabric), 27/26 (other than duck fabric and printcloth), part of 31, 34/35, 38, 39, 45, 46/47, 48, 49, 50, 51, 52, 53, 54, 55, 60, and parts of 64 (tablecloths, napkins, and zipper tapes only), produced or manufactured in the Republic of Korea in excess of the following twelve-month levels of restraint:

Category		12-month levels of restraint
7	square yards	799,452
9/10	do	4,836,680
18/19/26 (printcloth only [1])	do	3,077,376
22/23	do	2,118,548
26 (duck fabric [2])	do	17,587,919
27/26 (other than duck fabric and printcloth) [3]	do	2,318,919
31 (only T.S.U.S.A. No. 366.2740)	pieces	1,520,558
34/35	do	277,694
38	pounds	184,682
39	dozen pairs	177,037
45	dozen	47,968
46/47	square yards equivalent	1,783,115
48	dozen	15,228
49	do	39,972
50	do	67,157
51	do	91,138
52	do	47,968
53	do	15,228
54	do	71,951
55	do	15,228
60	do	41,574
64 (only T.S.U.S.A. Nos.: 366.4500, 366.4600, and 366.4700)	pounds	730,699
64 (only T.S.U.S.A. No. 347.3340)	do	80,538

[1] In Category 26, the T.S.U.S.A. Nos. for printcloth are:

320__34	322__34	327__34
321__34	326__34	328__34

[2] The T.S.U.S.A. Nos. for duck fabric are:

320__01 through 04, 06, 08	326__01 through 04, 06, 08
321__01 through 04, 06, 08	327__01 through 04, 06, 08
322__01 through 04, 06, 08	328__01 through 04, 06, 08

[3] In Category 26, all T.S.U.S.A. Nos. not included in footnotes 1 and 2.

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories produced or manufactured in the Republic of Korea, which have been exported to the United States from the Republic of Korea prior to October 1, 1973, shall, to the extent of any unfilled balances be charged against the levels of restraint established for such goods for the twelve-month period beginning October 1, 1972, and extending through September 30, 1973. In the event that the levels of restraint for the twelve-month period ending September 30, 1973 have been exhausted by previous entries, such goods shall be subject to the levels of restraint set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of Korea which provide, in part, that within the aggregate limit, the limits of certain categories may be exceeded by not more than five percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement refered to above, will be made to you by further letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802), as amended on February 14, 1973 (38 FR 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C.

553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-21235 Filed 10-2-73;4:15 pm]

CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 28, 1973.

On January 4, 1972, the United States Government concluded a comprehensive bilateral wool and man-made fiber textile agreement with the Government of the Republic of Korea concerning exports of wool and man-made fiber textiles from the Republic of Korea to the United States over a five-year period beginning October 1, 1971 and extending through September 30, 1976. Subsequently, the agreement was amended (1) to remove men's and boys' trousers from Category 222 and include them in Category 224, providing subceilings for men's and boys' knit suits and separate coats, including suit-type coats and jackets, in Category 224; and (2) to provide a subceiling for tie fabrics within the limit established for Category 208. Among the provisions of the agreement, as amended, are those establishing export limitations for the third agreement year beginning October 1, 1973 on wool textile products in Categories 104 and 120; and man-made fiber textile products in Categories 200–205 and 241–243, as a group, as well as on the nine individual categories within the group; man-made fiber textile products in Categories 206–213, as a group, as well as the eight individual categories within the group; and man-made fiber textile products in Categories 214–240, as a group, as well as the twenty-seven individual categories within that group.

Accordingly, there is published below a letter of September 28, 1973 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that the amounts of wool and man-made fiber textile products in the above categories produced or manufactured in the Republic of Korea which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning October 1, 1973, and extending through September 30, 1974, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

SEPTEMBER 28, 1973.

DEAR MR. COMMISSIONER: Under the provisions of the bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective October 1, 1973 and for the twelve-month period extending through September 30, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Categories 104 and 120; man-made fiber textile products in Categories 200–205 and 241–243, as a group, and the nine constituent categories comprising that group; Categories 206–213, as a group, and the eight constituent categories comprising that group; and Categories 214–240, as a group, and the 27 constituent categories comprising that group, in excess of the following twelve-month levels of restraint:

Category	*12-month levels of restraint*
104	1,536,169 square yards.
120	320,447 numbers.
200–205 and 241–243	37,450,400 square yards equivalent.
*200	1,703,402 pounds.
*201	96,339 pounds.
*202	1,724,138 pounds.
*203	147,059 pounds.
*204	121,359 pounds.
*205	142,450 pounds.
*241	4,545,455 square feet.
*242	64,103 pounds.
*243	256,410 pounds.
206–213	18,887,700 square yards equivalent.
*206	500,000 square yards.
*207	500,000 square yards.
*208	10,000,000 square yards (of which not more than 8,000,000 square yards may be in TSUSA Nos. 338.3044 and 338.3045).
*209	500,000 square yards.
*210	900,000 square yards.
211	2,004,636 pounds.
*212	500,000 square yards.
*213	134,615 pounds.
214–240	348,971,900 square yards equivalent.
*214	198,390 dozen pairs.
*215	163,043 dozen pairs.
216	136,438 dozen.
*217	6,736 dozen.
*218	414,365 dozen.
219	3,369,991 dozen.
*220	28,030 dozen.
221	2,505,103 dozen.
Part 222 (excluding TSUSA Nos. 380.0428 and 380.8165).	732,704 dozen.
*223	437,500 dozen.
*224/part 222 (only TSUSA Nos. 380.0428 and 380.8165).	5,680,692 pounds (of which not more than 1,282,051 pounds may be in TSUSA No. 380.8160 and not more than 769,231 pounds may be in TSUSA Nos. 380.8150 and 380.8155).
*225	42,105 dozen.
*226	210,843 dozen.
*227	25,641 pounds.
228	702,002 dozen.
229	704,876 dozen.
*230	11,038 dozen.
*231	3,922 dozen.
*232	3,849 dozen.
*233	9,390 dozen.
234	3,521,435 dozen.
235	1,302,967 dozen.
*236	19,663 dozen.
*237	126,667 numbers.
238	174,741 dozen.
*239	12,500 dozen.
*240	1,043,210 pounds.

*Consultation categories—levels established in accordance with provisions of paragraph 3 of the wool and man-made fiber textile agreement with the Republic of Korea.

In carrying out this directive entries of wool and man-made fiber textile products in the above categories, produced or manufactured in the Republic of Korea, which have been exported to the United States prior to October 1, 1973, shall, to the extent of any unfilled balances be charged against the levels of restraint established for such goods during the period October 1, 1972 through September 30, 1973. In the event that the levels of restraint for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the pro-

visions of the bilateral agreement of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of short-falls in certain categories to the next agreement year; for limited inter-fiber flexibility between cotton textile and man-made fiber textile products of the comparable category; and for administrative arrangements.

A detailed description of the wool and man-made fiber textile categories in terms of TSUSA numbers and conversion factors was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802), as amended on February 14, 1973 (38 FR 4436).

In carrying out this directive, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-21233 Filed 10-2-73;4:12 pm]

CONSUMER PRODUCT SAFETY COMMISSION

[DOC FF 4-72]

MATTRESSES

Notice of Amendments to Flammability Standard

Correction

In FR Doc. 73-11273, appearing at page 15095 in the issue of Friday, June 8, 1973, in the second column on page 15096, in the first sentence of paragraph (j), the word "quality" should read "quantity".

COST OF LIVING COUNCIL

[Order No. 35A]

ADMINISTRATOR, OFFICE OF HEALTH

Delegation of Authority

Pursuant to the authority vested in me as Director of the Cost of Living Council by Cost of Living Council Order Nos. 14 and 29, it is hereby ordered as follows:

1. There is delegated to the Administrator, Office of Health, subject to the general policy guidance of and in coordination with the Director of the Cost of Living Council, or his delegate, authority to make decisions and issue certificates of compliance to designated state certifying agents pursuant to section 300.18 (i) of Title 6, Code of Federal Regulations.

2. The authority hereby delegated is in addition to the authority delegated to the Administrator, Office of Health, by Cost of Living Council Order No. 35.

Issued in Washington, D.C. on October 1, 1973.

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

[FR Doc.73-21225 Filed 10-2-73;1:00 pm]

[Cost of Living Council Order 44]

DIRECTOR, ENERGY POLICY OFFICE

Delegation of Authority; Stabilization of Propane Prices

On August 12, 1973, the Director of the Energy Policy Office acting under the authority of section 203(a)(3) of the Economic Stabilization Act of 1970, as amended, issued proposed regulations for a mandatory allocation program for propane, 38 FR 23977 (September 5, 1973). On September 7, 1973, the Director held a public hearing on the proposed regulations and on all phases of the proposed propane allocation program.

Propane production represents less than 2 percent of the petroleum industry's output of finished refined products. It is therefore a very small part of the total universe of petroleum products subject to price stabilization regulations of the Cost of Living Council. Moreover one of the high priority uses of propane is in agriculture for crop-drying and related purposes. In view of the record size of crop harvests this year, immediate diversion of adequate propane supplies may be needed to meet anticipated heavy demand in the agricultural sector in the fall and winter months immediately ahead. These factors led the Council and the Energy Policy Office to conclude that authority with respect to price stabilization of propane should be lodged with the Energy Policy Office which has prepared the mandatory propane allocation program in order to coordinate effectively in this case the use of price and mandatory allocations as a means of assuring that limited supplies fulfill the most essential uses of propane.

Therefore, pursuant to the authority vested in me by Executive Order No. 11695, it is hereby ordered as follows:

1. There is delegated to the Director of the Energy Policy Office all of the authorities delegated to the Chairman of the Cost of Living Council by Executive Order No. 11695 insofar as they pertain to stabilizing the prices of propane under the Economic Stabilization Act of 1970, as amended, including, without limitation, the power and duty to make the determinations and take the actions required or permitted by the Act and the power to redelegate any of the authority thereunder.

2. For the purposes of this order, "propane" means a hydrocarbon whose chemical composition is predominantly C_3H_8, and includes propane-butane mixes.

3. The authority delegated herein is in addition to the authority delegated to the Director of the Energy Policy Office by Cost of Living Council Order No. 39, 38 FR 22909 (August 27, 1973).

4. This order shall be effective immediately.

JOHN T. DUNLOP,
Director, for George P. Shultz, Chairman, Cost of Living Council.

OCTOBER 2, 1973.

[FR Doc.73-21310 Filed 10-3-73;9:11 am]

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet at 10:00 a.m., Thursday, October 11, 1973, at 2025 M Street NW., Washington, D.C.

The agenda will consist of discussions leading to recommendations on specific Phase II and Phase III wage cases in the food area, and future wage policy.

Since the above stated meeting will consist of discussions of future food wage policy and Phase II and III cases for decision, pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

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

HENRY H. PERRITT, Jr.,
Executive Secretary, Cost of Living Council.

[FR Doc.73-21322 Filed 10-3-73;10:45 am]

ENVIRONMENTAL PROTECTION AGENCY

HAZARDOUS MATERIALS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Hazardous Materials Advisory Committee will be held at 8:30 a.m., October 15-16, 1973, in Room 3307, Waterside Mall, 401 M Street, SW., Washington, D.C.

This is a regularly scheduled meeting of the Committee. The agenda includes Staff Director's report, a discussion of factors limiting environmental measurements, research on effects of pesticides and other toxicants on aquatic life, the effect of proposed supplemental control systems on air pollution, environmental studies in California, progress on the nitrogen study, progress of the hexachlorobenzene study, progress on the herbicide study, review of asbestos in the environment, member items of interest, reports and comments of program liaison representatives.

The meeting is open to the public. Any member of the public wishing to attend or participate or to present a paper should contact Dr. Winfred F. Malone, Acting Staff Director, Hazardous Materials Advisory Committee, (703) 557-7720.

L. D. ATTAWAY,
Deputy Assistant Administrator for Research and Development.

September 28, 1973.

[FR Doc.73-21166 Filed 10-3-73;8:45 am]

IDENTIFICATION AND CONTROL OF POLLUTION FROM SALT WATER INTRUSION

Availability of Report

The Environmental Protection Agency report "Identification and Control of Pollution from Salt Water Intrusion," has been completed in accordance with section 304(e)(1&2)(E) of P.L. 92-500. A limited number of copies are available from the Office of Public Inquiries, Environmental Protection Agency, Washington, D.C. 20460. Copies will be available in approximately six weeks from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

SEPTEMBER 28, 1973.

[FR Doc.73-21082 Filed 10-3-73;8:45 am]

THOMPSON-HAYWARD CHEMICAL CO. ET AL.

Notice of Denial of Registrations

Notice is hereby given that applications for registrations of pesticides containing DDT (1,1,1-trichloro-2,2-bis(*p*-chlorophenyl) ethane) by the Thompson-Hayward Chemical Co. et al. (application numbers listed below):

Company name and city:	*Application No.*
Thompson-Hayward Chemical Co., Kansas City, KS	148-RRGE
Daly-Herring Co., Kinston, NC	240-ENT
Woolfolk Chemical Works, Fort Valley, GA	769-UEA 769-UET 769-UEI
Valley Chemical Co., Greenville, MS	1063-REN
Carolina Chemical, Inc., West Columbia, SC	1191-GRO 1191-GEL 1191-GEU 1191-GEN 1191-GEG
W. R. Grace & Co., Memphis, TN	2124-TIA 2124-TIL
Stephens Industries, Dawson, GA	2459-ELG 2459-ELE
Standard Spray & Chemical Co., Lakeland, FL	3238-AO
Southern Agricultural Chemicals, Kingstree, SC	3743-GRE 3743-GRG
Smith-Douglass, Norfolk, VA	4185-LEN 4185-LRT 4185-LRI 4185-LRO
Helena Chemical Co., Memphis, TN	5905-ERI 5905-ERO
Cleveland Chemical Co., Cleveland, MS	8867-GE 8867-EO
Ring Around Products, Montgomery, AL	8934-IE
Riverside Chemical Co., Memphis, TN	9779-ENN 9779-ENR 9779-ROO
Gold Kist, Inc., Atlanta, GA	2209-RAE
Olin Corp., Little Rock, AR	1258-OAL 1258-OAA 1258-OAT 1258-OAI

for use on cotton against the cotton pest complex, have been denied pursuant to the provisions of section 3 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (86 Stat. 981). The reasons for denial are set forth in the order of the Administrator, filed June 14, 1972 and published in the FEDERAL REGISTER of July 7, 1972 (37 FR 13369), and the failure of the applicant to submit data in support of the application, as required by section 3(c)(1) of the Act.

Dated October 1, 1973.

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

[FR Doc.73-21167 Filed 10-3-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

MIDWESTERN FIDELITY CORP.

Notice of Receipt of Application for Permission To Acquire Control of Savings Association

OCTOBER 1, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Midwestern Fidelity Corporation, Milford, Ohio, a unitary savings and loan holding company, for approval of acquisition of control of The Buckeye Savings Association, Cincinnati, Ohio, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase for cash of shares of said company by Midwestern Fidelity Corporation. Following said purchase The Buckeye Savings Association will be merged into Keystone Savings Association, a subsidiary of Midwestern Fidelity Corporation. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before November 5, 1973.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary, Federal Home Loan Bank Board.

[FR Doc.73-21144 Filed 10-3-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP72-122, RP73-93]

COLORADO INTERSTATE GAS CO.

Motion To Substitute Tariff Sheets

SEPTEMBER 25, 1973.

Take notice that on September 17, 1973, Colorado Interstate Gas Company (CIG), filed a motion to make effective and substitute certain tariff sheets in the above dockets.

CIG asserts that this motion effectuates the Commission order of April 27, 1973, in Docket No. RP73-93 wherein it stated:

> If approval in Docket No. CP73-184 has not been granted by October 1, 1973, CIG must file appropriate substitute rates to reflect the continuation of its ownership of the production properties which are the subject of that docket, and appropriate rates reflecting those facilities subject of Docket Nos. CP73-44, CP73-100, CP73-174, CP73-237, CP73-238 and CP73-250 certified on or before October 1, 1973.

CIG states that only the facilities involved in Docket No. CP73-184 have not yet been certified; therefore, this filing is necessary to effectuate the Commission's order. An effective date of October 1, 1973, is requested. The tariff sheets are to be also substituted in Docket No. RP72-122, a filing pursuant to CIG's purchased gas adjustment clause for the same reasons.

Responses to and comments on CIG's motion should be filed with the Federal Power Commission, 825 North Capitol, NE., Washington, D.C. 20426 on or before October 5, 1973. Any party who has previously intervene need not do so again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-21168 Filed 10-3-73;8:45 am]

[Docket No. E-8248]

MINNESOTA POWER & LIGHT CO.

Notice of Applications

SEPTEMBER 26, 1973.

Take notice that on May 31, 1973, Minnesota Power & Light Company (Applicant) tendered for filing pursuant to section 203 of the Federal Power Act and Part 33 of the regulations issued thereunder, an agreement for the sale to Cooperative Power Association of 24.03 miles of Applicant's 230 kV electric transmission line No. 915 for the sum of $854,478.69. The proposed transaction will eliminate the charge for wheeling power as provided in the Integrated Transmission Agreement between the parties dated August 25, 1967 (Rate Schedule FPC No. 89), and Applicant files accordingly Supplement No. 1 thereto, dated February 28, 1973, pursuant to section 205 of the Federal Power Act and Part 35 of the regulations. Applicant requests (1) dating of the Bill of Sale back to April 30, 1973, and (2) an effective date for the rate schedule supplement of May 1, 1973.

Any person wishing to be heard or to make any protests with reference to such

Applications should on or before October 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions 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. The Applications are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-21170 Filed 10-3-73;8:45 am]

[Rate Schedule Nos. 5, *et al.*]

SUBURBAN PROPANE GAS CORP.

Rate Change Filings

SEPTEMBER 26, 1973.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix below.

Any person desiring to be heard or to make any protest with reference to said filings should on or before October 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate Schedule	Buyer	Area
Sept. 7, 1973	Suburban Propane Gas Corp., P.O. Box 206, Whippany, N.J. 07981.	5	Arkansas Louisiana Gas Co.	Other Southwest Area.
Sept. 11, 1973	Texas Oil & Gas Corp., Fidelity Union Tower Bldg., Dallas, Tex. 75201.	43	Tennessee Gas Pipeline Co.	Texas Gulf Coast.
Do	do	80	United Gas Pipe Line Co.	Do.
Sept. 20, 1973	Texaco, Inc., P.O. Box 52332, Houston, Tex. 77052.	14	Panhandle Eastern Pipe Line Co.	Hugoton-Anadarko.

[FR Doc.73-21171 Filed 10-3-73;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCORPORATION

Acquisition of Bank

American Bancorporation, Columbus, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire up to 100 percent of the voting shares of The American Bank of Central Ohio, Harrisburg, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 22, 1973.

Board of Governors of the Federal Reserve System, September 27, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-21092 Filed 10-3-73;8:45 am]

AMERICAN NATIONAL HOLDING CO.

Order Approving Acquisition of Bank

American National Holding Company, Kalamazoo, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of The American National Bank in Western Michigan, Allegan, Michigan, a proposed new bank ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 6 banks, with total deposits of approximately $212.9 million representing less than 1 percent of the total commercial deposit in Michigan. (All banking data are as of December 31, 1972). The acquisition of Bank will not affect Applicant's ranking as the sixteenth largest banking organization in the State. Since Bank is a proposed new bank, consummation of the acquisition would neither eliminate existing competition nor increase immediately Applicant's share of commercial bank deposits either in Michigan or in the Allegan market.

Bank will be located in downtown Allegan, Michigan, a town of 4,516 people according to the latest Census. Currently, there is only one bank in downtown Allegan and it is controlled by a competitor, The First National Bank & Trust Company of Michigan, Kalamazoo, Michigan. The closest bank to Allegan is a branch of Applicant's subsidiary, American National Bank & Trust Company of Michigan, located in West Allegan, 4 miles from downtown Allegan. Applicant will seek permission to spin off the branch at West Allegan which will be acquired by Bank and operated as its branch. Thus, the convenience and needs of those presently using the West Allegan branch will continue to be served as well as those residents who need or desire downtown banking facilities. Bank is approximately 12.5 miles from the next closest office of a subsidiary of Applicant in Plainwell, from which it is separated by 4 banking offices of a competitor bank. Establishment of Bank should not adversely affect present or potential competition.

The financial condition, management, and future earnings prospects of both Bank and Applicant are satisfactory and are consistent with approval.

There is no evidence that the convenience and needs of the Allegan market are not being adequately met. However, establishment of another bank in downtown Allegan will offer an alternative to those residents who prefer to do their banking downtown. Thus, the factors relating to convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that the acquisition of the shares of the proposed bank is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after that date and (c) The American National Bank in Western Michigan, Allegan, Michigan, shall be opened for business not later than six months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] effective September 27, 1973.

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

[FR Doc.73-21091 Filed 10-3-73;8:45 am]

[1] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns and Governor Daane.

CENTRAL BANCSHARES OF THE SOUTH, INC.

Acquisition of Bank

Central Bancshares of the South, Inc., Birmingham, Alabama, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The First State Bank of Oxford, Oxford, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 22, 1973.

Board of Governors of the Federal Reserve System, September 26, 1973.

[SEAL] THEODORE E. ALLISON, *Assistant Secretary of the Board.*

[FR Doc.73-21093 Filed 10-3-73;8:45 am]

FIRST TENNESSEE NATIONAL CORP.

Acquisition of Bank

First Tennessee National Corporation, Memphis, Tennessee, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to Mosheim Bank, Mosheim, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 22, 1973.

Board of Governors of the Federal Reserve System, September 26, 1973.

[SEAL] THEODORE E. ALLISON, *Assistant Secretary of the Board.*

[FR Doc.73-21094 Filed 10-3-73;8:45 am]

FOREST LAKE FINANCE CO.

Formation of Bank Holding Company and Proposed Retention and Continuation of Insurance Agency Activities

Forest Lake Finance Company, Forest Lake, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 95 percent or more of the voting shares of Forest Lake State Bank, Forest Lake, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)). Forest Lake Finance Company, Forest Lake, Minnesota, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain the assets and continue to engage in the activities of a general insurance agency in a town of less than 5,000 people. Notice of the application was published on September 13, 1973, in the Forest Lake Times, a newspaper circulated in Forest Lake, Minnesota.

Applicant states that it would continue to sell ordinary life and casualty insurance including commercial fire, automobile and general liability insurance. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

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

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

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 22, 1973.

Board of Governors of the Federal Reserve System, September 27, 1973.

[SEAL] THEODORE E. ALLISON, *Assistant Secretary of the Board.*

[FR Doc.73-21098 Filed 10-3-73;8:45 am]

FORT WORTH NATIONAL CORPORATION

Order Approving Retention of Banks

The Fort Worth National Corporation, Fort Worth, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to retain indirect ownership, with sole discretionary voting authority, of 691 voting shares of Bank of Fort Worth, Fort Worth, Texas (Fort Worth Bank) and 1,010 voting shares of Riverside State Bank, Fort Worth, Texas (Riverside Bank), acquired subsequent to December 31, 1970, without the prior approval of the Board. Applicant states that the shares in each bank are held by the trust department of The Fort Worth National Bank, Fort Worth, Texas, Applicant's lead banking subsidiary.[1]

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the applications in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls eight banks[2] with aggregate deposits of about $930 million, representing 2.7 percent of the total deposits of commercial banks in the State.[3] Applicant ranks as the fifth largest multi-bank holding company and sixth largest banking organization in Texas. Additionally, Applicant controls between 24.4 and 24.9 percent of the voting shares of two other banks located in the Fort Worth banking market, holding aggregate deposits of $74.2 million. Applicant also owns 5 percent of the shares of First National Bank, Paducah, Texas ($6.8 million in deposits). In addition to the shares which are the subject of this application, Applicant currently owns or controls 28.858 percent of Fort Worth Bank and 28.639 percent of Riverside Bank.

Fort Worth National Bank ($582 million in deposits) is the largest of 44 banks in the Fort Worth RMA, the relevant banking market, and controls approximately 26.8 percent of deposits of commercial banks in that area. Both Fort Worth Bank and Riverside Bank

[1] Fort Worth National Bank acquired 691 shares of stock in Fort Worth Bank between April 1, 1971, and October 8, 1971; and 1,010 shares of stock in Riverside Bank between April 1, 1971, and May 19, 1972. Section 3(a) of the Act provides, in part, that where stock is acquired after December 31, 1970, with sole discretionary authority to exercise voting rights, prior approval of the Board is required. Where prior approval has not been secured, as in the case of a trustee who may acquire shares without prior notice, an application is to be filed with the Board within 90 days after the shares are acquired. If the Board denies the application, the acquiring bank must dispose of the shares, or of its sole discretionary voting rights within two years after the Board's denial. Applicant states it was unaware that Board approval was required in order to retain the shares which are the subject of this Order.

[2] Bank of Forth Worth, Riverside State Bank and Tarrant State Bank, all located in Forth Worth, are deemed subsidiaries for purposes of the Bank Holding Company Act by virtue of Applicant's fiduciary holdings in said banks and § 2(a)(5)(A) of the Act.

[3] All banking data are as of December 31, 1972, and reflect bank holding company formations and acquisitions approved by the Board through August 31, 1973.

operate in the Fort Worth RMA[4] and control 2.2 and 1.9 percent of market deposits respectively. In view of the close affiliation of Applicant's lead bank with Fort Worth Bank and Riverside Bank, which has existed in various forms since 1946 when both banks were organized by individuals associated with Applicant's lead bank, and the present ownership by Applicant's stockholders or Applicant of 58.3 percent of Fort Worth Bank and 61 percent of Riverside Bank, it appears that there is no present meaningful competition between any of Applicant's subsidiary banks and Fort Worth Bank and Riverside Bank. It appears unlikely that any significant competition would develop between Applicant's lead bank and either Fort Worth Bank or Riverside Bank in the future, due to the described relationship and the absence of any evidence indicating a probability that the relationship will not continue indefinitely. Irrespective of the affiliation of both banks with Applicant, no significant adverse effect on existing or future competition in the Fort Worth market is likely in view of the small market share of both banks. Moreover, the principal functions between the banks and Applicant's lead bank differ. The former serve primarily as a source of individual or retail banking services, while the latter serves as a source of corporate or wholesale banking services. With respect to Applicant's other banking subsidiaries, the Board finds that approval of the applications would not eliminate any significant existing or future competition. Furthermore, as the transactions involve neither an expansion of Applicant nor an increase in the banking resources controlled by it, approval of the transactions would not result in any adverse effects on a competing area bank.

The financial and managerial resources and prospects of Applicant, its subsidiaries, and both Fort Worth Bank and Riverside Bank are regarded as satisfactory and consistent with approval of the applications. The convenience and needs of the area involved would not be affected by consummation of Applicant's proposal.

Applicant owns directly three principal nonbanking subsidiaries acquired between June 30, 1968, and December 31, 1970. One of these, Foster Financial Corporation, Fort Worth, Texas, engages in the mortgage banking business and is the second largest mortgage firm in Fort Worth in terms of its mortgage servicing portfolio.[5] Fort Worth Bank and Riverside Bank are not significant competitors in the Fort Worth mortgage market. Accordingly, it is the Board's conclusion that approval would not adversely affect competition in mortgage banking in the Fort Worth area. Foster Financial Corporation and its subsidiary, Westcliff Company, are engaged in land development, which is not a permitted activity under § 225.4(a) of Regulation Y. (See 1972 Federal Reserve Bulletin 429). Applicant has agreed to divest such activity within a two-year period (38 Federal Register 8694).

Applicant's banking and nonbanking activities remain subject to Board review, and the Board retains the authority to require Applicant to modify or terminate its nonbanking activities or holdings if the Board at any time determines that the combination of Applicant's banking and nonbanking activities is likely to have adverse effects on the public interests.

Accordingly on the basis of the record, the applications are approved for the reasons summarized above.

By order of the Board of Governors,[6] effective September 25, 1973.

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

[FR Doc.73-21097 Filed 10-3-73;8:45 am]

[4] RMA refers to Ranally Metro Area which is defined as the central city plus every community, 8 percent or more of the total population of which or 15 percent or more of the labor force of which, commutes to the central city, based on the Census of Population. No community, 35 percent or more of the labor force of which is engaged in agriculture, is included in an RMA.

[5] Applicant's other principal nonbanking interests include a savings and loan association which it is required to divest under an order of the United States Court of Appeals for the Fifth Circuit; and an insurance brokerage company which is also subject to ten year "grandfather" privileges at this time.

[6] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, and Holland. Absent and not voting: Chairman Burns and Governors Daane and Bucher.

MICHIGAN NATIONAL CORP.

Acquisition of Bank

Michigan National Corporation, Bloomfield Hills, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Valley National Bank, Flint Township, Genessee County, Michigan, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than October 14, 1973.

Board of Governors of the Federal Reserve System, September 27, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-21099 Filed 10-3-73;8:45 am]

NORTHEAST BANCORP, INC.

Acquisition of Bank

Northeast Bancorp, Inc., New Haven, Connecticut, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with First Connecticut Bancorp, Inc., Hartford, Connecticut, a multi-bank holding company, which engages through a subsidiary in the activities of a finance company. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 23, 1973.

Board of Governors of the Federal Reserve System, September 27, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-21100 Filed 10-3-73;8:45 am]

STANDARD AND CHARTERED BANKING GROUP LTD.

Order Approving Acquisition of Mocatta Metals, Inc.

Standard and Chartered Banking Group Limited, London, England, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b) of the Board's Regulation Y, to acquire 30 percent of the voting shares of Mocatta Metals, Inc., New York, New York, a corporation to be formed under the laws of Delaware (Mocatta), which would be a successor corporation to Mocatta Metals Corporation of New York and thereby to indirectly acquire voting shares of the following corporations, which are wholly owned subsidiaries of Mocatta Metals Corporation of New York: Iron Mountain Depository Corporation, New York, New York; Mocatta Commodities Corporation, New York, New York; Brody, White & Company, New York, New York; Mocatta Clearing Corporation, New York, New York; and I.M.D. Chicago, Inc., Chicago, Illinois, Mocatta would directly, and indirectly through its wholly owned subsidiaries, engage in the activities of buying and selling gold and silver bullion and silver coin, dealing in exchange and silver futures, and arbitraging gold and silver in markets throughout the world, and also in such incidental activities as are necessary to carry on the foregoing activities. Such activities have not previously been determined by the Board to be closely related to banking or managing or controlling banks as to be a proper incident thereto.

Notice of the application, affording opportunity for interested persons to submit comments and views on whether such activities are closely related to banking, as well as the public interest factors, has been duly published (38 FR 26160). The time for filing comments and views has expired and none has been timely received.

Applicant,[1] which is organized under the laws of England and has its head office in London, England, owns 100 percent of the outstanding voting stock of The Chartered Bank, an international banking organization with its head office in London, England. The Chartered Bank owns 100 percent of the outstanding voting stock of The Chartered Bank of London, San Francisco, California, which has total deposits in the United States of approximately $51 million.[2] Both Applicant and The Chartered Bank became bank holding companies as a result of the 1970 Amendments to the Bank Holding Company Act of 1956.

The present proposal is part of a transaction involving Applicant's purchase from Hambros Bank, Ltd., London, England of Mocatta & Goldsmid Ltd., one of London's five major bullion dealers (all five major British gold dealers are subsidiaires of British banks). In this connection, Applicant proposes to purchase 30 percent of Mocatta. Mocatta, with its head office to be located in New York City, will engage in the activities of buying and selling gold and silver bullion and silver coin, dealing in exchange and silver futures and arbitraging gold and silver in markets throughout the world.[3] Mocatta Metals Corporation of New York, the corporation to which Mocatta will succeed, had gross revenues of $208 million for the year ending April 30, 1972. As adjuncts to its bullion activities, Mocatta will wholly own five subsidiaries which will account for a negligible amount of Mocatta's revenues. These corporations essentially will be used either to provide vault and handling services necessarily incidental to Mocatta's bullion activities or to hold membership for Mocatta on commodity exchanges where bullion and coin are traded.

National banks and Edge Act corporations, which are organized pursuant to section 25A of the Federal Reserve Act, each have the express statutory power to purchase and sell bullion, coin and exchange. The seven major dealers in gold and silver bullion in New York include two national banks[4] and one State member bank.[5] The United States Treasury licenses United States dealers to buy gold for the purpose of selling it to United States users. The dealers rely almost exclusively on foreign gold for their supplies since the major U.S. producer sells directly to users. Many of the gold bullion dealers are also engaged in buying and selling silver bullion or coin and making a market in silver futures. The bullion market in New York is closely tied to the London and Zurich markets. The activities of Mocatta would complement the international banking operations of Applicant, including especially its substantial banking operations in the gold-producing countries of Africa. Based on the facts of record, the Board finds that buying and selling gold and silver bullion and silver coin, dealing in exchange and silver futures and arbitraging gold and silver in markets throughout the world are activities closely related to banking or managing or controlling banks.[6]

Applicant is not presently engaged in these activities in the New York market so that consummation of the proposal would eliminate no existing competition. While it is possible that Applicant could enter the field de novo, there are a considerable number of large, New York City based; banks and Edge Corporations which could be considered to be potential entrants and consummation of the proposal would have no adverse effects on potential competition. There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interest, or unsound banking practices.

As previously indicated, Mocatta is to be formed under the laws of Delaware as a successor to Mocatta Metals Corporation of New York, which historically has had a strong and close affiliation with Mocatta & Goldsmid Ltd., London, England, one of the five principal bullion dealers in England. Since Applicant intends to acquire a controlling interest in Mocatta & Goldsmid in a separate transaction not requiring prior Board approval, Applicant has stated that it will continue this strong working association between Mocatta and Mocatta & Goldsmid. Specifically, Applicant has stated that it will cause Mocatta & Goldsmid to make available to Mocatta facilities in bullion of up to $50 million in London, to provide Mocatta with an office contiguous to Mocatta & Goldsmid's trading room in London, and to provide Mocatta with vault, fixing facilities, administrative assistance, management information services, computer services and other technical assistance which will make Mocatta a more efficient competitor better able to serve U.S. purchasers and sellers of gold and silver bullion in the New York market. In addition, this association of Mocatta with a strong financial affiliate, Mocatta & Goldsmid, adds to the stability of Mocatta in counterpart trading, which is of public benefit in a volatile market, and prevents any possible deterioration of Mocatta's financial position relative to bullion dealers abroad.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable.

Accordingly, the application is hereby approved, subject to the condition that Mocatta terminate its activities in dealing in platinum and palladium and other commodities within six months after consummation of the proposal. This determination is subject to the Board's authority to require reports by and make examinations of holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[7] effective September 27, 1973.

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

[FR Doc.73-21101 Filed 10-3-73;8:45 am]

[1] As of December 31, 1972, Applicant possessed total assets of approximately $7 billion.

[2] As of June 30, 1973.

[3] Mocatta presently sells options contracts on futures but Applicant has committed itself to cease this activity upon consummation of the proposal.

[4] Republic National Bank of New York and Rhode Island Hospital Trust National Bank.

[5] State Street Bank of Boston.

[6] Mocatta also deals in platinum and palladium and engages in a limited amount of trading in other commodities. Such activities are not authorized for national banks and the Board finds that they are not closely related to banking. Applicant is required to terminate these activities within six months after consummation of the proposal.

[7] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns and Governor Daane.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

OMAR MINING CO. ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) have been received as follows:

(1) ICP Docket No. 20245, OMAR MINING COMPANY, Chesterfield No. 5 Mine, Mine ID No. 46 01791 0, Madison, West Virginia:
Section ID No. 004-0 (#2 Mains).

(2) ICP Docket No. 20284, AMHERST COAL COMPANY, Paragon Mine, Mine ID No. 46 01367 0, Slagle, West Virginia:
Section ID No. 009-0 (Road 725).
Section ID No. 010-0 (Road 719).
Section ID No. 012-0 (Road 737).
Section ID No. 013-0 (Road 742).
Section ID No. 014-0 (Road 731).

(3) ICP Docket No. 20393, KERMIT COAL COMPANY, No. 1 Mine, Mine ID No. 46 01002 0, Kermit, West Virginia:
Section ID No. 002 (4th left off 1st right mains).

In accordance with the provisions of Section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

OCTOBER 1, 1973.

[FR Doc.73-21123 Filed 10-3-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-76]

NASA AD HOC SYNTHESIS REVIEW PANEL FOR THE EVALUATION OF LUNAR DATA ANALYSIS AND SYNTHESIS PROGRAM

Notice of Meeting

The NASA Ad Hoc Synthesis Review Panel for the Evaluation of Lunar Data Analysis and Synthesis Program will meet at the Goddard Space Flight Center on November 5 through 8, 1973. The meeting will be held in the Auditorium of Building 26. The meeting is open to members of the public during the open portion, from 9:00 a.m. to 11:15 a.m. on November 5, to within the 170 seat capacity of the room. The remainder of the meeting will be closed because the Panel will be considering information of a proprietary nature.

The NASA Ad Hoc Synthesis Review Panel serves in an advisory capacity to the National Aeronautics and Space Administration to review proposals for Lunar Data Analysis and Synthesis. The Panel has 27 members including the Chairman, Mr. Floyd I. Roberson. For further information regarding the meeting, please contact Mr. Leon Kosofsky: area code 202-755-1602. The agenda for the meeting is as follows:

5 NOVEMBER 1973

ITEM (1)

9:00-11:15 a.m.	Dr. Hinners will report the Status of the Lunar Exploration Program and Mr. Roberson will brief Panel members on guidelines for evaluation of proposals.

ITEM (2)

11:15-4:30 p.m.	The Panel will meet in closed session to evaluate and categorize Lunar Data Analysis and Synthesis proposals.

6 NOVEMBER 1973 (CLOSED SESSION)

9:00 a.m.-4:30 p.m.	Item (2) Continued.

7 NOVEMBER 1973 (CLOSED SESSION)

9:00 a.m.-4:30 p.m.	Item (2) Continued.

8 NOVEMBER 1973 (CLOSED SESSION)

ITEM (3)

9:00 a.m.-2:30 p.m.	The Panel will review evaluations and recommend proposals in priority for the Lunar Data Analysis and Synthesis Program.
2:30 p.m.	Adjourn.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

SEPTEMBER 26, 1973.

[FR Doc.73-21131 Filed 10-3-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 8009]

A.M. CAPITAL CORP.

Notice of Amended Application for Order Declaring That Company Has Ceased To Be an Investment Company

SEPTEMBER 28, 1973.

On February 16, 1972, a notice was issued (Investment Company Act Release No. 7003) of the filing by A.M. Capital Corporation, 22 East 40th Street, New York, N.Y., (Applicant), a Delaware corporation registered as a closed-end, non-diversified investment company under the Investment Company Act of 1940 (Act), of an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant had ceased to be an investment company. The notice gave interested persons an opportunity to request a hearing and stated that an order disposing of the matter might be issued on the basis of the information stated therein unless a hearing should be ordered. No request for a hearing has been filed, the Commission has not ordered a hearing and the Commission has not issued an order disposing of that application.

Notice is hereby given that Applicant has filed amendments to the application. The application, as amended (amended application), still requests an order of the Commission pursuant to section 8(f) of the Act declaring that Applicant has ceased to be an investment company. Whereas the application as originally filed contemplated the continued existence of Applicant as a corporation, under the amended application it is proposed that Applicant be liquidated and dissolved following the issuance of the order requested pursuant to section 8(f) of the Act. As more fully described below, it appears that applicant has sustained and conceivably could sustain losses as a result of the purchase in 1970 by Applicant of undeveloped land located in Florida in contravention of Applicant's fundamental investment policies and of the provisions of sections 13(a)(3) and 23(a) of the Act. Under the terms of the proposed program for the liquidation and dissolution of Applicant, certain stockholders of Applicant will, in effect, make specified payments to Applicant relating to the latter's losses and will enter into arrangements which are designed to protect Applicant against further losses as a result of the aforesaid purchase of the Florida land.

All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant and its status. Applicant registered under the Act on May 24, 1961, by filing a Notification of Registration on Form N-8A. Applicant represents that it has 500,000 shares of authorized common stock of which 99,312 shares are outstanding; that Applicant has no other securities outstanding; that as of July 13, 1973, Applicant's outstanding common stock was beneficially owned by 95 persons; and that no company owns as much as 10 percent of Applicant's outstanding common stock. Applicant states that no public offering of its securities is presently being made nor is any such offering presently proposed.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities. This section also provides, that for the purposes of this exception, "beneficial ownership by a company shall be deemed to be beneficial ownership of one person; except that if such company owns 10 per centum or more of the outstanding voting securities of the issuer, the beneficial ownership shall be deemed to be that of the holders of such company's outstanding securities (other than short-term paper)."

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect. Section 8(f) further provides, that an order thereunder may be made upon conditions necessary for the protection of investors.

The proposed liquidation and dissolution of Applicant is to be carried out, as noted hereinabove, after the Commission issues the requested order declaring that Applicant has ceased to be an investment company and pursuant to a Plan of Complete Liquidation and Dissolution (Plan).

Background of proposal relating to applicant's loss. On the basis of Applicant's balance sheet at July 31, 1972, Applicant's assets totalled $1,590,113. Of this amount, $268,820 consisted of cash and certificates of deposit; $1,151,916 consisted of securities at market value, including $503,987 representing the value of 101,050 restricted shares (5.5 percent) of the common stock of Restaurant Associates Industries, Inc. (taken at 95 percent of market value); and $160,549 represented the cost of its investment in land. At the same date, Martin Brody, a director of Applicant, and James H. Slater, Applicant's President and Treasurer, owned approximately 39.8 percent and 18 percent, respectively, of Applicant's outstanding common stock. The land, carried on Applicant's balance sheet at cost of $160,549, was acquired by Applicant on April 15, 1970, for cash and a mortgage in the amount of $120,000, which is payable with interest at the rate of 7 percent per annum in semiannual installments of $7,500 each plus interest on the 15th days of April and October. On April 15, 1973, Applicant sold such

land for a price of $160,000 paid as follows: $30,000 in cash; $75,000 by the purchaser's assumption of the first mortgage on the property; and $55,000 by the purchaser's delivery of a purchase money second mortgage to Applicant payable, as to interest only, at the rate of 7½ percent per annum on the unpaid balance on April 15, 1974, and April 15, 1975, and as to principal in the amount of $18,333.33 plus such interest on April 15, 1976, $18,333.33 plus interest on April 15, 1977, and $18,333.34 plus interest on April 15, 1978. Notwithstanding the purchaser's assumption of the first mortgage, Applicant remains contingently liable thereon. Applicant paid brokerage commissions of $16,000 on such sale to MacLaren and Anderson, Boca Raton, Florida.

The application states that, despite the sale by Applicant of the Florida land for $160,000, Applicant sustained a loss of $54,100 as a result of its purchase of such property because of various acquisition and carrying charges, including taxes, interest, and maintenance, and the loss of use of money paid by reason of the purchase, as well as brokerage commissions paid and other expenses incurred with respect to the Florida property.

The plan. In general, the Plan provides as follows:

1. Promptly after the effective date of the Plan, Applicant shall send each stockholder notice of his rights under the Plan, including the right to obtain promptly his pro rata distribution in kind of Applicant's holdings of shares of Restaurant Associates Industries, Inc. (Restaurant) upon giving Applicant written notice within 30 days of his election to receive such distribution. Distribution of Restaurant shares in kind to the persons so electing shall be made promptly following the receipt of such election. Upon the expiration of such 30 day period, Applicant shall sell the shares of Restaurant which are not to be distributed in kind and shall distribute the proceeds thereof pro rata to the stockholders who did not elect to receive distribution in kind.

2. On July 10, 1973, Applicant owned promissory notes of Chari Trading Corp. (Chari) in the principal amount of $28,472.27 (including interest to maturity) due monthly from August 1973, to December 1973, which notes are carried on the books of Applicant at $21,106.10. On the effective date of the Plan Applicant will sell the Chari notes which have not matured to Abraham F. Wechsler, a substantial stockholder of Applicant and father-in-law of the President of Applicant, for a price equal to the face amount of the notes discounted to maturity at the rate of 9 percent per annum.

3. With respect to (i), the $54,100 which Applicant states it lost as a result of its purchase of the Florida property, (ii) the contingent liability of Applicant for the balance of $75,000 due on the first mortgage on such property, and (iii) the purchase money second mortgage in the amount of $55,000 taken by Applicant upon the sale by it of the Florida property, the Plan provides as follows:

(a) Brody and Slater and members of their families and business associates owning 89.38 percent of the outstanding stock of Applicant will waive any claim for reimbursement for their share of such loss. The portion of such loss which would otherwise be borne by the holders of the remaining 10.62 percent of Applicant's stock (Minority Stockholders) in the amount of $5,745.42 (10.62 percent of the claimed loss of $54,100) will, in effect, be paid to such Minority Stockholders by Brody and Slater through the deduction of $2,872.21 from the cash amounts distributable to each of these two individuals and the distribution of the entire amount so withheld ($5,745.42) pro rata to the Minority Stockholders.

(b) Brody and Slater agree to indemnify and hold Applicant harmless from any liability or expense which it may incur in connection with the $75,000 balance due on the first mortgage on the Florida property. To secure the respective obligations of Brody and Slater, the amount of $37,500 is to be deducted from the cash distributable to each of these individuals and the total so deducted ($75,000) is to be held in escrow in an interest bearing account for the benefit of Brody and Slater. Sixty days after the due date of each installment of the principal of such first mortgage, an amount equal to principal payment due at such date plus interest earned on the escrowed fund shall be released from escrow, unless, prior to expiration of such period, Applicant or its counsel shall have been notified in writing by the holder of the first mortgage or Brody or Slater has knowledge that the payment then due has not been made.

(c) The second mortgage on the Florida property in the amount of $55,000 now held by Applicant is to be assigned to Brody and Slater in consideration of the payment by each to Applicant of $27,500 through the deduction of such amounts from the cash payments distributable to each of them under the Plan.

4. The $2,500 principal amount of 15 year State of Israel coupon bonds, due 1985, owned by Applicant are to be distributed to Brody and Slater in lieu of an amount of cash equal to the face amount of such bonds and otherwise distributable to them.

5. Except as otherwise provided above, all proceeds of the disposition of assets, after deduction for and allowances for expenses shall be distributed to shareholders of Applicant in proportion to the number of shares held by each such shareholder.

6. Any distributions remaining unclaimed by stockholders shall be deposited in a special account for the benefit of the persons entitled thereto.

7. The Plan has been approved by the board of directors of Applicant and by the requisite affirmative vote of holders of Applicant's shares.

Notice is further given that any interested person may, not later than October 24, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the amended application herein may be issued by the Commission upon the basis of the information stated in said amended application, unless an order for hearing upon said amended application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-21106 Filed 10-3-73;8:45 am]

CONTINENTAL VENDING MACHINE CORP.

[File No. 500-1]

Order Suspending Trading

SEPTEMBER 26, 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 Corporation, 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 September 27, 1973, through October 6, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-21102 Filed 10-3-73;8:45 am]

[Rel. No. 8011]

HARRIS, UPHAM TAX-EXEMPT FUND

Notice of Filing of Application for Order of Exemption

SEPTEMBER 28, 1973.

Notice is hereby given that Harris, Upham Tax-Exempt Fund c/o Harris, Upham & Co., 120 Broadway, New York, New York 10005, (Applicant), a unit investment trust registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 6(c) of the Act for an order exempting its First and all subsequent National and State Series from the provisions of section 14(a) of the Act and Rules 19b-1 and 22c-1 under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant is registered under the Act as a unit investment trust and has filed a registration statement on Form S-6 under the Securities Act of 1933. Harris, Upham & Co., Inc. presently acts as sponsor of the Applicant (Sponsor). The objective of each series offered by the Applicant will be income through investment in long-term tax-exempt bonds. Each series of Applicant will be governed by a trust agreement (Agreement) under which the Sponsor (or succeeding sponsor) will act as such, United States Trust Company of New York will act as trustee (Trustee), and Standards and Poors Corporation will act as evaluator (Evaluator). Each Agreement will contain standard terms and conditions of trust common to all series. Pursuant to each Agreement, the Sponsor will deposit with the Trustee in excess of $3,000,000 principal amount of tax-free municipal bonds (Bonds), and simultaneously the Trustee will deliver to the Sponsor registered certificates representing in excess of 3,000 units, which will represent the entire ownership of each series. The units will then be offered for sale to the public by the Sponsor. All of the Bonds deposited with the Trustee will be interest bearing obligations of states and territories of the United States and political subdivisions and authorities thereof, the interest on which is exempt from Federal income taxation. It should be noted that the Bonds will not be pledged or be in any other way subjected to any debt by the Applicant at any time after the Bonds are deposited with the Trustee.

Each series will consist of Bonds, such Bonds as may continue to be held from time to time in exchange or substitution for any of the Bonds upon certain refunds, accrued and undistributed interest and undistributed cash. Certain of the Bonds may from time to time be sold under the special circumstances set forth in the Agreement, or may be redeemed or may mature in accordance with their terms. The proceeds from such dispositions will be distributed to unit holders and not reinvested. There is no provision for the sale and reinvestment of the Bonds.

Each unit for a particular series will represent a fractional undivided interest in that series and will be redeemable. In the event that any unit shall be redeemed, the portion of the fractional undivided interest represented by each unit outstanding will be increased. Units will remain outstanding until redeemed or until the termination of the Agreement. The Agreement may be terminated by 100 percent agreement of the unit holders or, in the event that the value of the Bonds shall fall below an amount specified for each series, upon direction of the Sponsor to the Trustee, or by the Trustee without such direction, respectively.

Section 14(a). Section 14(a) of the Act requires that a registered investment company (a) have a net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at that time have had a net worth of $100,000 or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicant seeks an exemption from the provisions of section 14(a) in order that they may make a public offering of units of each series as described above. In connection with the requested exemption from section 14(a), the Sponsor has agreed as follows: (A) to refund, on demand and without deduction, all sales charges paid by purchasers of units in the initial public offering of a series if, within 90 days from the time that the Registration Statement relating to such series becomes effective, either (i) the net worth of such series shall be reduced to less than $100,000, or (ii) such fund shall have been terminated; (B) to instruct the Trustee on the date of deposit of each series that in the event that redemption by the Sponsor of units constituting a part of the unsold units shall result in that series having a net worth of less than $2,000,000, the Trustee shall terminate the series in the manner provided in the Agreement and distribute any municipal bonds or other assets deposited with the Trustee pursuant to the Agreement as provided therein.

Rule 19b-1. Rule 19b-1(a) under the Act provides, in substance, that no registered investment company which is a "regulated investment company", as defined in section 851 of the Internal Revenue Code, shall make more than one distribution of capital gains in any one taxable year. Paragraph (b) of the rule contains a similar prohibition for a company not a "regulated investment company" but permits a unit investment trust to distribute capital gain distributions received from a "regulated investment company" within a reasonable time after receipt.

Applicant proposes to make monthly distributions of principal and interest to unitholders of a series. Distributions of principal constituting capital gains to unitholders may arise in two instances: (1) if an issuing authority calls or redeems an issue held in the portfolio, the sums received by Applicant will be distributed to unitholders on the next distribution date; and (2) if Bonds are sold in order to provide funds necessary to meet redemptions each unitholder will receive his pro rata portion of the proceeds from the Bonds sold. In such instances, a unitholder may receive in his distribution funds which constitute capital gains since the value of the portfolio Bonds redeemed or sold may have increased since the date of initial deposit.

As has been stated, paragraph (b) of rule 19b-1 provides that a unit investment trust may distribute capital gains received from a "regulated investment company" within a reasonable time after receipt. Applicant states that the purpose behind such provision is to avoid forcing unit investment trusts to accumulate capital gains distribution received throughout the year as the result of acts of their portfolio investment companies. Applicant states that it too should not have to hold until the end of its taxable year any involuntary realized capital gains. Applicant contends that retention of such involuntary realized capital gains by Applicant until the end of its taxable year would clearly be to the detriment of the unitholders.

In support of the requested exemption, the Applicant states that the dangers against which rule 19b-1 is intended to guard will not exist in connection with any Series of Applicant, since neither Applicant nor the Sponsor has control over the events which could trigger capital gains. Applicant seeks to make a combined distribution of principal, including capital gains, and interest each month, and states that any capital gains in such distribution will be clearly indicated as such in accompanying reports to unitholders. In addition, it is alleged that the amounts involved in a normal distribution of principal will be relatively small in comparison to the normal interest distribution.

Rule 22c-1. The Sponsor, while not obligated to do so, intends to maintain a market for the units by continuously offering to purchase units and selling those units owned by it. These purchases and sales will usually be made at prices equal to the net asset value per unit of Applicant as determined by the Evaluator once each week. Evaluation will be made at the expense of the Applicant. Applicant contends that additional evaluations would be so costly as to significantly impair the interests of unitholders.

The Sponsor has undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide the Sponsor with estimated evaluations on trading days. In the case of a repurchase, if the Evaluator cannot state that the previous Friday's price is at least equal to the current bid price, the Sponsor will order, and the Applicant will pay for, a full evaluation which shall determine the repurchase price. In case of resale by the Sponsor, if the Evaluator cannot state that the previous Friday's price is no more than one-half point ($5.00 per $1,000.00 principal amount of underlying

bonds) greater than the current offering price, a full evaluation will be ordered. Thus, a unitholder wishing to sell his unit will not receive less from the Sponsor than he might have received from the Applicant upon redemption, and a purchase of such units from the Sponsor will not pay more for a unit than approximately the current net asset value per unit.

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies may be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant states that the rule has two purposes: (1) to eliminate or to reduce any dilution of the value of outstanding redeemable securities of registered investment companies which might occur through the sale, redemption or repurchase of such securities at prices other than their current net asset values; and (2) to minimize speculative trading practices in the securities of registered investment companies.

The secondary market activities of Sponsor, which may be the manner in which unitholders will divest themselves of shares and the manner for the acquisition by investors of new shares, may be deemed to violate Rule 22c-1 because of the absence of daily pricing. Applicant argues, however, that the purposes of Rule 22c-1 will not be offended by the Sponsor's secondary market activities. Applicant asserts that the pricing of units by the Sponsor in the secondary market will in no way dilute the assets of Applicant, and that unitholders will benefit from the Sponsor's pricing procedure in the secondary market, since they will normally receive a higher repurchase price for their units than they could by redeeming their units at the current net asset value and that this will be accomplished without the cost burden to the Applicant of daily evaluations of the unit redemption value.

Applicant also contends that speculation in units of any Series is unlikely because price changes are limited in respect to the kind of bonds which will be held by such Series.

Section 6(c) of the Act provides that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 18, 1973, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-21107 Filed 10-3-73;8:45 am]

[Rel. No. 8001]

JOHN HANCOCK BOND FUND, INC. AND JOHN HANCOCK DISTRIBUTORS, INC.

Notice of Application for Order Granting Exemption

SEPTEMBER 27, 1973.

Notice is hereby given that John Hancock Bond Fund, Inc., 200 Berkeley Street, Boston, MA 02117 (Bond Fund), a diversified, open-end investment company registered under the Investment Company Act of 1940 (Act), and John Hancock Distributors, Inc., 285 Columbus Avenue, Boston, MA 02117 (Underwriter), proposed underwriter for Bond Fund shares (hereinafter collectively called "Applicants") have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicants, to the extent noted below, from the provisions of section 22 (d). Bond Fund was organized by John Hancock Advisers, Inc., a wholly owned subsidiary of John Hancock Mutual Life Insurance Company (John Hancock). John Hancock Distributors, Inc. is a wholly owned subsidiary of John Hancock Advisers, Inc. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicants request exemption, to the extent set forth below, from Section 22 (d) of the Act which provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to the public except at a current offering price described in the prospectus.

Under the proposed contract between Bond Fund and Underwriter, the Underwriter will receive compensation in the amount of the sales charge ranging, as a percentage of the amount invested, from 8.7 percent to 1.01 percent, depending on the amount invested (or 8 percent to 1 percent, as a percentage of the offering price).

Exemption is requested to enable proceeds derived from death claims and matured endowments of fixed dollar policies issued by John Hancock to be applied to the purchase of Bond Fund shares within the first 60 days after the date of the check in payment of such insurance at a sales charge equal to one-half the rate otherwise applicable.

Applicants point out that persons who purchase shares with insurance proceeds of fixed dollar policies will have already incurred a charge for sales expenses in connection with such fixed dollar policies that is larger than the sales charge applicable to purchase payments for Bond Fund shares. Applicants also state that one-half of the normal sales charge more appropriately reflects the selling effort and expense involved in these circumstances.

Section 6(c) authorizes the Commission upon application conditionally or unconditionally to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act or the Rules and Regulations promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may not later than October 24, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted; or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will

be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-21108 Filed 10-3-73;8:45 am]

KORACORP INDUSTRIES, INC.

[File No. 500-1]

Order Suspending Trading

SEPTEMBER 26, 1973.

The common stock, $1 par value, of Koracorp Industries, Incorporated being traded on the New York Stock Exchange and the Pacific Coast Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Koracorp Industries, Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from September 27, 1973 through October 6, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-21103 Filed 10-3-73;8:45 am]

[Rel. No. 8002]

NEW ENGLAND MUTUAL LIFE INSURANCE CO., ET AL.

Notice of Filing of Application for an Order Exempting Applicants

SEPTEMBER 28, 1973.

Notice is hereby given that New England Mutual Life Insurance Company (New England Life), 501 Boylston Street, Boston, MA 02117, and NEL Equity Fund, Inc., NEL Growth Fund, Inc., NEL Income Fund, Inc., and New England Life Side Fund, Inc. (Funds) and NEL Equity Services Corporation (NELESCO) (New England Life, the Funds, and NELESCO hereinafter collectively referred to as Applicants) have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order granting an exemption from section 22(d) of the Act to the extent specified therein. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

New England Life is a mutual life insurance company organized under Massachusetts law in 1835. The Funds are open-end diversified management investment companies registered under the Act. NELESCO, a wholly-owned subsidiary of New England Life, is the principal underwriter for the Funds.

Section 22(d) provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to any person except at a current public offering price described in the prospectus. The Section has been construed as prohibiting variations in the sales load except on a uniform basis.

Shares of the Funds are offered to the public at net asset value plus a maximum sales charge of 8 percent of the public offering price and such charge is reduced on purchases involving $10,000 or more.[1]

Applicants request an exemption from section 22(d) of the Act to permit the application of amounts payable under insurance contracts (other than such contracts which constitute securities of an "open-end investment company" as defined under the Act) issued by New England Life (e.g., the death benefit under life policies, the maturity value of endowment contracts and the cash surrender value of life insurance and annuity contracts) to purchase shares of the Funds at reduced sales charges as follows:

Amount of Single Payment at Public Offering Price:	*Sales Charge as Percentage of Offering Price*
Less than $10,000	4.0
$10,000 but less than $25,000	3.5
$25,000 but less than $50,000	2.75
$50,000 but less than $100,000	2.0
$100,000 but less than $250,000	1.5
$250,000 but less than $500,000	1.25
$500,000 but less than $1,000,000	1.0
$1,000,000 and over	0.5

Applicants assert that since the premiums paid on the insurance contracts constituting the source of the insurance proceeds applied to purchase shares of the Funds will already have been subjected to sales charges and since the sales efforts involved in sales of this type will be markedly reduced as compared with sales to new prospects, the proposed exemption does not involve unfair discrimination and is in fact necessary to avoid unnecessary and inequitable duplication of sales charges to purchasers of this class. Applicants also assert that the proposed exemption presents no significant threat to the orderly distribution of redeemable investment company securities. Accordingly, Applicants assert that the requested exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 24, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-21109 Filed 10-3-73;8:45 am]

[1] On the date of filing of the application, the registration statement under the Securities Act of 1933 of NEL Income Fund, Inc., was not yet effective.

[Rel. No. 8007]

ROYAL BUSINESS FUNDS CORP.

Notice of Proposal To Terminate Registration

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that Royal Business Funds Corporation (Funds), 60 East 42nd St., New York, N.Y. 10017, registered under the Act as a closed-end, non-diversified management investment company, has ceased to be an investment company as defined in the Act.

Funds was organized as a New York corporation on November 9, 1959, and

filed a Form N-8A Notification of Registration and a Form N-5 Registration Statement with the Commission on November 13, 1963.

The Commission's records indicate that on December 30, 1965, Funds' shareholders approved the merger of Funds with and into Venture Capital Corporation (Venture), also a registered investment company, and that the shares of Venture were distributed to the shareholders of Funds. Funds presently has no assets and no shareholders and has ceased doing business as an investment company. (Venture subsequently changed its name to Royal Business Funds Corporation.)

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application or upon its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 25, 1973, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Funds at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-21110 Filed 10-3-73;8:45 am]

STRATTON GROUP, LTD.

[File No. 500-1]

Order Suspending Trading

SEPTEMBER 26, 1973.

The Common stock, $.25 par value, of Stratton Group, Ltd., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Stratton Group Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from September 27, 1973, and continuing through October 6, 1973.

By the Commission.

GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-21104 Filed 10-3-73;8:45 am]

[File No. 1-5000]

SUMITOMO CHEMICAL COMPANY, LTD.

Notice of Application To Withdraw From Listing and Registration

SEPTEMBER 26, 1973.

The above-named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

There has been limited trading in the issue; the most recent transaction occurred in January of 1970, and

Reporting requirements for listing (particularly adjustments for consolidated financial statements) have entailed additional accounting expenses.

The American Stock Exchange does not object to this application to withdraw, and the Company has represented that it will continue to furnish to the Commission certain periodic reports.

Any interested person may, on or before October 9, 1973, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-21111 Filed 10-3-73;8:45 am]

[File No. 500-1]

TELEPROMPTER CORP.

Order Suspending Trading

SEPTEMBER 26, 1973.

The common stock, $1 par value, of TelePrompTer Corporation being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of TelePrompTer Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from September 27, 1973, and continuing through October 6, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-21105 Filed 10-3-73;8:45 am]

[Rel. No. 8017]

WESTMINSTER BOND FUND, INC., ET AL.

Notice of Application Exempting Applicants

SEPTEMBER 27, 1973.

Notice is hereby given that Wellington Fund, Inc., Valley Forge, Pennsylvania, 19482, Windsor Fund, Inc., Ivest Fund, Inc., Wellesley, Income Fund, Inc., W. L. Morgan Growth Fund, Inc., Explorer Fund, Inc., Trustees' Equity Fund, Inc. (collectively the Funds), Westminster Bond Fund, Inc. (Westminster) and Wellington Management Company (WMC) (hereinafter collectively called Applicants) have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicants from section 22(d) of the Act and rule 22d-1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicants state that each of the Funds and Westminster are registered under the Act as open-end diversified management investment companies and offer their shares to the public on a continuous basis at net asset value plus varying sales charges depending on the amount purchased. WMC is the principal underwriter and investment manager of each of the Funds and Westminster.

The investment objective of Westminster is to provide the highest level of income consistent with the conservation of capital by investing in investment-grade bonds and other fixed-income securities. Applicants propose to offer to shareholders of Westminster the option of having their income dividends reinvested at net asset value (without a sales charge) in shares of any of the Funds. Once a shareholder elects this option, such dividends will be reinvested automatically at the selected Fund's net asset value determined on the Westminster dividend payment date, provided, however, that such dividends may be reinvested (1) in Explorer Fund subject to a minimum investment of $5,000 and (2) in Trustees' Equity Fund only by tax-exempt or corporate investors. No sales commissions will be received by WMC or any sales representative on such reinvestments. All costs, if any, will be borne by WMC.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus.

Applicants contend that the proposed reinvestment option is designed to give shareholders of Westminster an opportunity to build capital by investing their income, at no sales charge, in a fund emphasizing capital growth as a primary or secondary objective while conserving their initial capital in a relatively stable bond fund.

Applicants assert that the proposed reinvestment could be accomplished indirectly pursuant to an offer of exchange permitted by section 11 of the Act without the necessity of an exemption from section 22(d). Currently each of the Funds and Westminster offer an exchange privilege whereby shareholders of any of the Funds can exchange all or a portion of their holdings into one of the other Funds for a service charge of $5 without the payment of a sales commission. Thus, a Westminster shareholder could presently reinvest his dividends in additional shares of Westminster and exchange such shares for shares of any of the Funds without payment of a sales charge.

Applicants state that any written offer under the proposed reinvestment option will be made by means of a statutory prospectus of the Fund into which the dividends would be reinvested. In addition, any shareholder exercising this option will receive a current prospectus of the Fund into which his dividends are being reinvested at least once each year. A shareholder will be permitted to cancel the reinvestment arrangement at any time upon written notice to the Fund's Transfer Agent.

Section 6(c) of the Act provides, in pertinent part, that the Commission may conditionally or unconditionally exempt any person or transaction from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 23, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-21112 Filed 10-3-73;8:45 am]

TARIFF COMMISSION

[AA1921-124]

STEEL WIRE ROPE FROM JAPAN

Clarification of Determination in Investigation of Steel Wire Rope From Japan

The Tariff Commission sent the following clarifying statement with regard to its Investigation No. AA1921-124, Steel Wire Rope from Japan, to the Secretary of the Treasury on September 27, 1973.

Honorable George P. Shultz, Secretary of the Treasury, Washington, D.C. 20226.

Dear Mr. Secretary:

The Commission, with letter of September 7, 1973, transmitted to you its determination in Investigation No. AA1921-124, Steel Wire Rope from Japan. In that determination the Commission found an industry in the United States is being injured by reason of the importation of steel wire rope from Japan that is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

The Commission wishes to clarify the above determination with the explanation that it did not intend to include in its affirmative determination an imported product described as brass electropated steel truck tire cord of cable construction specially packaged for protection against moisture and atmosphere.

The evidence presented to the Commission establishes that the tire cord in question is a highly specialized product used in the rubber industry for making truck tires. Brass plating of the individual wires facilitates the chemical bond between the rubber and the metal. The specialized nature of the product makes it unsuitable for the ordinary uses of steel wire rope of comparable size.

The evidence also establishes that there is no domestic source producing a competitive tire cord. The imported tire cord has not prevented domestic firms from going forward with plans to build facilities to produce a comparable tire cord in the United States.

It is also noted that the complainants in this proceeding stated at the hearing (TR. 7) and in their brief (p. 5) that this product was not included in their complaint, and that they "do not consider it part of the steel wire rope industry as we will define it."

Sincerely yours,

CATHERINE BEDELL, *Chairman.*

By order of the Commission.

Issued September 28, 1973.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-21143 Filed 10-3-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 355]

ASSIGNMENT OF HEARINGS

OCTOBER 1, 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 October 4, 1973.

MC 118610 Sub 14, L & B Express, Inc., now assigned hearing October 30, 1973, at Frankfort, Ky., will be held in the 4th Floor Hearing Room, State Office Building.

MC 125820 Sub 7, Elk Valley Freight Line, Inc., now assigned October 29, 1973, at Montgomery, Ala., will be held in GSA Conference Room, 8th Floor, Aronov Building, 474 S. Court Street.

MC 29642 Sub 9, Five Transportation Company, now assigned November 26, 1973, at Atlanta, Ga., will be held in Room 556 Federal Building, 275 Peachtree Street NE.

MC 115841 Sub 441, Colonial Refrigeration Transportation, Inc., now assigned November 26, 1973, at Atlanta, Ga., will be held in Room 305, 1252 W Peachtree Street NW

MC 117565 Sub 86, Motor Service Company, Inc., now assigned hearing November 26, 1973, will be held in Room 228, Federal Office Building, 85 Marconi Boulevard, Columbus, Ohio.

MC-C-8088, Point Express, Inc.—Investigation and Revocation of Certificates—now assigned hearing November 27, 1973, will be held in Room 228, Federal Office Building, 85 Marconi Boulevard, Columbus, Ohio.

MC 119789 Sub 155, Caravan Refrigerated Cargo, Inc., now assigned hearing November 29, 1973, will be held in Room 228, Federal Office Building, 85 Marconi Boulevard, Columbus, Ohio.

MC-F-11778, T.I.M.E.-DC, Inc.—Control and Merger—Husman Express Co., MC 35320 Sub 135, T.I.M.E.-DC, Inc., now assigned hearing December 3, 1973, will be held in Room 228, Federal Office Building, 85 Marconi Boulevard, Columbus, Ohio.

I&SM 27070, Increased Class Rates for Short Hauls To and From The South, now assinged December 3, 1973, at Washington, D.C., is canceled.

MC-113678 Sub 484, Curtis, Inc., is continued to October 24, 1973 (2 days), at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-21157 Filed 10-3-73;8:45 am]

[Notice No. 366]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

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

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 24, 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-74667. By order of September 25, 1973, the Motor Carrier Board approved the transfer to Lester T. Sheely, doing business as H & S Towing Service, Camp Hill, Pennsylvania, of the operating rights in Certificate No. MC-123813, issued November 15, 1971, to Lester T. Sheely and Dale R. Henry, doing business as H & S Towing Service, Camp Hill, Pennsylvania, authorizing the transportation of wrecked, damaged, disabled, and repossessed motor vehicles, by truckaway method, by use of wrecker equipment only (excluding the transportation of vehicles for the United States Government), between points in Dauphin and Cumberland Counties, Pa., on the one hand, and, on the other, points in Ohio, Indiana, Delaware, Maryland, West Virginia, New Jersey, New York, Massachusetts, Connecticut, Illinois, Rhode Island, the District of Columbia, Richmond, Va., and Chattanooga, Tenn. Christian V. Graf, Esquire, 407 North Front Street, Harrisburg, Pa. 17101, Attorney for applicants.

No. MC-FC-74704. By order of September 25, 1973, the Motor Carrier Board approved the transfer to Ralph C. Huttick, Philadelphia, Pa., of Certificate No. MC-116717 issued August 10, 1959, to George F. Paravicini, doing business as D. L. W. Transportation Co., Philadelphia, Pa., authorizing the transportation of wire, cable, paper boxes, sheet metal work, air conditioners, elevators, and pharmaceutical goods between Philadelphia, Pa., on the one hand, and, on the other, points in specified parts of New Jersey. Mr. Edwin L. Scherlis, Attorney at Law, 1209 Lewis Tower Building, 15th and Locust Streets, Philadelphia, Pa. 19102.

No. MC-FC-74724. By order entered September 24, 1973, the Motor Carrier Board approved the transfer to C and H Truck Lines, Inc., Spartanburg, S.C., of Certificate of Registration No. MC-56956 (Sub-No. 1), issued February 12, 1964, to C. W. Johnson and Harry N. Johnson, doing business as C. and H. Truck Line, Spartanburg, S.C., evidencing a right to engage in transportation in interstate or foreign commerce, in the transportation of commodities in general, between points and places in Spartanburg County and between points and places in Spartanburg County and points and places in South Carolina. James C. Creal, 188 West Main St., Spartanburg, S.C. 29301, attorney for applicants.

No. MC-FC-74726. By order entered September 24, 1973, the Motor Carrier Board approved the transfer to Duncan Transportation Co., a Corporation, Riverton, Va., of the operating rights set forth in Permits Nos. MC-124652 (Sub-No. 1), MC-124652 (Sub-No. 4), MC-124652 (Sub-No. 5), MC-124652 (Sub-No. 7), and MC-124652 (Sub-No. 8), issued by the Commission April 28, 1964, February 10, 1966, July 11, 1967, January 16, 1970, and March 1, 1973, respectively, to Julian F. Duncan, doing business as Duncan Transfer, Riverton, Va., authorizing the transportation of masonry and mortar cement, from Riverton, Va., to points in Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; and materials, equipment, and supplies used in the manufacture of masonry cement and mortar cement, from points in Delaware, Maryland, New Jersey, North Carolina, West Virginia, Pennsylvania, New York, Ohio, South Carolina, Tennessee, Connecticut, Rhode Island, Michigan, Indiana, Kentucky, Georgia, Florida, and Massachusetts, to Riverton, Va., restricted to operations to be performed under a continuing contract or contracts with the Riverton Corporation, of Riverton, Va. Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-21156 Filed 10-3-73;8:45 am]

[Notice No. 78]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 28, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by special rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that

[1] Copies of special rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

each applicant shall, if protests to its application have been filed, and, on or before December 3, 1973, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.

No. MC 531 (Sub-No. 294), filed July 23, 1973. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of Dow Chemical, U.S.A. at or near Plaquemine, La., to points in the United States (except Alaska and Hawaii), restricted to shipments originating at said plantsite.

NOTE.—Common control may be involved. Applicants states that the requested authority can not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 4963 (Sub-No. 40), filed June 25, 1973. Applicant: ALLEGHANY CORPORATION, doing business as JONES MOTOR, Bridge Street and Schuylkill Road, Spring City, Pa. 19475. Applicant's representative: Roland Rice, Suite 618, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities, requiring special equipment), (1) Serving points in Connecticut as off-route points in connection with carrier's regular-route operations; (2) Serving points in Massachusetts as off-route points in connection with carrier's regular-route operations; (3) Serving points in Virginia on and west of the line extending from the Virginia-North Carolina State line along U.S. Highway 15 to Warrenton, Va., thence along U.S. Highway 211 to the District of Columbia-Virginia Boundary line, including points on the indicated portions of the highways specified as off-route points in connection with carrier's regular-route operations; (4) Serving points in North Carolina as off-route points in connection with carrier's regular-route operations; (5) Serving points in Pennsylvania on and east of U.S. Highway 220 and south of a line extending from Towanda, Pa. along U.S. Highway 6 to Wyalusing, Pa., thence along Pennsylvania Highway 706 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction with Pennsylvania Highway 106, thence along Pennsylvania Highway 106 to junction with Pennsylvania Highway 652, thence along Pennsylvania Highway 652 to the Pennsylvania-New Jersey State line (formerly U.S. Highway 106) as off-route points in connection with carrier's regular-route operations; and (6) Serving points in New Jersey on and south of U.S. Highway 40 and on and west of a line beginning at Pittsgrove, N.J., and extending along New Jersey Highway 77 to Bridgeton, N.J. in a southeasterly direction to Beaden Point, N.J. as off-route points in connection with carrier's regular-route operations; and (B) *general commodities* (except commodities in bulk, and Class A and B explosives); (1) Serving points in Illinois on and south of a line beginning at New Boston, Ill. and extending along Illinois Highway 17 to junction U.S. Highway 34 at or near Nekoma, Ill. and thence along U.S. Highway 34 to Chicago, Ill. including points on the indicated portion of the Highway specified as off-route points in connection with carrier's regular-route operations; (2) Between Bluefield, Va. and junction Interstate Highway 77 and Interstate Highway 70 (near Cambridge, Ohio); From Bluefield, Va. over Interstate Highway 77 to junction Interstate Highway 70 and return over the same route, as an alternate route for operating convenience only in connection with applicant's regular-route operations and serving the termini for the purpose of joinder only; (3) Between Buffalo, N.Y. and Syracuse, N.Y.; From Buffalo over Interstate Highway 90 to Syracuse, and return over the same route, as an alternate route for operating convenience only in connection with carrier's regular-route operations serving no intermediate points, and serving Syracuse for the purpose of joinder only; (4) Between Syracuse, N.Y. and Allentown, Pa.; From Syracuse over Interstate Highway 81 to junction Interstate Highway 81E, thence over Interstate Highway 81E to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Pennsylvania Highway 115, thence over Pennsylvania Highway 115 to junction Pennsylvania Highway 512, thence over Pennsylvania Highway 512 to junction Interstate Highway 78, and return over the same route, as an alternate route for operating convenience only in connection with carrier's regular-route operations serving no intermediate points and serving Syracuse for the purpose of joinder only; (5) Between Syracuse, N.Y. and the junction of Interstate Highway 87 and Interstate Highway 90; From Syracuse over Interstate Highway 90 to junction Interstate Highway 87, and return over the same route, as an alternate route for operating convenience only in connection with carrier's regular-route operations, serving no intermediate points, and serving the termini for purposes of joinder only; (6) Between junction Interstate Highway 87 and Interstate Highway 90 and Fort Lee, Mass.; From junction Interstate Highway 87 over Interstate Highway 90 to Fort Lee, Mass., and return over the same route, as an alternate route for operating convenience only in connection with carrier's regular-route operations, serving no intermediate points, and serving termini for purposes of joinder only; (7) Between junction Interstate Highway 87 and Interstate Highway 90 and Jersey City, N.J.; From junction Interstate Highway 87 and Interstate Highway 90 over Interstate Highway 87 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Interstate Highway 78, thence over Interstate Highway 78 to Jersey City, and return over the same route, as an alternate route for operating convience only in connection with carrier's regular-route operations serving no intermediate points and serving the termini for purposes of joinder only; (8) Between Buffalo, N.Y. and Harrisburg, Pa.; From Buffalo over U.S. Highway 20 to junction New York Highway 63, thence over New York Highway 63 to junction New York Highway 245, thence over New York Highway 245 to junction U.S. Highway 15, and thence over U.S. Highway 15 to Harrisburg and return over the same route, as an alternate route for operating convenience only in connection with carrier's regular-route operations, serving no intermediate points; and (9) Between Binghamton, N.Y. and junction U.S. Highway 15 and New York Highway 17; From Binghamton, N.Y. over New York Highway 17 to U.S. Highway 15 and return over the same route, as an alternate route for operating convenience only in connection with carrier's regular-route operations, serving no intermediate points, and serving the termini for purposes of joinder only. Note: Common control was approved in MC-F 11221. By this application, applicant seeks to eliminate the necessity of performing service through various gateways. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 11207 (Sub-No. 336), filed August 15, 1973. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, Ala. 35201. 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: *Composition building boards*, and *parts materials, and accessories* incidental to the transportation and installation thereof, from Greenville, Miss., to Memphis, Tenn.

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 Memphis, Tenn.

No. MC 11220 (Sub-No. 133), filed July 19, 1973. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, P.O. Box 59, Memphis, Tenn. 38101. Applicant's representative: W. F. Goodwin (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 those requiring special equipment), (1) Between Minneapolis, Minn. and Kansas City, Mo.: From Minneapolis over Interstate Highway 35-W to junction Interstate Highway 35, thence over Interstate Highway 35 to Kansas City and return over the same route, as an alternate route for operating convenience only in connection with carrier's regular route operations, serving no intermediate points and serving Kansas City, Mo. for the purpose of joinder only. Restriction: Service may not be rendered over the above described route involving traffic originating at, destined to or interchanged at points in the Kansas City, Kans.-Kansas City, Mo., commercial zone; (2) between Minneapolis, Minn. and Chicago, Ill.: From Minneapolis over Interstate Highway 94 to junction Interstate Highway 90, thence over Interstate Highway 90 to Chicago and return over the same route, as an alternate route for operating convenience only, in connection with carrier's regular route operations, serving no intermediate points, and serving Chicago, Ill. for the purpose of joinder only. Restriction: Restricted to traffic moving from, to or through points in Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn. or Washington, D.C.

No. MC 19553 (Sub-No. 35), filed July 5, 1973. Applicant: KNOX MOTOR SERVICE, INC., P.O. Box 359, Rockford, Ill. 61105. Applicant's representative: Leonard R. Kofkin, 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, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Darien, Wis. and Harvard, Ill.: From Darien over U.S. Highway 14 to Harvard, and return over the same route; (2) Between Lake Geneva, Wis. and the junction of Wisconsin Highway 50 and Wisconsin Highway 15: From Lake Geneva over Wisconsin Highway 50 to junction Wisconsin Highway 15, and return over the same route, serving Lake Geneva for the purpose of joinder only; (3) Between Lake Geneva, Wis. and Hebron, Ill.: From Lake Geneva over Wisconsin Highway 120 to junction Illinois Highway 47, thence over Illinois Highway 47 to Hebron, and return over the same route, serving Lake Geneva for the purpose of joinder only; (4) Between Elkhorn, Wis. and Lake Geneva, Wis.: From Elkhorn over U.S. Highway 12 to Lake Geneva, and return over the same route, serving Lake Geneva for the purpose of joinder only; (5) Between Richmond, Ill. and Lake Geneva, Wis.: From Richmond over U.S. Highway 12 to Lake Geneva, and return over the same route, serving Lake Geneva for the purpose of joinder only; (6) Between Lake Geneva, Wis. and Milwaukee, Wis.: From Lake Geneva over Wisconsin Highway 36 to Milwaukee, and return over the same route, serving Lake Geneva and Burlington, Wis. and junction Wisconsin Highway 36 and Wisconsin Highway 43 for the purpose of joinder only; (7) Between Kenosha, Wis. and Burlington, Wis.: From Kenosha over Wisconsin Highway 43 to Burlington, and return over the same route, serving Burlington, Wis. for the purpose of joinder only; (8) Between the junction of Wisconsin Highway 50 and Wisconsin Highway 75 and the junction of Wisconsin Highway 75 and Wisconsin Highway 20: From junction Wisconsin Highway 50 and Wisconsin Highway 75 over Wisconsin Highway 75 to junction Wisconsin Highway 20, and return over the same route, serving junction Wisconsin Highway 11 and Wisconsin Highway 75 for the purpose of joinder only; (9) Between Racine, Wis. and the junction of Wisconsin Highway 20 and Wisconsin Highway 36: From Racine over Wisconsin Highway 20 to junction Wisconsin Highway 36, and return over the same route; (10) Between Racine, Wis. and Milwaukee, Wis.: From Racine over Wisconsin Highway 31 to junction Wisconsin Highway 32, thence over Wisconsin Highway 32 to Milwaukee, and return over the same route; (11) Between Peru, Ill. and Wenona, Ill.: From Peru over U.S. Highway 51 to Wenona, and return over the same route; (12) Between Dixon, Ill. and Peoria, Ill.: From Dixon over U.S. Highway 26 to junction Interstate 180, thence over Interstate Highway 180 to junction Illinois Highway 29, thence over Illinois Highway 29 to Peoria, and return over the same route, in (1) through (12) above as alternate routes for operating convenience only, in connection with carrier's regular route operations, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 41432 (Sub-No. 134), filed July 30, 1973. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207. Applicant's representative: W. P. Furrh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, rock, gravel, sand, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between the junction of U.S. Highway 66 and Illinois Highway 48 and Decatur, Ill., as an alternate route for operating convenience only, in connection with applicant's regular-route operations, serving no intermediate points, with service at the junction of U.S. Highway 66 and Illinois 48, for the purpose of joinder only; From the junction of U.S. Highway 66 and Illinois 48 over Illinois 48 to Decatur, Ill., and return over the same route; and (2) between Decatur, Ill., and Peoria, Ill., as an alternate route for operating convenience only, in connection with regular-route operations, and serving Lincoln, Ill., for the purpose of joinder only; From Decatur, Ill., over Illinois Highway 121 via Lincoln to Peoria, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 52861 (Sub-No. 31), filed August 15, 1973. Applicant: WILLS TRUCKING, INC., 5755 Granger Street, Cleveland, Ohio 44113. Applicant's representative: Paul F. Berry, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, in bulk, in dump vehicles, between points in Wayne County, Mich., on the one hand, and, on the other, points in Indiana, Illinois, and Ohio.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 52953 (Sub-No. 42), filed July 9, 1973. Applicant: ET & WNC TRANSPORTATION COMPANY, a corporation, 132 Legion Street, Johnson City, Tenn. 37601. Applicant's representative: H. M. Cook, P.O. Box 449, Johnson City, Tenn. 37601. 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 Chatsworth and Eton, Ga., as off-route points in connection with applicants regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn. or Atlanta, Ga.

No. MC 59117 (Sub-No. 41), filed August 9, 1973. Applicant: ELLIOTT TRUCK LINE, INC., 101 East Excelsior, P.O. Box 1, Vinita, Okla. 74301. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from the plantsite of Farmland Industries, Inc. Nitrogen Plant, located at or

near Enid, Okla., to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas, restricted to traffic originating at the above named origin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla. or Kansas City, Mo.

No. MC 64932 (Sub-No. 518), filed August 17, 1973. Applicant: ROGERS CARTAGE CO., a corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. 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 irregular routes, transporting: (1) *Hydrogen*, in bulk, in tank vehicles, from Painesville, Ohio to Countryside, Ill.; (2) *waste acid*, in bulk, in tank vehicles, from Clinton, Ind., to Toledo, Ohio, and (3) *liquid chemicals*, in bulk, in tank vehicles, from South Bend, Ind., to points in Illinois, Michigan, Ohio, 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 Chicago, Ill.

No. MC 73688 (Sub-No. 63), filed July 16, 1973. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Memphis, Tenn. 38107. Applicant's representative: Charles H. Hudson, Jr., 601 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products*, (1) from Vicksburg and Magee, Miss. and Pine Bluff, Ark., to Memphis, Tenn., and (2) from Vicksburg, Miss., to Pine Bluff, Ark.

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 87689 (Sub-No. 10), filed July 2, 1973. Applicant: INTER-CITY TRUCK LINES LIMITED, Box 900, Station "U", Toronto 18, Ontario, Canada. Applicant's representative: William J. Hirsch, Suite 444, 35 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and 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 commodities requiring special equipment), (1) Regular routes: (a) Serving the plantsite and facilities of Ford Motor Company, Romeo, Mich., as an off-route point in connection with carrier's regular-route operations from and to Detroit, Mich.; (b) Between the port of entry on the United States-Canada boundary line at or near Port Huron, Mich., and Detroit, Mich., as an alternate route for operating convenience only, in connection with carrier's regular route operations, serving no intermediate points: From the port of entry on the United States-Canada boundary line over Interstate Highway 94 to Detroit, and return over the same route, restricted against the transportation of traffic interlined or originating at or destined to Port Huron, Mich.; and (2) Irregular routes: Between the plantsite and facilities of Ford Motor Company, Romeo, Mich., and the International Boundary line between the United States and Canada located at Port Huron, Mich.

NOTE.—Applicant states that the requested authority cannot be tacked with its irregular routes. If a hearing deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 96719 (Sub-No. 3), filed May 31, 1973. Applicant: THRASHER TRUCKING COMPANY, a corporation, P.O. Box 116, Monahans, Tex. 79756. Applicant's representative: Jerry Prestridge, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Oilfield equipment and pipe, when moving as oilfield equipment; pipe, when it is to be used in the construction of pipe lines of any and every other character or use other than oilfield equipment, between the points within the area covered by the existing certificate of the applicant; except that the applicant is prohibited from transporting pipe when not moving as oilfield equipment, where both origin and destination are places on the certificated routes of regular route common carrier motor carriers, when such pipe is less than four inches (4") in diameter and is also less than twenty-eight feet (28') in length; trenching machines, tractors, drag lines, back fillers, caterpillars, road building machinery, batch bins, ditching machinery, bulldozers, heavy mixers, finishing machinery, power hoists, cranes, heavy machinery, pile driving rigs, paving machines and equipment, graders, construction equipment, boilers, scrapers, irrigation and drainage machinery, road maintainers, electric motors, pumps, transformers, circuit breakers, turbines, bridge construction equipment, shovels, planes, lathes, air compressors, rotaries, prefabricated houses, bulk station storage tanks, heavy tanks, pump machinery, erection machinery and equipment, refinery machinery and equipment, boats and prefabricated steel girders, threshing machines, sawmill machinery, telephone and telephone and telegraph poles, creosote and other pilings, heavy furnaces or ovens, pipe (including iron, steel, concrete, composition or corrugated), punches, presses, iron or steel girders, beams, columns, posts, channels and trusses, generators and dynamos, iron and steel castings, sheets, and plates, industrial hammers, industrial machinery, including laundry, ice making, air conditioning, baker, bottling, gin, crushing, dredging, mill, brewery, textile, water plant and wire covering, twisting or laving, derricks, hoists, steam or internal combustion engines, rollers, power shovels, safes, vaults, bank doors, and gasoline, fuel oil and other storage tanks, when said commodities are not moving as oilfield equipment, as follows: The holder of this authority may transport the above-named commodities together with its attachments and its detached parts thereof between incorporated cities, towns and villages only when the commodity to be transported weighs 4,000 pounds or more in a single piece or when such commodity, because of physical characteristics other than weight, requires the use of "Special devices, facilities or equipment" for the safe and proper loading or unloading thereof; absorbers (scrubbers); air or gas lift equipment; amplifiers, seismic; anodes, magnesium; armatures (heavy) and parts; assemblies, backside, casinghead, Christmas tree, stuffing, knock-off screen setting, seating and set shoe; asphalt plant; asphalt or pipe line coating, in barrels or drums; bailers; barges, benders, pipe; blowout preventers, boons, crane, truck, dragline, derrick and tractor; brakes and parts; bridges, portable; buckets, clam shell, dragline and shovel; bug blowers; cable tool drilling machines; cable tools; cab heads; chains, leading, in barrels; casing spiders; chlorine and other chemicals in steel cylinders or tanks (not tank trucks); gas compressors; connection racks; conveyors; core barrels; coring units; clutches (heavy); crown blocks; crank shafts (heavy); cross-arms and their hardware; cross-ties; cylinder, engine and compressor; dehydration units; derrick ramps; derrick starting leg; derrick skids; derrick steps; derrick substructure; drill bits; drill collars; drilling line; drilling hose; draw works; drilling rig machinery; elevators; elevator bails; engine sub-structures; empty cylinders; extensions, derrick base; engine compound; finger boards; floor skids; fronts, rig or derrick; fishing tools; fouble boards; fuel oil and gasoline (not including movement in tank trucks or tank trailers); garages, portable; guards, chain and belt; grief stems or kelly joints; guns, mud; gravity meters; heat exchangers; hooks; jack shafts; kelly and pipe straightener; ladders, derrick; light plants; machinery, pipe screening, pipe screwing, pipe slotting, pipe threading or cutting, pipe wrapping; water well machinery, water well surveying machinery; milling machine; marsh buggies; magnetic field balances; magnetometers; masts; monorail systems; mud boats; mud houses; mud mixers; mud tanks; mufflers (heavy); mouse holes; nipples, iron, cement; perforators; planers, power; plow; poles, gin; power transmission equipment (towers); pressure devices; rails, steel; railroad engines, cars and equipment; rat holes; radiators (heavy); reamers; reinforcing steel; retorts, iron or steel; river clamps; rods, reinforcing and sucker (single and bundles); recording equipment; road lumber; rig timbers; seismic shooting equipment; slips; shale shakers; screens; substitutes; speed reducers; smoke stacks; starting units; stand pipes; swivels; suctions; spears and fishing

tools; takeoffs, power; tool joints; towers, treating plants; tongs; traveling blocks; tubing and tubing heads; valves; V-belt drives; utility houses; welding machines; wire line, rope or cable, on reels; lift equipment; anchors; angles (heavy); mud, including drilling mud and conditioners (not including movements in tank trucks or tank trailers); propellers or shafts; blades, including bit, scraper and grader; boring machines or mills, including parts and equipment; dam and power plant machinery and equipment (control gates); collars, including drill or pipe; counter-balances, including counter shafts and weights; hoppers; printing machines; telephone equipment (cables, reels, switchboards); tools in boxes and houses; trailer, mounted units, including mounted workover units; treaters; blocks; jacks (heavy); joints, including expansion or kelly; core drilling machines; core drilling equipment; protectors (attached to pipe); and heaters, when not moving as oilfield equipment as follows: The holder of this authority may transport the above-named commodities (beginning with the commodity "Absorbers") together with its attachments and its detached parts thereof, between points in the pick-up and delivery limits of the regular route common carrier motor carriers in incorporated cities, towns and villages only when the commodity to be transported weighs 4,000 pounds or more in a single piece or when such commodity, because of physical characteristics other than weight, require the use of "special devices, facilities or equipment" for the safe and proper loading or unloading and transportation thereof.

The term "special devices, facilities or equipment," is construed to mean only those operated by motive or mechanical power; and all commodities to be transported, beginning with "trenching machines", together with attached and detached parts thereof, must require specialized equipment for the safe and proper loading or unloading and transportation thereof; Articles of iron, steel and other metals or materials, individually or in bales or bundles, viz: Plates; posts; angles; forms; sheets; rounds; channels; beams; ingots; piling; billets; blooms; reinforcing rods; bars or flats; wire mesh; pipe; tubing; wire rod; slab; skelp; cattle guards; conduit; forgings; guard rails; scaffolding and scrap metal (including crushed, mashed or flattened motor vehicles); concrete products, prestressed or reinforced. The holder of this authority may transport the above commodities (beginning with the commodity "Articles of iron, steel and other metals or materials") together with attachments and detached parts thereof between points in the pick-up and delivery limits of the regular route common carrier motor carriers in incorporated cities, towns and villages only when the commodity or commodities to be transported weigh 2,000 pounds or more in a single piece or in bales or bundles, or when such commodities because of physical characteristics other than weight, require the use of "special devices, facilities, or equipment" for the safe and proper loading or unloading and transportation thereof; aircraft; aircraft engines; aircraft fuselages; aircraft service trucks; balls, crushing or grinding; bins; blasting sand in sacks; blowers; coils; culverts; feeders, livestock; filters and filter elements; grease racks; harvesters; muffler stacks; pier tubing; poles, power; rotor blades; scales; spreaders or applicators; sprinkler systems; street sweepers; steel strand, in rolls or on reels; subject to the following restriction: The holder of this authority may transport the above-named commodities (beginning with the commodity "Aircraft") together with attachments and detached parts thereof, between points in the pick-up and delivery limits of the regular route common carrier motor carriers in incorporated cities, towns and villages only when the commodities to be transported weigh 4,000 pounds or more in a single piece or when such commodities, because of physical characteristics other than weight, require the use of "special devices, facilities or equipment" for the safe and proper loading or unloading and transportation thereof. The term "special devices; facilities or equipment" is construed to mean only those operated by motive or mechanical power, and all commodities to be transported beginning with "Articles of iron, steel and other metals or materials", together with attached and detached parts thereof must require special equipment for the safe and proper loading or unloading and transportation thereof. RESTRICTIONS: (1) no territory granted herein shall be greater than the holder's present authority on oil field equipment; (2) no duplicating authority in holder will result from any grant herein; (3) the authority granted herein shall be nonseverable from holder's existing oil field authority; (4) the authority granted herein shall not include: (a) liquid or dry fungible commodities in bulk; (b) oil field equipment; (c) household goods and used office furniture and equipment; and (d) pipe as authorized in the "Wales Record"; and (5) no authority granted herein shall authorize transportation of any commodity authorized by either the "Wales Record" or "Union City Record" to the extent authorized in such records; between points in Texas.

NOTE.—Applicant states that the requested authority can be tacked with existing authority in its lead certificate MC 109101 Subs 4, 5, 8 and 10 (in combination with lead certificate) and Sub 7 at points in "West Texas" to serve points in New Mexico, Oklahoma, Arizona, Kansas and Missouri. This is a matter related to a finance proceeding in MC-FC 74538. Applicant seeks by this application to convert its Certificate of Registration into a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary applicant requests it be held at Dallas, Tex.

No. MC 99610 (Sub-No. 15), filed July 23, 1973. Applicant: ROSS NEELY EXPRESS, INC., 1500 Second Street, Pratt City, Birmingham, Ala. 35214. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Equipment, materials, and supplies*, used in the manufacture of mobile homes, (2) *material handling equipment; equipment, materials, and supplies* used in the manufacture of material handling equipment and (3) *parts, attachments, and accessories* used in connection with the commodities described in (1) and (2) above, between Winfield, Ala., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with applicant's existing authority to render an additional service. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala. or Washington, D.C.

No. MC 99610 (Sub-No. 16) (Correction), filed July 27, 1973, published in the FR issue of September 7, 1973, and republished as amended, this issue. Applicant: ROSS NEELY EXPRESS, INC., 1500 Second Street, Pratt City, Birmingham, Ala. 35214. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004 and Robert S. Richard, 57 Adams Avenue, P.O. Box 2069, Montgomery, Ala. 36103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, fittings, hydrants, valves, and parts and accessories* for the aforenamed items (except commodities in bulk), from the facilities of United States Pipe and Foundry Company at or near Birmingham and Bessemer, Ala., to points in Tennessee, Georgia, Florida, North Carolina and South Carolina, restricted to the transportation of traffic originating at the facilities of United States Pipe and Foundry Company at or near Birmingham and Bessemer, Ala.

NOTE.—The purpose of this republication is to clarify the commodity description. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 106497 (Sub-No. 83), filed August 21, 1973. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912 (Business Route 1-44 East), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and equipment* used in carpet tufting, finishing, and manufacturing, between Chattanooga, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority.

If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No. MC 107295 (Sub-No. 666), filed August 9, 1973. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and plywood panels and plywood products*, from Los Angeles, Calif., Galveston, Tex., and Charleston, S.C., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107743 (Sub-No. 24), filed July 20, 1973. Applicant: SYSTEM TRANSPORT, INC., East 6523 Broadway, Spokane, Wash. 99206. Applicant's representative: S. J. Cully, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, complete, knocked down, and in sections, and materials and supplies* used in the construction and erection thereof, and (2) *building materials, and iron and steel articles*, from Milwaukee, Wis., to points in North Dakota, Montana, Wyoming, Idaho, Washington, Oregon, Utah, and Colorado. 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 Milwaukee, Wis., or Chicago, Ill.

No. MC 107906 (Sub-No. 29), filed July 5, 1973. Applicant: TRANSPORT MOTOR EXPRESS, INC., P.O. Box 958, Fort Wayne, Ind. 46801. 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, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Anaconda Aluminum Company at or near Sebree, Ky., as an off-route point in connection with applicant's regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 107906 (Sub-No. 30), filed July 26, 1973. Applicant: TRANSPORT MOTOR EXPRESS, INC., P.O. Box 958, Fort Wayne, Ind. 46801. 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, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Brothers Furniture Corporation, Inc., at or near Livermore, Ky., as an off-route point in connection with applicant's regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 108460 (Sub-No. 49), filed August 13, 1973. Applicant: PETROLEUM CARRIERS COMPANY, a Corporation, 5104 West 14th Street, P.O. Box 762, Sioux Falls, S. Dak. 57101. Applicant's representative: Gary Mundhenke (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Mankato, Minn. to points in South Dakota.

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. or Minneapolis, Minn.

No. MC 110365 (Sub-No. 5), filed July 18, 1973. Applicant: WARD MAUST, DONALD MAUST AND DWIGHT MAUST, a partnership, doing business as MAUST BROTHERS, Rural Delivery 4, Berlin, Pa. 15530. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potato chips, corn chips, cheese curls, popcorn, and pretzels*, from Berlin, Pa., to Ashland, Ky., and points in Maryland, New Jersey, New York, Ohio, Virginia, West Virginia, and the District of Columbia; (2) *empty containers* used for potato chips, corn chips, cheese curls, popcorn, and pretzels, and *materials and supplies* used in the manufacture of the above named commodities, from Ashland, Ky., and points in Maryland, New Jersey, New York, Ohio, Virginia, West Virginia, and the District of Columbia, to Berlin, Pa.; and (3) *fertilizer and fertilizer ingredients, and feed and feed ingredients*, between points in Somerset County, Pa., on the one hand, and, on the other, points in Maryland, New Jersey, New York, Ohio, Virginia, and West Virginia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearng is deemed necessary, application requests it be held at Pittsburgh, Pa.

No. MC 110525 (Sub-No. 1067), filed August 15, 1973. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins and plastics*, in bulk, in tank vehicles, from Greenville, Ohio, to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Missouri, Maine, Michigan, Minnesota, Mississippi, New York, New Jersey, North Carolina, Pennsylvania, Tennessee, Texas, Wisconsin, restricted to traffic originated at Greenville, Ohio.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in: (A) Sub-No. 673 at Syracuse, N.Y., to serve points in Massachusetts, New Hampshire, Rhode Island, Connecticut, and Vermont; and (B) Sub-No. 924 (1) at Georgia, North Carolina, and points in that part of Tennessee on and east of U.S. Highway 27 to serve points in South Carolina, Virginia, and West Virginia; and (2) at Alabama, Florida, Illinois, Indiana, and Missouri to serve points in Harris County, Texas. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 110988 (Sub-No. 300), filed August 15, 1973, Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: David A. Petersen, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, between Oconto Falls, Wis., and points in Arkansas, Alabama, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

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 112582 (Sub-No. 42), filed August 10, 1973. Applicant: T. M. ZIMMERMAN COMPANY, a Corporation, Rural Delivery No. 2, P.O. Box 380, Chambersburg, Pa. 17201. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wellston, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and *return shipments* from the above named distinations to the above named origin.

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 Harrisburg, Pa., or Washington, D.C.

No. MC 112750 (Sub-No. 301), filed July 9, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents written instruments and business records* (except currency and negotiable securities), as are used in the business of banks and banking institutions, (1) between Windsor Locks, Conn., on

the one hand, and, on the other, West Gloucester, R.I., (2) between Boston, Mass., on the one hand, and, on the other, Wolfeboro, N.H., (3) between points in Franklin County, Mass., and Hartford County, Conn., (4) between Indianapolis, Ind., and Hamilton, Mich.; and (5) between Chicago, Ill., on the one hand, and, on the other, points in Door, Langlade, and Menominee Counties, Wis., under contract with banks and banking institutions.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 112801 (Sub-No. 146), filed August 15, 1973. Applicant: TRANSPORT SERVICE CO., a corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. 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 irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plantsite of Armak Chemical Co., Grundy County, Ill. to points in Alabama, Arkansas, Connecticut, Illinois, Indiana, Kansas, Maryland, Massachusetts, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Texas, Oklahoma, Virginia, Wisconsin, Iowa, Minnesota, Kentucky, and Michigan.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113855 (Sub-No. 283), filed August 10, 1973. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., 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: *Self-propelled commodities*, weighing less than 15,000 pounds, from Nunda, N.Y., to points in the United States including Alaska but 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 Chicago, Ill.

No. MC 114019 (Sub-No. 250), filed August 17, 1973. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and nonedible foods*, from Bettendorf, Iowa, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, 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, and Wisconsin, restricted to traffic originating at the facilities of Terminal Ice & Cold Storage, located at or near Bettendorf, Iowa, and destined to the named destination points.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114604 (Sub-No. 20), filed August 7, 1973. Applicant: CAUDELL TRANSPORT, INC., State Farmers Market, Forest Park, Ga. 30050. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the distribution facility of Heinz U.S.A., located at Greenville, S.C., to points in Alabama, Georgia, Mississippi, Tennessee, and the New Orlean, Louisiana, commercial zone, restricted to traffic originating at and destined to points in the above-named States.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 115840 (Sub-No. 92), filed July 5, 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: *Iron and steel articles* (except commodities in bulk), from New Castle, Pa., 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 (except Pennsylvania), Arkansas, Louisiana, Oklahoma, and Texas.

NOTE.—Common control was authorized by the Commission in Docket No. MC-F-7304. Applicant states that the requested authority can be tacked with its existing authority, but no new operations could be provided. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 116077 (Sub-No. 346), filed June 28, 1973. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: Pat H. Robertson, 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) *Cement*, from Houston, Tex., to points in Alabama, Florida, and Georgia; (2) *ground clay*, in bulk, in tank vehicles, from the plantsite of Morton Chemical Company, located at or near Weeks, La., to the plantsite of Humko Products, located at or near Memphis, Tenn.; (3) *aluminum sulphate*, in bulk, in tank vehicles, from Ferguson (Lawrence County), Miss., to points in Tex.; and (4) *syrup*, in bulk, in tank vehicles, from the plantsite of Southdown Sugar Company located at or near Southdown (Terrebonne Parish), La., to Louisville, Ky.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority: In (1) above with its (a) Sub 212 on cement at Houston, Tex., to serve points in Alabama, Florida and Georgia, restricted to traffic having a prior movement by water; (b) in (2) above with its Sub 44 from points in Twiggs, Wilkinson, Washington and Decatur Counties, Ga.; Sub 111 from Flatonia, Tex.; Sub 188 from points in Walker County, Tex.; Sub 166 from points in Gaston County, Fla.; Sub 214 from points in Jefferson County, Ga via the Morton Chemical Company at Weeks, La.; to provide a through service in the transportation of clay from each of the points named in (b) to Memphis, Tenn.; (c) in (3) above with its base certificate, and Subs 6, 89 and 136 at points in Harris and Brazoria Counties, Tex., to provide a through service on aluminum sulphate from points in Ferguson (Lawrence County) Miss., to points in the United States with exceptions; and (d) in (4) above with its Subs 68 and 100 from Houston and Corpus Christi, Tex. at the plantsite of Southdown Sugar Company at or near Southdown (Terrbonne Parish), La., to provide a through service on syrups to Louisville, Ky. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Dallas, Tex.

No. MC 116077 (Sub-No. 347), filed July 26, 1973. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: Pat H. Robertson, 401 First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of Dow Chemical, U.S.A., located at or near Plaquemine, La., to points in the United States (except Alaska and Hawaii); restricted to shipments originating at the above named plantsite.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing auhority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 116763 (Sub-No. 266), filed August 8, 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: *Canned and preserved foodstuffs*, (1) from the plant or warehouse facilities of Heinz U.S.A., located at Holland, Mich.; Iowa City and Muscatine, Iowa; Salem, N.J.; Toledo, Bowling Green and Fremont, Ohio; Mechanicsburg, Leetsdale, Chambersburg, and Pittsburgh, Pa., and Henderson, N.C., to the distribution facility of Heinz U.S.A., located at Greenville, S.C.; and (2) from the distribution

facility of Heinz U.S.A. at Greenville, S.C., to points in Alabama, Georgia, Mississippi, Tennessee, and New Orleans, Louisiana, commercial zone, restricted to traffic originating at and destined to points in the above-named States.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing auhority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 120648 (Sub-No. 3), filed July 9, 1973. Applicant: SUTHERLAND TRANSPORTATION CORP., 100 Allwood Avenue, Central Islip, N.Y. 11722. Applicant's representative: John P. Tynan, Esq., 65–12 69th Place, Middle Village, N.Y. 11379. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, articles of unusual value, commodities in bulk, and those requiring special equipment), (1) between New York, N.Y., and the terminal facilities of: (a) Acme Fast Freight, Inc. at North Bergen, N.J.; (b) P. Callahan, Inc., at Jersey City, N.J.; (c) Eastern Freightways, Inc., at Carlstadt, N.J.; and (d) Landsdale Transportation Co., Inc., at Carlstadt, N.J., for interchange of freight traffic only, and (2) between New York, N.Y., on the one hand, and, on the other, all points in Nassau and Suffolk Counties, N.Y.

NOTE.—Common control may be involved. Applicant seeks to convert its Certificate of Registration in MC 120648 (Sub-No. 1) into a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123048 (Sub-No. 270) (clarification), filed July 5, 1973, published in the FEDERAL REGISTER issue August 9, and republished as clarified, this issue. 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: (1) *Air conditioning, heat transfer and refrigeration equipment and blowers* and (2) *attachments and parts* for the commodities named in (1) above, from Buffalo, N.Y., to Ports of Entry on the international boundary line between the United States and Canada, at Buffalo and Niagara Falls, N.Y., and to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—The purpose of this republication is to indicate that applicant seeks to transport attachments and parts in either separate or combined movements with the commodities described in (1) above. 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 Buffalo, N.Y.

No. MC 123405 (Sub-No. 33), filed August 8, 1973. Applicant: FOOD TRANSPORT, INC., P.O. Box 1041, York, Pa. 17405. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, (1) from the plant or warehouse facilities of Heinz, U.S.A. located at Holland, Mich.; Iowa City and Muscatine, Iowa; Salem, N.J.; Bowling Green and Fremont, Ohio; and Mechanicsburg, Chambersburg, Leetsdale, and Pittsburgh, Pa., to the distribution facility of Heinz U.S.A., located at Greenville, S.C.; and (2) from the distribution facility of Heinz U.S.A. located at Greenville, S.C., to points in Alabama, Georgia, Mississippi, Tennessee, and the New Orleans, La., commercial zone, restricted in (1) and (2) above, to traffic originating at and destined to the above-named points.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 123407 (Sub-No. 134), filed July 19, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* in containers and (2) *empty containers*, between points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked to provide any additional new service. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 123778 (Sub-No. 19) (amendment), filed July 11, 1973, published in the FEDERAL REGISTER issue of August 9, 1973, and republished as amended, this issue. Applicant: JALT CORP., doing business as UNITED NEWSPAPER DELIVERY SERVICE, 75 Cutters Lane., Woodbridge, N.J. 07095. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Newspapers* (otherwise exempt from economic regulations under Section 203(b)(7) of the Act) when transported in the same vehicle with a regulated commodity, from Woodbridge, N.J., to Wilmington, Del., Baltimore, Md., the District of Columbia, and points in New Jersey and Connecticut, and those in that part of Pennsylvania on and east of U.S. Highway 15, and those in New York on and east of New York Highway 14, under contract with Midnight Publishing Corp. and Norman D. Smith Company; and (2) *magazines and advertising matter* shipped with magazines, from Woodbridge, N.J., to Baltimore, Md., and the District of Columbia, under contract with Norman D. Smith Company.

NOTE.—The purposes of this republication are to: (1) Include Baltimore, Md., and the District of Columbia, in the destination areas described in (1) above; (2) add Norman D. Smith as an additional contracting shipper to the authority described in (1) above; and (3) extend the authority requested to include Part 2. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124078 (Sub-No. 554), filed June 25, 1973. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foundry core compounds*, liquid, in bulk, from Milwaukee, Wis., to Birmingham, Ala., and New Orleans, La.; (2) *furfural alcohol*, in bulk, from Memphis, Tenn., to Milwaukee, Wis.; and (3) *chemicals* in bulk, from Houston, Tex., to Milwaukee, Wis.

NOTE.—Applicant holds contract carrier authority under MC 113832 Sub 68, therefore dual operations may be involved. Common control may also be involved. Applicant states that the requested authority can be tacked at Milwaukee and West Allis, Wis., to serve points in Iowa, Minnesota, Illinois, Upper and Norway, Mich. Applicant 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 Milwaukee, Wis., or Chicago, Ill.

No. MC 125708 (Sub-No. 132), filed August 10, 1973. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., Highway 32 East, Crawfordsville, Ind. 47933. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Knocked down steel buildings and iron and steel articles*, from Portland, Tenn., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, and Wisconsin, restricted to traffic originating at Portland, Tenn., and destined to the above-named destination states.

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 126038 (Sub-No. 11), filed August 17, 1973. Applicant: PENINSULA PRODUCTS, INC., Route 1, Box 143, Scappoose, Oreg. 97056. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden shakes and shingles*, from points in

Clallam, Jefferson, Grays Harbor, and Snohomish Counties, Wash., to points in California, under contract with Wesco Cedar, Inc., located at Eugene, Oreg.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 126585 (Sub-No. 6), filed August 14, 1973. Applicant: L. BRETON TRANSPORT, LTD., Lime Ridge, Quebec, Canada. Applicant's representative: Edwin W. Free, Jr., P.O. Box 892, Barre, Vt. 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk and bags, from ports of entry on the international boundary line between the United States and Canada located at points in Maine, New Hampshire, and Vermont, to points in Connecticut, New Jersey, New York, and Rhode Island, under contract with Dominion Lime Ltd., located at Lime Ridge, Quebec, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Burlington or Montpelier, Vt.

No. MC 127848 (Sub-No. 6), filed July 26, 1973. Applicant: WAYNE W. SELL CORP., 236 Winfield Road, Sarver, Pa. 16055. Applicant's representative: Jerome Solomon, 3131 United States Steel Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in tank vehicles, from points in Ohio, West Virginia, New York, and Virginia, to Branchton (Butler County), Pa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 128515 (Sub-No. 3), filed August 17, 1973. Applicant: PAUL'S HAULING, LTD., 272 Oak Point Road, Winnipeg, Manitoba, Canada. Applicant's representative: Daniel C. Sullivan, 327 S. LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, between the ports of entry on the international boundary line between the United States and Canada, in Minnesota and North Dakota, on the one hand, and, on the other, points in North Dakota, South Dakota, Minnesota, Illinois, Wisconsin, Iowa, Montana, Idaho, Washington, and the upper peninsula of Michigan, restricted to the transportation of traffic moving in foreign commerce.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 129510 (Sub-No. 7), filed July 17, 1973. Applicant: ENGLUND EQUIPMENT CO., 740 Old Stage Road, Salinas, Calif. 93901. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acids* (except in bulk), from Port Newark, N.J., to Ashtabula, Ohio; and Lafayette, Ind.; (2) *Coal tar dyes* (except in bulk), (a) from Coventry, R.I.; and Elizabethport, Port Newark, Bayonne, Murray Hill, and Branchburg, N.J., to Akron, Ohio; Elk Grove Village, and Chicago, Ill.; St. Louis, Mo.; Texas City and Kennedy, Tex.; and North Hollywood, Calif.; (b) from Port Newark and Elizabethport, N.J., to Coventry, R.I., and (c) from Coventry, R.I., to Port Newark and Bayonne, N.J.; (3) *dye intermediates* (except in bulk), (a) from Port Newark, Bayonne, Murray Hill, Branchburg, and Elizabethport, N.J., to North Hollywood, Calif.; (b) from Murray Hill, Branchburg, and Port Newark, N.J., to Elk Grove Village and Chicago, Ill.; (c) from Port Newark and Elizabethport, N.J., to Coventry, R.I.; and (d) from Coventry, R.I., to Port Newark and Bayonne, N.J.; (4) *chemicals* (except in bulk), (a) from Coventry, R.I.; Port Newark, Bayonne, Murray Hill, and Branchburg, N.J.; and Delaware City, Del., to Chicago and Elk Grove Village, Ill.; Texas City and Kennedy, Tex.; and North Hollywood, Los Angeles, and San Leandro, Calif.; (b) from North Hollywood, Calif., to Denver, Colo.; Elk Grove Village, Ill.; and Bayonne and Port Newark, N.J.; (c) from Port Newark and Elizabethport, N.J., to Coventry, R.I.; and (d) from Coventry, R.I., to Port Newark and Bayonne, N.J.; (5) *plastics and plastic film or sheeting* (except in bulk), (a) from Coventry, R.I.; Port Newark, Bayonne, Murray Hill, and Branchburg, N.J.; and Delaware City, Del., to Menasha and New London, Wis.; Des Moines, Iowa; Rockford, Elk Grove Village, and Chicago, Ill.; and North Hollywood, Los Angeles, Visalia, and San Leandro, Calif.; and (b) from North Hollywood, Calif, to Delaware City, Del.; (6) *Wax* (except in bulk), from Bridgeport, Pa., and Gulfport, Miss., to Bridgeport, Pa.; Chicago and Elk Grove Village, Ill.; Oklahoma City, Okla.; McPherson, Kans.; San Francisco and North Hollywood and Los Angeles, Calif.; (7) *printing plates*, from Coventry, R.I.; Port Newark, Bayonne, Murray Hill, and Branchburg, N.J.; and Delaware City, Del., to Chicago and Elk Grove Village, Ill.; North Hollywood, Los Angeles, and San Leandro, Calif.; (8) *Cornstarch* (except in bulk), from Decatur, Ill., to Somerville, N.J.; (9) *Food preservatives* (except in bulk), (a) from Coventry, R.I.; and Port Newark, Bayonne, Murray Hill, Branchburg, and Elizabethport, N.J., to North Hollywood, Calif.; (b) from Port Newark and Elizabethport, N.J., to Coventry, R.I.; and (c) from Coventry, R.I., to Port Newark and Bayonne, N.J.; (10) *reproduction paper*, (a) from Murray Hill, Branchburg, and Port Newark, N.J., to Elk Grove Village and Chicago, Ill.; and (b) from Murray Hill and Branchburg, N.J.; and Delaware City, Del., to Los Angeles and San Leandro, Calif., under a continuing contract or contracts with American Hoechst Corp. and its affiliates.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Los Angeles, Calif.

No. MC 133133 (Sub-No. 7), filed August 8, 1973. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 802 Puum Street, Cincinnati, Ohio 45202. Applicant's representative: David A. Caldwell, 900 Tri-State Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, (1) from points in Hamilton County, Ohio, to points in Illinois, Indiana, Kentucky, Pennsylvania, West Virginia, Virginia, and the lower peninsula of Michigan, and (2) from Chicago, Ill., to points in Indiana, Ohio, and Michigan.

NOTE.—Applicant holds contract carrier authority in MC 74857 (Sub-No. 6), 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 Columbus, Ohio, or Lexington, Ky.

No. MC 133419 (Sub-No. 7) (Correction), filed May 14, 1973, published in the FEDERAL REGISTER issue of July 6, 1973, and republished, as corrected, this issue. Applicant: WILLIAM PFOHL TRUCKING CORP., 83 Pfohl Road, Cheektowaga, N.Y. 14225. Applicant's representative: Edward B. Murphy, 1103 Liberty Bank Building, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in dump vehicles, fom Port of Buffalo (Erie County), N.Y., to (1) Foster Township, (2) City of Bradford, and (3) Bradford Township (McKean County), Pa., and points in McKean, Warren, Erie, Venango, Potter, Elk, and Cameron Counties, Pa.

NOTE.—The purpose of this republication is to redescribe the origin territory of application. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 134599 (Sub-No. 88), filed August 10, 1973. Applicant: INTERSTATE CONTRACT CARRIER CORP., P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magnetic recording tape*, in cassettes or reels, from City of Industry, Calif., to points in the United States (except Alaska, California, Hawaii, Montana, and Wyoming), under continuing contract with Mattel, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr. or Salt Lake City, Utah.

No. MC 134631 (Sub-No. 18), filed August 20, 1973. Applicant: SCHULTZ TRANSIT, INC., 323 East Bridge Street, P.O. Box 406, Winona, Minn. 55987. Applicant's representative: Eugene A. Schultz (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radio*,

phonograph, television, and stereo cabinets, record changer bases, and special boxes, with or without mechanisms, from Red Wing and Winona, Minn., and their respective commercial zones, to Seattle, Wash., and Jessup, Md., and their respective commercial zones, and points in Massachusetts, under contract with Winona Industrial Sales Corp.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 134806 (Sub-No. 15), filed August 20, 1973. Applicant: B-D-R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Footwear and such commodities* as are dealt in by retailers of ski equipment and tennis equipment, between the plantsite and warehouse facilities of Head Ski Division of AMF Incorporated located in Boulder County, Colo., on the one hand, and, on the other, Salt Lake City, Utah; Reno, Nev.; Buffalo, N.Y.; Springfield, Mass.; Talcottville, Conn., and Cranbury, N.J., and (2) *such commodities* as are dealt in by retailers of tennis equipment, from Cranbury, N.J., to Talcottville, Conn., under contract with Head Ski Division, AMF Incorporated.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo. or Boston, Mass.

No. MC 136021 (Sub-No. 4), filed July 12, 1973. Applicant: MUN COR, INC., Rural Delivery No. 1, Box 293A, Conemaugh, Pa. 15909. Applicant's representative: J. Lee Miller, 400 Porter Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Hydraulic oils, mine gear lubricants, and mine grease lubricants,* in bulk, in tank vehicles, from (1) Sewaren, N.J., and Buffalo, N.Y., to Mundy's Corner, Pa., (2) Mundy's Corner, Pa., to Bayard and Thomas, W. Va., and (3) West Brownsville, Pa., to points in Ohio and Pennsylvania, under contract with Service Processing Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 136480 (Sub-No. 1), filed August 22, 1973. Applicant: RUSSELL PARSONS, Rural Delivery No. 4, Dallas, Pa. 18612. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wax candles, foodstuffs, and wine,* from Bridgeton, East Rutherford, Elizabeth, Farmingdale, and Vineland, N.J.; Long Island City, Maspeth, Newburgh, New York, and Penn Yan, N.Y., and La Grange, Ill., to Los Angeles and South San Francisco, Calif.; Portland, Oreg., and Seattle, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 136512 (Sub-No. 3), filed August 13, 1973. Applicant: SPACE CARRIERS, INC., 444 Lafayette Road, St. Paul, Minn. 55101. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. 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 because of size or weight), from St. Cloud, Minn., to Los Angeles and Oakland, Calif.; Denver, Colo.; Wichita, Kans.; St. Louis, Mo.; Omaha, Nebr.; Dallas, Tex., and Seattle, Wash., restricted to the transportation for a bill of lading wherein Fingerhut Corporation is the shipper and the traffic is destined to post offices for immediately subsequent movement by U.S. mail.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at Brownwood, Tex., and Columbia, Mo., to provide a through service from St. Cloud, Minn., to Springfield, Nev., and Weatherford, Okla. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 138018 (Sub-No. 4), filed August 15, 1973. Applicant: REFRIGERATED FOODS, INC., 3200 Blake Street, P.O. Box 1018, Denver, Colo. 80201. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (i) *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 Certificated,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Wagner, S. Dak., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington, Wisconsin, and Wyoming; and (2) (a) *meats, meat products and meat byproducts,* as described in (1) above (except hides and commodities in bulk), and (b) *materials, supplies, and equipment* used by meat packers in the conduct of their business, from points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington, Wisconsin, and Wyoming, to Wagner, S. Dak., restricted in (1) and (2) above, to traffic destined to the named destination points.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also holds contract carrier authority in MC 124377 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Minneapolis, Minn.

No. MC 138461 (Sub-No. 1), filed July 9, 1973. Applicant: YUCCA MOVING & STORAGE CO., a Corporation, 720 West Organ Street, Las Cruces, N. Mex. 88001. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used household goods,* as defined by the Commission, between points in Hidalgo, Grant, Luna, Sierra, Dona Ana, and Otero Counties, N. Mex., restricted to the transportation of traffic having a prior or subsequent movement beyond said points, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, or decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Las Cruces, or Albuquerque, N. Mex.

No. MC 138552 (Sub-No. 2) (Correction), filed July 9, 1973, published in the FEDERAL REGISTER issue of August 30, 1973, and republished, as corrected, this issue. Applicant: MILTON McCOMBS, JR., 2006 North Central Avenue, Tifton, Ga. 31794. Applicant's representative: Ronald D. Peterson, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Gypsum* (calcium sulfate), in bulk, in dump vehicles, from points in Florida to points in Alabama and Georgia.

NOTE.—The purpose of this republication is to correctly describe the commodity to be transported, and to denote that the transportation of the commodity is in bulk, in dump vehicles. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 138756 (Sub-No. 2), filed August 20, 1973. Applicant: DUBLIN FAST FREIGHT, INC., Dublin Court, P.O. Box 2255, Dublin, Calif. 94566. Applicant's representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate 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 commodities requiring special equipment), from San Francisco and Oakland, Calif., to Dublin, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 138792 (Sub-No. 1), filed August 8, 1973. Applicant: D. J. VISKOE TRUCKING, INC., Gemmell, Minn. 56643. Applicant's representative: F. H. Kroeger, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fence panels, pickets, posts and*

rails, and shingles, (1) from Northome, Minn., to points in Alabama, Arizona, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Tennessee, Texas, Utah, and Wyoming, (2) from Little Fork, Minn., to Chicago, Ill., commercial zone, Denver, Colo., commercial zone, Grand Island and Lincoln, Nebr., Oklahoma City, Okla., commercial zone, St. Louis, Mo., commercial zone, Sioux Falls, S. Dak., and Wichita, Kans., and (3) from the facilities of Allied Fence Co., located at Tulsa, Okla., to points in Arizona, Colorado, New Mexico, and Texas.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Duluth or Minneapolis, Minn.

No. MC 138902 (Sub-No. 2) (correction), filed July 5, 1973, previously published in the FEDERAL REGISTER issue of September 7, 1973, and republished this issue. Applicant: ERB TRANSPORTATION CO., INC., P.O. Box 65, Crozet, Va. 22932. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* between Crozet, Va., on the one hand, and, on the other, points in Kentucky, Maryland, North Carolina, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE.—The purpose of this republication is to indicate the correct Docket No. as MC 138903 (Sub-No. 2) in lieu of MC 138974 as previously published. The rest of the notice remains as originally published. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138976 (amendment), filed July 2, 1973, published in the FEDERAL REGISTER issue, September 7, 1973 and republished this issue. Applicant: FRED E. FARRIS, Faucett, Mo. 64448. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Pulpboard, fibreboard, pulpboard and fibreboard products, and supplies* used in the manufacture and processing thereof, from the plantsite of Hoerner-Waldorf Corp. at St. Joseph, Mo., to points in Nebraska, Kansas, and Iowa; and (2) *materials and supplies* used in the manufacturing and processing of pulpboard, fibreboard, and pulpboard and fibreboard products from points in Nebraska, Kansas, and Iowa to the plantsite of Hoerner-Waldorf Corp. at St. Joseph, Mo., under a continuing contract or contracts with Hoerner-Waldorf Corp.

NOTE.—The purpose of this republication is to add part (2) above. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 138995 filed July 13, 1973. Applicant: S & M CARTAGE, INC., 6990 11th Street, Rockford, Ill. 61109. Applicant's representative: Angelo N. Gaziano, 322 Chestnut Street, Rockford, Ill. 61101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except bulk household goods) having prior or subsequent movement by air, between points in Winnebago, Ogle, McHenry, Boone, Stephenson Counties, Ill., and Rock County, Wis., on the one hand, and, on the other, O'Hare Field, Chicago, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139020 (Sub-No. 2), filed August 20, 1973. Applicant: MONTGOMERY G. DUKES, Route 2, Eden, Md. 21822. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E. Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, animal care products, and garden supplies* (except in bulk, in tank vehicles), (1) from points in Maryland, Pennsylvania, Virginia, and the District of Columbia, to Delmar, Del.; and (2) from Delmar, Del., to points in Delaware, Maryland, and Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, under contract with Red-White Mills, Inc., located at Delmar, Del.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139044 (Sub-No. 1), filed August 29, 1973. Applicant: DALLAS TOWING SERVICE, INC., 2308 South Kentucky, Evansville, Ind. 47714. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wrecked and disabled vehicles and replacement vehicles,* in wrecker service, between points in Kentucky, Indiana, Illinois, Arkansas, Ohio, Tennessee, 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 Indianapolis, Ind., or Washington, D.C.

No. MC 139056, filed August 16, 1973. Applicant: WAYNE AYCOCK TRUCKING, INC., Route 2, Box 84, Pikeville, N.C. 27863. Applicant's representative: H. Martin Lancaster, P.O. Box 916, Goldsboro, N.C. 27530. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Talc and clay,* from points in New York, Kentucky, and Tennessee, to points in North Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Raleigh or Wilmington, N.C.

No. MC 139060, filed August 10, 1973. Applicant: THURMAN'S, INC., 1080 Northeast 4 Lane Highway, Marietta, Ga. 30062. Applicant's representative: Ariel V. Conlin, 53 Sixth Street NE., Atlanta, Ga. 30308. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, and repossessed motor vehicles and trailers and replacements therefor;* requiring the use of wrecker equipment, between points in Georgia on the one hand, and, on the other, points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Kentucky, Illinois, Wisconsin, Michigan, Indiana, Alabama, Florida, South Carolina, North Carolina, Virginia, West Virginia, Ohio, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, Pennsylvania, New Jersey, Maryland, Texas, Oklahoma, Kansas, Delaware, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

APPLICATION(S) FOR FILING BROKERAGE LICENSES

No. MC 12763 (Sub-No. 2), filed July 23, 1973. Applicant: UNIVERSAL TRAVEL AGENCY, INC., 540 Audubon Building, 931 Canal Street, New Orleans, La. 70112. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at New Orleans, La., to sell or offer to sell the transportation of *passengers and their baggage,* in special and charter operations, between points in the United States, including Alaska and Hawaii, restricted to passengers having a prior movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 130210, filed August 22, 1973. Applicant: GATEWAY TRAVEL SERVICE, INC., 29 Thompson Street, Winchester, Mass. 01890. Applicant's representative: George H. Littel, Jr., 29 Thompson Street, Winchester, Mass. 01890. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Winchester, Mass. to sell or offer to sell the transportation of *passengers and their baggage* in special or charter operations from Winchester, Stoneham, Melrose, Woburn, Lexington, Arlington, Wakefield, Reading, Burlington, and Malden, Mass., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

APPLICATION(S) FOR FILING WATER CARRIER

No. W-381 (Sub-No. 18), filed August 13, 1973. Applicant: FEDERAL BARGE LINES, INC., 611 East Marceau Street, St. Louis, Mo. 63111. Applicant's representative: Richard J. Hardy, 425 Thirteenth Street NW., Washington, D.C. 20004. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *commodities generally,* and by towing vessels in the performance of general towage; (1) (a) between ports and points along the Ohio

River below Pittsburgh, Pa., the Allegheny River below Kittanning, Pa., the Monongahela River below Fairmont, W. Va., the Licking River below Ryland Lakes, Ky., including all ports named; (b) between ports and points along the Tennessee River, and its tributaries, below Knoxville, Tenn., the Cumberland River and its tributaries below Carthage, Tenn., the Green River and its tributaries below its headwaters, the Hiwassee River below the head of navigation, including all ports named; (c) between ports and points listed in (a) and (b); and (d) between ports and points listed in (a) and (b) on the one hand, and, on the other, (2) St. Paul and Minneapolis, Minn., St. Louis, Mo., Burlington and Dubuque, Iowa, East St. Louis, Cairo, and Rock Island, Ill., Memphis, Tenn., Helena, Ark., Vicksburg, Miss., Baton Rouge and New Orleans, La., Mobile, Holt, and Birmingham (Port Birmingham), Ala., (a) between Joliet, La Salle, Peoria, Pekin, and Havana, Ill., on the one hand, and, on the other, the confluence of the Illinois and Mississippi Rivers, and (b) between Kansas City, Mo., and Kansas City, Kans., on the one hand, and, on the other, the confluence of the Missouri and Mississippi Rivers; (3) by non-self-propelled vessels with the use of separate towing vessels in the transportation of commodities generally, and by towing vessels in the performance of general towage, between ports and points along (a) the Mississippi River from Minneapolis, Minn., to its mouth, including Cairo, Ill., (b) the St. Croix River from Stillwater, Minn., to its confluence with the Mississippi River, (c) the Illinois Waterway, and Lake Michigan between Waukegan, Ill., and Gary, Ind., inclusive, (d) the Missouri River from Sioux City, Iowa, to its confluence with the Mississippi River, (e) the Gulf Intracoastal Waterway from the Mississippi River to Mobile, Ala., but not including traffic originating and terminating between these points, (f) the Mobile, Tombigbee, Warrior, and Black Warrior Rivers including the Locust and Mulberry Forks of the Black Warrior River and Short Creek, including the ports named, except as authorized in (1) above, (g) the Mississippi River-Gulf Outlet Channel, and (h) the Arkansas-Verdigris Waterway project below and including Catoosa, Okla.; (4) by non-self-propelled vessels with the use of separate towing vessels in the transportation of commodities generally, except livestock and perishables, and by towing vessels in the performance of general towage, between ports and points along the Minnesota River below and including Port Cargill, Minn., and between those points, on the one hand, and, on the other, the ports and points specified above; and (5) by non-self-propelled vessels with the use of separate towing vessels in the transportation of commodities generally, and by towing vessels in the performance of general towage, between ports and points along the Alabama River from its confluence with the Mobile River up to and including Selma, Ala.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. W-1269 Sub-No. 1, filed September 17, 1973. Applicant: JAMES O. LAFFERTY, LAWRENCE A. TONN, WAYNE R. BRYAN (a partnership), 1130 North Jantzen, Portland, Oreg. 97217. Applicant's representative: James O. Lafferty (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *passengers in Common Carrier and Charter Operations* (1) Between all ports and points along the Columbia River in Washington and Oregon extending from the mouth of the Columbia River at the Pacific Ocean to a point approximately 20 miles up stream from Pasco, Wash. (2) Between all ports and points along the Willamette River in Oregon extending from the conflux of the Willamette and Columbia Rivers near Portland, Oreg., to Salem, Oreg. (3) Between all ports and points along the Snake River in Idaho and Washington extending from the conflux of the Snake and Columbia Rivers near Burbank, Wash., to Lewiston, Idaho.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-21061 Filed 10-3-73;8:45 am]

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