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This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

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FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA—Use and management of national interest lands. Held all week at various locations in Alaska 9188; 4–11–73

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Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER, and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 1975. Pub. L. 93–24
Emergency farm loans (Apr. 20, 1973; 87 Stat. 24)

H.J. Res. 210. Pub. L. 93–23
National Hunting and Fishing Day, designation (Apr. 20, 1973; 87 Stat. 24)

H.J. Res. 275. Pub. L. 93–21
National Arthritis Month, designation (Apr. 20, 1973; 87 Stat. 23)

H.J. Res. 303. Pub. L. 93–20
Warsaw Ghetto Uprising, 30th anniversary (Apr. 20, 1973; 87 Stat. 23)

S. 1315. Pub. L. 93–22
Diplomatic privileges and immunities, People's Republic of China (Apr. 20, 1973; 87 Stat. 24)

Rules and Regulations

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

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

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Administrative Law Judges

Pursuant to the authority contained in 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, the "Delegations of Authority by the Secretary of Agriculture and General Officers of the Department" (7 CFR subtitle A, part 2; 37 FR 28463 et seq.) are amended as set forth below to vest the authority and responsibility in the General Counsel, as the chief law officer of the Department, to decide which initial decisions of the Administrative Law Judges shall be appealed by the Department to the Secretary, rather than the Secretary reviewing such initial decisions on his own initiative as formerly provided in § 2.41 of the delegations.

1. Paragraph (h) of § 2.31 of subpart D, containing the delegations of authority by the Secretary of Agriculture to the General Counsel, is amended to read:

§ 2.31 Delegation of authority to the General Counsel.

(h) Represent the Department in formal rulemaking and adjudicatory proceedings held in connection with the administration of the Department's activities, and decide whether initial decisions of the administrative law judges shall be appealed by the Department to the Secretary.

2. Section 2.41 of subpart D is amended to read:

§ 2.41 Designation to the Office of Administrative Law Judges.

The following designations are made by the Secretary of Agriculture to the Office of Administrative Law Judges:

(a) Administrative law judges (formerly hearing examiners) are designated pursuant to section 556(b)(3) of Title 5, United States Code, to hold hearings and perform related duties in proceedings subject to sections 556 and 557 of title 5, United States Code (formerly secs. 7 and 8 of the Administrative Procedure Act), arising under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.); the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.); the Perishable Agricultural Commodities Act, as amended (7 U.S.C. 499a et seq.); the Federal Seed Act, as amended (7 U.S.C. 1551 et seq.); the (Laboratory) Animal Wel-

fare Act, as amended (7 U.S.C. 2131 et seq.); the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. 181 et seq.); and any other acts providing for hearings to which the provisions of sections 556 and 557 of Title 5, United States Code, are applicable. Pursuant to the applicable rules of practice, the administrative law judges shall make initial decisions in adjudication and rate proceedings subject to sections 556 and 557 of Title 5, United States Code. Such decisions shall become final without further proceedings unless there is an appeal to the Secretary by a party to the proceeding in accordance with the applicable rules of practice: *Provided, however*, That no decision shall be final for purposes of judicial review except a final decision of the Secretary upon appeal. As used herein, "Secretary" means the Secretary of Agriculture, the Judicial Officer, or other officer or employee of the Department delegated, pursuant to the Act of April 4, 1940 (7 U.S.C. 450c-450g), and Reorganization Plan No. 2 of 1953, "regulatory functions" as that term is defined in the 1940 Act, in acting as a final deciding officer in adjudication and rate proceedings subject to sections 556 and 557 of title 5, United States Code.

Dated April 27, 1973.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.73-8581 Filed 5-1-73;8:45 am]

[Amdt. 28]

PART 5—DETERMINATION OF PARITY PRICES

Deletion of Certain Seed Crops and Castor Beans from List

The regulations of the Secretary of Agriculture with respect to the determination of parity prices (21 FR 761, as amended; 7 CFR part 5) are amended as hereinafter specified in order to delete Kentucky bluegrass seed, sweet-clover seed, whiteclover seed, and castor beans from the lists of commodities for which parity prices shall be calculated.

1. In § 5.2 the paragraphs under the center heads "Seed Crops" and "Other Commodities" are amended to read as follows:

§ 5.2 Marketing season average price data.

SEED CROPS

Alfalfa, bentgrass, crimson clover, Chewings fescue, red fescue, tall fescue, Marion Kentucky bluegrass, Ladino clover, lespedeza, orchard grass, red clover, timothy, and hairy vetch.

OTHER COMMODITIES

Beeswax; cottonseed; hops; peas; dry field; peppermint oil; popcorn; potatoes; spearmint oil; and tobacco, types 61-62. All other commodities for which monthly price data are not available.

2. In § 5.4 the paragraph under the center head "Seed Crops" is amended to read as follows:

§ 5.4 Commodities for which parity prices shall be calculated.

SEED CROPS

Alfalfa, bentgrass, crimson clover, Chewings fescue, red fescue, tall fescue, Marion Kentucky bluegrass, Ladino clover, lespedeza, orchard grass, red clover, timothy, and hairy vetch.

(Sec. 301, 52 Stat. 38, as amended; 7 U.S.C. 1301.)

Effective date.—May 2, 1973.

Done at Washington, D.C., this 27th day of April 1973.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.73-8535 Filed 5-1-73;8:45 am]

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

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Gypsy Moth and Browntail Moth

List of Hazardous Mobile Home Parks and Recreational Sites

This document amends the list of hazardous mobile home parks and recreational sites under the supplemental regulations of the Gypsy Moth and Browntail Moth Quarantine by designating mobile home parks in Maine, New Hampshire, and Vermont for the first time; and by listing additional parks in the States of Connecticut, Massachusetts, New York, Pennsylvania, and Rhode Island. All parks in Connecticut and New Jersey and all parks in 25 counties of Pennsylvania are now listed as hazardous.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.45-2 of the Gypsy Moth and Browntail Moth Quarantine regulations, 7 CFR 301.45-2, as amended, the supplemental regulation

designating hazardous mobile home parks and recreational sites, 7 CFR 301.-45-2c, is hereby amended by adding thereto, deleting therefrom, and correcting certain listings to read as follows:

§ 301.45-2c List of hazardous mobile home parks and recreational sites.

The mobile home parks and recreational sites listed below are hereby designated as gypsy moth hazardous mobile home parks and recreational sites within the meaning of the provisions of this subpart; and are hereby divided into hazardous mobile home parks and sites as indicated below.

(a) Hazardous recreational sites.

[None]

(b) Hazardous mobile home parks.

CONNECTICUT

All mobile home parks in the State.

MASSACHUSETTS

BARNSTABLE COUNTY

Dennis:
Airline Mobile Home Park.

BERKSHIRE COUNTY

Cheshire:
Kitchen Brook Trailer Park.

Lee:
Mountain View Trailer Park.

Stockbridge:
Mill Pond Trailer Park.

BRISTOL COUNTY

Norton:
Norton's Mobile Home Park.

ESSEX COUNTY

Danvers:
Skyview Mobile Home Park.

HAMPDEN COUNTY

Chicopee:
Harmony Homes Village.

Monson:
Pay's Mobile Home Park.

Westfield:
Oaks Mobile Home Park.

MIDDLESEX COUNTY

Chelmsford:
Chelmsford Mobile Home Park.

Concord:
Walden Breezes Mobile Home Park.

Pepperell:
Grant's Mobile Home Park.

NORFOLK COUNTY

North Attleboro:
Whispering Pines Mobile Home Park.

WORCESTER COUNTY

Auburn:
American Mobile Home Park.

Brookfield:
Wagon Wheel Mobile Home Park & Sales.

Leominster:
Dunwoodie's Mobile Home Park.

Lunenburg:
Pine Rest Mobile Home Park.

Rutland:
Bigelows Mobile Homes, Inc.

Shrewsbury:
Edgemere Mobile Home Park.

MAINE

ANDROSCOGGIN COUNTY

Poland Spring:
Glen-H Mobile Home Park.

Turner:
Hillview Trailer Park.

CUMBERLAND COUNTY

Brunswick:
Maquoit Trailer Park.
Rush's Trailer Park.

KENNEBEC COUNTY

Albion:
Draker Trailer Park.

Augusta:
Augusta Mobile Home Park Sales.
Corey's Trailer Park.

Dostic Trailer Court.
Lee's Trailer Park.

News Co. Trailer Park.
Pine Acres Mobile Home Park.

Stark Trailer Park.

Farmingdale:
Phairs Trailer Park.

Monmouth:
Lou-Lyn Mobile Home Park.

Waterville:
Grove Street Trailer Park.
Phill's Auto Co.

Winslow:
Carter Trailer Park.
Pleasant Ridge Mobile Park.

Winthrop:
Squire Winthrop Mobile Park.

LINCOLN COUNTY

Wiscasset:
Dickson's Trailer Park.

OXFORD COUNTY

Fryeburg:
Kenerson's Mobile Home Park.
Pleasant Homes Mobile Home Park.

PENOBSCOT COUNTY

Bangor:
Grant Mobile Home Park.

Holden:
Cedar Haven Mobile Home Park.

YORK COUNTY

Kittery:
Mobile Manor.

Waldoboro:
DePatsy's Mobile Home Park.

NEW HAMPSHIRE

CARROLL COUNTY

Conway:
Desl's Trailer Park.
Leavitt's Trailer Park.
Lily Pond Mobile Home Sales.

NEW JERSEY

All mobile home parks in the State.

NEW YORK

BRONX COUNTY

All mobile home parks in the county.

BROOME COUNTY

Fenton:
Virginia City Mobile Home Court.

COLUMBIA COUNTY

Kinderhook:
Stones Trailer Park.

DUTCHESS COUNTY

All mobile home parks in county.

FULTON COUNTY

Gloversville:
CO-Z Mobile Home Park.

GREENE COUNTY

Calro:
Chick-a-dee Trailer Court.

HERKIMER COUNTY

All mobile homes in the county.

KINGS COUNTY

All mobile home parks in county.

MADISON COUNTY

Brookfield:
Siosek's Trailer Park.

NASSAU COUNTY

All mobile home parks in county.

NEW YORK COUNTY

All mobile home parks in county.

ONEIDA COUNTY

Bridgewater:
Fitch's Trailer Court.

Kirkland:
Giffland Trailer Sales & Park.

New Hartford:
Avery Trailer Park.
Park-View Estates.
Sickler's Trailer Park.
Wald-Mar Park.

Paris:
Lelsure Valley Mobile Home Park.
Mohawk Mobile Village.
L.N. & B. Mobile Home Court.

Rome:
Tuxedo Mobile Home Park.
Parry's Trailer Park.
Mobile Village.

Verona:
Downer Trailer Park.
Evans Trailer Park.

Westmoreland:
Coulter's Willow Drive Trailer Park.

ORANGE COUNTY

All mobile home parks in county.

PUTNAM COUNTY

All mobile home parks in county.

QUEENS COUNTY

All mobile home parks in county.

RICHMOND COUNTY

All mobile home parks in county.

ROCKLAND COUNTY

All mobile home parks in county.

SARATOGA COUNTY

Malta:
Malta Mobile Homes.

Saratoga Springs:
Selby Trailer Court.

SCHENECTADY COUNTY

Scotia:
Fred's Modern Trailer Court.
Reynolds Trailer Court.

SUFFOLK COUNTY

All mobile home parks in county.

SULLIVAN COUNTY

All mobile home parks in county.

ULSTER COUNTY

All mobile home parks in county.

WESTCHESTER COUNTY

All mobile home parks in county.

PENNSYLVANIA

BERKS COUNTY

All mobile home parks in county.

BRADFORD COUNTY

All mobile home parks in county.

- BUCKS COUNTY
- All mobile home parks in county.
- CARBON COUNTY
- All mobile home parks in county.
- CHESTER COUNTY
- All mobile home parks in county.
- COLUMBIA COUNTY
- All mobile home parks in county.
- DAUPHIN COUNTY
- All mobile home parks in county.
- DELAWARE COUNTY
- All mobile home parks in county.
- LACKAWANNA COUNTY
- All mobile home parks in county.
- LANCASTER COUNTY
- All mobile home parks in county.
- LEBANON COUNTY
- All mobile home parks in county.
- LEHIGH COUNTY
- All mobile home parks in county.
- LUZERNE COUNTY
- All mobile home parks in county.
- MONROE COUNTY
- All mobile home parks in county.
- MONTGOMERY COUNTY
- All mobile home parks in county.
- MONTOUR COUNTY
- All mobile home parks in county.
- NORTHAMPTON COUNTY
- All mobile home parks in county.
- NORTHUMBERLAND COUNTY
- All mobile home parks in county.
- PHILADELPHIA COUNTY
- All mobile home parks in county.
- PIKE COUNTY
- All mobile home parks in county.
- SCHUYLKILL COUNTY
- All mobile home parks in county.
- SULLIVAN COUNTY
- All mobile home parks in county.
- SUSQUEHANNA COUNTY
- All mobile home parks in county.
- WAYNE COUNTY
- All mobile home parks in county.
- WYOMING COUNTY
- All mobile home parks in county.
- RHODE ISLAND
- KENT COUNTY
- Warwick: Bald Hill Mobile Homes Park.
- West Greenwich: Morton's Mobile Park.
- NEWPORT COUNTY
- Middletown: Forest Park Mobile Homes.
- PROVIDENCE COUNTY
- West Glocester: Sunset Cove Recreation Area.

- WASHINGTON COUNTY
- Charlestown: Border Hill Mobile Home Park. Indian Cedar Trailer Park.
- Exeter: Mobile Village, Inc. Palmer Grove Trailerland.
- WASHINGTON COUNTY
- North Kingstown: Helen's Mobile Homes. Kingstown Mobile Home Park. Lynch's Trailer Park. Razez Trailer Park.
- West Kingstown: Hillsdale Mobile Home Park.
- VERMONT
- BENNINGTON COUNTY
- Manchester: Bischoff Mobile Home Park Sales.
- CHITTENDEN COUNTY
- Burlington: Farrington Mobile Home Park.
- RUTLAND COUNTY
- Rutland: Colburn Mobile Home Park.
- (Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 37 FR 28464, 28477; 37 FR 12298, 7 CFR 301.45-2.)

This amendment of the List of Hazardous Mobile Home Parks and Recreational Sites shall become effective May 2, 1973. The Deputy Administrator of the plant protection and quarantine programs has determined that in the above-listed mobile home parks and recreational sites gypsy moth has been found or there is reason to believe that gypsy moth is present, or there is a risk of infestation of the gypsy moth because of the proximity to infestation of the gypsy moth. Therefore, the listed mobile home parks and recreational sites are hereby designated as hazardous.

This document imposes restrictions that are necessary in order to prevent the spread of the gypsy moth and should be made effective promptly to accomplish its purpose in the public interest. Accordingly it is found under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with regard to this action are impracticable and unnecessary, and good cause is found for making this document effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., the 26th day of April 1973.

T. G. DARLING,
Acting Deputy Administrator,
Plant Protection and Quarantine Programs.

[FR Doc. 73-8536 Filed 5-1-73; 8:45 am]

Title 9—Animals and Animal Products
CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—ANIMAL WELFARE

PART 12—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE HORSE PROTECTION ACT

Pursuant to the provisions of the Horse Protection Act of 1970 (Public Law 91-

540; 15 U.S.C. 1821 et seq.), the following new part 12 is added to chapter I of title 9 of the Code of Federal Regulations, setting forth rules of practice governing proceedings relating to the assessment of civil penalties for violations of the act:

- Sec.
- 12.1 Meaning of words.
- 12.2 Definitions.
- 12.3 Scope and applicability.
- 12.4 Stipulations regarding assessments of penalties.
- 12.5 Institution of proceeding.
- 12.5-1 Issuance of complaint.
- 12.5-2 Filing and service of complaint.
- 12.5-3 Docket number.
- 12.5-4 Contents of complaint.
- 12.5-5 Amendments.
- 12.6 Answer.
- 12.6-1 General.
- 12.6-2 Contents.
- 12.6-3 Failure to file.
- 12.7 Consent order.
- 12.8 Procedure upon admission of facts.
- 12.9 Procedure upon denial of any material fact.
- 12.10 Procedure for hearing.
- 12.10-1 Time and place of hearing.
- 12.10-2 Appearances.
- 12.10-3 Failure to appear.
- 12.10-4 Order of proceeding.
- 12.10-5 Evidence.
- 12.10-6 Transcripts.
- 12.10-7 Proposed findings of fact, conclusions, and order; exceptions, oral argument.
- 12.10-8 Administrative law judge's initial decision.
- 12.10-9 Appeal of initial decision.
- 12.11 Motions and requests.
- 12.11-1 General.
- 12.11-2 Motions entertained.
- 12.11-3 Contents.
- 12.11-4 Response to motions and requests.
- 12.11-5 Certification to Secretary.
- 12.12 Prehearing conferences.
- 12.13 Administrative law judge.
- 12.13-1 Assignment.
- 12.13-2 Disqualification of administrative law judge.
- 12.13-3 Conduct.
- 12.13-4 Powers.
- 12.13-5 Who may act in the absence of the Administrative Law Judge.
- 12.14 Appeal procedure and transmittal of record.
- 12.14-1 Filing of appeal.
- 12.14-2 Content of appeal.
- 12.14-3 Scope of appeal.
- 12.14-4 Response to appeal.
- 12.14-5 Failure to file response.
- 12.14-6 Orders denying appeal after review.
- 12.14-7 Transmittal of record.
- 12.14-8 Oral argument.
- 12.14-9 Decision of the Secretary.
- 12.15 Petitions for reopening hearing; for rehearing or reargument of proceeding; or for reconsideration of Secretary's decision.
- 12.15-1 Petition requisite.
- 12.15-2 Procedure for disposition of petitions.
- 12.16 Filing; service; extensions of time; additional time for filing; and computation of time.
- 12.16-1 Filing; number of copies.
- 12.16-2 Service; proof of service.
- 12.16-3 Computation of time.
- 12.16-4 Extension of time.
- 12.17 Depositions.
- 12.17-1 Application for taking deposition.
- 12.17-2 Administrative Law Judge's order for taking deposition.
- 12.17-3 Qualifications of officer.
- 12.17-4 Procedure on examination.
- 12.17-5 Signature by witness.

- Sec.
12.17-6 Certification by officer.
12.17-7 Use of depositions.
12.18 Fees of witnesses.

AUTHORITY.—15 U.S.C. 1828; 7 CFR 2.35, 2.41, 2.51.

§ 12.1 Meaning of words.

As used in this part, words in the singular form shall be deemed to import the plural, and vice versa, as the case may require.

§ 12.2 Definitions.

For purposes of this part, the following terms shall be construed, respectively, to mean:

(a) "Act" means the Horse Protection Act of 1970, approved December 9, 1970, and any legislation amendatory thereof (15 U.S.C. 1821 et seq.; Public Law 91-540).

(b) "Department" means the U.S. Department of Agriculture.

(c) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead in connection with the function involved.

(d) "Respondent" means the party proceeded against.

(e) "Administrative Law Judge" means any judge in the Office of Administrative Law Judges of the Department.

(f) "Hearing Clerk" means the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250.

(g) "Administrator" means the Administrator, Animal and Plant Health Inspection Service, of the Department, or any officer or employee to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead in connection with the function involved.

(h) "Complaint" means the document issued by the Administrator instituting a proceeding under this part.

(i) "Hearing" means that part of a proceeding which involves the submission of evidence.

§ 12.3 Scope and applicability.

The rules of practice in this part are applicable to the assessment and compromise of civil penalties, pursuant to section 6(a) of the act (15 U.S.C. 1825 (a)), for violations of the act or the regulations issued thereunder.

§ 12.4 Stipulations regarding assessments of penalties.

At any time prior to the issuance of a complaint under § 12.5, the Administrator, in his discretion, may enter into a stipulation with any person in which: (a) The Administrator gives notice of an apparent violation of the act or the regulations issued thereunder by such person and affords such person an opportunity for a hearing regarding the matter as provided by the act; (b) such person expressly waives hearing and agrees to pay a specified penalty within a designated time; and (c) the Administrator agrees to accept the specified penalty in settle-

ment of the particular matter involved if it is paid within the designated time. If the specified penalty is not paid within the time designated in such a stipulation, the amount of the stipulated penalty shall not be relevant in any respect to the penalty which may be assessed after issuance of a complaint under § 12.5.

§ 12.5 Institution of proceeding.

§ 12.5-1 Issuance of complaint.

If the Administrator has reason to believe that a person has violated any provision of the act or any regulation issued thereunder, he may institute a proceeding by issuance of a complaint pursuant to the provisions of section 6(a) of the act (15 U.S.C. 1825(a)) relating to assessment of civil penalties.

§ 12.5-2 Filing and service of complaint.

The complaint shall be filed with the hearing clerk, a copy of which shall be served upon each respondent as provided in § 12.16-2.

§ 12.5-3 Docket number.

Each proceeding shall be assigned a docket number by the hearing clerk and thereafter the proceeding shall be referred to by such number.

§ 12.5-4 Contents of complaint.

The complaint shall contain a brief statement of the nature of the violation, including allegations of fact which constitute a basis for the action. The complaint shall offer the respondent the opportunity to submit a written statement by way of answer and the opportunity to request an oral hearing, and shall state the time within which such answer and request for hearing must be made, which shall not be less than 10 days after service of the complaint.

§ 12.5-5 Amendments.

At any time prior to the close of the hearing, the complaint may be amended; but, in case of an amendment adding new provisions, the hearing shall, on the request of the respondent, be adjourned for a period not exceeding 15 days.

§ 12.6 Answer.

§ 12.6-1 General.

The respondent shall file, in triplicate, an answer to the allegations of the complaint with the hearing clerk, signed by the respondent or his attorney, within the period of time for answering set forth in the complaint.

§ 12.6-2 Contents.

(a) The answer shall (1) contain a concise statement of the facts which constitute the grounds of defense, and shall specifically admit, deny, or explain each of the allegations in the complaint, unless the respondent is without knowledge, in which case the answer shall so state; or (2) state that the respondent admits all the facts alleged in the complaint; or (3) state that the respondent admits the jurisdictional allegations of the complaint and neither admits nor denies the remaining allegations and consents to the issuance of an order assessing a pen-

alty without further procedure. If the complainant recommends that the order consented to by the respondent not be issued, the respondent shall file an answer in accordance with §§ 12.6-1 and 12.6-2(a) (1) or (2) within 20 days of service of such recommendation on the respondent.

(b) The answer may contain a request for oral hearing or an express waiver of such hearing.

§ 12.6-3 Failure to file.

Failure to file an answer to, or plead specifically to, any allegation in the complaint shall constitute an admission of such allegation, except as provided in § 12.6-2(a) (3).

§ 12.7 Consent order.

At any time after the institution of a proceeding, the respondent may file an answer or amended answer consenting to an order as set forth in § 12.6-2(a) (3). Within 15 days after service of such an answer, the complainant shall file its recommendation. If the complainant recommends that the order consented to by the respondent be issued, the administrative law judge shall enter such order which shall have the same force and effect as an initial decision issued by an administrative law judge.

§ 12.8 Procedure upon admission of facts.

The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver of hearing. Upon such admission of facts, the complainant shall file recommended findings of fact, conclusions, and order with a motion for adoption thereof, which motion and recommended findings of fact, conclusions, and order shall be served upon the respondent. Respondent may, within 10 days after service thereof, file with the hearing clerk written reply to the recommended findings of fact, conclusions, and order suggesting corrected findings of fact, conclusions, and order, and stating in writing whether he desires to make an oral argument thereon; otherwise he shall be deemed to have waived such oral argument. A brief in support of any reply may be filed. After expiration of the period for filing a reply to the proposed findings of fact, conclusions, and order, the administrative law judge, without further investigation or hearing, shall promptly issue an initial decision.

§ 12.9 Procedure upon denial of any material fact.

In the event the respondent denies any material fact and fails to request a hearing within the time specified in the complaint, the matter shall be set down for hearing by the administrative law judge, at a place requested by the administrator, in accordance with § 12.10-1. In all other instances the hearings shall be held at a place set by the administrative law judge in accordance with §§ 12.10-1 and 12.13-4.

§ 12.10 Procedure for hearing.

§ 12.10-1 Time and place of hearing.

If and when the proceeding has reached the state where a hearing is to be held, the date for hearing shall be assigned by the administrative law judge not less than 10 days after service on all parties of a motion by any of the parties, jointly or individually, requesting assignment of a date and stating that the matter is at issue and is ready for hearing. The administrative law judge, after careful consideration of the convenience of the parties, also shall set a place of hearing and shall file with the hearing clerk a notice stating the time and place of hearing, which shall be served upon the parties. If any change in the time or place of the hearing is made, the administrative law judge shall file with the hearing clerk a notice of such change, which notice shall be served upon the parties, unless it is made during the course of the hearing and made a part of the transcript.

§ 12.10-2 Appearances.

The parties may appear in person or by counsel or other representative. Persons who appear as counsel or in a representative capacity must conform to the standards of ethical conduct required of practitioners before the courts of the United States. Whenever the secretary finds, after notice and opportunity for hearing, that a person, who is acting or has acted as counsel or representative for another person in any proceeding before the secretary, is unfit to act as such representative or counsel, he will order that such person be precluded from acting as counsel or representative in any proceeding under the act. The procedure in such case will be governed by the applicable provisions of this part as if the matter involves a violation of the act: *Provided*, That the complaint may be issued by the administrator, the administrative law judge, or the secretary.

§ 12.10-3 Failure to appear.

If any party to the proceeding, after being duly notified, fails to appear at the hearing, he shall be deemed to have waived the right to a hearing in the proceeding. In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election whether to present his evidence, in whole or in part, in the form of affidavits or by oral testimony before the administrative law judge. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the initial decision of the administrative law judge and to appeal as hereinafter provided.

§ 12.10-4 Order of proceeding.

Except as may be determined otherwise by the administrative law judge, the administrator shall proceed first at the hearing.

§ 12.10-5 Evidence.

(a) *General*.—The testimony of witnesses at the hearing shall be upon oath

or affirmation and subject to cross-examination. Any witness may, in the discretion of the administrative law judge, be examined separately and apart from all other witnesses except those who may be parties to the proceeding. The administrative law judge shall determine and rule upon the admissibility of evidence and shall admit all relevant and material evidence, except evidence which is unduly repetitious.

(b) *Objections*.—If a party objects to the admission or exclusion of any evidence or to the limitation of the scope of any examination or cross-examination, or to any other ruling of the administrative law judge, he shall briefly state the grounds for such objection, whereupon an automatic exception will follow which may be pursued in an appeal pursuant to § 12.14 hereof by the party adversely affected by the ruling of the administrative law judge. The transcript need not include argument or debate thereon except as may be ordered by the administrative law judge. The ruling of the administrative law judge on any objection shall be a part of the transcript. Only objections made before the administrative law judge may subsequently be relied upon in the proceeding.

(c) *Records of the Department*.—A true copy of every written entry in the records of the Department, made by an officer or employee thereof in the course of his official duty and relevant and material to the issues involved in the hearing, shall be admissible as prima facie evidence of the facts stated therein, without the production of such officer or employee.

(d) *Exhibits*.—Except where the administrative law judge finds that the furnishing of copies is impracticable, sufficient copies of each exhibit in addition to the original and two copies, shall be filed with the administrative law judge, for the use of each of the other parties to the proceeding. A true copy of an exhibit may be substituted for the original.

(e) *Official notice*.—Official notice may be taken of official publications of the Department and other Federal agencies, of such matters as are judicially noticed by the courts of the United States, and of any other matter of technical or scientific fact of established character: *Provided*, That the parties shall be given adequate notice, at the hearing or by reference in the administrative law judge's initial decision or otherwise, of matters so noticed, and shall be given adequate opportunity to show that such facts are erroneously noticed.

(f) *Offer of proof*.—Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence excluded. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript and record if the secretary, upon ap-

peal, decides the administrative law judge's ruling excluding the evidence was erroneous and prejudicial. The administrative law judge shall not allow the insertion of such excluded evidence in toto if the taking of such evidence will consume considerable time at the hearing. In this latter event, if the secretary decides the administrative law judge's ruling excluding the evidence was both erroneous and prejudicial, the hearing may be reopened to permit the taking of such evidence.

§ 12.10-6 Transcripts.

(a) *Filing and certification*.—Oral hearings shall be stenographically reported and transcribed. As soon as practicable after the close of the hearing, and within the time provided by the reporting contract, the reporter shall transmit to the hearing clerk the original of the transcript of testimony and the original and copies of exhibits introduced or offered in evidence at the hearing, and as many copies of the transcript as required and officially requested. Upon receipt of the original and copies of the transcript and exhibits, the hearing clerk shall send to the administrative law judge the original transcript and exhibits. Within a reasonable time after receipt of the transcript and exhibits from the hearing clerk, the administrative law judge shall attach to the original transcript of the evidence a certificate stating that the transcript is a true transcript of the testimony offered or received at the hearing, except in such particulars as he shall specify, and that the exhibits transmitted are all the exhibits offered or introduced at the hearing, with such exceptions as he shall specify. A copy of such certificate shall be thereafter attached by the hearing clerk to each of the copies of the transcript of evidence in his possession.

(b) *Ordering copies*.—Parties to the proceeding or other persons who desire a copy of the transcript of the hearing may place orders at the hearing with the reporter who will furnish and deliver such copies directly to the purchaser upon payment therefor at the rate per page provided by the contract between the reporter and the purchaser.

§ 12.10-7 Proposed findings of fact, conclusions, and order; exceptions, oral argument.

(a) Within such time as the administrative law judge may prescribe each party may file with the hearing clerk proposed findings of fact, conclusions, and order, based solely on the record, and a brief in support thereof. A copy of each such document filed by a party shall be served upon the other party by the hearing clerk.

(b) Within 20 days after service of the proposed findings of fact, conclusions, and order, the opposing party may file a reply in writing with the hearing clerk, referring to the relevant pages of the transcript, and suggesting corrected findings of fact, conclusions, or order, and shall state in writing whether he desires to make oral argument thereon, other-

wise he shall be deemed to have waived such oral argument.

(c) Within the same periods of time, either party may file with the hearing clerk a brief statement in writing concerning each of the objections taken to the action of the administrative law judge at the hearing, as set out in § 12.10-5(b), upon which the party wishes to rely, referring, where relevant, to the pages of the transcript.

§ 12.10-3 Administrative law judge's initial decision.

(a) The administrative law judge, within a reasonable time after the termination of the period allowed to the parties for the filing of proposed findings of fact, conclusions, and order, and briefs in support thereof, or in case oral argument is held, after such oral argument, shall prepare on the basis of the record and shall file with the hearing clerk, his initial decision containing his findings of fact, conclusions, and order. A copy of such initial decision shall be served by the hearing clerk upon each of the parties.

(b) Such initial decision shall become final without further proceedings 30 days after service thereof unless there is an appeal to the secretary by a party to the proceeding: *Provided, however,* That no decision shall be final for purposes of judicial review except a final decision of the secretary upon appeal.

§ 12.10-9 Appeal of initial decision.

Within 30 days after receipt of the administrative law judge's initial decision, any party to the proceeding may file an appeal in the manner described in § 12.14.

§ 12.11 Motions and requests.

§ 12.11-1 General.

All motions and requests shall be filed with the hearing clerk, and shall be served upon all the parties, except those made during the course of an oral hearing may be filed with the administrative law judge or may be stated orally and made a part of the transcript. The administrative law judge is authorized to rule upon all motions and requests filed or made prior to the filing of the initial decision with the hearing clerk as hereinbefore provided. The secretary will rule on any motions and requests filed after that time.

§ 12.11-2 Motions entertained.

Any motion will be entertained except a motion to dismiss on the pleadings. All motions and requests concerning the sufficiency of the complaint must be made within the time allowed for filing an answer.

§ 12.11-3 Contents.

All written motions and requests shall state the particular order, ruling, or action desired and the grounds therefor.

§ 12.11-4 Response to motions and requests.

Within 15 days after service of any written motion or request, or within such

other period fixed by the secretary or the administrative law judge, the opposing party shall file a response to the motion or request. If the opposing party does not file a timely response, he shall be deemed to have no objection to the granting of the relief asked for in the motion or request. Unless permitted by the administrative law judge, or by the secretary, the moving party shall have no right to reply to the answer.

§ 12.11-5 Certification to secretary.

The submission or certification of any motion, request, objection, or other question to the secretary prior to the time when the administrative law judge's initial decision is filed with the hearing clerk shall be by and in the discretion of the administrative law judge. The administrative law judge may either rule upon or certify the motion, request, objection, or other question, but not both.

§ 12.12 Prehearing conferences.

When it appears that such procedure will expedite the proceeding, the administrative law judge, at any time prior to the commencement of the oral hearing, may request the parties or their counsel to appear at a conference before him to consider: (a) The simplification of issues; (b) the necessity or desirability of amendments to pleadings; (c) the possibility of obtaining stipulations of fact and of documents which will avoid unnecessary proof; (d) the limitation of the number of experts or other witnesses; and (e) such other matters as may expedite and aid in the disposition of the proceeding. No transcript of such conference shall be made, but the administrative law judge shall prepare and file for the record a written summary of the action taken at the conference, which shall incorporate any written stipulations or agreements made by the parties at the conference or as a result of the conference. If the circumstances are such that a conference is impracticable, the administrative law judge may request the parties to correspond with him for the purpose of accomplishing any of the objects set forth in this section. The administrative law judge shall forward copies of letters and documents to the parties as the circumstances require. Correspondence in such negotiations shall not be a part of the record, but the administrative law judge shall submit a written summary for the record if any action is taken.

§ 12.13 Administrative law judge.

§ 12.13-1 Assignment.

No administrative law judge shall be assigned to serve in any proceeding who: (a) Has any pecuniary interest in any matter or business involved in the proceeding; (b) is related within the third degree by blood or marriage to any party to the proceeding; or (c) has participated in the investigation preceding the institution of the proceeding or in the determination that it should be instituted or in the preparation of the complaint or in the development of the evidence to be introduced therein.

§ 12.13-2 Disqualification of administrative law judge.

(a) Any party to the proceeding may, by motion made to the administrative law judge, request that the administrative law judge disqualify himself and withdraw from the proceeding. The administrative law judge may then either rule upon or certify the motion to the secretary, but not both.

(b) An administrative law judge shall withdraw from any proceeding in which he deems himself disqualified for any reason.

§ 12.13-3 Conduct.

At no stage of the proceeding between its institution and the issuance of the final decision shall the secretary or the administrative law judge discuss ex parte the merits of the proceeding with any person who is connected with the proceeding in an advocative or in an investigative capacity, or with any representative of such person: *Provided,* That the secretary or administrative law judge may discuss the merits of the case with such a person if all parties to the proceeding, or their representatives, have been given an opportunity to be present. Any memorandum or other communication addressed to the secretary or an administrative law judge, during the pendency of the proceeding, and relating to the merits thereof, by or on behalf of, any party shall be regarded as argument made in the proceeding and shall be filed with the hearing clerk, who shall serve a copy thereof upon the opposite party to the proceeding, and opportunity will be given the opposite party to file a reply thereto.

§ 12.13-4 Powers.

Subject to review by the secretary as provided elsewhere in this part, the administrative law judge, in any proceeding assigned to him, shall have power to:

- (a) Rule upon motions and requests;
- (b) Set the time and place of prehearing conferences, hearing, adjourn the hearing from time to time, and change the time and place of hearing;
- (c) Administer oaths and affirmations and take affidavits;
- (d) Examine witnesses and receive evidence;
- (e) Admit or exclude evidence;
- (f) Hear oral argument on facts or law, or both; and
- (g) Do all acts and take all measures necessary for the maintenance of order at the hearing and for the efficient, fair, and impartial conduct of the proceeding.

§ 12.13-5 Who may act in the absence of the administrative law judge.

In case of the absence of the administrative law judge or his inability to act, the powers and duties to be performed by him under this part in connection with a proceeding assigned to him may, without abatement of the proceeding unless otherwise directed by the secretary, be assigned to any other administrative law judge.

§ 12.14 Appeal procedure and transmittal of record.

§ 12.14-1 Filing of appeal.

Any party to the proceeding who desires to appeal an initial decision of the administrative law judge shall file his appeal in writing with the hearing clerk within 30 days after service of said decision.

§ 12.14-2 Content of appeal.

Each issue shall be separately numbered and plainly and concisely stated. Appellants shall not restate the same point in repetitive discussions of an issue. Each issue shall be supported by detailed citations of the record, and by statutes, regulations, or principal authorities relied upon. A brief may be filed in support of the appeal simultaneously with the appeal.

§ 12.14-3 Scope of appeal.

Except where the secretary determines that argument on additional issues would be helpful, the appeal of the administrative law judge's initial decision shall be limited to the issues raised by the parties on appeal. If the secretary determines that additional issues should be argued, counsel for the parties shall be given reasonable notice of such determination, so as to permit preparation of adequate argument on all issues to be argued.

§ 12.14-4 Response to appeal.

Within 30 days after service of copy of an appeal on the other party, said other party may file with the hearing clerk a response in support of or in opposition to the appeal.

§ 12.14-5 Failure to file response.

If appellee fails to file his response to the appeal as provided in § 12.14-4 he shall be deemed to have waived his right to file a response.

§ 12.14-6 Orders denying appeal after review.

If after review of the entire record following filing of an appeal, and any brief and response permitted to be filed in connection therewith, the secretary decides no change or modification of the decision of the administrative law judge is necessary, he may deny the appeal and adopt the initial decision as the final decision of the secretary, thus preserving any rights of the appellant to appeal to the courts.

§ 12.14-7 Transmittal of record.

Immediately following filing of an appeal, the hearing clerk shall transmit to the secretary the record of the proceeding. Such record shall include: The pleadings; motions and requests filed, and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed therein; any documents or papers filed in connection with prehearing conferences; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the proceeding; the administrative law judge's initial decision;

and such exceptions, statements of objections, and briefs in support thereof as may have been filed in the proceeding.

§ 12.14-8 Oral argument.

Within the time allowed for filing of an appeal and brief in support thereof, appellant may request in writing opportunity for oral argument before the secretary. Within the time allowed for filing a response, appellee may file a request in writing for opportunity for such oral argument. Failure to make such request in writing shall be deemed a waiver of oral argument. The secretary in his discretion, may grant, refuse, or limit any request for oral argument on appeal. Except where the secretary determines that argument on additional issues would be helpful, argument shall be limited to the issues raised by the appeal.

(a) *Notice of argument; postponement.*—The hearing clerk shall advise all parties of the time and place at which oral argument will be heard. A request for postponement of the argument must be made by motion filed a reasonable amount of time in advance of the date fixed for argument.

(b) *Order and content of argument.*—The appellant is entitled to open and conclude the argument. The opening argument shall include a concise statement of the case.

(c) *Cross and separate appeals.*—A cross or separate appeal shall be argued with the initial appeal at a single argument, unless the secretary otherwise directs. If a case involves a cross-appeal, the administrator shall be deemed the appellant unless the parties otherwise agree or the secretary otherwise directs. If separate appellants support the same argument, care shall be taken to avoid duplication of argument.

(d) *Submission on briefs.*—By agreement of the parties, an appeal may be submitted for decision on the briefs, but the secretary may direct that the appeal be argued.

§ 12.14-9 Decision of the secretary.

(a) As soon as practicable after oral argument, or in case there is no oral argument, as soon as practicable after the filing of the appeal and grounds therefor and any response thereto, the secretary shall issue his decision in the proceeding, which shall include findings of fact, conclusions, order, and rulings on motions, exceptions, statements of objections, and proposed findings, conclusions, and orders submitted by the parties not theretofore ruled upon; unless he issues an order denying the appeal as provided for in § 12.14-6 herein.

(b) The decision, prepared as described in paragraph (a) of this section, shall be issued and served upon the parties as the final decision in the proceeding without further procedure.

§ 12.15 Petitions for reopening hearing; for rehearing or reargument of proceeding; or for reconsideration of secretary's decision.

§ 12.15-1 Petition requisite.

(a) *Filing; service.*—An application for reopening the hearing to take fur-

ther evidence, or for rehearing or reargument of the proceeding, or for reconsideration of the secretary's decision, must be made by petition to the secretary filed with the hearing clerk. Every such petition must state specifically the grounds relied upon.

(b) *Petition to reopen hearing.*—A petition to reopen a hearing to take further evidence may be filed at any time prior to the issuance of the secretary's decision. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing.

(c) *Petition to rehear or reargue proceeding, or to reconsider secretary's decision.*—A petition to rehear or reargue the proceeding or to reconsider the secretary's decision shall be filed within 15 days after the date of the service of the secretary's decision. Every such petition must state specifically the matters claimed to have been erroneously decided and alleged errors must be briefly stated.

§ 12.15-2 Procedure for disposition of petitions.

Within 20 days following the service of any petition provided for in this § 12.15, the other party to the proceeding shall file with the hearing clerk an answer thereto. As soon as practicable thereafter, the secretary shall announce his decision whether to grant or to deny the petition. Unless the secretary shall determine otherwise, operation of the secretary's decision shall not be stayed pending the decision to grant or to deny the petition. In the event that any such petition is granted by the Secretary, the applicable rules of practice, as set out elsewhere herein, shall be followed. A person filing a petition under this section shall be regarded as the moving party or complainant, although he shall be referred to as the complainant or respondent, depending upon his designation in the original proceeding.

§ 12.16 Filing; service; extensions of time; additional time for filing; and computation of time.

§ 12.16-1 Filing; number of copies.

Except as is provided otherwise in this section, all documents or papers required or authorized by the rules in this part to be filed with the hearing clerk shall be filed in triplicate: *Provided*, That, where there are more than two parties to the proceeding, a sufficient number of copies shall be filed so as to provide for service upon all the parties to the proceeding. Any document or paper, required or authorized under the rules in this part to be filed with the hearing clerk, shall, during the course of an oral hearing, be filed with the administrative law judge.

§ 12.16-2 Service; proof of service.

Copies of all such documents or papers, required or authorized by the rules in this part to be filed with the hearing clerk, shall be served upon the parties by the hearing clerk, by the administrative law

Judge, or by some other employee of the Department, or by a U.S. marshal or his deputy. Service shall be made either (1) by delivering a copy of the document or paper to the individual to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or any director of the corporation or association; or (2) by leaving a copy of the document or paper at the principal office or place of business of such individual, partnership, corporation, or association, or of its attorney or agent of record; or (3) by registering or certifying and mailing a copy of the document or paper, addressed to such individual, partnership, corporation, or association, or to his or its attorney or agent of record, at his or its last known residence or principal office or place of business: *Provided*, That if the registered or certified document or paper is not a complaint or final order and is returned undelivered because the addressee refused or failed to accept delivery, the document or paper shall be remailed by regular mail. Proof of service hereunder shall be made by the certificate of the person who actually made the service: *Provided*, That if the service be made by mail, as outlined in subparagraph (3) of this paragraph, proof of service shall be made by the return post office receipt, in the case of registered or certified mail, or by the certificate of the person who mailed the matter by regular mail. The certificate and post office receipt contemplated herein shall be filed with the hearing clerk, and the fact of filing thereof shall be noted in the record of the proceeding.

§ 12.16-3 Computation of time.

Saturdays, Sundays, and holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided*, That, when such time expires on a Saturday, Sunday, or Federal legal holiday, such period shall be extended to include the next following business day.

§ 12.16-4 Extension of time.

The time for the filing of any document or paper required or authorized under the rules in this part to be filed may be extended by the administrative law judge (before the administrative law judge's initial decision is filed) or by the secretary (after the administrative law judge's initial decision is filed), if request for such extension of time is made prior to or on the final date allowed for such filing, and if, in the judgment of the administrative law judge or the secretary, as the case may be, after notice to and consideration of the views of the other party, when practicable, there is a good reason for the extension.

§ 12.17 Depositions.

§ 12.17-1 Application for taking deposition.

Upon the application of a party to the proceeding, the administrative law judge

may, at any time after the filing of the complaint, order, under the facsimile signature of the secretary, the taking of testimony by deposition. The application shall be in writing and shall be filed with the hearing clerk and shall set forth: (a) The name and address of the proposed deponent; (b) the name and address of the person (referred to in this section as officer), qualified under the rules in this part to take depositions, before whom the proposed examination is to be made; (c) the proposed time and place of the examination, which should be at least 15 days after the date of the mailing of the application; and (d) the reasons why such deposition should be taken.

§ 12.17-2 Administrative law judge's order for taking deposition.

If the administrative law judge is satisfied that good cause for taking the deposition is present, he may order its taking. The order shall be filed with the hearing clerk and shall be served upon the parties and shall state: (a) The time and place of the examination (which shall not be less than 10 days after the filing of the order); (b) the name of the officer before whom the examination is to be made; and (c) the name of the deponent. The officer and the time and place need not be the same as those suggested in the application.

§ 12.17-3 Qualifications of officers.

The deposition shall be made before the administrative law judge, or before an officer authorized by the law of the United States or by the law of the place of the examination to administer oaths, or before an officer authorized by the secretary to administer oaths. No deposition shall be made before an officer who is a relative (within the third degree by blood or marriage), employee, attorney, or counsel of any party or who is a relative (within the third degree by blood or marriage), or employee of any attorney or counsel for any party or who is financially interested in the result of the proceeding: *Provided, however*, That an officer who is an employee of the Department and is not a relative of any such party, attorney, or counsel may take depositions in any proceeding under the act.

§ 12.17-4 Procedure on examination.

(a) The deponent shall be examined under oath or affirmation and shall be subject to cross-examination. The testimony of the deponent shall be recorded by the officer or by some person under his direction and in his presence. In lieu of oral cross-examination, parties may transmit written cross-interrogatories to the officer prior to the examination and the officer shall propound such cross-interrogatories to the deponent.

(b) The applicant must arrange for the examination of the witness either by oral examination or by written interrogatories. If it is found by the administrative law judge, upon the protest of a party to the proceeding, that such party has his residence and his place of business more than 100 miles from the place

of the examination and that it would constitute an undue hardship upon such party to be represented at the examination, the applicant will be required to conduct the examination by means of interrogatories. When the examination is conducted by means of interrogatories, copies of the interrogatories shall be served upon the other parties to the proceeding at least 5 days prior to the date set for the examination, and the other parties shall be afforded an opportunity to file with the officer cross-interrogatories at any time prior to the time of the examination.

§ 12.17-5 Signature by witness.

The transcript of the deposition shall be read to or by the deponent, unless such reading is waived by the parties and the deponent. Any changes which the deponent wishes to make shall be entered upon the deposition by the officer, with a statement of the reasons given by the deponent for such changes. The deposition shall be signed by the deponent, unless the parties by stipulation waive such signing, or unless the deponent is ill or cannot be found or refuses to sign. If the deponent does not sign, the officer shall sign and shall state on the record the reason why the deponent did not sign. In such case the deposition shall be as valid as though signed by the deponent, unless the administrative law judge finds that the reason given by the deponent for his refusal to sign requires rejection of the deposition in whole or in part.

§ 12.17-6 Certification by officer.

The officer shall certify on the deposition that the deponent was duly sworn by him and that the deposition is a true record of the deponent's testimony. He shall then securely seal the deposition, together with two copies thereof, in an envelope and mail the same by registered or certified mail to the hearing clerk.

§ 12.17-7 Use of depositions.

(a) A deposition ordered and taken in accord with the provisions of this section, may be used in a proceeding under the act if the administrative law judge finds that the evidence is otherwise admissible and (1) that the witness is dead; or (2) that the witness is at a greater distance than 100 miles from the place of hearing, unless it appears that the absence of the witness was procured by the party offering the deposition; or (3) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (4) in any event, upon application and notice that such exceptional circumstances exist as to make it desirable, in the interests of justice and with due regard to the importance of presenting the testimony orally before the administrative law judge, to allow the deposition to be used. If any part of a deposition is put in evidence by a party, any other party may require the production of the remainder, or any other portion, of the deposition.

§ 12.18 Fees of witnesses.

(b) Witnesses summoned before the administrative law judge or the secretary shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken, and the persons taking the same, shall be entitled to the same fees as are paid for like services in the courts of the United States. Fees shall be paid by the party at whose instances the witness appears or the deposition is taken.

Effective date.—The foregoing rules shall become effective on April 27, 1973.

Done at Washington, D.C., this 27th day of April 1973.

G. H. WISE,
Acting Administrator, Animal
and Plant Health Inspection Service.
[FR Doc.73-8580 Filed 5-1-73;8:45 am]

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

PART 73—SCABIES IN CATTLE

Areas Released From Quarantine

This amendment releases Bailey, Gray, Hale, Lamb, and Swisher Counties in Texas from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR part 73, as amended, do not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 73.1a. Further, the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said part 73 apply to the excluded areas.

Pursuant to 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, 115, 117, 120, 121, 123-126, 134b, 134f), part 73, title 9, Code of Federal Regulations, restricting the interstate movement of cattle because of scabies, is hereby amended as follows:

In § 73.1a, paragraph (a) relating to the State of Texas is amended to read:

§ 73.1a Notice of quarantine.

(a) Notice is hereby given that cattle in certain portions of the State of Texas are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

- (1) Carson County.
- (2) Castro County.
- (3) Dallam County.
- (4) Deaf Smith County.
- (5) Hansford County.
- (6) Hartley County.
- (7) Hutchinson County.
- (8) Moore County.

- (9) Ochiltree County.
- (10) Oldham County.
- (11) Parmer County.
- (12) Potter County.
- (13) Randall County.
- (14) Sherman County.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1, 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3, 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f; 37 FR 28464, 28477.)

Effective date.—The foregoing amendment shall become effective April 27, 1973.

The amendment relieves restriction no longer deemed necessary to prevent the spread of cattle scabies, and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 27th day of April 1973.

G. H. WISE,
Acting Administrator, Animal and
Plant Health Inspection Service.
[FR Doc.73-8538 Filed 5-1-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 25—PERMITS FOR ACCESS TO RESTRICTED DATA CONCERNING THE SEPARATION OF URANIUM ISOTOPES

On December 9, 1972, the Atomic Energy Commission published in the FEDERAL REGISTER (37 FR 26345) proposed amendments of its regulation in 10 CFR, Part 25, "Permits for Access to Restricted Data," which would provide access to the Government's technology concerning the gaseous diffusion and centrifuge processes for the separation of isotopes of uranium.

All interested persons were invited to submit comments or suggestions in connection with the proposed amendments within 30 days after publication in the FEDERAL REGISTER. After consideration of the comments received and other factors involved, the amendments have been revised to reflect some of the comments received. The principal changes from the amendments published for comment are:

1. Proposed § 25.15(b)(3)(i) has been revised to make applicant eligibility qualifications less restrictive.

2. Proposed § 25.23(d)(1) and (2) have been revised to reduce the scope of the licensing requirements to uses in the production or enrichment of special nuclear material and to make the grant-

ing of such licenses to domestic and foreign persons subject to the request of the Commission.

3. Proposed § 25.23(d)(6) has been revised to require, during the term of the access permit, quarterly reports of technical information or data, including economic evaluations thereof, which the permittee or the Commission considers may be of interest to the Commission.

4. Proposed § 25.23(d)(7) has been revised to restrict to the term of the access permit, the permittees' agreement to make available for inspection by the Commission all experimental equipment and technical information or data developed by the permittee.

5. Proposed § 25.23(d)(8) has been revised to specify that the Commission reserves the right to charge reasonable compensation for the commercial use of its inventions and discoveries including related data and technology and to allow applicants qualifying for a permit pursuant to § 25.15(b)(3)(ii) to obtain access to restricted data in subcategory B without charge.

6. Proposed § 25.23(d)(9) has been revised to remove restrictions other than those imposed by part 110 on permittees' dissemination of unclassified technical information or data developed by the permittee or made available by the Commission.

7. Proposed § 25.23(d)(10) has been eliminated. Section 25.23(c)(1) has been revised to emphasize the obligation of the permittee to comply with such rules, regulations, and orders as the Commission may adopt to effectuate the policies specified in the act directing the Commission to strengthen free competition in private enterprise and avoid the creation or maintenance of a situation inconsistent with the antitrust laws.

Certain editorial changes have also been made in the amendments set forth below.

The Commission has also determined the reasonable compensation it will charge permittees pursuant to § 25.23(d)(8) for use in commercial provision of enrichment services of the Commission's inventions and discoveries including related data and technology. Permittees will be required to pay the Commission (a) 3 percent of the gross revenues of each production facility for the provision of such services during the period ending 17 years after the commencement of commercial operation of such facility, or (b) as may be agreed, a lump sum, payable in advance of commercial operation of such facility, which the Commission determines to be equivalent to the present value to the Commission of 3 percent of the estimated gross revenues of such facility during such period.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to title 10, chapter 1, Code of Federal Regulations, part 25 are published as a document subject to codification, to be effective May 2, 1973.

1. Section 25.5 of 10 CFR part 25 is revised to read as follows:

§ 25.5 Communications.

Communications concerning rulemaking, i.e., petition to change part 25, should be addressed to Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545. Except with respect to category C-24, all other communications concerning the regulations in this part and applications filed under them, should be addressed to the Commission Operations Office listed in appendix "B" of this part responsible for the geographical area in which (a) the applicant's principal place of business is located, or (b) the principal place where the applicant will use the restricted data is located.

§ 25.11 [Amended]

2. Paragraph (a) of § 25.11 of 10 CFR part 25 is amended by adding the following sentence at the end thereof: "Applications for access to restricted data in category C-24 isotope separation, should be submitted to the Oak Ridge Operations Office."

3. Paragraph (c) (7) of § 25.11 of 10 CFR part 25 is amended by revising the last sentence thereof to read as follows: "In addition, if access to secret restricted data in category C-65, plutonium production, or restricted data in category C-24, isotope separation, is requested, the application should also include sufficient information to satisfy the requirements of § 25.15(b) (2) or (3), as the case may be."

4. In § 25.15, paragraphs (a), (b) (1), (b) (3) are amended to read as follows:

§ 25.15 Requirements for approval of applications.

(a) An application for an access permit authorizing access to confidential restricted data in the categories set forth in appendix A of this part (except C-91 and C-24) will be approved only if the application demonstrates that the applicant has a potential use or application for such data in his business, trade, or profession and has filed a complete application form.

(b) (1) An application for an access permit authorizing access to restricted data in category C-24 or secret restricted data in other categories will be approved only if the application demonstrates that the applicant has a need for such data in his business, trade, or profession and has filed a complete application form.

(3) An application for an access permit authorizing access to restricted data in category C-24, isotope separation—subcategory A or B—will be approved only if the application demonstrates also that the applicant:

(1) Possesses qualifications demonstrating that the applicant is potentially capable of undertaking or participating significantly in the construction and operation of large, complex production or manufacturing facilities and offers reasonable assurance of adequacy of resources to carry on, alone or with others,

uranium enrichment on a production basis or the large-scale manufacture or assembly of precision equipment systems; is not a corporation or entity owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government; and

(a) For subcategory A, desires to determine its interest in participating significantly in a substantial effort to develop, design, build, and operate a uranium enrichment facility or a facility for the manufacture of uranium enrichment equipment.

(b) For subcategory B, proposes to participate significantly in, or is directly participating significantly in, a substantial effort to evaluate alternative processes, develop, design, build and operate a uranium enrichment facility or a facility for the manufacture of uranium enrichment equipment, or

5. Paragraph (a) of § 25.22 of 10 CFR part 25 is revised to read as follows:

§ 25.22 Scope of permit.

(a) All access permits will as a minimum authorize access, subject to the terms and conditions of the access permit to confidential restricted data in all of the categories set forth in appendix A to this part, except C-91 and C-24.

6. In § 25.23, paragraph (c) (1), the last sentence of paragraph (c) (4), and paragraph (d) are revised to read as follows:

§ 25.23 Terms and conditions of access.

(c) Each permittee shall:

(1) Comply with all applicable provisions of the Atomic Energy Act of 1954 and with parts 95 and 110 of this chapter and with all other applicable rules, regulations, and orders of the Commission, including such rules, regulations, and orders as the Commission may adopt or issue to effectuate the policies specified in the act directing the Commission to strengthen free competition in private enterprise and avoid the creation or maintenance of a situation inconsistent with the antitrust laws.

(4) * * *

In the case of an access permit authorizing access to restricted data in category C-24, isotope separation, the agreement shall also provide for such requirements as the permittee considers necessary for purposes of fulfilling its obligations under paragraph (d) of this section.

(d) The following terms and conditions are applicable to an access permit authorizing access to restricted data in category C-24, isotope separation irrespective of whether access to the Commission's restricted data information is desired:

(1) The permittee agrees to grant a nonexclusive license at reasonable royal-

ties to the United States and, at the request of the Commission, to domestic and foreign persons, to use in the production or enrichment of special nuclear material any U.S. patent or any U.S. patent application (otherwise in condition for allowance except for a secrecy order thereon) on any invention or discovery made or conceived by the permittee, its employees, or others engaged by the permittee in the course of the permittee's work under the access permit, or as a result of access to data or information made available by the Commission.

(2) The permittee agrees to grant to the United States, and, at the request of the Commission, to domestic and foreign persons, the right at reasonable royalties to use for research, development, or manufacturing programs for the production or enrichment of special nuclear material, any technical information or data, including economic evaluations thereof, of a proprietary nature developed by the permittee, its employees, or others engaged by the permittee in the course of the permittee's work under the access permit or as a result of access to data or information made available by the Commission and not covered by a U.S. patent or U.S. patent application referred to in paragraph (d) (1) of this section. If the Commission disseminates any such proprietary technical information or data in its possession to any of its contractors for use in any Commission research, development, production, or manufacturing programs, it will do so under contractual provisions pursuant to which the contractor would undertake to use this information only for the work under the pertinent Commission contract. Notwithstanding the foregoing provisions of this subparagraph, the permittee waives any claim against the Commission for compensation or otherwise, in connection with any use or dissemination of information or data not specifically identified and claimed by the permittee as proprietary in a written notice to the Commission at the time of the furnishing of the information or data to the Commission. As used in this subparagraph, the term "technical information or data, including economic evaluations thereof, of a proprietary nature" means information or data which:

(i) Is not the property of the Government by virtue of any agreement;

(ii) Concerns the details of trade secrets or manufacturing processes which the permittee has protected from us by others; and

(iii) Is specifically identified as proprietary at the time it is made available to the Commission.

Technical information or data shall not be deemed proprietary in nature whenever substantially the same technical information is available to the Commission which has been prepared, developed or furnished as nonproprietary information by another source independently of the proprietary information and data furnished by the permittee.

(3) If the amount of reasonable royalties provided for in paragraph (d) (1) and (2) of this section cannot be agreed upon, the permittee agrees that such amount shall be determined by the Commission under the provisions of section 157c of the Atomic Energy Act of 1954, as amended.

(4) In the event domestic commercial uranium enriching services are provided by persons other than an agency of the United States, the permittee agrees not to require the United States to pay the royalties provided for in paragraph (d) (1) and (2) of this section.

(5) The acceptance, exercise, or use of the licenses or rights provided for in paragraph (d) (1) and (2) of this section shall not prevent the Government, at any time, from contesting their validity, scope or enforceability.

(6) The permittee agrees, during the term of the access permit, to make quarterly reports to the Commission in writing, in reasonable detail, respecting all technical information or data, including economic evaluations thereof, which the permittee or the Commission considers may be of interest to the Commission, including reports of patent applications on inventions or discoveries and of technical information and data of a proprietary nature. These reports will cover the results of the permittee's work under the access permit or as a result of data or information made available by the Commission. The foregoing provisions of this subparagraph shall be subject to the provisions of paragraph (d) (1) and (2) of this section.

(7) The permittee agrees to make available to the Commission, at all reasonable times during the term of the access permit, for inspection by Commission personnel, or by mutual agreement, others on behalf of the Commission, all experimental equipment and technical information or data developed by the permittee, its employees, or others engaged by the permittee, in the course of the permittee's work under the access permit or as a result of data or information made available by the Commission. The foregoing provision of this subparagraph shall be subject to the provisions of paragraph (d) (1) and (2) of this section.

(8) The permittee agrees to pay such reasonable compensation as the Commission may elect to charge for the commercial use of its inventions and discoveries including related data and technology and, except for an applicant qualifying for a permit pursuant to § 25.15(b) (3)(ii), agrees to pay \$25,000 for an access permit authorizing access to restricted data in subcategory B.

(9) Except as may be otherwise authorized by the Commission, the permittee agrees not to disseminate to persons not granted access by the Commission, restricted data made available to the permittee by the Commission or restricted data developed by the permittee, its employees, or others engaged by the permittee in the course of the permittee's work under the access permit or as a result of data or information made available by the Commission.

(10) The granting of an access permit does not constitute any assurance, direct or implied, that the Commission will grant the permittee a license for a production facility or any other license.

(11) In the event the permittee is engaged by the Commission to perform work for the Commission in the field of the separation of isotopes, the permittee agrees to undertake such measures as the Commission may require for the separation of its activities under the access permit from its work for the Commission.

7. Category C-24 Isotope Separation—Gas Centrifuge Method of appendix A of 10 CFR part 25 is revised to read as follows:

C-24. Isotope separation.—This category is divided into subcategories A and B.

Subcategory A includes information in summary form concerning the status and potential of the gaseous diffusion and gas centrifuge processes for the separation of uranium isotopes.

Subcategory B includes information on the following:

(a) Any aspect of separating one or more isotopes of uranium from a composition containing a mixture of isotopes of that element by the gas centrifuge or gaseous diffusion processes.

(b) Design, construction, and operation of any plant, facility or device capable of separating by the gas centrifuge or gaseous diffusion processes one or more isotopes of uranium from a composition containing a mixture of isotopes of that element, including means and methods of transporting materials from one to another device.

Dated at Germantown, Md., this 27th day of April 1973.

GORDON M. GRANT,
Acting Secretary of the Commission.
[FR Doc. 73-8993 Filed 5-1-73; 8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2372]

PART 13—PROHIBITED TRADE PRACTICES

Ben Stroll Furs, Inc., et al.

Subpart—Delaying or withholding corrections, adjustments, or action owed: § 13.675, Delaying or withholding corrections, adjustments, or action owed. Subpart—Furnishing false guaranties: § 13.1053, Furnishing false guaranties: § 13.1053-35, Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108, Invoicing products falsely: § 13.1108-45, Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185, Composition: § 13.1185-30, Fur Products Labeling Act; § 13.1212, Formal regulatory and statutory requirements: § 13.1212-30, Fur Products Labeling Act; § 13.1255, Manufacture or preparation: § 13.1255-30, Fur Products Labeling Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590, Composition: § 13.1590-30, Fur Products Labeling Act; § 13.1623, Formal regulatory and statutory requirements: § 13.1623-30, Fur Products Labeling Act; § 13.1685, Nature:

§ 13.1685-35, Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852, Formal regulatory and statutory requirements: § 13.1852-35, Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69 f.) [Cease and desist order, Ben Stroll Furs, Inc., et al., New York, N.Y., docket No. C-2372, Apr. 2, 1973.]

In the Matter of Ben Stroll Furs, Inc., a Corporation, and Ben Stroll, also known as Benjamin Strulowitz, Individually, and as an Officer of Said Corporation

Consent order requiring a New York City manufacturer of fur products, among other things to cease misbranding, falsely invoicing and guaranteeing furs, and to make refunds to consumers who purchased misbranded or deceptively invoiced furs.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Ben Stroll Furs, Inc., a corporation, its successors and assigns, and its officers, and Ben Stroll, also known as Benjamin Strulowitz, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:
1. Representing directly or by implication on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely and deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing directly or by implication on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered. That respondents Ben Stroll Furs, Inc., a corporation, its successors and assigns, and its officers and Ben Stroll, also known as Benjamin Strulowitz, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered. That respondents notify, by delivery of a copy of this order by registered mail, each of their customers listed in schedule A, set forth below, all of whom have purchased fur products which gave rise to this complaint, of the fact that such products were misbranded or falsely or deceptively invoiced.

It is further ordered. That respondents shall forthwith deposit in escrow with their attorney, as escrowee, \$4,580, which amount represents the difference between the sum actually received by the respondents in sales to their customers of 43 fur products identified by item number in schedule A, set forth below, which were misbranded or falsely or deceptively invoiced as natural and the sum the respondents would have received for the same products had they been properly labeled and invoiced as dyed.

It is further ordered. That respondents make every prompt and diligent effort to ascertain the identity and the present address of, and the individual retail prices paid by each consumer who purchased the said 43 fur products manufactured by the respondents and identified by item number in schedule A, attached hereto; and the respondents at the time and as part of the initial report of compliance which they shall file with the Commission within 60 days after service upon them of this order, as hereinafter set forth, shall include as part of that report a detailed account of the efforts made by them in obtaining the above information together with the results thereof.

It is further ordered. That following the respondents' initial report of compliance and its acceptance by the Commission, each consumer located by the respondents or by the Commission who has purchased any of the subject 43 fur products shall be sent by the respondents by registered mail a copy of this order and shall be paid a sum from the escrow amount arrived at as follows:

(1) Each of the consumers who have purchased any of the subject 43 fur products shall receive a percentage of the \$4,580 escrow. The percentage received by each shall be determined by ascertaining the total of the retail prices paid by the consumers for the 43 fur products and then determining the percentage that the individual consumer's retail price bears to the total of the retail prices.

(2) In the event that some of the consumers cannot be located there shall be

no reduction in the escrow amount of \$4,580, but rather the amount received by each consumer shall be calculated as described above except that the total of the retail prices used to ascertain the percentage of the escrow amount to be paid to the individual consumer shall be the total of the retail prices paid by the consumers who have been located for the respective fur products that they purchased.

(3) In no event shall any consumer receive more than 20 percent of the retail price originally paid by him, however, such payment shall not limit the consumer's rights or interests.

(4) Any amount remaining in the escrow account following full compliance by the respondents with this order may be returned to them by the escrowee subject to the approval of the Commission.

It is further ordered. That in addition to the provisions hereinabove made regarding payment by the respondents to consumers who purchased the 43 misbranded or falsely and deceptively invoiced fur product, the respondents shall pay, to any other consumer who shows that prior to the effective date of this order he purchased a fur product manufactured and deceptively invoiced and/or misbranded by the proposed respondents, an amount equal to 20 percent of the wholesale price received by the respondents in the sale of the misbranded or falsely or deceptively invoiced fur product but in no event shall any payment made to a consumer under the provisions of this paragraph foreclose any of the consumer's rights or interests, nor shall any payment by the respondents provided for under this paragraph be made by them from the hereinabove described escrow fund of \$4,580.

It is further ordered. That in addition to the respondents sending a copy of this order to consumers who had purchased the 43 fur products as described hereinbefore, the respondents shall also send a copy of this order by registered mail to any other consumer known by them or who may become known by them to have purchased a fur product manufactured and misbranded or falsely or deceptively invoiced by the respondents prior to the effective date of this order.

It is further ordered. That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may effect compliance obligations arising out of the order.

It is further ordered. That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business and address, the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered. That the respondent corporation shall forthwith

distribute a copy of this order to each of its operating divisions.

It is further ordered. That the respondents herein shall within 60 days after service upon them of this order, file with the Commission an initial report of compliance in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered. That the respondents within 60 days of their filing of the initial report of compliance and acceptance of the same by the Commission shall file with the Commission an additional report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued April 2, 1973.

By the Commission.

[SEAL]

CHARLES A. TOBIN,
Secretary.

SCHEDULE A

Stroll invoice No.	Date	Customer	Style/Item No.
4191	July 11, 1968	Lockwood Furs.	197/6331
4191	do	do	180/6327
4329	Aug. 13, 1968	Lloyds	197/6682
4429	do	do	101/4256
4907	Aug. 20, 1968	I. E. Goodman	190/6708
4907	do	do	190/6340
4552	Aug. 13, 1968	do	190/6336
4476	Aug. 5, 1968	Northern Furs.	675/6649
4476	do	do	101/4273
5091	Oct. 9, 1968	Evans Fur Co.	917F/6430
5091	do	do	291F/6680
4793	Sept. 6, 1968	do	109/6437
4711	Aug. 29, 1968	do	968-86425
4094	Aug. 28, 1968	do	917F/6428
4094	do	do	981F/6429
4094	do	do	963/6653
4390	July 25, 1968	do	585/6445
4294	July 17, 1968	do	875/6435
4257	do	do	875/6320
4244	July 16, 1968	do	875/6313
4114	July 31, 1968	Gold Label	195/6344
5149	Oct. 14, 1968	H. D. Grossman	201F/6317
4627	Aug. 21, 1968	Ben Herrschaft	194/4259
4627	do	do	195/6668
4174	July 10, 1968	Robert Schechner	190/6348
9300	Jan. 22, 1970	Giba-Friedman	635/5805
9300	do	do	915/5808
3357	Dec. 30, 1970	Giba-Nobilia, Inc.	817/1700
3494	Jan. 15, 1971	A. I. Lipsey	9408/1703
3538	Jan. 20, 1971	do	9408/1701
6863	Oct. 28, 1968	Lockwood Furs.	197/6331
6857	Oct. 18, 1968	do	180/6327
9185	Dec. 12, 1969	Mohl Fur Co.	875/5215
9185	do	do	675/5222
9165	do	do	675/5225
9010	Dec. 1, 1969	do	824/4697
9059	Dec. 3, 1969	Goldin-Feldman	825/5224
8074	Nov. 25, 1960	Harford	875/5228
9141	Dec. 10, 1969	Evans Fur Co.	8225/4107
3494	Jan. 15, 1971	A. I. Lipsey	9408/1703
3538	Jan. 20, 1971	do	9408/1701
9051	Dec. 3, 1969	Paganat Furs.	817/4288
8016	Nov. 18, 1960	Goldin-Feldman	817/4279

[FR Doc.73-8445 Filed 5-1-73;8:45 am]

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS,
DEPARTMENT OF THE TREASURY

[T.D. 73-121]

PART 1—GENERAL PROVISIONS

Designation of Butte, Mont., as Port of
Entry

APRIL 24, 1973.

On February 5, 1973, notice of a proposal to designate Butte, Mont., as a port of entry in the Great Falls, Mont., customs district (region VIII), was pub-

lished in the FEDERAL REGISTER (38 FR 3334). No comments were received regarding this proposed designation.

Accordingly, by virtue of the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR ch. II), and pursuant to authority provided by Treasury Department Order No. 190, rev. 8 (37 FR 18572), Butte, Mont., is hereby designated a port of entry in the Great Falls, Mont., district (region VIII), effective May 2, 1973.

The geographical limits of the port of Butte include all of ranges 7, 8, and 9 West in township 2 North and township 3 North, and sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36 of township 3 North, range 10 West, in the county of Silver Bow, Mont.

To reflect this change, the table in § 1.2(e) of the Customs regulations is amended by inserting in the column headed "Ports of Entry" in the Great Falls, Mont., district (region VIII), "Butte, Mont. (including the territory described in T.D. 73-121)," directly below Great Falls, Mont.

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 19 U.S.C. 1, 2.)

It is desirable to make the Customs port of entry available to the public as soon as possible. Therefore, good cause is found for dispensing with the delayed effective date provision of 5 U.S.C. 553(d).

[SEAL] JAMES B. CLAWSON,
Acting Assistant Secretary of
the Treasury.

[FR Doc.73-8567 Filed 5-1-73; 9:45 am]

[T.D. 73-122]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Addition of Mexico to Coastwise Transport List

APRIL 24, 1973.

In accordance with section 27, 41 Stat. 999, as amended (46 U.S.C. 883), the Secretary of State has advised the Secretary of the Treasury under date of December 21, 1972, that Mexico allows privileges reciprocal to those provided for in the cited statute, to vessels of the United States. Therefore, corresponding privileges are accorded to vessels of Mexican registry. These privileges relate to the coastwise transportation, under the conditions specified in the applicable proviso of section 27, 41 Stat. 999, as amended (46 U.S.C. 883), of empty cargo vans, empty lift vans, empty shipping tanks; equipment for use with those articles; empty barges specifically designed for carriage aboard a vessel; any empty instruments for international traffic exempted from application of the Customs laws by the Secretary of the Treasury pursuant to section 14, 67 Stat. 516 (19 U.S.C. 1322(a)); and certain stevedoring equipment and material.

Accordingly, paragraph (b)(1) of § 4.93, Customs regulations, is amended by the insertion of "Mexico" in appropriate alphabetical order in the list of countries under that paragraph. Paragraph (b)(2) of § 4.93, Customs regulations, is also amended by the insertion of "Mexico" in appropriate alphabetical order in the list of countries under that paragraph.

(Sec. 27, 41 Stat. 999, as amended, sec. 14, 67 Stat. 516; 5 U.S.C. 301, 19 U.S.C. 1322(a), 46 U.S.C. 883.)

There is a statutory basis for the described extension of reciprocal privileges, and the amendment recognizes an exemption from the coastwise prohibition of section 27, 41 Stat. 999, as amended (46 U.S.C. 883). Therefore, good cause exists for dispensing with notice and public procedure thereon as unnecessary, and good cause is found for the amendment to become effective on the earliest date possible, under 5 U.S.C. 553.

Effective date.—This amendment shall be effective on May 2, 1973.

VERNON D. ACREE,
Commissioner of Customs.

Approved April 24, 1973.

JAMES B. CLAWSON,
Acting Assistant Secretary
of the Treasury.

[FR Doc.73-8568 Filed 5-1-73; 8:45 am]

[T.D. 73-119]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Import Restrictions on Pre-Columbian Sculpture and Murals

APRIL 24, 1973.

On February 12, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 4261), which proposed to amend part 12 of the Customs regulations to implement title II of Public Law 92-587 which authorizes the Secretary of the Treasury to regulate the importation into the United States of pre-Columbian monumental and architectural sculpture or murals exported contrary to the laws of the country of origin. The amendment lists the types of articles regulated and the countries which control the exportation of such articles; the documents required for entering the articles into the United States and the time in which these documents must be submitted if they are not available at the time of entry; and provides for the disposition of articles seized for failure to produce the required documents. After consideration of all data, views, or arguments submitted in response to the notice, only minor editorial changes are made.

Accordingly, the amendment to part 12 of the Customs regulations is hereby adopted as set forth below.

Effective date.—This amendment shall become effective June 1, 1973.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved April 24, 1973.

JAMES B. CLAWSON,
Acting Assistant Secretary of the
Treasury.

Part 12 is amended by the insertion of a new center heading and §§ 12.105 to 12.109, to read as follows:

PRE-COLUMBIAN MONUMENTAL AND ARCHITECTURAL SCULPTURE AND MURALS
§ 12.105 Definitions.

For purposes of §§ 12.106 through 12.109:

(a) The term "pre-Columbian monumental or architectural sculpture or wall art listed in paragraph (b) of this section which is the product of a pre-Columbian Indian culture of Bolivia, British Honduras, Costa Rica, Dominican Republic, El Salvador, Guatemala, Mexico, Panama, Peru, or Venezuela.

(b) The term "stone carving or wall art" includes:

(1) Such stone monuments as altars and altar bases, archways, ball court markers, basins, calendars, and calendrical markers, columns, monoliths, obelisks, statues, stelae, sarcophagi, thrones, zoomorphs;

(2) Such architectural structures as aqueducts, ball courts, buildings, bridges, causeways, courts, doorways (including lintels and jambs), forts, observatories, plazas, platforms, facades, reservoirs, retaining walls, roadways, shrines, temples, tombs, walls, walkways, wells;

(3) Architectural masks, decorated capstones, decorative beams of wood, frescoes, friezes, glyphs, graffiti, mosaics, moldings, or any other carving or decoration which had been part of or affixed to any monument or architectural structure, including cave paintings or designs;

(4) Any fragment or part of any stone carving or wall art listed in the preceding subparagraphs.

(c) The term "country of origin," as applied to any pre-Columbian monumental or architectural sculpture or mural, means the country where the sculpture or mural was first discovered.

§ 12.106 Importation prohibited.

Except as provided in § 12.107, no pre-Columbian monumental or architectural sculpture or mural which is exported from its country of origin after (the effective date of this regulation) may be imported into the United States.

§ 12.107 Importations permitted.

Pre-Columbian monumental or architectural sculpture or mural for which entry is sought into the Customs territory of the United States will be permitted entry if at the time of making entry:

(a) A certificate, issued by the Government of the country of origin of such sculpture or mural, in a form acceptable to the Secretary, certifying that such exportation was not in violation of the

laws of that country, is filed with the district director of Customs; or

(b) Satisfactory evidence is presented to the district director of Customs that such sculpture or mural was exported from the country of origin on or before (the effective date of this regulation); or

(c) Satisfactory evidence is presented to the district director of Customs that such sculpture or mural is not an article listed in § 12.105.

§ 12.108 Detention of articles; time in which to comply.

If the importer cannot produce the certificate or evidence required in § 12.107 at the time of making entry, the district director shall take the sculpture or mural into Customs custody and send it to a bonded warehouse or public store to be held at the risk and expense of the consignee until the certificate or evidence is presented to such officer. The certificate or evidence must be presented within 90 days after the date on which the sculpture or mural is taken into Customs custody, or such longer period as may be allowed by the district director for good cause shown.

§ 12.109 Seizure and forfeiture.

(a) Whenever any pre-Columbian monumental or architectural sculpture or mural listed in § 12.105 is detained in accordance with § 12.108 and the importer states in writing that he will not attempt to secure the certificate or evidence required, or such certificate or evidence is not presented to the district director prior to the expiration of the time provided in § 12.108, the sculpture or mural shall be seized and summarily forfeited to the United States in accordance with Part 162 of this chapter.

(b) Any pre-Columbian monumental or architectural sculpture or mural which is forfeited to the United States shall in accordance with the provisions of Title II of Public Law 92-587:

(1) First be offered for return to the country of origin, and shall be returned if that country presents a request in writing for the return of the article and agrees to bear all expenses incurred incident to such return; or

(2) If not returned to the country of origin, be disposed of in accordance with law, pursuant to the provisions of section 609, Tariff Act of 1930, as amended (19 U.S.C. 1609), and § 162.46 of this chapter.

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 204, 86 Stat. 1297; 5 U.S.C. 301, 19 U.S.C. 66, 1624, 2094.)

[FR Doc.73-8566 Filed 5-1-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Fluocinolone Acetonide Cream, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new ani-

mal drug application (15-152V) filed by Syntex Laboratories, Inc., Palo Alto, Calif. 94304, proposing the safe and effective use of fluocinolone acetonide cream, veterinary for the treatment of dogs. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding a new section as follows:

§ 135a.50 Fluocinolone acetonide cream, veterinary.

(a) *Specifications.*—The drug contains 0.025 percent fluocinolone acetonide.

(b) *Sponsor.*—See code No. 036 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) The drug is indicated for the relief of pruritus and inflammation associated with certain superficial acute and chronic dermatoses in dogs. It is used in the treatment of allergic and acute moist dermatitis and for the relief of superficial inflammation caused by chemical and physical abrasions and burns.

(2) A small amount is applied to the affected area two or three times daily.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date.—This order shall be effective May 2, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(1).)

Dated April 26, 1973.

C. D. VAN HOUWELING,
Director,

Bureau of Veterinary Medicine.

[FR Doc.73-8517 Filed 5-1-73;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Sterile Ampicillin Trihydrate for Suspension, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (55-030V) filed by Bristol Laboratories, Division of Bristol-Myers Co., P.O. Box 657, Syracuse, N.Y. 13201, proposing the safe and effective use of sterile ampicillin trihydrate for suspension, veterinary, for the treatment of cattle. The supplemental application is approved.

The Commissioner concludes that a negligible tolerance limitation is required to assure that edible tissues of cattle, and milk from dairy cattle treated with the drug are safe for human consumption.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(1)) and under authority delegated to the Commissioner (21 CFR 2.120), parts 135b and 135g are amended as follows:

1. Part 135b is amended by revising § 135b.41 in paragraph (c) (3) and (4)

and by adding new paragraph (c) (5) and (6) as follows:

§ 135b.41 Sterile ampicillin trihydrate for suspension, veterinary.

(c) * * *

(3) It is used in cattle in the treatment of respiratory tract infection caused by organisms susceptible to ampicillin trihydrate, bacterial pneumonia (shipping fever, calf pneumonia, and bovine pneumonia) caused by *Aerobacter spp.*, *Klebsiella spp.*, *Staphylococcus spp.*, *Streptococcus spp.*, *Pasteurella multocida*, and *E. coli*.

(4) It is administered to cattle at a dosage level of 2 to 5 mg/lb of body weight once daily by intramuscular injection.

(5) Do not treat cattle for more than 7 days. Milk from treated cows must not be used for food during treatment, and for 48 hours (4 milkings) after the last treatment. Treated cattle must not be slaughtered for food during treatment, and for 144 hours (6 days) after the last treatment.

(6) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

2. Part 135g is amended by revising § 135g.83 to read as follows:

§ 135g.83 Ampicillin.

A tolerance of 0.01 p/m is established for negligible residues of ampicillin in the uncooked edible tissues of swine and cattle and in milk.

Effective date.—This order shall be effective May 2, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(1).)

Dated April 25, 1973.

C. D. VAN HOUWELING,
Director,

Bureau of Veterinary Medicine.

[FR Doc.73-8518 Filed 5-1-73;8:45 am]

Title 31—Fiscal Service

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 332—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES H

Amounts of Interest Checks and Investment Yields

The purpose of this supplement is to show the amounts of the interest checks and the investment yields for the next extended maturity period for U.S. savings bonds of series H bearing issue dates of October 1, 1953, through March 1, 1954, and June 1 through November 1, 1963. Accordingly, the tables to Department Circular No. 905, fifth revision, dated December 12, 1969, as amended (31 CFR part 332), are hereby supplemented by the addition of tables 5-A and 26-A, as set forth below.

Dated April 25, 1973.

[SEAL]

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

TABLE 5-A

BONDS BEARING ISSUE DATES FROM OCTOBER 1, 1953 THROUGH MARCH 1, 1954¹

Face value	Issue price (Redemption and maturity value)	\$500	\$1,000	\$5,000	\$10,000	Approximate investment yield (annual percentage rate)			
						(1) Amounts of interest checks for each denomination	(2) From beginning of second extended maturity period to each interest payment date	(3) For half-year period preceding interest payment date	(4) From each interest payment date to second extended maturity
Period of time bond is held after extended maturity date	SECOND EXTENDED MATURITY PERIOD					Percent	Percent	Percent	Percent
1/2 year.....	(12/1/73)	\$13.75	\$27.50	\$137.50	\$275.00	5.50	5.50	5.50	5.50
1 year.....	(6/1/74)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
1 1/2 years.....	(12/1/74)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
2 years.....	(6/1/75)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
2 1/2 years.....	(12/1/75)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
3 years.....	(6/1/76)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
3 1/2 years.....	(12/1/76)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
4 years.....	(6/1/77)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
4 1/2 years.....	(12/1/77)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
5 years.....	(6/1/78)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
5 1/2 years.....	(12/1/78)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
6 years.....	(6/1/79)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
6 1/2 years.....	(12/1/79)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
7 years.....	(6/1/80)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
7 1/2 years.....	(12/1/80)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
8 years.....	(6/1/81)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
8 1/2 years.....	(12/1/81)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
9 years.....	(6/1/82)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
9 1/2 years.....	(12/1/82)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
10 years (2d extended maturity) ²	(6/1/83)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50

¹ This table does not apply if the prevailing rate for Series H bonds being issued at the time the second extension begins is different from 5.50 percent.
² Month, day, and year on which interest check is payable on issues of Oct. 1, 1953. For subsequent issue months add the appropriate number of months.
³ Twenty-nine years and 8 months after issue date.
⁴ Yield from issue date to second extended maturity date on bonds dated: Oct. 1 and Nov. 1, 1953 is 4.05 percent; Dec. 1, 1953 through Mar. 1, 1954 is 4.06 percent.

TABLE 26-A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1963¹

Face value	Issue price (Redemption and maturity value)	\$500	\$1,000	\$5,000	\$10,000	Approximate investment yield (annual percentage rate)			
						(1) Amounts of interest checks for each denomination	(2) From beginning of extended maturity period to each interest payment date	(3) For half-year period preceding interest payment date	(4) From each interest payment date to extended maturity
Period of time bond is held after maturity date	EXTENDED MATURITY PERIOD					Percent	Percent	Percent	Percent
1/2 year.....	(12/1/73)	\$13.75	\$27.50	\$137.50	\$275.00	5.50	5.50	5.50	5.50
1 year.....	(6/1/74)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
1 1/2 years.....	(12/1/74)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
2 years.....	(6/1/75)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
2 1/2 years.....	(12/1/75)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
3 years.....	(6/1/76)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
3 1/2 years.....	(12/1/76)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
4 years.....	(6/1/77)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
4 1/2 years.....	(12/1/77)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
5 years.....	(6/1/78)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
5 1/2 years.....	(12/1/78)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
6 years.....	(6/1/79)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
6 1/2 years.....	(12/1/79)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
7 years.....	(6/1/80)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
7 1/2 years.....	(12/1/80)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
8 years.....	(6/1/81)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
8 1/2 years.....	(12/1/81)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
9 years.....	(6/1/82)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
9 1/2 years.....	(12/1/82)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50
10 years (extended maturity) ²	(6/1/83)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50

¹ This table does not apply if the prevailing rate for Series H bonds being issued at the time the extension begins is different from 5.50 percent.
² Month, day, and year on which interest check is payable on issues of June 1, 1963. For subsequent issue months add the appropriate number of months.
³ Twenty years after issue date.
⁴ Yield on purchase price from issue date to extended maturity is 4.75 percent.

[FR Doc. 73-8412 Filed 5-1-73; 8:45 am]

Title 45—Public Welfare

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1068—COMMUNITY ACTION PROGRAM GRANTEE FINANCIAL MANAGEMENT

Subpart 1068.8—Use of Federal Funds for Union Activities

Chapter X, part 1068 of title 45 of the Code of Federal Regulations is amended by adding five new sections, reading as follows:

- Sec.
 1068.8-1 Applicability.
 1068.8-2 Policy.
 1068.8-3 Restrictions on the use of program funds for union activities.
 1068.8-4 Restrictions on use of equipment and facilities.

AUTHORITY.—Secs. 213, 602; 81 Stat. 695, 78 Stat. 530; 42 U.S.C. 2796, 2942.

§ 1068.8-1 Applicability.
 This instruction does not apply to the unionization of grantee employees or OEO employees with non-Federal funds or checkoff for such employees or payment of such employees while performing union duties under a validly negotiated contract.

§ 1068.8-2 Policy.
 Use of EOA funds for purposes not related to the elimination of poverty is inappropriate. Additionally, there is a special danger in allowing the use of Federal moneys by a particular group to support or oppose any other faction or group.

§ 1068.8-3 Restrictions on the use of program funds for union activities.
 Grantees and their delegate agencies and employees of grantees or delegate agencies may not permit the use of program funds for:
 (a) Support of any activity the purpose of which is to unionize or attempt to unionize any group or faction;
 (b) Opposing any group or faction attempting to unionize any other group or faction;

(c) Influence of any union election;
 (d) Discrimination or threat or promise of discrimination, against any person, including beneficiaries of the program, because of the person's opinion or view or action or inaction relating to unions, union activity, or the labor movement;
 (e) Employment of any individual based upon his support or opposition to unions, union activity, or the labor movement;
 (f) Payment of the salary of any employee of a grantee or delegate agency for any period of time during which he engages in any union activity or advocacy of a particular view toward unions or the labor movement;

(g) Presentation of any union educational program designed to impress any person or party with a particular view

(i.e., support or opposition) toward unions, union activity or the labor movement;

(h) Support of any particular union in any dispute with any other union;

(i) Support of or opposition to any individual(s) engaged in a labor dispute because of such individual's advocacy of a particular position or point of view in such dispute;

(j) Any demonstration, rally or picketing activity to promote a particular point of view in regard to unions, union activity or the labor movement;

(k) Any advertising campaign designed to promote a particular view in regard to unions, union activity or the labor movement;

(l) Any lobbying activity or campaign of mass letter writing directed toward any local, State or Federal Government officials for the purpose of influencing them as to unions, union activity, the labor movement or any issue pertaining to unions, union activity or the labor movement;

(m) Payment of membership fees, initiation fees, dues, assessments, contributions or similar payments to any union or labor organization;

(n) Payment of membership fees, initiation fees, dues, assessments, contributions or similar payments to any organization or group which devotes or contributes any of its resources, from whatever source, to any activity which the grantee or delegate agency is prohibited from engaging in by this instruction. For purposes of the above, the amount of resources devoted to such activity is immaterial.

§ 1068.3-4 Restrictions on the use of equipment and facilities.

(a) Grantees and their delegate agencies and employees of grantees or delegate agencies may not permit equipment or facilities, purchased or leased, with Federal funds, in whole or in part, to be used for support of or opposition to any union activity, during such periods as the equipment or facilities are under the control and/or direction of grantees and their delegate agencies.

(b) Such equipment and facilities shall not be used for, nor shall Federal funds be used to sponsor or conduct, any meeting relating to union activity, labor disputes or the labor movement, even if provision is made for all points of view with regard to such.

This subpart shall become effective June 1, 1973.

HOWARD PHILLIPS,
Acting Director.

[FR Doc. 73-8545 Filed 5-1-73; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL

COMMUNICATIONS COMMISSION

[FCC 73-439]

PART 0—COMMISSION ORGANIZATION

Hearing and Legal Division

Order in the matter of amendment of Part 0—Statement of Organization, Del-

egations of Authority and Other Information: Formation of Hearing and Legal Division in the Common Carrier Bureau.

At a session of the Federal Communications Commission held at its offices in Washington, D.C.:

The Commission having under consideration the formation of a Hearing and Legal Division in the Common Carrier Bureau; and

It appearing, that the amendments adopted herein would promote greater efficiency and effectiveness in Commission operations; and

It further appearing, that the amendments adopted herein relate to Commission organization and, therefore, compliance with the public notice and rulemaking procedures of the Administrative Procedure Act (5 U.S.C. 553) is not required;

It is ordered, That, effective April 29, 1973, and pursuant to sections 4 (f) and (i) and 5(b) of the Communications Act of 1934, as amended, a Hearing and Legal Division shall be established within the Common Carrier Bureau;

It is further ordered, That the Hearing and Legal Division, under the supervision and direction of the Chief of the Bureau, shall (i) be responsible for the performance of all functions of the Common Carrier Bureau in the trial of evidentiary hearing proceedings; (ii) act as the legal office for the Bureau and handle any legal or enforcement matter referred to it by the Chief of the Bureau or by any other division;

It is further ordered, That pursuant to sections 4 (f) and (i) and 5(b) of the Communications Act of 1934, as amended, Part 0 of the Commission's rules and regulations is amended, effective April 29, 1973, as set forth below.

(Secs. 4, 5, 48 Stat., as amended, 1066, 1068; 47 U.S.C. 154, 155.)

Adopted April 25, 1973.

Released April 27, 1973.

FEDERAL COMMUNICATIONS COMMISSION,¹

[SEAL] **BEN F. WAPLE,**
Secretary.

Section 0.92 is amended by adding paragraph (h) to read as follows:

§ 0.92 Units in the Bureau.

* * *

(h) Hearing and Legal Division.

[FR Doc. 73-8554 Filed 5-1-73; 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

Laguna Atascosa National Wildlife Refuge, Tex.

The following special regulation is issued and is effective May 2, 1973.

¹ Commissioners Reid and Wiley absent.

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

TEXAS

LAGUNA ATASCOSA NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Laguna Atascosa National Wildlife Refuge, Tex., is permitted only on the area designated by signs as open to hunting. This open area, comprising 19,240 acres, is delineated on maps available at refuge headquarters, Harlingen, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the archery hunt of deer subject to the following special conditions:

(1) Hunting with, or possession of, weapons other than long bow is not permitted.

(2) The open season for hunting deer on the refuge is from 12 noon Friday through sunset Sunday each full week-end in October.

(3) Hunting hours will close at sunset each day.

(4) The bag limit is one deer of either sex.

(5) Target and field arrows are not permitted.

(6) Hunters must check in and out each day of the hunt at the Laguna Atascosa Field Office, which will be open 1½ hours before sunrise to 1 hour after sunset. Permits will be issued and collected at this point. Every deer must be checked out at this point.

(7) Vehicles will not be permitted off refuge roads or beyond blocked off gates.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, part 32, and are effective through October 28, 1973.

CARRELL L. RYAN,
Refuge Manager, Laguna Atascosa
National Wildlife Refuge.

APRIL 17, 1973.

[FR Doc. 73-8528 Filed 5-1-73; 8:45 am]

Title 23—Highways and Vehicles

CHAPTER II—HIGHWAY SAFETY PROGRAM STANDARDS, DEPARTMENT OF TRANSPORTATION

PART 204—UNIFORM SYSTEMS FOR STATE HIGHWAY SAFETY PROGRAMS

PART 1204—UNIFORM SYSTEMS FOR STATE HIGHWAY SAFETY PROGRAMS

Redesignation

By this notice part 204 of chapter II, in title 23 of the Code of Federal Regulations, is redesignated as part 1204.

Chapters I and II of title 23 have up to now been established according to the usual CFR pattern, with chapter I including the potential parts 1 to 199, and chapter II the potential parts 200 to 299. However, the Federal Highway Administration is planning to publish in chapter I a large amount of regulatory ma-

terial relating to the Federal-aid highway construction program, which will necessitate the expansion of that chapter to include parts 1 to 1199.

Accordingly, to accommodate the new material, chapters I and II will be restructured so that chapter I includes parts 1 to 1199, and chapter II, parts 1200 to 1299. The only part presently in chapter II, part 204, "Uniform Standards for State Highway Safety Programs," is hereby redesignated as part 1204.

(23 U.S.C. secs. 315, 402; 23 CFR, secs. 1.49, 1.51.)

Effective date.—Since this amendment merely reorganizes existing regulatory material, it is found that notice and public procedure thereon are unnecessary and good cause exists for an immediate effective date, May 2, 1973.

Issued on April 30, 1973.

JAMES E. WILSON,
Acting Administrator, National Highway Traffic Safety Administration.

RALPH R. BARTELSMEYER,
Acting Administrator, Federal Highway Administration.

[FR Doc.73-8773 Filed 5-1-73;8:45 am]

**Title 32A—National Defense, Appendix
CHAPTER X—OFFICE OF OIL AND GAS,
DEPARTMENT OF THE INTERIOR**

[Oil Import Reg. 1 (Rev. 5), Amdt. 57]

**OIL REG. 1—OIL IMPORT REGULATION
Oil Import Appeals Board**

This amendment 57 amends section 21 to conform to the Presidential proclamation of April 18, 1973, which modified Proclamation 3279, as amended.

Amended section 21 reflects the granting to the Oil Import Appeals Board by the amended proclamation of jurisdiction to grant allocations for which license fees are not applicable and deletes certain paragraphs of section 21 which are no longer relevant in light of jurisdiction previously granted to the Appeals Board to grant allocations in certain cases without regard to the limits of the maximum level of imports established by the proclamation.

Because many petitions now pend before the Oil Import Appeals Board and the filing of many additional petitions is anticipated, upon each of which extremely prompt action is urgently required, I find that publication of notice of proposed rulemaking in respect of this amendment is impracticable and would be contrary to the public interest and that this section must become effective upon the date of its publication in

the FEDERAL REGISTER. Accordingly, this new section 21, shall become effective on May 2, 1973.

JACK O. HORTON,
Assistant Secretary of the Interior.

APRIL 30, 1973.

Approved May 1, 1973.

WILLIAM E. SIMON,
Deputy Secretary of Treasury.

Sec. 21 Appeals.

(a) There is in the Department of the Interior, an Oil Import Appeals Board comprised of a representative each from the Departments of the Interior, Justice, and Commerce to be designated by the heads of such departments. The representative of the Department of the Interior shall be the Board's permanent Chairman.

(b) The Board, subject to the general direction of the Chairman of the Oil Policy Committee, shall consider petitions by persons affected by this regulation that fall within the limits of the jurisdiction specified in this paragraph and may:

(1) Within the limits of the maximum levels of imports established in section 2 of Proclamation 3279, as amended, modify on the grounds of error any allocation made to any person of license-fee-free imports under this regulation.

(2) Without regard to the limits of the maximum levels of imports established in section 2 of Proclamation 3279,

(i) Modify on the grounds of exceptional hardship any allocation of imports of crude and unfinished oils with respect to which license fees are not applicable made to any person under this regulation.

(ii) Grant allocations of license-fee-free imports of crude oil and unfinished oils in special circumstances to persons with importing histories who do not qualify for allocations of license-fee-free imports under this regulation.

(iii) Grant allocations of imports of finished products, to which license fees shall not be applicable, on the grounds of exceptional hardship.

(iv) Grant allocations of imports of crude oil, unfinished oils, and finished products, to which license fees shall not be applicable, to independent refiners or established independent marketers who are experiencing exceptional hardship, or in emergencies in order to assure that adequate supplies are available.

(v) Review the revocation or suspension of any allocation or license.

(c) The Board may take such actions on petitions as it deems appropriate and its decisions shall constitute final action.

(d) The Board may make effective in a current allocation period a modification of an allocation of imports granted under paragraph (b) (1) of this section when a quantity of such imports has been made available for such purpose by the Secretary.

(e) The Board may adopt, promulgate, and publish such rules and procedures as it deems appropriate for the conduct of its business.

(f) For the allocation period January 1, 1973, through December 31, 1973, 50,000 bbl/d of imports into districts I-IV of crude oil and unfinished oils (including Canadian imports as defined in section 1A of Proclamation 3279, as amended) and finished products and 10,000 bbl/d of imports into district V of crude oil, unfinished oils, and finished products are made available to the Oil Import Appeals Board.

[FR Doc.73-8803 Filed 5-1-73;10:50 am]

**CHAPTER XII—OIL POLICY COMMITTEE
OPC REG. 1—OIL IMPORT APPEALS
BOARD GUIDELINES**

On April 18, 1973, the President issued Proclamation 4210 (38 FR 9645) modifying Proclamation 3279, as amended, and among other things, establishing the Oil Import Appeals Board under the general direction of the Chairman of the Oil Policy Committee.

The jurisdiction of the Oil Import Appeals Board is set out in 32A CFR section (21 FR 10811, May 2, 1973). Generally it is empowered to make disposition of petitions before it from persons affected by the mandatory oil import program established under Proclamation 3279, as amended.

These guidelines for the Oil Import Appeals Board are issued to establish standards for the Board to use in evaluating petitions before it in order to implement the policies of the mandatory oil import program.

To accomplish this a new chapter XII is established in title 32A as follows:

Sec.

- 1 Scope.
- 2 Jurisdiction.
- 3 General policy.
- 4 Implementation.

AUTHORITY: Executive Order 11703, 38 FR 3579, Proclamation 3279, as amended.

Section 1 Scope.

On April 18, 1973, the President issued a proclamation modifying Proclamation 3279, relating to import of petroleum and petroleum products and effective May 1, 1973, providing for a system of license fees and a gradual reduction of levels

of imports of crude oil, unfinished oils, and finished products. Section 5 of said proclamation authorized the Secretary of the Interior to provide for the establishment and operation of an Oil Import Appeals Board.

Sec. 2 Jurisdiction.

The jurisdiction of the Oil Import Appeals Board is set out in section 5 of the Proclamation 4210, and is implemented by section 21 of the Oil Import regulations of the Secretary of the Interior of May 2, 1973 (38 FR 10811).

Sec. 3 General policy.

Proclamation 4210, section 5(b), section 21, of the implementing regulations, and a statement by the Chairman of the Oil Policy Committee, released simultaneously with the Proclamation 4210, make it clear that the Appeals Board henceforth will have a major responsibility for appropriate alleviation of the supply problem of the established independent elements of the petroleum industry, including refiners, marketers, and jobbers, under the general direction of the Chairman of the Oil Import Policy Committee.

Sec. 4 Implementation.

(a) Persons affected by the Oil Import regulations may petition the Oil Import Appeals Board for such relief as is within its jurisdiction as set out in section 21 of the Oil Import regulations. In its evaluation of petitioners' requests the Board will consider the following guidelines as may be appropriate. A petitioner:

- (1) Must be established and in operation;
- (2) Must demonstrate that its total oil operations are not producing a reasonable profit but did so in the past;
- (3) Must be unable to obtain sufficient supply at economic prices to meet its normal requirements;
- (4) Must demonstrate that it has made diligent efforts to obtain needed supplies;
- (5) Must demonstrate that payment of the license fee will cause it an exceptional hardship;
- (6) If possessing an import capability, must demonstrate to the satisfaction of the Board that it is not feasible for it to alleviate its hardship by means of exchange agreements involving the use of licenses already granted to others who do not have an import capability;
- (7) Must demonstrate to the satisfaction of the Board its ability to utilize import allocations to obtain supplies through license exchange or direct import;
- (8) If in control or possession of domestic crude oil production, must agree to make supplies of crude oil available in reasonable quantities and at economic

prices, to established independent customers;

(9) If in the business of wholesaling products to resellers, must agree to make supplies of products available in reasonable quantities and at economic prices, to established independent customers;

(10) Must demonstrate that it is taking, or planning to take, effective action to establish an economically feasible supply to maintain its operations.

(b) In making determinations on exceptional hardships, the Board will consider, among other things, the situation of the petitioner's customers and of the community concerned as well as the public interest in preserving the independent segment of the petroleum industry.

Effective date.—May 1, 1973.

WILLIAM E. SIMON,
Chairman,
Oil Policy Committee.

[FR Doc. 73-8710 Filed 4-30-73; 2:43 pm]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

Federal Travel Regulations

Subchapter A of the "Federal Property Management Regulations" is amended to implement paragraphs (1) through (13) and (19), section 1, of Executive Order 11609 of July 22, 1971 (36 FR 13747), by prescribing regulations governing (a) travel and transportation allowances of Government employees, (b) relocation allowances of Government employees incident to transfers, (c) travel and transportation expenses when an employee dies, and (d) reduction in allowances when contributions, awards, or payments are made to employees incident to training or attendance at meetings. Accordingly, parts 101-7 and 101-8 are transferred from subchapter B to subchapter A, and the "Federal Travel Regulations" are placed in part 101-7. Part 101-8 is reserved for future use. Material previously in subpart 101-6.1, "Commuted Rate Schedule for Transportation of Household Goods," is now prescribed in part 101-7.

The table of contents for "Chapter 101—Federal Property Management Regulations" is amended by moving parts 101-7 and 101-8 from subchapter B to subchapter A and changing the titles as follows:

SUBCHAPTER A—GENERAL

Part
101-7 Federal Travel Regulations
101-8 [Reserved]

PART 101-6—MISCELLANEOUS REGULATIONS

Subchapter A is amended by reserving subpart 101-6.1 and adding parts 101-7 and 101-8 as follows:

Subpart 101-6.1 [Reserved] [FPMR Amendment A-17]

PART 101-7—FEDERAL TRAVEL REGULATIONS

Sec.
101-7.000 Scope of part.
101-7.001 Authority.
101-7.002 Applicability.
101-7.003 Incorporation by reference.

PART 101-8 [RESERVED]

Authority.—5 U.S.C. 4111, 5701-5709, 5721-5733, 5741-5742; 20 U.S.C. 905; Executive Order 11012, March 27, 1962 (27 FR 2983); Executive Order 11609, July 22, 1971 (36 FR 13747).

PART 101-7—FEDERAL TRAVEL REGULATIONS

§ 101-7.000 Scope of part.

This part sets forth the regulations governing employee travel and relocation allowances. Included in this part are the regulations for per diem, travel, and transportation expenses of employees and their immediate families; household goods movement and residence transaction expenses; reductions in payments incident to training at non-Government facilities and attendance at meetings; travel and transportation expenses when an employee dies while in travel status; and the commuted rate schedule for expenses incident to movement of employee household goods.

§ 101-7.001 Authority.

These regulations are issued under the authority of paragraphs (1) through (13) and (19) of section 1 of Executive Order 11609, July 22, 1971 (36 FR 13747), and section 2 of Executive Order 11012, March 27, 1962 (27 FR 2983), which assign to the Administrator of General Services the responsibility for prescribing and promulgating regulations governing:

- (a) Reductions in Government payments for travel and subsistence when employees receive contributions, awards, or payments as authorized under 5 U.S.C. 4111;
- (b) Travel allowances authorized under 5 U.S.C. 5701-5709;
- (c) Travel and transportation expenses and other allowances authorized under 5 U.S.C. 5721-5733 and 20 U.S.C. 905; and
- (d) Transportation of remains of deceased employees and their dependents and effects under 5 U.S.C. 5741 and 5742.

§ 101-7.002 Applicability.

These regulations apply to employees of the United States whose travel expenses are authorized under 5 U.S.C. 5701-5709. These regulations also apply to persons employed intermittently as consultants or experts who receive compensation on a per diem, when-actually-employed basis, and to persons serving

without compensation, to the extent authorized under 5 U.S.C. 5703.

§ 101-7.003 Incorporation by reference.

(a) "Federal Travel Regulations."—The regulations issued under authority of this part 101-7 are published in the GSA publication, "Federal Travel Regulations," printed in handbook format, and are hereby incorporated by reference into the "Federal Property Management Regulations." The "Federal Travel Regulations," including changes thereto, are distributed to heads of agencies by means of GSA Bulletin FPMR A-40.

(b) *Commuted rate schedule for transportation of household goods.*—The schedule of commuted rates to be used in reimbursing civilian employees of the U.S. Government for transportation, temporary storage, and related expenses incurred in moving their household goods (in accordance with the provisions of chapter 2 of the "Federal Travel Regulations"), issued under the authority of this part 101-7, is published in GSA Bulletin FPMR A-2, Commuted Rate Schedule for Transportation of Household Goods, and is hereby incorporated

by reference into the "Federal Property Management Regulations."

PART 101-8 [RESERVED]

[FPMR Amendment B-24]

Subchapter B is amended by deleting parts 101-7 and 101-8.

Effective date.—These regulations are effective May 1, 1973.

Dated April 30, 1973.

ARTHUR F. SAMPSON,
*Acting Administrator
of General Services.*

[FR Doc.73-8783 Filed 5-1-73;11:07 am]

Proposed Rules

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

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Notice of Proposed Changes in Customs Region III

APRIL 24, 1973.

In order to provide better service in the Norfolk, Va., Customs district, it is proposed to establish a Customs port of entry at Charleston, W. Va.

Accordingly, by virtue of the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 8 (37 FR 18572), Charleston, W. Va., is hereby proposed as a port of entry in the Norfolk, Va., district (region III).

The proposed geographical limits of the port of Charleston shall include all of the area within the corporate limits of the city of Charleston, W. Va.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received in the Bureau of Customs not later than May 17, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs regulations (19 CFR 103.3(b)), at the Bureau of Customs, Regulations Division, Washington, D.C., during regular business hours.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary
of the Treasury.

[FR Doc.73-8569 Filed 5-1-73; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FLATHEAD IRRIGATION PROJECT

Proposed Operation and Maintenance Rates

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938), and by virtue of the authority delegated to the Commissioner of Indian Affairs to

the Area Director (10 BIAM-3; 34 FR 637), and by authority delegated to the Project Engineer and to the Superintendent by the Area Director, June 11, 1969, Release 10-2, 10 BIAM 7.0, §§ 2.70-2.75.

Notice is hereby given that it is proposed to revise §§ 221.16 and 221.17 of title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Montana, that are not subject to the jurisdiction of the several irrigation districts. The purpose of the amendment is to establish the assessment rate for nondistrict lands of the Flathead Indian Irrigation Project for 1973 and thereafter until further notice.

It is the policy of the Department of the Interior, whenever practicable, to afford the public the opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Project Engineer, Bureau of Indian Affairs, Flathead Indian Irrigation Project, St. Ignatius, Mont., 59865, on or before June 1, 1973.

Section 221.6 is amended to read as follows:

§ 221.16 Charges, Jocko Division.

(a) An annual minimum charge of \$3.67 per acre, for the season of 1973 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an irrigation district organization, regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata per-acre share of the available water up to 1½ acre-feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of \$2.46 per acre-foot or fraction thereof.

Section 221.17 is amended to read as follows:

§ 221.17 Charges, Mission Valley and Camas Division.

(a) (1) An annual minimum charge of \$4.18 per acre, for the season of 1973 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in a irrigation district organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of pro rata per acre share of the available water

up to 1½ acre-feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of \$2.80 per acre-foot or fraction thereof.

(b) (1) An annual minimum charge of \$5.27 per acre, for the season of 1973 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an irrigation district organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to 1½ acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of \$3.52 per acre foot or fraction thereof.

GEORGE L. MOON,
Project Engineer.

[FR Doc.73-8570 Filed 5-1-73; 8:45 am]

[25 CFR Part 221]

FLATHEAD IRRIGATION PROJECT

Proposed Operation and Maintenance Rates

APRIL 24, 1973.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938), and by virtue of the authority delegated to the Commissioner of Indian Affairs to the Area Director (10 BIAM-3; 34 FR 637), and by authority delegated to the Project Engineer and to the Superintendent by the Area Director June 11, 1969, Release 10-2, 10 BIAM 7.0, sections 2.70-2.75.

Notice is hereby given that it is proposed to revise §§ 221.24, 221.26, and 221.28, subchapter T, chapter I of title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in the acts of August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142), and March 7, 1928 (45 Stat. 210).

The purpose of this amendment is to establish the lump sum assessments against the Flathead, Mission, and Jocko Valley Irrigation Districts within the Flathead Irrigation Project for the 1974 season.

Since this revision will change the basic rate of operation and maintenance charges of lands within an irrigation district, public comment and expression are deemed advisable. Accordingly, interested persons may submit written

comments, suggestions, or arguments with respect to the proposed amendment to the Project Engineer, Flathead Irrigation Project, St. Ignatius, Mont. 59865, on or before June 1, 1973.

Sections 221.24, 221.26, and 221.28 are amended to read as follows:

§ 221.24 Charges.

Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Mont., on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929, March 28, 1934, August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1974 an assessment of \$454,618.67 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 86,102.02 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 Charges.

Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Mont., on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1974 an assessment of \$82,847.07 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 16,437.91 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 Charges.

Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Mont., on November 13, 1931, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, April 18, 1950, and August 24, 1967, there is hereby fixed for the season of 1974 an assessment of \$32,724.88 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 7,522.96 acres, which does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

GEORGE L. MOON,
Project Engineer.

[PR Doc.73-8571 Filed 5-1-73; 8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Technical Specifications for Fuel Reprocessing Plants

The Atomic Energy Commission is considering amendments to its regulations which would add provisions for categories of technical specifications for licenses for fuel reprocessing plants to § 50.36 of 10 CFR part 50. Technical specifications set forth the specific characteristics of the facility and the conditions for its operation that are required to provide protection for the health and safety of the public. The technical specifications are included in the license, and cannot be changed without prior Commission approval.

On December 17, 1968, the Atomic Energy Commission published in the FEDERAL REGISTER (33 FR 18610) amendments to 10 CFR part 50 which, among other things, added provisions for categories of technical specifications applicable to nuclear reactor licenses to § 50.36 of part 50. Appropriate categories for technical specifications applicable to fuel reprocessing plant licenses had not at that time been developed.

Categories of technical specifications appropriate for fuel reprocessing plant licenses have now been developed. They include (1) safety limits and limiting control settings, (2) limiting conditions for operation, (3) surveillance requirements, (4) design features, and (5) administrative controls.

In addition to the changes in § 50.36 to cover fuel reprocessing plants specifically, a number of minor editorial and clarifying changes are included in the proposed amendments.

Concurrently, with the publication of this notice of proposed rulemaking, the Commission is issuing a notice of issuance and availability of regulatory guide 3.6 entitled "Guide to Content of Technical Specifications for Fuel Reprocessing Plants".

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR part 50 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, by July 2, 1973. Copies of the comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

The prefatory language of § 50.36(c), and subparagraphs (1) and (2) of § 50.36(c) are amended to read as follows:

§ 50.36 Technical specifications.

(c) Technical specifications will include items in the following categories:

(1) *Safety limits, limiting safety system settings, and limiting control settings.*—(i) (A) Safety limits for nuclear reactors are limits upon important process variables which are found to be necessary to reasonably protect the integrity of certain of the physical barriers which guard against the uncontrolled release of radioactivity. If any safety limit is exceeded, the reactor shall be shut down. The licensee shall notify the Commission, review the matter and record the results of the review, including the cause of the condition and the basis for corrective action taken to preclude reoccurrence. Operation shall not be resumed until authorized by the Commission.

(B) Safety limits for fuel reprocessing plants are those bounds within which the process variables must be maintained for adequate control of the operation and which must not be exceeded in order to protect the integrity of the physical system which is designed to guard against the uncontrolled release of radioactivity. If any safety limit for a fuel reprocessing plant is exceeded, corrective action shall be taken and the affected part of the process, or the entire process if required, shall be shut down, unless such action would further reduce the margin of safety. The licensee shall notify the Commission, review the matter and record the results of the review, including the cause of the condition and the basis for corrective action taken to preclude reoccurrence. If a portion of the process or the entire process has been shut down, operation shall not be resumed until authorized by the Commission.

(ii) (A) Limiting safety system settings for nuclear reactors are settings for automatic protective devices related to those variables having significant safety functions. Where a limiting safety system setting is specified for a variable on which a safety limit has been placed, the setting shall be so chosen that automatic protective action will correct the abnormal situation before a safety limit is exceeded. If, during operation, the automatic safety system does not function as required, the licensee shall take appropriate action, which may include shutting down the reactor. He shall notify the Commission, review the matter and record the results of the review, including the cause of the condition and the basis for corrective action taken to preclude reoccurrence.

(B) Limiting control settings for fuel reprocessing plants are settings for automatic alarm or protective devices related to those variables having significant safety functions. Where a limiting control setting is specified for a variable on which a safety limit has been placed, the setting shall be so chosen that

protective action, either automatic or manual, will correct the abnormal situation before a safety limit is exceeded. If, during operation, the automatic alarm or protective devices do not function as required, the licensee shall take appropriate action to maintain the variables within the limiting control-setting values and to repair promptly the automatic devices or to shut down the affected part of the process and if required, to shut down the entire process for repair of automatic devices. The licensee shall review the matter and record the results of the review, including the cause of the condition and the basis for corrective action taken to preclude recurrence.

(2) *Limiting conditions for operation.*—Limiting conditions for operation are the lowest functional capability or performance levels of equipment required for safe operation of the facility. When a limiting condition for operation of a nuclear reactor is not met, the licensee shall shut down the reactor or follow any remedial action permitted by the technical specification until the condition can be met. When a limiting condition for operation of any process step in the system of a fuel reprocessing plant is not met, the licensee shall shut down that part of the operation or follow any remedial action permitted by the technical specification until the condition can be met. In the case of either a nuclear reactor or a fuel reprocessing plant, the licensee shall notify the Commission, review the matter and record the results of the review, including the cause of the condition and the basis for corrective action taken to preclude recurrence.

(Sec. 161, 68 Stat. 948, 42 U.S.C. 2201.)

Dated at Germantown, Md., this 24th day of April 1973.

For the Atomic Energy Commission,

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc. 73-8531 Filed 5-1-73; 8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212]

[Docket No. 25473; EDR-245]

DIRECT AIR CARRIERS

Proposed Authority to Charter Aircraft to Foreign Air Freight Forwarders

Notice is hereby given that the Civil Aeronautics Board has under consideration modification of parts 207,¹ 208,² and 212³ of the Board's Economic Regulations (14 CFR parts 207, 208, 212) so as to authorize certificated route air carriers, supplemental air carriers, and foreign route air carriers, respectively, to charter aircraft to foreign air freight forwarders.

¹ Charter trips and special services of certificated route air carriers.

² Terms, conditions, and limitations of certificates of supplemental air carriers.

³ Charter trips by foreign route air carriers.

warders. The principal features of the proposed rule are set forth in the attached explanatory statement and proposed rule. The amendment is proposed under the authority of sections 101(33), 204(a), 401, 402, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended by 75 Stat. 467, 76 Stat. 143, 82 Stat. 867, 84 Stat. 921), 743, 754, 757, 771; 49 U.S.C. 1301, 1324, 1371, 1372, 1386.

Interested persons may participate in the proposed rulemaking through submission of 12 copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20438. All relevant material in communications received on or before June 1, 1973, will be considered before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. upon receipt thereof.

Dated April 26, 1973.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

A number of Board orders granting permits to foreign indirect air carriers of property (foreign air freight forwarders), under section 402 of the act,⁴ include a provision which has the effect of authorizing the foreign air freight forwarder to charter aircraft from any direct air carrier, United States or foreign, having authority "to operate cargo charter trips and special services in overseas or foreign air transportation."⁵ Yet, despite Board orders clearly granting foreign air freight forwarders broad authority to charter aircraft from direct air carriers, the correlative authority of direct air carriers to charter to such forwarders is not equally clear or broad. Thus, the charter rules governing U.S. scheduled and supplemental carriers do not include foreign air freight forwarders among the classes of eligible charterers specified therein.⁶ Similarly, while the charter rules governing foreign route car-

riers specifically include foreign air freight forwarders among the list of eligible charterers, it is not clear from the text of the Board's opinion in its order underlying the rule⁷ whether such authority is limited to inbound operations, or whether it extends to outbound operations as well.⁸ On the other hand, the authority of foreign charter carriers to charter to any kind of air freight forwarder, United States or foreign, is governed by the terms of the particular charter carrier's permit.⁹

The absence in our rules of a general authorization to direct air carriers, United States and foreign, to charter aircraft to foreign air freight forwarders, does not appear to reflect a deliberate Board policy but, rather, stems principally from the fact that at the time when our various charter rules were being developed, there were no foreign air freight forwarders operating under Board permits.¹⁰

In view of the increasing number of foreign indirect air carriers which have been receiving authority from the Board to engage generally in indirect air transportation which is outbound from the United States and to charter aircraft from direct air carriers, in particular, we have tentatively concluded that the charter rules governing the direct air carriers (other than foreign charter carriers)¹¹ should be amended so as to make their authority to charter to such forwarders correlative with the latter's section 402 permit chartering authority. Moreover, since the Board has declined to exercise jurisdiction with respect to inbound charters of foreign air freight forwarders,¹² we also propose to amend the Board's charter rules governing these

⁷ Foreign Off-route Charter Service, 27 CAB 196, 203-204.

⁸ Section 212.8(a)(3) of the Board's economic regulations (14 CFR 212.8(a)(3)). See also International Airfreight Forwarder Investigation, 27 CAB 658, 720-722.

⁹ At the present time, the section 402 permits of all foreign charter carriers authorized to perform transatlantic air transportation include a condition which totally precludes them from chartering to any air freight forwarders, United States or foreign. Also, Canadian charter carriers may charter to air freight forwarders only with prior Board approval. The permit of Aeromar, a Dominican cargo charter operator, authorizes this charter carrier to charter to U.S. international air freight forwarders.

¹⁰ The Board's past failure to consider changes in its charter rules on this subject has also been reflective of either a lack of interest on the part of direct air carriers in obtaining clarification of their authority, or possibly even a lack of awareness on their part that their authority is doubtful.

¹¹ The authority of foreign charter carriers to charter aircraft to foreign air freight forwarders would continue to be governed by the terms of their particular permits. Thus, we do not propose to amend pt. 214 of the economic regulations, which sets forth the terms and conditions for operations of foreign charter carriers.

¹² Foreign Off-route Charter Service, 27 C.A.B. 196, 203-204.

⁴ 72 Stat. 757, 49 U.S.C. 1372.

⁵ The quoted language is from § 297.22 of the Board's economic regulations (14 CFR 297.22), governing international air freight forwarders, which is incorporated by reference in the order granting the foreign air freight forwarder's permit. See, for example, order 72-7-86, adopted June 21, 1972, approved by the President on July 24, 1972. Paragraph 3(a) of this order states that the permit is subject to the provisions of § 297.22 and other specified sections of pt. 297 "as now or hereafter amended." It should thus be noted that any future change in the provisions of § 297.22 would also be automatically incorporated into the foreign air freight forwarder's authorization.

⁶ See §§ 207.11 and 208.6, respectively, of the Board's economic regulations (14 CFR 207.11 and 208.6).

classes of direct air carriers, to reflect this declination of jurisdiction. Accordingly we hereby propose to expressly authorize these classes of direct air carriers to perform outbound charters for foreign air freight forwarders whose currently effective section 402 permits authorize the performance of such charters, and to perform inbound charters for any foreign air freight forwarder.

PROPOSED RULE

It is proposed to amend parts 207, 208, and 212 of the Board's economic regulations (14 CFR parts 207, 208, 212) as follows:

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

1. Amend § 207.11 to read in part as follows:

§ 207.11 Charter flight limitations.

(b) Air transportation performed * * *
 (3) By an air freight forwarder or international air freight forwarder holding a currently effective operating authorization under part 296 or part 297 of this subchapter for the carriage of property in air transportation; by a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense; or, with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective foreign air carrier permit issued by the Board under section 402 of the act and, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder;

(4) [Reserved]

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

2. Amend § 208.6 to read in part as follows:

§ 208.6 Charter flight limitations.

Charter flights in air transportation performed by supplemental air carriers shall be limited to the following:

(b) * * *
 (3) By an air freight forwarder or international air freight forwarder holding a currently effective operating authorization under part 296 or part 297 of this subchapter for the carriage of property in air transportation; by a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense; or, with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective foreign air carrier permit issued by the Board under section 402 of the act and, with respect to

flights to the United States in foreign air transportation, by any foreign air freight forwarder;

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

3. Amend § 212.8 to read in part as follows:

§ 212.8 Charter flight limitations.

(a) * * *
 (3) By an international air freight forwarder holding a currently effective operating authorization under part 297 of this subchapter for the carriage of property in foreign air transportation; by a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense; or, with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective foreign air carrier permit issued by the Board under section 402 of the act and, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder;

[FR Doc.73-8561 Filed 5-1-73;8:45 am]

[14 CFR Parts 244, 249, 296, 297]

[Docket No. 25472; EDR-244]

HANDLING OF C.O.D. SHIPMENTS

Proposed Rulemaking

Notice is hereby given that the Civil Aeronautics Board proposes to amend parts 244, 249, 296, and 297 of the Economic Regulations (14 CFR parts 244, 249, 296, and 297) so as to require air freight forwarders and international air freight forwarders to remit all C.O.D. collections to the consignor or his designee within 10 days after delivery of the shipment to the consignee, and to provide security protection to consignors for c.o.d. collections in the manner prescribed therein. The principal features of the proposed amendments are explained in the attached explanatory statement, and the proposed amendments are set forth in the proposed rule. The amendments are proposed under the authority of sections 101(3), 204(a), 403, 407, and 416(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 737 (as amended) 743, 758 (as amended by 74 Stat. 445), 766 (as amended by 83 Stat. 103), 771; 49 U.S.C. 1301, 1324, 1373, 1377, and 1386).

Interested persons may participate in the proposed rulemaking through submission of 12 copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before June 1, 1973, will be considered by the Board before taking final

action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

Dated April 26, 1973.

By the Civil Aeronautics Board.

[SEAL]

EDWIN Z. HOLLAND,
 Secretary.

EXPLANATORY STATEMENT

The Board's existing regulations concerning the operations of both domestic and international air freight forwarders do not specifically deal with the subject of "collect on delivery" (hereinafter "C.O.D.") shipments. However, the Board's staff has received an increasing number of complaints, involving extensive amounts of money, regarding the failure of some air freight forwarders to remit C.O.D. moneys. The Office of Consumer Affairs for calendar years 1968 and 1969 received a total of 42 such complaints, and for the years 1970 and 1971, a total of 80 such complaints were recorded. For the year 1972, over 100 complaints of this type were received.

The financial condition of some of the more marginal air freight forwarders is apparently causing shippers extensive delays in their receipt of, or complete loss of, moneys collected by forwarders from consignees on C.O.D. shipments. The Board is concerned that the failure of some forwarders to promptly remit C.O.D. moneys is causing substantial financial losses to the shipping public. In this connection, it is noted that of the 80 complaints received in 1970 and 1971, 19 were against 4 forwarders which filed for bankruptcy during that period. The shippers involved appear to have little chance of recovering the full amount of the invoice value of the goods transported.

In light of its concern, the Board proposes herein to require remittance of C.O.D. moneys promptly, and in no event later than 10 days after delivery, and to require air freight forwarders rendering C.O.D. service to file with the Board surety bonds providing protection to consignors with respect to C.O.D. collections. The Board tentatively finds that a requirement of prompt remittance of C.O.D. moneys, and the posting of a bond, are necessary to adequately protect the users of air freight forwarders' C.O.D. services. The prompt remittance of such moneys should curtail their use by financially troubled forwarders as operating funds, and the surety bond should afford considerable protection to consignors against loss in the event that a forwarder becomes bankrupt prior to remittance of a C.O.D. collection.

In addition, the Board proposes to amend part 244, involving filing of reports by air freight forwarders and international air freight forwarders, so as

to require notification to the Board by forwarders of changes in location of their corporate or business headquarters, or principal place of business, and of filing any petition in bankruptcy. The Board tentatively finds that such notification is necessary to adequately protect the public in situations in which forwarders are experiencing financial difficulties. Presently, the lack of such notification has hampered the Board in providing assistance to shippers who have complained regarding the activities of some freight forwarders, and constitutes a gap in information which should be available to the Board in performing its statutory responsibility to regulate the activities of freight forwarders.

The salient features of the proposed rule are as follows:

1. Every air freight forwarder would be required to remit C.O.D. collections promptly, and in no event later than 10 days after delivery, and to reflect this requirement in its tariffs containing the rates, charges, and rules governing C.O.D. service filed with the Board.

2. Every air freight forwarder rendering C.O.D. service would be required to file a surety bond, issued by a surety company meeting the standards prescribed for a surety company by part 378 of the Board's special regulations, in a sum not less than \$25,000. Although the Board has tentatively concluded that such amount is the minimum amount necessary to provide adequate protection to the shipping public, we particularly invite comments on the question of an appropriate specified amount or formula for determining such amount. The terms of the bond shall obligate the surety to pay a consignor any amount, not exceeding the amount of the bond, as may have been collected by the forwarder on a C.O.D. shipment, but not remitted within 10 days after delivery.

3. To monitor compliance with the prompt remittance requirement, the proposed rule imposes new record maintenance requirements. Each forwarder would be required to maintain records plainly and readily showing the following information with respect to each C.O.D. shipment received for delivery: (1) Number and date of airway bill; (2) name and address of consignor and designee, if any; (3) name and address of consignee; (4) date shipment delivered; (5) amount collected; (6) date collected; (7) date C.O.D. moneys remitted; and (8) check number or other identification of the remittance.

PROPOSED RULE

It is proposed to amend parts 244, 249, 296, and 297 of the Economic Regulations (14 CFR parts 244, 249, 296, and 297) as follows:

PART 244—FILING OF REPORTS BY AIR FREIGHT FORWARDERS, INTERNATIONAL AIR FREIGHT FORWARDERS, AND COOPERATIVE SHIPPERS ASSOCIATIONS

1. Amend § 244.18 by adding a new paragraph (c) to read as follows:

§ 244.18 Corporate and securities data, investments in other companies (schedule G-2).

(c) In addition to schedule G-2, a forwarder shall notify the Board in writing of any change in its corporate headquarters, office, or principal place of business not later than 30 days after the effective date of said change; and in addition shall notify the Board in writing immediately upon the filing, by or against it, of any petition in bankruptcy.

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

2. Amend § 249.27 by adding a new item 4(c), to "Category H, Shipping and Agency Documents," to read as follows:

§ 249.27 Prescribed period of retention.

Item number and category of records.	Retention period.	Microfilm indicator.
H. SHIPPING AND AGENCY DOCUMENTS		
4. Freight records and reports:		
(c) Records of c.o.d. shipments.do.....	Do.

PART 296—CLASSIFICATION AND EXEMPTION OF INDIRECT AIR CARRIERS

3. Amend the Table of Contents of part 296 by adding to subpart H—Preparation and Retention of Records and Reporting Requirements: Air Freight Forwarders, a new § 296.70a, the Table as amended to read as follows:

Subpart H—Preparation and Retention of Records and Reporting Requirements: Air Freight Forwarders

Sec.	
296.70	Preparation of airwaybills and manifests.
296.70a	Preparation of C.O.D. shipment records.
296.71	Record retention requirements.

4. Amend § 296.1 by adding a new paragraph (f), the new paragraph to read as follows:

§ 296.1 Definitions.

(e) An "affiliate" * * *

(f) A "collect on delivery" ("C.O.D." herein) shipment means a shipment of goods, the delivery of which has been conditioned by the consignor upon payment by the consignee of a specified sum of money, which sum is to be received by the forwarder, in such form as the consignor may instruct, as agent for the consignor, for remittance to the consignor or his designee.

Subpart H—Preparation and Retention of Records and Reporting Requirements: Air Freight Forwarders

5. Amend § 296.70 by adding a new paragraph (c), the new paragraph to read as follows:

§ 296.70 Preparation of airwaybills and manifests.

(b) Each holder of * * *

(c) Each holder of an operating authorization as an air freight forwarder shall provide to consignors of C.O.D. shipments a written notice setting forth the 10-day limit on remittance of collections, the applicable time limitation on filing claims against the surety whose bond has been filed with the Board, pursuant to § 296.93, and the name and address of the surety. Such notice shall either be printed upon the consignor's copy of the airwaybill or attached thereto.

6. Amend subpart H—"Preparation and Retention of Records and Reporting Requirements: Air Freight Forwarders," by adding a new § 296.70a, the section to read as follows:

§ 296.70a Preparation of C.O.D. shipment records.

Each holder of an operating authorization as an air freight forwarder shall maintain a record of all C.O.D. shipments received for delivery in such a manner and form as will plainly and readily show the following information with respect to each shipment:

- Number and date of airwaybill.
- Name and address of consignor and, if collections of payment are to be remitted to a designee of the consignor, the name and address of such designee.
- Name and address of consignee.
- Date shipment delivered.
- Amount of C.O.D. to be collected.
- Date C.O.D. collected by the forwarder.
- Date C.O.D. collection remitted to consignor or his designee.
- Check number or other identification of remittance.

7. Amend part 296 by adding new subpart J, to read as follows:

Subpart J—Conditions on Handling C.O.D. Shipments

296.91	Tariff requirement.
296.92	Remittance.
296.93	Surety bond.

AUTHORITY.—Secs. 101 (3), 204 (a), 403, 407, and 416 (a) of the Federal Aviation Act of 1958, as amended (72 Stat. 737 (as amended), 743, 758 (as amended by 74 Stat. 445), 768 (as amended by 83 Stat. 103), 771; 49 U.S.C. 1301, 1324, 1373, 1377 and 1386).

Subpart J—Conditions on Handling C.O.D. Shipments

§ 296.91 Tariff requirement.

No air freight forwarder engaged in air transportation pursuant to this part shall render any C.O.D. service unless such forwarder has published, posted, and filed tariffs which contain the rates, charges, and rules governing such service, which rules shall conform to the provisions of this subpart.

§ 296.92 Remittance.

Any air freight forwarder engaged in air transportation pursuant to this part shall remit each C.O.D. collection, in the

form specified by the consignor, directly to the consignor or his designee, promptly, and in no event later than 10 days, after delivery of the C.O.D. shipment to the consignee.

§ 296.93 Surety bond.

(a) No airfreight forwarder shall render C.O.D. service pursuant to this part unless it shall have in effect and on file with the Board, in addition to the insurance required by § 296.51, a surety bond, issued by a surety company which meets the standards prescribed for surety companies by part 378 of the Board's special regulations, in such form as the Board may deem proper, and in a sum not less than \$25,000.

(b) The terms of the bond required by this subpart shall obligate the surety to pay to any consignor such amount, not exceeding the face amount of the bond, as may be due on any C.O.D. shipment delivered by the consignor to the forwarder and not remitted to the consignor, or his designee, within 10 days after delivery of such C.O.D. shipment to the consignee.

(c) The terms of such bond shall further provide: That any consignor to whom the forwarder has failed to remit any amount of any C.O.D. shipment within 10 days after delivery of said shipment, may file a claim with the surety for such amount; that upon the filing of the claim, the surety shall notify the Board in writing of such filing; that the limitation of time within which a consignor must file a claim against a surety, as provided for above, shall not be less than 1 year from the date the C.O.D. shipment was received by the forwarder from the consignor; that the principal or the surety may at any time cancel or terminate the bond by written notice to the Board, such cancellation or termination to become effective 30 days after actual receipt of said notice by the Board, and that said bond shall remain and continue in force until its cancellation or termination becomes effective, as provided for above: *Provided, however,* That such cancellation or termination shall not relieve the surety of its liability under the bond with respect to C.O.D. shipments received by the forwarder while the bond was in force.

(d) If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the forwarder by registered or certified mail, stating the deficiencies of the bond, and the bond shall not be accepted for filing unless and until corrected.

PART 297—CLASSIFICATION AND EXEMPTION OF INTERNATIONAL AIR FREIGHT FORWARDERS

8. Amend § 297.1 by adding a new paragraph (g), the paragraph to read as follows:

§ 297.1 Definitions.

(f) An "affiliate" * * * * *

(g) A "collect on delivery" ("C.O.D." herein) shipment means a shipment of goods, the delivery of which has been conditioned by the consignor upon payment by the consignee of a specified sum of money, which sum is to be received by the forwarder, in such form as the consignor may instruct, as agent for the consignor, for remittance to the consignor or his designee.

9. Amend § 297.51 by adding a new paragraph (d), the new paragraph to read as follows:

§ 297.51 Records requirements.

(c) Each holder of * * * * *

(d) Each holder of an operating authorization as an international air freight forwarder shall maintain a record of all C.O.D. shipments received for delivery in such a manner and form as will plainly and readily show the following information with respect to each shipment:

- (1) Number and date of airway bill.
- (2) Name and address of consignor and, if collections of payment are to be remitted to a designee of the consignor, the name and address of such designee.
- (3) Name and address of consignee.
- (4) Date shipment delivered.
- (5) Amount of C.O.D. to be collected.
- (6) Date C.O.D. collected by the forwarder.
- (7) Date C.O.D. collection remitted to consignor or his designee.
- (8) Check number or other identification of remittance.

10. Amend part 297 by adding a new subpart G, to read as follows:

Subpart G—Conditions on Handling C.O.D. Shipments

- 297.71 Tariff requirement.
- 297.72 Remittance.
- 297.73 Surety bond.
- 297.74 Notice requirement.

AUTHORITY.—Secs. 101(3), 204(a), 403, 407 and 416(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 737 (as amended) 743, 758 (as amended by 74 Stat. 445), 766 (as amended by 83 Stat. 103), 771; 49 U.S.C. 1301, 1324, 1373, 1377, and 1386.

Subpart G—Conditions on Handling C.O.D. Shipments

§ 297.71 Tariff requirement.

No international air freight forwarder engaged in air transportation pursuant to this part shall render any C.O.D. service unless such forwarder has published, posted, and filed tariffs which contain the rates, charges, and rules governing such service, which rules shall conform to the provisions of this subpart.

§ 297.72 Remittance.

Any international air freight forwarder engaged in air transportation pursuant to this part shall remit each C.O.D.

collection, in the form specified by the consignor, directly to the consignor or his designee, promptly, and in no event later than 10 days, after delivery of the C.O.D. shipment to the consignee.

§ 297.73 Surety bond.

(a) No international air freight forwarder shall render C.O.D. service pursuant to this part unless it shall have on file with the Board, in addition to the insurance required by § 297.45, a surety bond, issued by a surety company which meets the standards prescribed for surety companies by part 378 of the Board's special regulations, in such form as the Board may deem proper, and in a sum not less than \$25,000.

(b) The term of the bond required by this subpart shall obligate the surety to pay to any consignor such amount, not exceeding the face amount of the bond, as may be due on any C.O.D. shipment delivered by the consignor to the forwarder and not remitted to the consignor, or his designee, within 10 days after delivery of such C.O.D. shipments to the consignee.

(c) The terms of such bond shall further provide: That any consignor to whom the forwarder has failed to remit any amount on any C.O.D. shipment within 10 days after delivery of said shipment may file a claim with the surety for such amount; that upon the filing of the claim, the surety shall notify the Board in writing of such filing; that the limitation of time within which a consignor must file a claim against a surety as provided for above, shall not be less than 1 year from the date the C.O.D. shipment was received by the forwarder from the consignor; that the principal or the surety may at any time cancel or terminate the bond by written notice to the Board, such cancellation or termination to become effective 30 days after actual receipt of said notice by the Board, and that said bond shall remain and continue in force until its cancellation or termination becomes effective, as provided for above: *Provided, however,* That such cancellation or termination shall not relieve the surety of its liability under the bond, with respect to C.O.D. shipments received by the forwarder while the bond was in force.

(d) If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the forwarder by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set forth in such notification, the forwarder shall in no event accept any C.O.D. shipments.

§ 297.74 Notice requirement.

Each holder of an operating authorization as an international air freight forwarder shall provide to consignors of

C.O.D. shipments a written notice setting forth the 10 day limit on remittance of collections, the applicable time limitation on filing claims against the surety whose bond has been filed with the Board, pursuant to § 297.73, and the name and address of the surety. Such notice shall either be printed upon the consignor's copy of the airwaybill or attached thereto.

[FR Doc.73-8560 Filed 5-1-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 60]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Emissions During Startup, Shutdown and Malfunction

The Environmental Protection Agency promulgated standards of performance for new stationary sources pursuant to section 111 of the Clean Air Amendments of 1970, 40 U.S.C. 1857c-6, on December 23, 1971, for fossil fuel-fired steam generators, incinerators, portland cement plants, and nitric and sulfuric acid plants (36 FR 24876). New or modified sources in those categories are required to meet standards for emissions of air pollutants which reflect the degree of emissions limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction) the Administrator determined to be adequately demonstrated.

On August 25, 1972, the Environmental Protection Agency proposed procedures pursuant to which new sources could be deemed not to be in violation of the new source performance standards if emissions during startup, shutdown and malfunction unavoidably exceeded the standards (37 FR 17214). A total of 141 responses were received during the period allowed for official comment on the proposal. Comments received were strongly critical of the various reporting requirements, and the lack of more specific criteria for granting exceptions to the standards. A number of comments were directed toward EPA's policy on delegating enforcement of these procedures to the States as provided under section 111 of the Clean Air Act. This new proposal is intended to respond to these criticisms. The August 25, 1972, proposal is hereby withdrawn.

Attempts to classify all of the situations in which excess emissions due to malfunction, startup and shutdown could occur and the amount and duration of excess emission from each such situation indicated that it is not feasible to provide quantitative standards or guides which would apply to periods of malfunctions, startups and shutdowns.

Comments received in response to the proposal, however, strongly emphasized the difficulties in planning and financing new sources when no assurance could be made that the sources would be in compliance with the standards or would

be granted a waiver in those cases where failure to meet the standard was not the fault of the plant owner or operator. Accordingly, the approach described below is now proposed by EPA. This approach will ensure that new sources install the best adequately demonstrated technology and operate and maintain such equipment to keep emissions as low as possible.

The proposed regulations make it clear that compliance with emission standards, other than opacity standards, is determined through performance tests conducted under representative conditions. The present tests for new sources require that initial performance tests be conducted within 60 days after achieving the maximum production rate at which a facility will be operated but not later than 180 days after startup and authorizes subsequent tests from time to time as required by the Administrator. It is anticipated that the initial performance test and subsequent performance tests will ensure that equipment is installed which will permit the standards to be attained and that such equipment is not allowed to deteriorate to the point where the standards are no longer maintained. In addition, the proposed regulation requires that the plant operator use maintenance and operating procedures designed to minimize emissions in excess of the standard. This requirement will ensure that plant operators properly maintain and operate the affected facility and control equipment between performance tests and during periods of startup, shutdown and unavoidable malfunction.

Although the requirements in the present regulations for continuous monitoring will be unaffected by these proposed regulations, it is made clear that measurements obtained as the results of such monitoring will be used as evidence in determining whether good maintenance and operating procedures are being followed. They will not be used to determine compliance with mass emission standards unless approved as equivalent or alternative method for performance testing. EPA may in the future require that compliance with new source emissions standards be determined by continuous monitoring. In such cases, the applicable standard will specifically require that compliance with mass emission limits be determined by continuous monitoring. Such standards will provide for malfunction, startup and shutdown situations to the extent necessary.

With respect to the opacity standards, a different approach was used because this is a primary means of enforcement using visual surveillance employed by State and Federal officials. EPA believes that the burden should remain on the plant operator to justify a failure to comply with opacity standards. This difference is justified because determination of mass emission levels requires close contact with plant personnel, operations and records and the burden imposed on enforcement agencies to determine

whether good maintenance and operating procedures have been followed is not significantly greater than the burden of determining mass emission levels. However, opacity observations are taken outside the plant and do not require contact with plant personnel, operations or records, and the burden of determining whether good maintenance and operating procedures have been followed would be much greater than determining whether opacity standards have been violated. Nevertheless, EPA has recognized that malfunctions, startups and shutdowns may result in the opacity emission levels being exceeded. Accordingly, the standards will not apply in such cases. However, the burden will be upon the plant operator rather than EPA or the States to show that the opacity standards were not met because of such situations. In the event of any dispute, the owner or operator of the source may seek review in an appropriate court.

The reporting requirements in these proposed regulations have been greatly simplified. They require only that at the end of each calendar quarter owners and operators report emissions measured or estimated to be greater than those allowable under standards applicable during performance tests.

EPA believes that the proposed reporting requirements along with application of the opacity standards will provide adequate information to enable EPA and the States to effectively enforce the new source performance standards. Additional information and shorter reporting times would not materially increase enforcement capability and could, in fact, hinder such efforts due to the additional time and manpower required to process the information.

The primary purpose of the quarterly report is to provide EPA and the States with sufficient information to determine if further inspection or performance tests are warranted. It should be noted that the Administrator can delegate enforcement of the standards to the States as provided by section 111(c)(1) of the Clean Air Act, as amended. Procedures for States to request this delegation are available from EPA regional offices. It is EPA's policy that upon delegation any reports required by these proposed regulations will be sent to the appropriate State. (A change in the address for submission of reports as provided in 40 CFR 60.4 will be made after each delegation.)

These proposed regulations will have no significant adverse impact on the public health and welfare. Those sections of the Clean Air Act which are specifically required to protect the public health and welfare, sections 109 and 110 (National Ambient Air Quality Standards and their implementation), section 112 (National Emission Standards for Hazardous Air Pollutants), and section 303 (Emergency Powers to Stop the Emissions of Air Pollutants Presenting an Imminent and Substantial Endangerment to the Health of Persons), will be unaffected by these new proposed regula-

tions and will continue to be effective controls protecting the public health and welfare.

Interested persons may participate in this proposed rulemaking by submitting written comment in triplicate to the Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, N.C. 27711, Attention: Mr. Don R. Goodwin. All relevant comments received not later than June 18, 1973, will be considered. Receipt of comments will be acknowledged but the Emission Standards and Engineering Division will not provide substantial response to individual comments. Comments received will be available for public inspection during normal business hours at the Office of Public Affairs, 401 M Street SW., Washington, D.C. 20460.

This notice of proposed rulemaking is issued under the authority of sections 111 and 114 of the Clean Air Act, as amended (42 U.S.C. 1857c-6, 1857c-9).

Dated April 27, 1973.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

Part 60 of Title 40, Code of Federal Regulations is proposed to be amended as follows:

1. Section 60.2 is amended by adding paragraphs (p) and (q), as follows:

§ 60.2 Definitions.

(p) "Shutdown" means the cessation of operation of an affected facility for any purpose.

(q) "Malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation or any other preventable upset condition or equipment breakdown shall not be considered malfunctions.

2. Section 60.7 is amended by adding paragraph (c), as follows:

§ 60.7 Notification and recordkeeping.

(c) On the 15th day following the end of each calendar quarter, each owner or operator shall file a written report for those time periods during the calendar quarter during which emissions were measured or estimated to exceed emissions allowance under standards applicable during performance tests. The report shall include the date, time of commencement, and completion of each time period of excess emissions due to startup, shutdown, malfunction, or other causes. The report shall include the nature and cause of any such malfunction, corrective actions taken, and preventative measures adopted.

3. Section 60.8 is amended by revising paragraph (c), to read as follows:

§ 60.8 Performance tests.

(c) The owner or operator shall permit the Administrator to conduct performance tests at any reasonable time, shall cause the affected facility to be operated for purposes of such tests under such conditions as the Administrator shall specify based on representative performance of the affected facility, and shall make available to the Administrator such records as may be necessary to determine such performance. Operations during periods of startup, shutdown, and malfunction shall not constitute representative performance unless otherwise specified in the applicable standard.

4. A new § 60.11 is added, as follows:

§ 60.11 Compliance with standards and maintenance requirements.

(a) Compliance with standards in this part, other than opacity standards, shall be determined only by the performance tests established by § 60.8.

(b) Compliance with opacity standards in this part shall be determined by use of Test Method 9 of the appendix.

(c) The opacity standards set forth in this part shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.

(d) At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility in a manner consistent with operations during the most recent performance test indicating compliance. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

[FR Doc.73-8577 Filed 5-1-73; 8:45 am]

[40 CFR Part 203]

LOW-NOISE EMISSION PRODUCTS

Proposed Certification Procedures

The Environmental Protection Agency proposes to establish a new part 203 of title 40 of the Code of Federal Regulations (40 CFR 203.1 through 203.9).

Section 15 of the Noise Control Act of 1972, Public Law 92-574, 86 Stat. 1234, established a process under which the Federal Government will give preference in its purchasing to products whose noise emissions are significantly lower than those required by the Federal noise source emission standards, promulgated pursuant to section 6 of the act, in effect at the time of procurement.

The process involves three steps. First, EPA will determine upon receipt of a properly filed certification application whether a class or model of product

is a low-noise-emission product as defined in the applicable standard. Secondly, EPA will decide whether the low-noise-emission product is suitable for use as a substitute for a type of product at that time in use by agencies of the Federal Government. If the product is found suitable, the Administrator will issue a certificate for that product, effective for a period of 1 year from the date of issuance. Thirdly, the Administrator of General Services will determine if the certified product has a price to be paid by the government which is no more than 125 per centum of the retail price of the least expensive type of product for which it would be substituted. If the low-noise-emission product meets this final requirement, it will be acquired by purchase or lease by the Federal Government for use by the Federal Government in lieu of the products for which it is a suitable substitute. The Administrator of GSA will promulgate separate procedures prescribing the circumstances under which the various Federal agencies will be required to purchase certified low-noise-emission products.

The proposed regulations which follow pertain to the first two of these steps. It is intended at this time that the low-noise-emission product criterion for any product or class of products will be issued concurrently with the Federal noise source emission standard for that product or class of products promulgated pursuant to section 6 of the act. Specific data requirements necessary for deciding whether the product is a "suitable substitute" will be published separately from the low-noise-emission product criterion.

Subsection b(3) of section 15 of the act provides that the Administrator may establish a low-noise-emission product advisory committee. The proposed regulations provide for such a committee to be composed of the Administrator of the Environmental Protection Agency, or his designee, representatives of Federal agencies, and private individuals.

Interested persons may submit written data, views, or arguments (in quadruplicate) in regard to the regulations proposed herein to:

Office of Noise Abatement and Control, Attention: Docket ONAC 73001 03, U.S. Environmental Protection Agency, Washington, D.C. 20460.

All relevant material received by July 2, 1973 will be considered. All comments will be available for public inspection during normal working hours (8 a.m. to 4:30 p.m.) at the Office of Public Affairs, room 329C, Waterside Mall, Fourth and M Streets SW., Washington, D.C. 20460.

Final regulations, reflecting modifications as the Administrator deems appropriate after consideration of comments, will be promulgated as soon as practicable after such consideration.

This notice of proposed rulemaking is issued under the authority of section 15

of the Noise Control Act of 1972 (Public Law 92-574), 86 Stat. 1234.

Issued April 27, 1973.

JOHN QUARLES,
Acting Administrator.

Part 203 of title 40 is proposed to read as follows:

- Sec.
203.1 Definitions.
203.2 Low-Noise-Emission Product Advisory Committee.
203.3 Application for certification.
203.4 Test procedures.
203.5 Administrator's determination.
203.6 Administrator's decision.
203.7 Contracts for low-noise-emission products.
203.8 Postcertification testing.
203.9 Recertification.

AUTHORITY.—Sec. 15, Noise Control Act, 1972, Public Law 92-574, 86 Stat. 1234.

§ 203.1 Definitions.

(a) As used in this part, any term not defined herein shall have the meaning given it in the Noise Control Act of 1972 (Public Law 92-574).

(1) "Act" means the Noise Control Act of 1972 (Public Law 92-574).

(2) "Committee" means the Low-Noise-Emission Product Advisory Committee established by the Administrator pursuant to section 15 of the act.

(3) "Federal Government" includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia.

(4) "Administrator" means the Administrator of the Environmental Protection Agency.

(5) "Retail price" means (i) the maximum statutory price applicable to any type of product, or (ii) in any case where there is no applicable maximum statutory price, the most recent domestic procurement price paid by the Government (other than under exigency procurement) for a product for which a low-noise-emission product is a certified substitute.

(6) "Low-Noise-Emission Product Determination" means the Administrator's determination whether or not a product, for which a properly filed application has been received, meets the low-noise-emission product criterion specified in the section 6 standard for that product or class of products.

(7) "Suitable substitute decision" means the Administrator's decision as to whether a product for which the Administrator has determined to be a low-noise-emission product is a suitable substitute for a product or products presently being purchased by the Federal Government.

§ 203.2 Low-Noise-Emission Product Advisory Committee.

(a) There is hereby established a Low-Noise-Emission Product Advisory Committee. The Committee shall be composed of the Administrator, or his designee, a representative of the National Bureau of Standards, and representatives of such other Federal agencies and

such private individuals as the Administrator may deem necessary from time to time. Notice of the appointment of members will be published in the FEDERAL REGISTER.

(b) The Committee shall assist the Administrator in determining which products qualify as low-noise-emission products for the purposes of this section.

§ 203.3 Application for certification.

(a) Any person desiring certification of a class or model of product under section 15 of the act shall submit to the Administrator an application for certification. The application shall be completed upon such forms as the Administrator may deem appropriate and shall contain:

(1) A description of the product, including its power source, if any; and

(2) Information pertaining to the test facility for the product establishing that the test facility meets all requirements which EPA may prescribe; and

(3) All noise emission data from the test of the product; and,

(4) Data required by the Administrator relative, but not limited to, the following characteristics:

- (i) Safety,
 - (ii) Performance characteristics,
 - (iii) Reliability of product and reliability of low-noise-emission features,
 - (iv) Maintenance,
 - (v) Operating cost,
 - (vi) Conformance with Federal agency purchase specifications; and,
- (5) Such other information as the Administrator may request.

(b) Specific data requirements relative to paragraph (a) (4) of this section will be published separately from the section 6 standard containing the low-noise-emission criterion for that product or class of products.

(c) The Administrator will, immediately upon receipt of the application for certification, publish in the FEDERAL REGISTER a notice of the receipt of the application. The notice will request written comments and documents from interested parties in support of, or in opposition to, certification of the class or model of product under consideration.

§ 203.4 Test procedures.

(a) The applicant shall test or cause his product to be tested in accordance with procedures contained in the regulations issued pursuant to section 6 unless otherwise specified.

(b) The Administrator may conduct whatever investigation is necessary, including actual inspection of the product at a place designated by him.

§ 203.5 Administrator's determination.

(a) The Administrator will, within 90 days after receipt of a properly filed application for certification, determine whether such product is a low-noise-emission product. In doing so, he will determine if the product:

(1) Is one for which a noise source emission standard has been promulgated under section 6 of the act; and

(2) Emits levels of noise in amounts significantly below the levels specified in noise emission standards under regulations under section 6 of the act at the time of procurement applicable to that product or class of product (the amount of reduction below the standard necessary for qualification as a low-noise-emission product will be issued concurrently with the Federal noise source emission standard for that product or class of products promulgated pursuant to section 6 of the act); and

(3) Is labeled in accordance with regulations issued pursuant to section 8 of the act.

(b) The Administrator will, upon making the determination whether a product is a low-noise-emission product, publish in the FEDERAL REGISTER notice of his determination, and the reasons therefor.

(c) The notice of determination that a product is a low-noise-emission product shall be revocable whenever a change in the low-noise-emission product criterion for that product occurs between determination and decision. Notice of any revocation will be published in the FEDERAL REGISTER, together with a statement of the reasons therefor.

(d) The notice of determination that a product is a low-noise-emission product shall expire upon publication in the FEDERAL REGISTER of the Administrator's notice of a decision that a product will not be certified.

§ 203.6 Administrator's decision.

(a) If the Administrator determines that a product is a low-noise-emission product, then within 180 days of such determination, the Administrator will decide whether such product is a suitable substitute for any class or model of product being purchased by the Federal Government for use by its agencies. Such decision will be based upon the data obtained under § 203.3, the Administrator's evaluation of the data, comments of interested parties, and, as the Administrator deems appropriate, an actual inspection or test of the product at such places and times as the Administrator may designate.

(b) In order to compare the data for any class or model of product with any class or model of product presently being purchased by the Federal Government for which the applicant seeks to have its product substituted, the Administrator will enter into appropriate agreements with other Government agencies to gather the necessary data regarding such class or model.

(c) Immediately upon making the decision as to whether a product determined to be a low-noise-emission product is a suitable substitute for any product or class of products being purchased by the Federal Government for its use, the Administrator will publish in the FEDERAL REGISTER notice of such decision and the reasons therefor.

(d) If the Administrator decides that the product is a suitable substitute for products being purchased by the Federal Government, he will issue a certificate

that the product is a suitable substitute for a product or class of products presently being purchased by the Federal Government and will specify with particularity the product or class of products for which the certified product is a suitable substitute.

(e) Any certificate issued under this section shall be effective for a period of 1 year from date of issuance.

§ 203.7 Contracts for low-noise-emission products.

(a) Data relied upon by the Administrator in determining that a product is a certified low-noise-emission product will be incorporated by reference in any contract for the procurement of such product.

(b) A determination of price to the Government of any certified low-noise-emission product will be made by the Administrator of General Services in accordance with such procedures as he may

prescribe and with subsection c(1) of section 15 of the act.

§ 203.8 Postcertification testing.

The Administrator will from time to time, as he deems appropriate, test the emissions of noise from certified low-noise-emission products purchased by the Federal Government. If at any time he finds that the noise emission levels exceed the levels on which certification was based, the Administrator will give the suppliers of such product written notice of this finding, publish such findings in the FEDERAL REGISTER and give the supplier an opportunity to make necessary repairs, adjustments, or replacements. If no repairs, adjustments, or replacements are made within a period to be set by the Administrator, he may order the supplier to show cause why the product involved should be eligible for recertification.

§ 203.9 Recertification.

(a) A product for which a certificate has been issued may be recertified for the following year upon reapplication to the Administrator for this purpose upon such forms as the Administrator may deem appropriate.

(b) If the applicant supplies information establishing that:

(1) The data previously submitted continues to describe his product for purposes of certification;

(2) The low-noise-emission product criterion and "suitable substitute" criteria are to be the same during the period recertification is desired; and

(3) No notice has been issued under § 203.8—

then recertification will be made within 30 days after receipt of the appropriate recertification application by the Administrator.

[FR Doc.73-8578 Filed 5-1-73;8:45 am]

Notices

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

DEPARTMENT OF STATE

[Public Notice CM-26]

STUDY GROUP CMTT OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group CMTT of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on May 23, 1973, at 10:30 a.m. at 950 L'Enfant Plaza SW. (COMSAT Building), Washington, D.C. The CMTT studies technical standards for telecommunication systems to permit the transmission of sound and television broadcasting programs over long distances. The agenda for the meeting will include the following matters in preparation for the international meeting of CMTT in 1974:

- International vertical interval test signals.
- Analog television transmission standards.
- Digital television and sound transmission.

Members of the general public who desire to attend the meeting on May 23 will be admitted up to the limits of the capacity of the meeting room.

Dated April 24, 1973.

GORDON L. HUFFCUTT,
Chairman,

U.S. CCIR National Committee.

[FR Doc.73-8573 Filed 5-1-73;8:45 am]

[Public Notice CM-25]

STUDY GROUP 4 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that study group 4 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on May 16, 1973, at 10:30 a.m. in Reiger Auditorium, COMSAT Laboratory, Clarksburg, Md. Study group 4 studies matters relating to systems of radio communication for the fixed service using satellites. The agenda for the meeting will include the following:

- Review of the conclusions of the international meeting of study group 4 in 1972;
- Discussion of issues related to the international meeting of study group 4 in 1974;

c. Establishment of work programs.

Members of the general public who desire to attend the meeting on May 16 will be admitted up to the limits of the capacity of the meeting room.

Dated April 24, 1973.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc.73-8572 Filed 5-1-73;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 73-120]

UNFAIR TRADE PRACTICES

Removal of Restriction on Importation of Furazolidone

APRIL 26, 1973.

Treasury Decision 68-225, published on September 6, 1968 (33 FR 12680), imposed a restriction on the importation of furazolidone or products containing furazolidone, under section 337(f), Tariff Act of 1930, as amended (19 U.S.C. 1337(f)), pursuant to the temporary exclusion order of the President dated August 28, 1968, due to the existence of unfair methods of competition and sale of furazolidone and furazolidone products.

Pursuant to section 337(g), Tariff Act of 1930 (19 U.S.C. 1337(g)), there is hereby published for direction and guidance of Customs officers and others concerned, the following superseding order of the President, issued on April 17, 1973, which finds, and instructs the Secretary of the Treasury, that the conditions which led to such refusal of entry no longer exist, by virtue of the expiration of U.S. patent No. 2,742,462:

On August 28, 1968, President Lyndon B. Johnson issued a temporary order directing the Secretary of the Treasury to exclude furazolidone and any products containing furazolidone, the furazolidone being specifically covered by claim 2 in United States Letters Patent No. 2,742,462, from importation into the United States pursuant to Section 337(f) of the Tariff Act of 1930, as amended (19 U.S.C. 1337).

I am informed that the Letters Patent No. 2,742,462, which is the patent in question, will expire on April 17, 1973. Therefore, I hereby find and instruct you that the conditions which lead to such refusal of entry will no longer exist as of the termination date of that patent and that the temporary order of exclusion should cease to be in effect from and after the date of expiration of that patent.

I am aware that the Food and Drug Administration has proposed to issue an order

withdrawing approval of certain drug applications of furazolidone for human use as of April 30, 1973. Furazolidone continues to be used as a drug added to animal feed for disease control. I would emphasize that my finding and instruction in the preceding paragraph are with respect to, and for the purposes of, only Section 337 of the Tariff Act of 1930.

Accordingly, any furazolidone or furazolidone products which have been entered under special bond pursuant to section 337(f), supra, shall be released and the bond canceled, pursuant to § 12.39, Customs regulations (19 CFR 12.39).

Effective date.—This notice shall be effective May 2, 1973.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.73-8565 Filed 5-1-73;8:45 am]

Office of the Secretary

ACRYLONITRILE - BUTADIENE - STYRENE TYPE OF PLASTIC RESIN IN PELLET FORM FROM JAPAN

Amendment of Antidumping Proceeding Notice

An antidumping proceeding notice with respect to acrylonitrile-butadiene-styrene type of plastic resin in pellet form from Japan was published in the FEDERAL REGISTER of February 7, 1973 (38 FR 3529, FR doc. 73-2370).

That notice is hereby amended to include acrylonitrile - butadiene - styrene type of plastic resin in powder form from Japan within the scope of the investigation.

Accordingly, the antidumping proceeding notice referred to above is amended by changing the caption to read "Acrylonitrile-Butadiene-Styrene Type of Plastic Resin (in Pellet and Powder Forms) from Japan," and by substituting the words "acrylonitrile-butadiene-styrene type of plastic resin (in pellet and powder forms)" for "acrylonitrile-butadiene-styrene type of plastic resin in pellet form" in the first paragraph.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of
the Treasury.

[FR Doc.73-8712 Filed 5-1-73;8:45 am]

ELECTRONIC CERAMIC PACKAGES AND PARTS THEREOF FROM JAPAN

Discontinuance of Antidumping Investigation

On January 31, 1973, there was published in the FEDERAL REGISTER a notice

of tentative discontinuance of antidumping investigation (38 FR 2991) concerning electronic ceramic packages and parts thereof from Japan.

The statement of reasons for this tentative action was published in the above-mentioned notice, and interested parties were afforded an opportunity to make written submissions and to present oral views in connection with the tentative action.

No written submissions or requests have been received. For reasons stated in the notice of tentative discontinuance of antidumping investigation, I hereby discontinue the antidumping investigation of electronic ceramic packages and parts thereof from Japan.

This discontinuance of antidumping investigation is published pursuant to § 153.15(d) of the customs regulations (19 CFR 153.15(d)).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of
the Treasury.

[FR Doc.73-8713 Filed 5-1-73;8:45 am]

PICKER STICKS (FOR TEXTILE WEAVING MACHINES) FROM MEXICO

Antidumping Proceeding Notice

On March 28, 1973, information was received in proper form pursuant to sections 153.26 and 153.27, customs regulations (19 CFR 153.26, 153.27), indicating a possibility that picker sticks (for textile weaving machines) from Mexico are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). Picker sticks are laminated, compressed hardwood loom parts for textile weaving machines.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise offered for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the customs regulations (19 CFR 153.30).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of
the Treasury.

[FR Doc.73-8711 Filed 5-1-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A7532]

ARIZONA

Small Tract Opening

1. Pursuant to authority delegated to me by Bureau Order No. 701 dated July 23, 1964, as amended, I hereby open for application, under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended, in accordance with the impending small tract classification No. A7532 the following described lands:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 6 S., R. 26 E.,
Sec. 32, E $\frac{1}{2}$ of lot 2.

2. These lands are located approximately 2 miles north of the town of Safford, Ariz., on the north side of the Gila River. Access is provided by a paved county road. These lands are relatively flat and considered suitable for residential development.

3. This opening is made for the benefit of the New Little Hollywood Association, Inc., and to assist in the relocation of residents of the flood-damaged Little Hollywood community.

4. Any applications will be subject to the provisions and restrictions to be set forth in small tract classification No. A7532.

Dated April 24, 1973.

JOE T. FALLINI,
State Director.

[FR Doc.73-8527 Filed 5-1-73;8:45 am]

[OR 8457]

OREGON

Designation of Lost Forest Natural Area

APRIL 24, 1973.

Pursuant to the authority in 43 CFR subpart 2070, and the authorization from the Director dated April 6, 1973, I hereby designate the public lands in the following described area as the Lost Forest Natural Area:

WILLAMETTE MERIDIAN

T. 25 S., R. 20 E.,
sec. 20, S $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
sec. 21, S $\frac{1}{2}$;
sec. 22, S $\frac{1}{2}$, NE $\frac{1}{4}$, and S $\frac{1}{2}$ NW $\frac{1}{4}$;
sec. 23;
sec. 24, W $\frac{1}{2}$;
sec. 25, W $\frac{1}{2}$;
secs. 26 to 30, inclusive;
sec. 31, all except lot 4;
secs. 32 to 35, inclusive;
sec. 36, W $\frac{1}{2}$.

The area described contains about 8,960 acres of public lands.

The Lost Forest Natural Area lands are a "Class IV—Outstanding Natural Area" under the Bureau of Outdoor Recreation system of classification.

ARCHIE D. CRAFT,
State Director.

[FR Doc.73-8547 Filed 5-1-73;8:45 am]

BURNS DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Burns, Oregon District Advisory Board will hold its spring meeting May 16-17, 1973, at the Burns District Office of the Bureau of Land Management, 74 South Alvord, Burns, Oreg. The agenda for the meeting will include the hearing of a grazing protest, and inspection of the wildhorse use, range and watershed conditions and grazing management in the Riley Resource Area.

The meeting will be open to the public and will start at 8 a.m. P.d.t.

L. CHRISTIAN VOSLER,
Burns District Manager.

APRIL 23, 1973.

[FR Doc.73-8546 Filed 5-1-73;8:45 am]

SALEM DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Salem District Advisory Board will hold a business meeting on May 24, 1973, commencing at 9:30 a.m., in the Pringle Park Community Building, Winter and Oak Streets, Salem, Oreg. The agenda for the meeting will include discussions on the Youth Conservation Corps program, and progress in reforestation, genetics, containerized planting, precommercial thinning and fertilization.

The meeting will be open to the public. It is to be held in a room accommodating 60 people. In addition to discussion of agenda topics by board members, there will be time for brief statements by non-members. Persons wishing to make oral statements should so advise the chairman or cochairman prior to the meeting, to aid in scheduling the time available. Any interested person may file a written statement for consideration by the board by sending it to the chairman, in care of the cochairman: Salem District Manager, P.O. Box 3227, Salem, Oreg. 97302.

B. T. VLADIMIROFF,
Salem District Manager.

APRIL 23, 1973.

[FR Doc.73-8548 Filed 5-1-73;8:45 am]

Geological Survey

RIO CHAMA BASIN, N. MEX.

Power Site Cancellation 318

Pursuant to authority under the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 371 of October 31, 1944, is hereby canceled to the extent that it effects the following described land:

NEW MEXICO PRINCIPAL MERIDIAN

T 24 N., R. 4 E.,
Sec. 11, lot 8 (formerly a portion of lot 4).

The land described aggregates 3.31 acres.

The effective date of this cancellation is August 25, 1973.

Dated April 25, 1973.

W. A. RADLINSKI,
Acting Director.

[FR Doc.73-8525 Filed 5-1-73;8:45 am]

Office of the Secretary

[INT DES 73-26]

PROPOSED LAND ACQUISITION, CIBOLA NATIONAL WILDLIFE REFUGE, ARIZONA AND CALIFORNIA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a draft environmental statement for the remaining 4,207 acres of non-Federal lands within the Cibola National Wildlife Refuge, Yuma County, Ariz. and Imperial County, Calif. The refuge was established primarily to provide wintering habitat for waterfowl on the Lower Colorado River. Written comments are invited within 45 days of this notice.

Copies are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, 500 Gold Avenue SW., room 9018, P.O. Box 1306, Albuquerque, N. Mex. 87103.

Bureau of Sport Fisheries and Wildlife, 1500 Plaza Building, room 288, 1500 Northeast Irving Street, P.O. Box 3737, Portland, Oreg. 97208.

Headquarters, Cibola National Wildlife Refuge, Blythe, Calif. 92225.

Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, room 2246, 18th and O Streets NW., Washington, D.C. 20240.

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Quality. Please refer to the statement number above.

Dated April 25, 1973.

LAWRENCE E. LYNN,
Assistant Secretary,
Program Development and Budget.

[FR Doc.73-8525 Filed 5-1-73;8:45 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

FEDERAL CITY COLLEGE, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their

views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before May 22, 1973.

Amended regulations issued under the cited act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours, at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-00451-33-46040. Applicant: Federal City College, Biology Department, 1321 H Street NW., Washington, D.C. 20005. Article: Electron Microscope, Model Corinth 275. Manufacturer: AEI Scientific Apparatus Ltd., United Kingdom. Intended use of article: The article is intended to be used in a study being conducted involving the effects of a variety of environmental toxins and chemical carcinogens (polycyclic hydrocarbon and aflatoxins) on embryonic hamster cells and the possible relationship of these chemical to human carcinogenesis. The article will also be used as a teaching instrument in a two quarter course, Electron Microscopy I and II designed to familiarize students with preparational and interpretational skills in electron microscopy. Application received by Commission of Customs: March 26, 1973.

Docket No. 73-00462-33-46040. Applicant: University of Connecticut Health Center, Route 4, Farmington, Conn. 06032. Article: Electron Microscope, Model EM-10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for study of sections of biological materials, macromolecular aggregates isolated from cells or synthesized in cell free systems and freeze-etched material. Studies of the development of teeth, as well as the synthesis of collagen by cells both abnormal and normal in culture, and the structure of isolated bone cells are being conducted. In addition, the article is to be used for educational purposes by undergraduate students pursuing research during their free summers and on a limited basis during the school year, graduate students pursuing fulltime research and in a course in electron microscope techniques offered to undergraduate students in medicine and mental medicine. Application received by Commissioner of Customs: April 6, 1973.

Docket No. 73-00463-33-46040. Applicant: Children's Hospital Research Foundation, Elland and Bethesda Avenues, Cincinnati, Ohio 45229. Article: Electron microscope, Model EM-10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the study of lyso-

somal disease utilizing tissue cultures from patients with such diseases as type II glycogenosis, Tay Sachs disease, mucopolysaccharidoses, mucosulfatidoses, etc. The morphologic alterations of lysosomes which cells in tissue culture from these diseases demonstrate will be investigated. Application received by Commissioner of Customs: April 9, 1973.

Docket No. 73-00464-81-01020. Applicant: U.S. Department of Commerce, NOAA, NOS, Lake Survey Center, 630 Federal Building and U.S. Courthouse, Detroit, Mich. 48226. Article: Buoy mounted inertial accelerometer with data telemetry capability and accompanying accessories. Manufacturer: Datawell N.V. Laboratory for Instrumentation, The Netherlands. Intended use of article: The article is intended to be used for the investigation of the processes of generation, growth and decay of wind waves, their propagation and spatial variations, their interactions with the atmospheric field as well as their linear and nonlinear characteristics. The objectives pursued in the course of investigation are:

(i) To satisfy the need of definitive field wave data by an extensive measurement program;

(ii) To provide unique information of measure data with which to correlate the available theories of wind wave generation and propagation and their applicability to the Great Lakes waves; and

(iii) To provide also the much needed input for the development of lake-wide wind wave prediction program.

Application received by Commissioner of Customs: March 16, 1973.

Docket No. 73-00465-33-14200. Applicant: University of Iowa, College of Dentistry, Iowa City, Iowa 52242. Article: Image Analyzing Computer, Quantimet 720. Manufacturer: Image Analysing Computers, Ltd., United Kingdom. Intended use of article: The article is intended to be used for quantitative image analysis in the following research projects:

(1) Distribution and Dynamics of Blood Flow in Gingiva,

(2) Patterns of Organization of Skin and Mucosa,

(3) Quantitative Microradiography of Enamel, Dentin and Bone, and

(4) Quantitative Ultrastructural studies.

Application received by Commissioner of Customs: April 9, 1973.

Docket No. 73-00466-45-69800. Applicant: U.S. Maritime Administration, DOC, Office of Research and Development, National Maritime Research Center, Kings Point, N.Y. 11024. Article: Casagrain Feed System. Manufacturer: RCA Ltd., Canada. Intended use of article: The article is intended to be used as part of a large and complex experimental satellite navigation and communications system under development for the U.S. Maritime Administration to provide the electrical and mechanical performance required by the satellite com/nav system. Application received by Commissioner of Customs: March 26, 1973.

Docket No. 73-00467-33-46040. Applicant: North Dakota State University, Fargo, N. Dak. 58102. Article: Electron Microscope, Model Corinth 275. Manufacturer: AEI Scientific Apparatus Ltd., United Kingdom. Intended use of article: The article is intended to be used for investigation of several types of specimens including: (1) Insect nerve tissue; (2) chloroplasts of wheat; (3) bacteria and bacteriophage; (4) liver cells, and (5) plant and animal viruses.

Experiments to be conducted vary with the specimen and include:

(1) Examination of the neurosecretory processes in brains and ganglia of the tobacco hornworm and cockroach.

(2) Study of chloroplasts of wheat to determine the effects of water stress on germination and early seedling development.

(3) Studies on bacteria and bacteriophage consisting of identifying host specific bacteriophage to potentially pathogenic bacteria found in livestock water ponds.

(4) Investigation by electron microscopy of the livers of rats treated with various concentrations of insecticides and drugs to determine the effect of such compounds on liver functions, and

(5) Identification of specific plant and animal viruses.

In addition, the article is to be used in the following courses to (1) teach technique and applications of electron microscopy in biological sciences; and (2) to expose students to applications of electron microscopy and interpretation of cell structure:

Botany 540—Techniques in Electron Microscopy.

Botany 102—Organismic Botany.

Zoology 411—Cytology.

Zoology 461—Cell Physiology.

Pharmacy 340—Physiological Processes Affected by Drugs.

Application received by Commissioner of Customs: March 26, 1973.

Docket No. 73-00468-01-01100. Applicant: University of Minnesota, Department of Chemistry, Minneapolis, Minn. 55455. Article: Nitrogen-15 analyzer. Manufacturer: Isocommerz, East Germany. Intended use of article: The article is intended to be used for the analysis of the amount of nitrogen-15, an isotope of natural nitrogen, which is found in compounds isolated from plants which have been previously fed N-15 labelled compounds. The objective of this research is to learn about the fate of alkaloids such as nicotine, in the tobacco plant. Application received by Commissioner of Customs: April 2, 1973.

Docket No. 73-00469-01-77095. Applicant: City College of New York, Department of Chemistry, 138th Street and Convent Avenue, New York, N.Y. 10031. Article: Photoelectron spectrometer. Manufacturer: Perkin-Elmer, United Kingdom. Intended use of article: The article is intended to be used for research into the electronic structure and chemical bonding in metal-organic, inorganic and organic compounds. Par-

ticular compounds include organophosphines and organosilicon compounds, nitrones and pyridine N-oxides. The article will also be used by graduate students for their research as partial fulfillment of requirements for the Ph. D. or Masters Degree. The students will be instructed in the use of the instrument, and its application to research problems. Application received by Commissioner of Customs: April 9, 1973.

Docket No. 73-00471-10-31540. Applicant: Syracuse University, Department of Mechanical and Aerospace Engineering, 139 Link Hall, Syracuse, N.Y. 13210. Article: 200 kW Electric air heater, Model EF. 6. Manufacturer: Reaves Industrial Furnaces, United Kingdom. Intended use of article: The article is intended to be used to provide a closely regulated (in temperature and pressure) flow of high-temperature air to supersonic jet nozzles. The objectives of the research are the investigation of the aerodynamic noise produced by heated supersonic jets, and assessment of methods for reduction of such noise. Application received by Commissioner of Customs: April 11, 1973.

Docket No. 73-00470-01-06200. Applicant: Mayo Foundation, 200 First Street Southwest, Rochester, Minn. 55901. Article: Vickers multichannel 300 automated analysis system. Manufacturer: Vickers Ltd., Medical Engineering of Basingstoke, United Kingdom. Intended use of article: The article is intended to be used in a diagnostic clinical chemistry laboratory to perform quantitative analysis of plasma for chemical constituents, alteration of which are indicative of disease processes. In addition to the clinical use, the article will be used to support ongoing research and education programs at the Institution. Application received by Commissioner of Customs: April 11, 1973.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-8550 Filed 5-1-73; 8:45 am]

HOSPITALS FOR JOINT DISEASES AND MEDICAL CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00316-33-09300. Applicant: Hospital for Joint Diseases and Medical Center, 1919 Madison Avenue, New York, N.Y. 10035. Article: Staput

apparatus. Manufacturer: Johns Scientific, Canada. Intended use of article: The article is intended to be used to separate the populations of heterogeneous cells in a spleen of a myeloma tumor bearing mouse to see if an immunological response is taking place in the mouse. Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability to separate living cells on the basis of differences in cell sedimentation rate in the Earth's gravitational field. The Department of Health, Education, and Welfare (HEW) in its memorandum dated April 12, 1972, advised that the capability described above is pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument or apparatus of equivalent scientific value to the article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-8549 Filed 5-1-73; 8:45 am]

UNIVERSITY OF PITTSBURGH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00313-33-46595. Applicant: University of Pittsburgh, Department of Physiology, Pittsburgh, Pa. 15213. Article: LKB 11800-5 Pyramitome with 11870 target marker. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in a study of the role of extracellular fixed charges in the function of skeletal muscle. The project involves experimental manipulations of isolated bundles of skeletal muscle fibers. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes

as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides an optical matching system with the capability to locate a desired site in a prior thick section and then precisely align its image upon the remaining block face to guide further appropriate trimming. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated April 12, 1973, that the capability described above is pertinent to the applicant's use in studies of skeletal muscle after experimental manipulation and staining. HEW also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-8551 Filed 5-1-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 1730; Docket No. FDC-D-534;
NDA 1-730, etc.]

CERTAIN DRUGS CONTAINING AMOBARBITAL AND DIOXYLINE PHOSPHATE; PHENOBARBITAL AND THEOBROMINE CALCIUM SALICYLATE; OR BUTABARBITAL AND HYDROCHLOROTHIAZIDE, WITH AND WITHOUT RESERPINE

Notice of Withdrawal of Approval of Those New Drug Applications for Which No Hearing Was Requested

On December 23, 1972, there was published in the FEDERAL REGISTER (37 FR 28433) a notice of opportunity for hearing (DESI 1730) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug applications for the subject drugs. The basis of the proposed withdrawal of approval was the lack of substantial evidence that these fixed combination drugs will have the effects that they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling and that each component of such drugs contributes to the total effects claimed.

On January 18, 1973, McNeil Laboratories, Inc., holder of NDA 13-313 for Butiserpazide-25 and Butiserpazide-50 Prestabs, and NDA 13-312 for Butizide-25 and Butizide-50 Prestabs, elected to avail itself of the opportunity for a hearing. This request is under review and will be the subject of a future publication in the FEDERAL REGISTER.

None of the holders of the following new drug applications or any other interested person have filed a written ap-

pearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing:

1. NDA 1-730; Phenobarb Theocalcin Tablets containing phenobarbital and theobromine calcium salicylate; Knoll Pharmaceutical Co., 377 Crane Street, Orange, N.J. 07031.

2. NDA 9-047; Paveril Phosphate and Amytal Tablets containing dioxyline phosphate and amobarbital; Eli Lilly & Co., P.O. Box 618, Indianapolis, Ind. 46206.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice; see 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drugs, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of NDA 1-730 and NDA 9-047 and all amendments and supplements applying thereto is withdrawn effective on May 2, 1973. Shipment in interstate commerce of the above-listed drug products or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated April 24, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-8521 Filed 5-1-73;8:45 am]

[DESI 5316]

CERTAIN PENICILLIN-CONTAINING DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation; Amendment of Announcement

The Food and Drug Administration published an announcement in the FEDERAL REGISTER of July 29, 1970 (35 FR 12144), regarding the efficacy of certain penicillin-containing drugs. A followup notice was published in the FEDERAL REGISTER of March 30, 1972 (37 FR 6511), concerning certain of those drugs.

Based upon the recommended treatment schedule for uncomplicated gonor-

rheal infections issued in March 1972 by the U.S. Public Health Service, the Commissioner of Food and Drugs finds it appropriate to amend the announcement of July 29, 1970, as it pertains to the following aqueous procaine penicillin G preparations for injection:

1. Abbocillin-DC Aqueous Injection and Procaine Penicillin G Suspension (NDA 60-098); Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064.

2. Duracillin A.S. Aqueous Injection (NDA 60-093); Eli Lilly & Co., P.O. Box 618, Indianapolis, Ind. 46206.

3 a. Procaine Penicillin G in Aqueous Suspension (NDA 60-099); and
b. Procaine Penicillin G for Aqueous Injection (NDA 60-286); Pfizer Laboratories Division, Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.

4 a. Procaine Penicillin G for Aqueous Injection (NDA 60-358); and

b. Procaine Penicillin G Injection in Aqueous Suspension (NDA 60-357); formerly marketed by Philadelphia Laboratories, 9815 Roosevelt Boulevard, Philadelphia, Pa. 19114.

5 a. Procaine Penicillin G Powder for Aqueous Injection (NDA 90-455); and

b. Procaine Penicillin G in Aqueous Suspension (NDA 60-420); formerly marketed by Pure Laboratories, Inc., 50 Intervale Road, Parsippany, N.J. 07054.

6. Procaine Penicillin G in Aqueous Suspension (NDA 60-102); Roehr Products Co., Inc., 2010 New Daytona Road, Deland, Fla. 32720.

7 a. Crysticillin Aqueous Injection (NDA 60-100); and

b. Pentids-P Aqueous Injection (NDA 60-100); E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903.

8. Diurnal - Penicillin Readmixed Aqueous Injection (NDA 60-094); the Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002.

9. Wycillin Aqueous Injection (NDA 60-101); Wyeth Laboratories Inc., P.O. Box 8299, Philadelphia, Pa. 19101.

The recommended dosage for gonorrheal infections (uncomplicated) for procaine penicillin G aqueous is amended to read as follows:

Gonorrheal infections (uncomplicated).

Men or women—4.8 million units intramuscularly divided into at least two doses and injected at different sites at one visit, together with 1 gram of oral probenecid, preferably given at least 30 minutes prior to the injection.

NOTE.—Gonorrheal endocarditis should be treated intensively with aqueous penicillin G.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-1051, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated April 24, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-8519 Filed 5-1-73;8:45 am]

[DESI 10761; Docket No. FDC-D-560;
NDA 10-761]

DOW CHEMICAL CO.

Certain Antiseborrheic Drugs Containing Cadmium Sulfide for Topical Use; Notice of Withdrawal of Approval of New Drug Application

A notice was published in the FEDERAL REGISTER of January 30, 1973 (38 FR 2777), extending to the Dow Chemical Co., P.O. Box 10, Zionsville, Ind. 46077 and to any interested person, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of NDA 10-761 for Capsebon Suspension containing cadmium sulfide. The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

Neither the holder of the application nor any other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with regard to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 10-761 and all amendments and supplements thereto is withdrawn effective on May 2, 1973.

Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated April 24, 1973.

SAM D. FINE,
*Associate Commissioner
for Compliance.*

[FR Doc.73-8522 Filed 5-1-73;8:45 am]

[DESI 12176; Docket No. FDC-D-543; NDA
12-176]

HYDROXYCHLOROQUINE SULFATE IN COMBINATION WITH ASPIRIN

Notice of Withdrawal of Approval of New Drug Application

On December 27, 1972, there was published in the FEDERAL REGISTER (37 FR 28525) a notice of opportunity for hearing (DESI 12176) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug application for the following drug:

NDA 12-176; Planolar Tablets containing hydroxychloroquine sulfate and aspirin; formerly marketed by Winthrop Laboratories, 90 Park Avenue, New York, N.Y. 10016.

The basis of the proposed withdrawal of approval was the lack of substantial evidence that this fixed combination drug will have the effect that it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

Neither Winthrop Laboratories nor any other interested person has filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new drug application and all amendments and supplements applying thereto is withdrawn, effective on May 2, 1973. Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not

the subject of an approved new drug application, is henceforth unlawful.

Dated April 24, 1973.

SAM D. FINE,
*Associate Commissioner
for Compliance.*

[FR Doc.73-8520 Filed 5-1-73;8:45 am]

[FAP 2A2791]

PHARMACHEM CORP.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52, withdrawal of petitions without prejudice of the procedural food additive regulations (21 CFR 121.52), Pharmachem Corp., 719 Stefkou Boulevard, Bethlehem, Pa. 18018, has withdrawn its petition (FAP 2A2791), notice of which was published in the FEDERAL REGISTER of June 13, 1972 (37 FR 11739), proposing the issuance of a food additive regulation (21 CFR part 121) to provide for the safe use of high molecular weight dextran as an anti-staling agent, preservative, filler, and bulking agent in foods.

Dated April 24, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-8523 Filed 5-1-73;8:45 am]

[GRASP 3G0012]

WESTERN DAIRY PRODUCTS

Notice of Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 72 Stat. 1784-1786; 21 U.S.C. 321(s), 348 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 3G0012) has been filed by Western Dairy Products, Division of Chelsea Industries, Inc., 118 World Trade Center, San Francisco, Calif. 94111, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that partially hydrolyzed proteins are generally recognized as safe (GRAS) for use as foods.

Interested persons may, on or before July 2, 1973, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Food and Drug Administration, room 6-88, 5600 Fisher Lane, Rockville, Md. 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and re-

ceived comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated April 24, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods,

[FR Doc.73-8524 Filed 5-1-73;8:45 am]

**National Institutes of Health
LARGE BOWEL CANCER AD HOC
COMMITTEE**

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Large Bowel Cancer Ad Hoc Committee, National Cancer Institute, May 9, 1973, 9 a.m. to 5:30 p.m., American Health Foundation, seventh floor, 2 East End Avenue, New York, N.Y. 10021. This meeting will be closed to the public to review a grant application in accordance with the provisions set forth in section 552(b)4 of title 5 United States Code and section 10(d) of Public Law 92-463.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, building 31, room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301-496-1911) will furnish summaries of the closed meeting and roster of committee members.

Dr. Samuel Price, Executive Secretary, NCI, Westwood Building, room 853, National Institutes of Health, Bethesda, Md. 20014 (301-496-7194) will provide substantive program information.

Dated April 24, 1973.

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

[FR Doc.73-8515 Filed 5-1-73;8:45 am]

**Office of Education
NATIONAL ADVISORY COUNCIL ON
VOCATIONAL EDUCATION**

Notice of Public Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the next meeting of the National Advisory Council on Vocational Education will be held on May 3, 1973, from 8 p.m. to 10 p.m., local time, and on May 4, 1973, from 9 a.m. to 5 p.m., local time, at the Embassy Row Hotel, 2015 Massachusetts Avenue NW., Washington, D.C.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under the act; review the administration and operation of vocational education programs under the act, including the effectiveness of such programs in meeting the purposes

for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meetings of the Council shall be open to the public. The proposed agenda includes:

May 3, 1973: Discussion—NACVE Goals and Plans for the Future;

May 4, 1973: Presentation by Sidney P. Marland, Jr., Assistant Secretary for Education, HEW: The Goals and Responsibilities of the National Advisory Council;

Report of the Executive Director;
Report of the Budget and Fiscal Committee;

Discussion: Equal Vocational Education Opportunity;

Report of the Committee on Legislation;
Report of the Committee on Public Information and Youth Organizations;

Report of the Committee on Indian Education;

Report of the Committee on Industry-Education Relationships;

Status Report on Project Baseline; and
Report on national seminar of the New and Related Services Division, AVA, on the topic: "Vocational Education—1985."

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Council's Executive Director, located in suite 852, 425 13th Street NW., Washington, D.C. 20004.

Signed at Washington, D.C., on
April 24, 1973.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc.73-8558 Filed 5-1-73;8:45 am]

**ATOMIC ENERGY COMMISSION
ADVISORY COMMITTEE ON REACTOR
SAFEGUARDS' SUBCOMMITTEE ON
CALVERT CLIFFS NUCLEAR POWER
PLANT**

Notice of Meeting

APRIL 27, 1973.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2322b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the Calvert Cliffs Nuclear Power Plant will hold a meeting on May 23, 1973, in room 112, at 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to review the application of the Baltimore Gas & Electric Co. for a license to operate the plant, located at Lusby, Md.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

WEDNESDAY, MAY 23, 1973, 9:30 A.M.—4:30 P.M.

Review of the application for an operating license (presentations by the AEC regulatory staff and Baltimore Gas & Electric Co. and its consultants, and discussions with these groups).

In connection with the above agenda item, the Subcommittee will hold an

executive session at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS. In addition, prior to the executive session at the end of the day, the Subcommittee may hold a closed session with the regulatory staff and applicant to discuss privileged information relating to plant security, nuclear fuel design, and the analysis of containment pressure transients, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that a closed session may be held, if necessary, to discuss certain documents which are privileged, and fall within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than May 17, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the application for an operating license and related documents which are on file and available for public inspection at the Atomic Energy Commission's public document room, 1717 H Street NW., Washington, D.C. 20545, and at the Calvert County Library, Prince Frederick, Md. 20678.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3 p.m. on the day of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on

by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been canceled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on May 21, 1973, to the office of the executive secretary of the Committee, telephone: 301-973-5651, between 8:30 a.m. and 5:15 p.m. e.d.s.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come-first-served basis.

(g) Copies of a transcript of the public sessions will be made available within approximately 24 hours of the meeting and copies of the official minutes of the public sessions will be made available for inspection on or after July 23, 1973, at the Atomic Energy Commission's public document room, 1717 H Street NW., Washington, D.C. Copies may be obtained upon payment of appropriate charges.

JOHN V. VINCIGUERRA,
Advisory Committee
Management Officer.

[FR Doc.73-8552 Filed 5-1-73;8:45 am]

GUIDE TO CONTENT OF TECHNICAL SPECIFICATIONS FOR FUEL REPROCESSING PLANTS

Notice of Issuance and Availability

The Atomic Energy Commission has issued a new guide, Regulatory Guide 3.8 entitled "Guide to Content of Technical Specifications for Fuel Reprocessing Plants" which is being issued concurrently with the publication for public comment of the proposed rule change of 10 CFR part 50 entitled "Technical Specifications for Fuel Reprocessing Plants." The guide has been prepared to assist applicants in the selection of suitable subjects for technical specifications and in the development of specifications. The new guide is in Division 3, "Fuels and Materials Facilities Guides," of the Regulatory Guide series developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

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 3 Regulatory Guides currently being developed include the following:

Preparation of Environmental Reports for Uranium Mills.
Seismic Design Classification for Plutonium Processing and Fuel Fabrication Plants.
Monitoring of Combustible Gases and Vapors in Plutonium Processing and Fuel Fabrication Plants.
Design of Embankment Retention Systems for Uranium Mills.
Stabilization, Maintenance and Long Term Control of Uranium Mill Tailings Retention Systems.
Ventilation Systems Criteria for Plutonium Processing and Fuel Fabrication Plants.
(5 U.S.C. 552(a).)

Dated at Bethesda, Md., this 23d day of April 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-8532 Filed 5-1-73;8:45 am]

[Docket No. 50-240]

GULF OIL CORP.

License Termination Order

The Atomic Energy Commission (the Commission) has found that the Gulf Oil Corp.'s HTGR Critical Facility located at the Torrey Pines Mesa site in San Diego, Calif., has been dismantled, decontaminated, and disposition made of the component parts in accordance with the Commission's regulations in 10 CFR, chapter I, and in a manner not inimical to the common defense and security or to the health and safety of the public. As required by the dismantling order dated January 24, 1973, Gulf Oil Corp. has submitted a report dated March 15, 1973, on radiation surveys of the facility which the Commission finds satisfactory.

Accordingly, pursuant to the applications dated September 21, 1972, and December 19, 1972, from Gulf Oil Corp., Facility License No. R-104 is hereby terminated as of the date of this letter.

Dated at Bethesda, Md., this 20th day of April 1973.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Operating
Reactors, Directorate of Licensing.

[FR Doc.73-8533 Filed 5-1-73;8:45 am]

SUBCOMMITTEE ON KEWAUNEE NUCLEAR POWER PLANT

Agenda and Notice of Meeting

APRIL 30, 1973.

In accordance with the purposes of section 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Subcommittee on Kewaunee Nu-

clear Power Plant will hold a meeting on May 22, 1973, in room 1046 at 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to (a) review suggested restrictions on operating power levels for this plant (b) review further information developed regarding safety analyses of accidents involving loss of coolant inside and outside of containment. The Kewaunee plant is located in Carlton, Wis.

The following constitutes that portion of the subcommittee's agenda for the above meeting which will be open to the public: Tuesday, May 22, 1973, 9:30 a.m.-3:30 p.m. Presentations by the regulatory staff and applicant and discussions with these groups regarding the accident analyses referenced above and the suggested restrictions on operating power levels. Also, approved oral statements by the public (if any) will be made during the afternoon portion of the public session. In connection with the above agenda item, the subcommittee will hold an executive session at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the subcommittee members and internal deliberations and formulation of recommendations to the ACRS. In addition, prior to the executive session at the end of the day, the subcommittee may hold a closed session with the regulatory staff and applicant to discuss privileged information relating to nuclear fuel design, if necessary.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that a closed session may be held, if necessary, to discuss certain documents which are privileged, and fall within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than May 15, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the application for an operating license and related documents on file and

available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wis.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements, concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the subcommittee. To the extent that the time available for the meeting permits, the subcommittee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on the day of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been canceled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on May 18, 1973, to the office of the executive secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m., e.d.t.

(e) Questions may be propounded only by members of the subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) Copies of minutes of public sessions will be made available for inspection on or after July 6, 1973, at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies may be obtained upon payment of appropriate charges.

JOHN V. VINCIGUERRA,
Advisory Committee
Management Officer.

[FR Doc.73-8691 Filed 5-1-73; 8:45 am]

[Dockets Nos. 50-404 and 50-405]

VIRGINIA ELECTRIC AND POWER CO.

Order for Evidentiary Hearing

APRIL 27, 1973.

It is hereby ordered, That the initial session of the evidentiary hearing in this proceeding shall convene at 10 a.m. local time on May 7, 1973, in the circuit courtroom, Louisa County Courthouse, Louisa, Va.

All persons who have requested limited appearances will be afforded an opportunity to state their views on the first day of the hearing, or at such other times as the atomic safety and licensing board may for good cause designate.

The following agenda will in general be followed:

1. Disposition of preliminary matters raised by the atomic safety and licensing board;

2. Opening statements of the parties;
3. Statements by persons permitted to make limited appearances;
4. Disposition of preliminary motions of the parties and related matters;
5. Introduction of testimony;
6. Questioning of witnesses by parties and by the atomic safety and licensing Board.
7. Closing matters.

Dated this 27th day of April 1973, at Fredericksburg, Va.

By the Atomic Safety and Licensing Board.

SIDNEY G. KINGSLEY,
Chairman.

[FR Doc.73-8692 Filed 5-1-73; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25137; Order 73-4-102]

ALLEGHENY AIRLINES, INC.

Service to Glens Falls, N.Y.; Order Denying Application for Order To Show Cause and Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of April 1973.

On January 18, 1973, Allegheny Airlines, Inc. (Allegheny), filed an application to delete Glens Falls, N.Y., as a separate intermediate point on segment 33 of Allegheny's route 97 and to redesignate the points Glens Falls and Albany, N.Y., on segment 33, as Albany-Glens Falls, N.Y. (to be served through the Albany County Airport). In addition, Allegheny filed a petition requesting the Board to issue an order to show cause why its application in docket 25137 should not be granted.¹

Answers in opposition to Allegheny's application and petition were filed by the New York State Department of Transportation and the County of Warren, N.Y.

In support of its application, Allegheny alleges, inter alia, that Glens Falls has always been a poor traffic generating point in spite of a high level of service, and that termination of service at the Glens Falls airport would provide an economic improvement of approximately \$69,000 including the reduction in Allegheny's return and tax requirement.

The New York State Department of Transportation and Warren County argue, inter alia, that the entire Adirondacks area would be adversely affected if the Allegheny's service to the Glens Falls airport is terminated; that the carrier has not provided satisfactory service; that Allegheny should receive subsidy to provide service to Glens Falls; and that a

¹ The authority to serve Glens Falls, on a north-south routing over what is now segment 33 on Allegheny's system (New York/Newark-Albany-Glens Falls-Rutland-Saranac Lake/Lake Placid-Burlington-Plattsburgh-Ogdensburg/Massena), was transferred from Eastern Air Lines to Allegheny's predecessor, Mohawk Airlines, in the Eastern-Mohawk Transfer Case, 34 C.A.B. 274 (1961). Mohawk began service at Glens Falls in 1956 on an east-west routing, but the carrier's authority to provide that service was terminated in 1965 in service to Glens Falls, N.Y., 43 C.A.B. 1 (1965).

hearing is required to develop a full and complete evidentiary record on the matters raised by Allegheny's application.

Upon consideration of the pleadings and all the relevant facts, we have decided to deny Allegheny's request for a show cause order, and set for hearing Allegheny's application to delete Glens Falls as a separate point and redesignate it as a hyphenated point with Albany. The civic parties oppose the application and we believe that under all the circumstances it is appropriate to consider on an evidentiary record all the matters raised by Allegheny's application.

Accordingly, it is ordered, That:

1. The motion of Allegheny Airlines, Inc., for an order to show cause, be and it hereby is denied;

2. The application of Allegheny Airlines, Inc., in docket 25137, be and it hereby is set for hearing at a time and place to be hereafter designated;² and

3. A copy of this order shall be served upon Allegheny Airlines, Inc.; the mayors of the cities of Glens Falls and Albany, N.Y.; the County of Warren, N.Y.; Governor, State of New York; the New York State Department of Transportation; the Warren County Airport; and the U.S. Postal Service.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-8562 Filed 5-1-73; 8:45 am]

[Docket No. 25402; Order 73-4-100]

FRONTIER AIRLINES, INC.

Cancellation of Military Standby Fares in Noncompetitive Markets; Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of April 1973.

By tariff revisions marked to become effective April 29, 1973,¹ Frontier Airlines, Inc. (Frontier) proposes to cancel its military standby fares in all of its noncompetitive markets. Military standby fares will be retained by Frontier in competitive markets and military reservation fares (which reflect a 33 1/3-percent discount), will continue to be available throughout Frontier's system.

The Secretary of the Army has filed a complaint on behalf of the U.S. Department of Defense (DOD) requesting its suspension and investigation. The complaint alleges that the proposed cancel-

¹ The hearing shall determine whether the public convenience and necessity require that Allegheny's certificate be altered, amended, or modified so as to (1) suspend or delete Glens Falls, N.Y., and/or (2) redesignate Albany, N.Y., as Albany-Glens Falls, N.Y., with service to be provided through the Albany Airport. As an alternative to amending Allegheny's certificate, we shall place in issue whether the public interest requires the temporary suspension of service by Allegheny, with or without conditions.

² Revisions to Airline Tariff Publishers, Inc., agent, CAB No. 136.

lation will create a very real and unjust burden on military personnel; that armed forces personnel do not receive sufficient remuneration to permit them to travel by air at full fares; that because of the time element air travel is often the only mode of transportation suitable for short furloughs; and that military fares provide an excellent public relations and advertising conduit for the airlines and hence generate future full-fare traffic. The complaint further alleges that by allowing Frontier to cancel these fares the Board will, in effect, be encouraging other carriers to make similar proposals.

Upon consideration of the proposal, the complaint and all other relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant investigation, and the request therefor, and accordingly the request for suspension, will be denied and the complaint dismissed.

Frontier's proposal is not unique to the local service industry since several carriers do not presently offer military standby fares. In view of Frontier's continuing subsidized status and the fact that special reservation fares for the military will continue to be available at a significant discount in markets where Frontier would cancel its military standby fares, we are unable to conclude that its proposal is unreasonable.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. The complaint of the Department of Defense in docket 25402 is dismissed; and
2. A copy of this order be served upon Frontier Airlines, Inc., and the Department of Defense.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-8563 Filed 5-1-73; 8:45 am]

[Dockets Nos. 22364, 25474; Order 73-4-117]

**U.S. MAINLAND-HAWAII FARES
Hawaii Fares Investigation; Order**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of April 1973.

On March 30, 1973, Pan American World Airways, Inc. (Pan American), filed a petition requesting that the Board revoke order 72-5-100, which prescribes regular fares in the U.S. mainland-Hawaii markets, so as to permit the filing of tariffs increasing fares in the west coast-Hawaii market.

Pan American asserts that it as well as other carriers continue to suffer large losses in Hawaiian service, and that an increase in fares is essential. Pan American states that in 1972 it sustained an operating loss in its west coast-Hawaii service of \$5.6 million in spite of a 56.2-

percent passenger load factor, and alleges that at current fare levels it anticipates an operating loss for the year ending June 30, 1974, of \$10.4 million.

Pan American also contends that the Board's evaluation of the discount-fare situation in order 72-11-31 does not accurately reflect usage of these fares in the west coast-Hawaii markets.¹ It further alleges that the wide use of discount fares from interior markets is both appropriate and reasonable due to the longer hauls involved (and thus the need for lower fares to encourage travel) and the developmental stage of these markets. Pan American alleges that the carriers are faced with a problem of limited traffic growth and market development, and that the continued availability of discount fares is warranted and not a reasonable basis for precluding needed regular fare increases.²

Pan American challenges the Board's premise in denying the carriers' request for a regular fare increase last fall (order 72-11-31). In that order, the Board indicated its concern with the discount fare/regular fare relationship in the Hawaiian market, both in terms of the dollar level of discount fares and the proportion of discount-fare traffic to total traffic. It was the Board's belief at that time that the carriers should take those remedial actions within their powers before turning to the Board for basic fare increases. Since issuance of order 72-11-31, most carriers have attempted to effectuate substantive discount-fare revisions but competitive forces have necessitated withdrawal of those proposals.

While Pan American's experience with discount fares may differ somewhat from the data upon which we relied in order 72-11-31, it does not alter our opinion that the growing use of discount fares in recent years has had a significantly debasing effect on fare yield and has contributed to carrier losses. Nevertheless, detailed information on traffic patterns in the mainland-Hawaii market, upon which to base a definitive judgment are not now available, and we conclude that an investigation of the level of discount fares and their relationship to normal fares should now be undertaken.

Several factors lead us to the conclusion that this investigation should also encompass a reexamination of our decision in docket 22364 with respect to

¹ The carrier submits that, while the Board relied on an analysis of traffic during the first 6 months of 1972 which showed that 51 percent of coach and economy traffic traveled on discount fares, its own experience during this period indicated that discount-fare travel accounted for only 38 percent of this traffic.

² Continental Air Lines, Inc., and Western Air Lines, Inc., have filed answers in support of Pan American's petition. United Air Lines, Inc., has filed an answer which, although supporting the ultimate objective of the petition, requests its denial as unnecessary to achieve the normal tariff filing environment. Hawaiian Airlines, Inc., and Aloha Airlines, Inc., have filed joint comments with respect to the common-fare requirement, and take no position on the issue of fare increases.

normal fare levels. The fares which were prescribed in order 72-5-100 were estimated to produce an overall combined rate of return for Braniff, Continental, Pan American, United, and Western, of 4.2 percent for the forecast year ended June 30, 1971. This return has not been achieved and, in fact, most carriers have been sustaining significant operating losses in the intervening years. Further, based reflected little in the way of actual experience under the new market conditions stemming from certification of additional competitive service in 1969. The pattern of competitive services has now been relatively stable for a period of several years and we should be in a better position to evaluate the revenue need in this market.

Moreover, the cost data used to develop the forecast in docket 22364 were based on experienced results for the year ended June 30, 1970. There can be little doubt that costs in this market have followed the general rising trend being sustained in overall domestic operations. In addition, we perceive no reason at this time why normal fare levels in the mainland-Hawaii markets should not be reevaluated in light of the ratemaking principles established in the various phases of the domestic Passenger-Fare Investigation.

In summary, it is our view that the outdated state of economic data upon which the decision in docket 22364 was based, the subsequent establishment of various ratemaking principles in the Domestic Passenger-Fare Investigation and the substantially changed market conditions which have evolved since the case was tried, warrant revocation of the normal fare levels prescribed in order 72-5-100, and institution of an investigation of the level of regular fare and the level and structure of discount fares in the U.S. mainland-Hawaii market.

Aspects of the regular fare structure were extensively litigated in the previous U.S. mainland-Hawaii fares case and there appears to be no need to litigate them again. These issues are the relationship between second- and third-class fares, charges for in-flight amenities, and consideration of regular fares for services between interior U.S. points and Hawaii. These issues will accordingly be excluded from consideration in the investigation ordered herein.³

Accordingly, upon consideration of the foregoing, and all other relevant matters,

It is ordered, That:

1. That part of order 72-5-100 which prescribes the level of first-, second-, and third-class regular fares in the U.S. mainland-Hawaii market is hereby revoked;
2. Exceptions to the preceding ordering paragraph may be filed and served on or before the 15th day after date of service of this order. Such exceptions

³ Of course, the scope of the proceeding is subject to modification in the light of any petitions for reconsideration which may be filed.

shall set forth specific objections to the revocation, in part, of order 72-5-100 and the grounds in support thereof. If no exceptions are filed within said 15-day period, ordering paragraph 1 shall become final without further order of the Board. If exceptions are filed within said 15-day period, further proceedings in connection therewith shall be conducted in such manner as the Board may deem appropriate;

3. An investigation is instituted to determine whether the level of regular fares, the relationship of first-class fares to second-class fares, and the level and structure of discount fares in the U.S. mainland-Hawaii market and rules, regulations, or practices affecting such fares and provisions are 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, and practices affecting such fares and provisions;

4. Except to the extent granted herein, the petition of Pan American World Airways filed in docket 22364 is dismissed; and

5. Copies of this order be served upon American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., who are hereby made parties to the investigation ordered herein, and upon all parties to docket 22364.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-8564 Filed 5-1-73; 8:45 am]

COMMISSION ON THE BANKRUPTCY LAWS OF THE UNITED STATES

NOTICE OF MEETINGS

The Commission on the Bankruptcy Laws of the United States will meet between the hours of 10 a.m. and 5 p.m. on May 17, 1973, in the law library of the Rayburn House Office Building and between those same hours on May 18 and 19, in room 2148 of the Rayburn Building. Unresolved questions concerning the proposed chapters on reorganizations, the bankruptcy court, the initiation of proceedings, the allowance and priority of claims, and the collection and liquidation of estates will be considered.

FRANK R. KENNEDY,
Executive Director.

[FR Doc.73-8529 Filed 5-1-73; 8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST OF 1973

Notice of Proposed Deletions

Notice is hereby given pursuant to section 2(a)(2) of Public Law 92-28, 85 Stat. 79, of the proposed deletion of the following commodities from Procurement List 1973, March 12, 1973 (38 FR 6742).

COMMODITIES

CLASS 7920

Broom, Upright:
7920-292-2368
7920-292-2369
7920-292-4370
Brush, Sanitary:
7920-141-5450

Comments and views regarding these proposed deletions may be filed with the Committee on or before May 31, 1973. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-8688 Filed 5-1-73; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

PROTECTION OF NATION'S WETLANDS Policy Statement

Purpose.—The purpose of this statement is to establish EPA policy to preserve the wetland ecosystems and to protect them from destruction through waste water or nonpoint source discharges and their treatment or control or the development and construction of waste water treatment facilities or by other physical, chemical, or biological means.

The wetland resource.—a. Wetlands represent an ecosystem of unique and major importance to the citizens of this Nation and, as a result, they require extraordinary protection. Comparable destructive forces would be expected to inflict more lasting damage to them than to other ecosystems. Through this policy statement, EPA establishes appropriate safeguards for the preservation and protection of the wetland resources.

b. The Nation's wetlands, including marshes, swamps, bogs, and other low-lying areas, which during some period of the year will be covered in part by nat-

ural nonflood waters, are a unique, valuable, irreplaceable water resource. They serve as a habitat for important fur-bearing mammals, many species of fish, and waterfowl. Such areas moderate extremes in waterflow, aid in the natural purification of water, and maintain and recharge the ground water resource. They are the nursery areas for a great number of wildlife and aquatic species and serve at times as the source of valuable harvestable timber. They are unique recreational areas, high in aesthetic value, that contain delicate and irreplaceable specimens of fauna and flora and support fishing, as well as wildfowl and other hunting.

c. Fresh-water wetlands support the adjacent or downstream aquatic ecosystem in addition to the complex web of life that has developed within the wetland environment. The relationship of the fresh-water wetland to the subsurface environment is symbiotic, intricate, and fragile. In the tidal wetland areas the tides tend to redistribute the nutrients and sediments throughout the tidal marsh and these in turn form a substrate for the life supported by the tidal marsh. These marshes produce large quantities of plant life that are the source of much of the organic matter consumed by shellfish and other aquatic life in associated estuaries.

d. Protection of wetland areas requires the proper placement and management of any construction activities and controls of nonpoint sources to prevent disturbing significantly the terrain and impairing the quality of the wetland area. Alteration in quantity or quality of the natural flow of water, which nourishes the ecosystem, should be minimized. The addition of harmful waste waters or nutrients contained in such waters should be kept below a level that will alter the natural, physical, chemical, or biological integrity of the wetland area and that will insure no significant increase in nuisance organisms through biostimulation.

Policy.—a. In its decision processes, it shall be the Agency's policy to give particular cognizance and consideration to any proposal that has the potential to damage wetlands, to recognize the irreplaceable value and man's dependence on them to maintain an environment acceptable to society, and to preserve and protect them from damaging misuses.

b. It shall be the Agency's policy to minimize alterations in the quantity or quality of the natural flow of water that nourishes wetlands and to protect wetlands from adverse dredging or filling practices, solid waste management practices, siltation or the addition of pesticides, salts, or toxic materials arising from nonpoint source wastes and through construction activities, and to prevent

violation of applicable water quality standards from such environmental insults.

c. In compliance with the National Environmental Policy Act of 1969, it shall be the policy of this Agency not to grant Federal funds for the construction of municipal waste water treatment facilities or other waste-treatment-associated appurtenances which may interfere with the existing wetland ecosystem, except where no other alternative of lesser environmental damage is found to be feasible. In the application for such Federal funds where there is reason to believe that wetlands will be damaged, an assessment will be requested from the applicant that delineates the various alternatives that have been investigated for the control or treatment of the waste water, including the reasons for rejecting those alternatives not used. A cost-benefit appraisal should be included where appropriate.

d. To promote the most environmentally protective measures, it shall be the EPA policy to advise those applicants who install waste treatment facilities under a Federal grant program or as a result of a Federal permit that the selection of the most environmentally protective alternative should be made. The Department of the Interior and the Department of Commerce will be consulted to aid in the determination of the probable impact of the pollution abatement program on the pertinent fish and wildlife resources of wetlands. In the event of projected significant adverse environmental impact, a public hearing on the wetlands issue may be held to aid in the selection of the most appropriate action, and EPA may recommend against the issuance of a section 10 Corps of Engineers permit.

Implementation.—EPA will apply this policy to the extent of its authorities in conducting all program activities, including regulatory activities, research, development and demonstration, technical assistance, control of pollution from Federal institutions, and the administration of the construction and demonstration grants, State program grants, and planning grants programs.

WILLIAM D. RUCKELSHAUS,
Administrator.

MARCH 20, 1973.

[FR Doc.73-8579 Filed 5-1-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP73-280]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

APRIL 25, 1973.

Take notice that on April 17, 1973, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in docket No. CP73-280 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to continue sales of natural gas in interstate commerce to Arkansas Louisiana Gas

Co. and H. L. Hunt, et al., from the North Lansing Field, Harrison County, Tex., heretofore made by small producer certificate holders, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to continue the following sales:

Small producer	Certificate docket No.	Price (cents per M ft ³ at 14.65 lb/in ² a)	Buyer
Bert Fields, Jr.	C866-122....	13.4924	Arkansas Louisiana Gas Co.
Bert Fields, Jr.	C866-122....	16.7835	H. L. Hunt et al.
David A. Wilson.	C872-416....	20.1	Arkansas Louisiana Gas Co. Do.
Gladstone Gasoline Co.	C871-832....	20.1	Do.
Kewanee Oil Co.	C866-12....	13.4924	Do.
Do	C866-12....	20.1	Do.
Elizabeth F. Dorfman Trust.	C872-406....	20.1	Do.
Mrs. D. W. Neustadt.	C872-838....	20.1	Do.
Grady H. Vaughn III et al.	C866-14....	16.7835	H. L. Hunt et al.
Lechner & Hubbard.	C871-392....	16.7835	Do.

Applicant states that it is willing to accept authorization to continue sales at the area rates where the contract rates are in excess of the area rates.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 15, 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) and the regulations under the Natural Gas Act (18 CFR 157.10). 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 person 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.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8398 Filed 4-30-73;8:45 am]

[Docket No. CP72-233]

NATURAL GAS PIPELINE CO. OF AMERICA; SABINE PASS PROJECT

Notice of Availability of Final Environmental Impact Statement

MAY 1, 1973.

Notice is hereby given in the captioned docket that on May 1, 1973, as required by § 2.82(b) of Commission Order No. 415-C, a final environmental statement prepared by the staff of the Federal Power Commission, was made available. This statement deals with the environmental impact in the proceeding under docket No. CP72-233, Natural Gas Pipeline Co. of America for certificate of public convenience and necessity under section 7(c) of the Natural Gas Act for construction of approximately 27 miles of 16-inch pipeline, a side tap connection on an existing natural gas transmission pipeline of the applicant in the area, measurement facilities and miscellaneous appurtenant facilities, including a liquid removal facility. All construction would occur in the Sabine Pass area of Texas, near Port Arthur, Tex.

This statement has been sent to the Council on Environmental Quality and to Federal, State, and local agencies, has been placed in the public files of the Commission's Office of Public Information, room 2523, General Accounting Office Building, 441 G Street NW., Washington, D.C., and at its regional office located at 819 Taylor Street, Fort Worth, Tex. Copies may be ordered from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

A staff draft environmental impact statement was circulated for comments on March 27, 1973. The Commission found that it was necessary and appropriate in the public interest to dispense with the 45-day-time period for review and comment and shortened the period to 30 days to afford the Commission the opportunity to decide in as expeditious manner as possible if the merits of this application serve the public convenience and necessity.

The 30-day period for comment expired on April 26, 1973. All comments received are attached to the final environmental impact statement in accordance with § 2.82(b) of Commission Order No. 415-C.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8641 Filed 5-1-73;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST FINANCIAL CORP.

Acquisition of Bank

First Financial Corp., Tampa, Fla., has applied for the Board's approval under

section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire not less than 80 percent of the voting shares of The Lewis State Bank, Tallahassee, Fla., and The Gulf National Bank, Tallahassee, Fla., a proposed new bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications 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 applications 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 May 21, 1973.

Board of Governors of the Federal Reserve System, April 24, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.
[FR Doc.73-8512 Filed 5-1-73;8:45 am]

PATAGONIA CORP.

Order Approving Acquisition of Creditel Corp.

Patagonia Corp., Tucson, Ariz., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the act and § 225.4(b)(2) of the Board's Regulation Y, to acquire through its subsidiary, Model Finance Co., all of the voting shares of Creditel Corp. of Nebraska No. 1, Omaha; Creditel Corp. of Nebraska No. 2, Omaha; and Creditel Corp. of Nebraska No. 4, Columbus; all located in the State of Nebraska and each of which is a wholly owned subsidiary of Creditel Corp., Omaha, Nebr. Creditel Corp. through these subsidiaries engages in the activities of making, acquiring, or servicing loans or other extensions of credit for personal, family, or household purposes, and acts as insurance agent or broker in selling credit life, accident and health insurance, and property damage insurance for collateral supporting loans to borrowers from these finance subsidiaries. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1), (3) and (9)(ii)(a)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 1964). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the act (12 U.S.C. 1843(c)(8)).

On the basis of the record, the application is approved for the reasons set forth in the Board's statement,¹ which

¹ Statement issued Apr. 23, 1973, and filed as part of the original document, along with a concurring statement of Governor Daane. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of San Francisco.

will be released at a later date. This determination is subject to the conditions set forth in § 225.4(c) of regulation Y and to the Board's authority to require such modification or termination of the activities of the 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,² effective March 30, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.
[FR Doc.73-8513 Filed 5-1-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

ISLAND CREEK COAL CO.

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. 20139, Island Creek Coal Co., Guyan No. 1 mine, USBM ID No. 46 01383 0, Amherstdale, W. Va., section ID No. 003 (cross country barriers), section ID No. 004 (1 west barriers).
- (2) ICP docket No. 20144, Island Creek Coal Co., No. 9-E mine, USBM ID No. 46 01539 0, Coal Mountain, W. Va., section ID No. 002 (3d west mains), section ID No. 003 (2½ west 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 on or before May 17, 1973. 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.

APRIL 26, 1973.
[FR Doc.73-8516 Filed 5-1-73;8:45 am]

NATIONAL ADVISORY COUNCIL ON SUPPLEMENTARY CENTERS AND SERVICES

NOTICE OF PUBLIC MEETING

Notice is hereby given, pursuant to Public Law 92-463, that the next meeting of the National Advisory Council on

² Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, and Brimmer. Absent and not voting: Chairman Burns and Governors Sheehan and Bucher.

Supplementary Centers and Services will be held on May 8, 1973, from 2 to 5 p.m., in the Director's room, the Shoreham Hotel, Connecticut Avenue and Calvert Street NW., Washington, D.C.

The National Advisory Council on Supplementary Centers and Services is established under section 309 of Public Law 91-230. The Council is directed to:

(1) Review the administration of, general regulations for, and operation of this title, including its effectiveness in meeting the purposes set forth in section 303;

(2) Review, evaluate, and transmit to the Congress and the President the reports submitted pursuant to section 305 (a)(2)(E);

(3) Evaluate programs and projects carried out under this title and disseminate the results thereof; and

(4) Make recommendations for the improvement of this title, and its administration and operation.

The meeting of the committee shall be open to the public. Records shall be kept of all Council proceedings (and shall be available for public inspection at the office of the Council's Executive Secretary, located in room 818, 2100 Pennsylvania Avenue NW., Washington, D.C.).

Signed at Washington, D.C., on April 24, 1973.

GERALD J. KLUEMPKE,
Executive Secretary.
[FR Doc.73-8530 Filed 5-1-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-37]

MEDICAL ISOTOPES ADVISORY SUBCOMMITTEE OF THE JOHNSON SPACE CENTER RADIATION SAFETY COMMITTEE

Notice of Public Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Medical Isotopes Advisory Subcommittee will be held on May 3, 1973, from 2 p.m. to 5 p.m., in room 135, building 1, Johnson Space Center, Houston, Tex. 77058.

This is the first meeting of the Subcommittee for calendar year 1973. The meeting will be open to the public; however, a limited number of seats will be available. Any member of the public wishing to attend the meeting should contact Mr. J. Vernon Bailey, executive secretary, 713-483-3419.

The agenda for the meeting is as follows:

- 2:00 p.m.-2:30 p.m.—Review committee actions of 1972.
- 2:30 p.m.-3:00 p.m.—Review of qualifications of persons requesting authorization for use of byproduct material under Johnson Space Center license.
- 3:00 p.m.-3:30 p.m.—Review of applications for amendment of the Johnson Space Center byproduct material license for human use in order to provide for the general applicability to manned space flight programs.
- 3:30 p.m.-4:30 p.m.—Final review of plans for using radioactive material in medical experiments (M-073, M-078, M-093, M-113) to be conducted during the first Skylab mission (SL-2, SL-3).

4:30 p.m.-5:00 p.m.—Formulations of recommendations to Johnson Space Center Radiation Safety Committee.

DR. HOMER E. NEWELL,
Associate Administrator, National
Aeronautics and Space
Administration.

APRIL 26, 1973.

[PR Doc.73-8555 Filed 5-1-73;8:45 am]

TARIFF COMMISSION

[337-L-60]

PFIZER INC., NEW YORK, N.Y.

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on April 13, 1973, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by Pfizer Inc., New York, N.Y., alleging unfair methods of competition and unfair acts in the importation and sale of doxycycline which is embraced within the claims of U.S. Patents Nos. 2,984,686, 3,109,007, 3,165,531, 3,200,149, 3,397,231, 3,444,198, and 3,484,483. The complaint names International Rectifier Corp. 9220 Sunset Boulevard, Los Angeles, Calif., and its subsidiary Rachele Laboratories, Inc., 700 Henry Ford Avenue, Long Beach, Calif.; and USV Pharmaceutical Corp., 1 Scarsdale Road, Tuckahoe, N.Y. 10707, a subsidiary of Revlon, Inc., 767 Fifth Avenue, New York, N.Y. 10022, as either importing or offering for sale the subject product.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the issues raised in the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary exclusion from entry under section 337 (f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in room 437 of the customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than June 11, 1973. Extensions of time for submitting information will not be granted unless good and sufficient cause is shown thereon. Such information should be sent to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436. A signed original and 19 true copies of each document must be filed.

Issued April 27, 1973.

By order of the Commission.

[SEAL]

KENNETH R. MASON,
Secretary.

[PR Doc.73-8582 Filed 5-1-73;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

AD HOC ADVISORY TASK FORCE ON REVISION OF THE OCCUPATIONAL SAFETY AND HEALTH RECORDKEEPING SYSTEM

Notice of Meeting

Notice is hereby given of a meeting to be held by the above named advisory group established to assist in improving the recordkeeping provisions of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657 and 673).

The meeting will begin at 10 a.m. on May 7, 1973, in room 2106 of the General Accounting Office Building, 441 G Street NW., Washington, D.C. The agenda will include discussion and evaluation of possible changes in the recordkeeping forms and regulations.

Members of the public are invited to attend the proceedings.

Written comments concerning the subjects to be considered will be provided to the group if submitted at the meeting or mailed prior thereto, to the following address:

Thomas J. McArdle, Assistant Commissioner of Labor Statistics for Occupational Safety and Health, U.S. Department of Labor, Washington, D.C. 20210.

Interested persons wishing to address the group at the meeting will be permitted to request to be heard at the commencement of the meeting. Thereafter the chairman will announce the extent to which time will permit the granting of such requests.

Signed at Washington, D.C., this 26th day of April 1973.

THOMAS J. McARDLE,
Assistant Commissioner
of Labor Statistics.

[PR Doc.73-8687 Filed 5-1-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 233]

ASSIGNMENT OF HEARINGS

APRIL 27, 1973.

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

MC 126625 sub 11, Murphy Surf-Air Trucking Co., Inc., now assigned May 24, 1973, at Columbus, Ohio is postponed indefinitely.

MC 124083 sub 44, Skinner Motor Express, Inc., now assigned May 15, 1973, will be held in room 903, State Office Building, 100 North Senate Avenue, Indianapolis, Ind.
MC 108461 sub 120, Whitfield Transportation, Inc., now assigned May 21, 1973, will be held at the New Mexico Motor Carriers Association, 1500 Hennett Avenue NE., Albuquerque, N. Mex.
MC 97357 sub 45, Allyn Transportation Co., Extension-Fuel Oil, MC 133315 sub 2, Asbury System Extension-Fuel Oil, now assigned May 22, 1973, at Phoenix, Ariz., will be held at the Oil and Gas Commission, 4515 North Seventh Avenue.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[PR Doc.73-8584 Filed 5-1-73;8:45 am]

[Notice 262]

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 May 21, 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-74378. By order of April 20, 1973, the Motor Carrier Board approved the transfer to Hazard Express, Inc., Hazard, Ky., of Certificates of Registration No. MC-58777 (sub-No. 2) and MC-58777 (sub-No. 3) issued September 11, 1967, and August 26, 1970, respectively to Thomas C. Johnson, doing business as Hazard Express, Hazard, Ky., evidencing a right to engage in transportation in interstate commerce as described in Certificate of Convenience and Necessity No. 236 dated January 7, 1955, and amended December 2, 1969, issued by the Kentucky Department of Motor Transportation. George M. Catlett, 703 McClure Building, Frankfort, Ky. 40601, attorney for applicants.

No. MC-FC-74379. By order entered April 19, 1973, the Motor Carrier Board approved the transfer to W. W. Lynch, Inc., Long Beach, Calif., of the operating rights set forth in Certificate of Registration No. MC-96748 (sub-No. 1), issued February 24, 1965, as amended June 9, 1971, to reflect the carrier's corporate name as Silver Fleet, Inc., evidencing a right to engage in operations in inter-

state commerce in the transportation of general commodities, with certain exceptions, between all points in the Los Angeles territory, Milton W. Flack, 4311 Wilshire Boulevard, Los Angeles, Calif. 90010, attorney for applicants.

No. MC-FC-74382. By order of April 19, 1973, the Motor Carrier Board approved the transfer to Vincent Scalzo, Jr., doing business as Alert Moving & Storage, Philadelphia, Pa., of the operating rights in Certificate No. MC-93489 issued August 17, 1959, to Albert L. Longstreet, doing business as Alert Storage, Philadelphia, Pa., authorizing the transportation of household goods between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, Connecticut, Rhode Island, Massachusetts, New York, Delaware, Maryland, and the District of Columbia. Edwin L. Scherlis, 1209 Lewis Tower Building, 15th and Locust Streets, Philadelphia, Pa. 19102, attorney for applicants.

No. MC-FC-74383. By order of April 20, 1973, the Motor Carrier Board approved the transfer to Midwestern Transfer, Union, N.J., of permit No. MC-129950 issued October 16, 1969, to Frank E. Howell, Cleona, Pa., authorizing the transportation of metal doors and metal door frames from the plantsite of Pioneer Industries, Inc., at Carlstadt, N.J., to points in Pennsylvania (except points in Philadelphia, Bucks, Montgomery, Berks, Lehigh, Northampton, and Carbon Counties), Ohio, Maryland, Delaware, West Virginia, and the District of Columbia. Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102, and Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101, attorneys for applicants.

No. MC-FC-74384. By order entered April 20, 1973, the Motor Carrier Board approved the transfer to Daniels Moving & Storage, Inc., Milton, Mass., of the operating rights set forth in Certificate No. MC-3518, issued May 22, 1967, to Adalyn R. Daniels, doing business as Daniels Moving & Trucking, Natick, Mass., authorizing the transportation of household goods, as defined by the Commission, between Natick, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, and Connecticut; and corrugated paper, from Natick, Mass., to Wilton, N.H., and Providence, R.I. Joseph A. Kline, 31 Milk Street, Boston, Mass. 02109, attorney for applicants.

No. MC-FC-74388. By order of April 14, 1973, the Motor Carrier Board approved the transfer to Thomas R. Andersen, doing business as North St. Paul Transfer, North St. Paul, Minn., of the operating rights in Certificate No. MC-26789 issued October 23, 1967, to Kenneth G. Andersen and Thomas R. Andersen a partnership, doing business as North St. Paul Transfer, North St. Paul, Minn., authorizing the transportation of general commodities, with exceptions, between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, North St. Paul, Minn., and points in Min-

nesota within 15 miles thereof. Charles A. Johnson, 510 Northwestern National Bank, St. Paul, Minn., 55101 attorney for applicants.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-8590 Filed 5-1-73;8:45 am]

[Notice 54]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 25, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a (a) of the Interstate Commerce Act provided for under the new rules of Ex parte No. MC-87 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and 6 copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5227 (sub-No. 7 TA), filed April 16, 1973. Applicant: ECONOMY MOVERS, INC., Box 201, Mead, Nebr. 68041. Applicant's representative: Gailyn L. Larsen, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Chicago, Ill., and its commercial zone; Des Plaines, Ill.; East Chicago, Ind.; Joliet, Ill.; Portage, Ind.; Burns Harbor, Ind.; and Gary, Ind., to points in Iowa and Nebraska, for 180 days. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 13134 (sub-No. 31 TA), filed April 17, 1973. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Ohio

State Route No. 93 North, Oak Hill, Ohio 45656. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, in bulk, from Wadsworth, Ohio, to Bridgeport, Conn.; Baltimore, Md.; and Hopedale, Mass., for 180 days. Supporting shipper: International Minerals and Chemical Corp., Libertyville, Ill. 60048, attention: Edward J. Walz, senior motor service analyst. Send protests to: H. R. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 49849 (sub-No. 1 TA), filed April 17, 1973. Applicant: TRIBOROUGH TRANSPORTATION CORP., 116 Kent Avenue, Brooklyn, N.Y. 11211. Applicant's representative: Leo Luckman (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Flour*, in 100-pound bags, from Clifton, N.J., to New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., for 180 days. Supporting shipper: Louis Hackmeyer, Inc., 38-08 Bell Boulevard, Bayside, N.Y. 11361. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 50069 (sub-No. 461 TA), filed April 16, 1973. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid mold release products*, in bulk, in tank vehicles, from Howell, Mich., to Greenfield, Ohio, for 180 days. Supporting shipper: Chem-Trend, Inc., 3205 East Grand River, Howell, Mich. 48843. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 52460 (sub-No. 120 TA), filed April 17, 1973. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, P.O. Box 9515, Tulsa, Okla. 74107. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Caustic potash (KOH)*, in tank vehicles, from Tulsa, Okla., and points on the Arkansas and Verdigris Rivers in Oklahoma, to Borger, Tex., for 180 days. Supporting shipper: L. Dean Cox, vice president, KimCo Chemicals, Inc., P.O. Box 880, Sand Springs, Okla. 74063. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 52657 (sub-No. 704 TA), filed April 17, 1973. Applicant: ARCO AUTO

CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis*, in truckaway service, from Durant, Bryan County, Okla., to Bartow, Fla.; El Paso, Tex.; New York, N.Y., commercial zone; Long Island, N.Y.; points in Fulton, De Kalb, and Clayton Counties, Ga.; Detroit, Mich., commercial zone, for 30 days. Supporting shipper: Attention: Frank J. Gerdnic, Jr., vice president, Peabody Gallon Corp., 500 Sherman Street, Galion, Ohio 44833. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, room 1086, Chicago, Ill. 60604.

No. MC 55898 (sub-No. 49 TA), filed April 12, 1973. Applicant: HARRY A. DECATO, doing business as DECATO BROS. TRUCKING CO., Heater Road, Lebanon, N.H. 03766. Applicant's representative: David M. Marshall, 135 State Street, Springfield, Maine 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete or in sections, and materials, supplies, or equipment, used or useful in the manufacture or erection of prefabricated buildings, between Grantham, N.H., on the one hand, and, on the other, points in Massachusetts, Connecticut, Vermont, Rhode Island, Florida, Pennsylvania, New York, New Jersey, Maryland, Virginia, Colorado, and North Carolina, for 180 days. Supporting shipper: Yankee Barn Homes, Drawer A, Grantham, N.H. 03753. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 76266 (sub-No. 125 TA), filed April 17, 1973. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. 55114. Applicant's representative: Louis R. Cernjar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furnaces, house heating, hot air, and parts thereof; heaters, other than portable and parts thereof*, from New Berlin, Wis., to Waterloo, Iowa, with service at the intermediate point of Dubuque, Iowa, for 180 days. Supporting shipper: Oven Systems, Inc., New Berlin, Wis. 53151. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 107678 (sub-No. 49 TA), filed April 16, 1973. Applicant: HILL & HILL TRUCK LINE, INC., 14942 Talcott Street, mail: P.O. Box 9698, Houston, Tex. 77015. Applicant's representative: Jay W. Elston, Bank of the Southwest

Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, lumber, lumber products, plywood, plywood products, hardboard, hardboard products, particle board, particle board products, fiber board, fiber board products, poles, and posts*, from points in Montana, Idaho, Washington, and Oregon, to points in Wyoming, Nebraska, Colorado, Kansas, Missouri, New Mexico, Texas, Oklahoma, Arkansas, and Louisiana, for 180 days. Supporting shippers: Plum Creek Lumber Co., Columbia Falls, Mont. 59912; Kalispell Pole & Timber Co., P.O. Box 1039, Kalispell, Mont. 59901; Forest Products Co., P.O. Box 1039, Kalispell, Mont. 59901; Direct Lumber, Inc. Send protests to: John C. Redus, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 61212, Houston, Tex. 77061.

No. MC 113198 (sub-No. 2 TA), filed April 16, 1973. Applicant: HENRY J. UTERMOEHLN, doing business as UTERMOEHLN BLOCK AND COAL CO., Palmer and North West Street, mailing Drawer N, Arma, Kans. 66712. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Mackle-Clemens Mine No. 22 located approximately 2 miles north and one-fourth mile west of Mulberry, Kans., to the Empire District and Electric Power Plant located approximately 1½ miles north and 1 mile east of Opolis, Kans., but located in Missouri, for 150 days. Supporting shipper: Mackle-Clemens Fuel Co., 320 North Locust, Pittsburg, Kans. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 114045 (sub-No. 380 TA), filed April 4, 1973. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842 (Box zip 75222), Finley and Belt Line Road, Dallas, Tex. 75240. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Chemicals*, in containers, in vehicles equipped with mechanical refrigeration, from the plantsite of the Upjohn Co., Houston, Tex., to points in Iowa, for 180 days.

NOTE.—Applicant does not intend to tack authority.

Supporting shipper: The Upjohn Co., P.O. Box 685, La Porte, Tex. 77571. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, room 13C12, Dallas, Tex. 75202.

No. MC 114211 (sub-No. 192 TA), filed April 16, 1973. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R.

Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from points in Oregon and Washington, to points in North Dakota, South Dakota, Nebraska, Kansas, Iowa, Minnesota, Missouri, Wisconsin, Illinois, and Indiana, for 180 days. Supporting shipper: Weyerhaeuser Co., Tacoma, Wash. 98401. Send protests to: Herbert W. Allen, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 114265 (sub-No. 23 TA), filed April 16, 1973. Applicant: RALPH SHOE-MAKER, doing business as SHOE-MAKER TRUCKING CO., 8624 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh, P.O. Box 7651, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal and compressed auto bodies and parts*, from points in Idaho and Harney County, Oreg., and Walla Walla, Franklin, Benton, Asotin, Whitman, and Garfield Counties, Wash., to McMinnville, Oreg., for 180 days.

NOTE.—Applicant does not intend to tack authority or to interline with any other carrier.

Supporting shipper: Weldon Haney of Auto Salvager, Homedale Road, Caldwell, Idaho. Send protests to: C. W. Campbell, Bureau of Operations, Interstate Commerce Commission, 550 West Fort Street, Box 07, Boise, Idaho 83724.

No. MC 115621 (sub-No. 6 TA), filed April 16, 1973. Applicant: ROCKY MOUNTAIN MOBILE HOME TOWING SERVICE, INC., 2202 Tower Road, Route 3, Aurora, Colo. 80010. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers* designed to be drawn by passenger automobiles, in truckaway service; (B) *prefabricated buildings in sections*; and (C) *campers, camper tops, and motor homes*, between points in Colorado, on the one hand, and, on the other, points in Oklahoma, Kansas, Texas, Missouri, Nebraska, Iowa, South Dakota, Montana, Wyoming, Utah, New Mexico, and Minnesota, restricted against traffic originating at Limon or Stratton, Colo., for 180 days. Supporting shippers: Four Seasons Manufacturing, Inc., 4625 Colorado Boulevard, Denver, Colo. 80216; Elder Equipment Leasing, Inc., P.O. Box 16159, Denver, Colo. 80216; Great Divide Coach Manufacturing, 5155 East 64th Avenue, Commerce City, Colo. 80022; and Century Modular Homes, Inc., P.O. Box 737, Fort Morgan, Colo. 80701. Send protests to: District Supervisor Roger L. Buchanan, 2022 Federal Building, Denver, Colo. 80202.

No. MC 125918 (sub-No. 15 TA), filed April 16, 1973. Applicant: JOHN A.

DIMEGLIO, INC., White Horse Pike, Ancora, N.J. 08037. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Iona, Gloucester County, N.J., to points in Pennsylvania, Maryland, Delaware, Virginia, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, under contract with Grays Ferry Brick Co., Conshohocken, Pa., for 180 days. Supporting shipper: Grays Ferry Brick Co., 129 Fayette Street, Conshohocken, Pa. 19428. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, room 204, Trenton, N.J. 08608.

No. MC 126585 (sub-No. 5 TA), filed April 23, 1973. Applicant: L. BRETON TRANSPORT LTD., Lime Ridge, Quebec, Canada. Applicant's representative: Edwin W. Free, Jr., 25 Keith Avenue, Barre, Vt. 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk and in bags, from ports of entry on the international boundary lines between the United States and Canada located in Maine, New Hampshire, Vermont, and New York, to points in Connecticut, New Jersey, New York, and Rhode Island, for 180 days. Supporting shipper: Dominion Lime, Ltd., Lime Ridge, Quebec. Send protests to: District Supervisor Ross J. Seymour, Interstate Commerce Commission, Bureau of Operations, 424 Federal Building, Concord, N.H. 03301.

No. MC 126738 (sub-No. 5 TA), filed April 16, 1973. Applicant: CENTER DISTRIBUTING CO., a corporation, 78th and Serun, Ralston, Nebr. 68127. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, in containers, *empty containers*, *pallets*, *vendors*, *syrups*, *advertising materials*, *equipment*, and *supplies*, used in the production and distribution of carbonated beverages (except alcoholic or malt beverages), between Warrenton, Mo., on the one hand, and points in Nebraska, Kansas, Oklahoma, Texas, Arkansas, Tennessee, and Kentucky on the other hand, and *return movements*, from points in Nebraska, Kansas, Texas, Oklahoma, Arkansas, Tennessee, and Kentucky, on the one hand, to Warrenton, Mo., on the other, for 180 days. Supporting shipper: Warrenton Products, Inc., Interstate 70, P.O. Box 289, Warrenton, Mo. 63383. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 711, Federal Office Building, Omaha, Nebr. 68102.

No. MC 127539 (sub-No. 28 TA), filed April 16, 1973. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th Street, Tacoma, Wash. 98421. Applicant's representative: George R. LaBissoniere, 130 Andover Park East,

Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Chocolate coating*, from Salinas, Oakdale, and Burlingame, Calif., to the plantsites of Brown and Haley at Tacoma, Wash., and (B) *shelled nuts (almonds)* as a regulated commodity, when moving in mixed loads with Interstate Commerce Commission regulated commodities, from points in Kern, Sacramento, Solano, Sutter, Butte, and Yuba Counties, Calif., to the plantsites of Brown and Haley at Tacoma, Wash., for 180 days. Supporting shipper: Brown & Haley, Box 1596, Tacoma, Wash. 98401. Send protests to: L. D. Boone, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 128375 (sub-No. 93 TA), filed April 16, 1973. Applicant: CRETE CARRIER CORP., Box 249, 1444 Main, Crete, Nebr. 68333. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*: (1) From Erie and Lock Haven, Pa.; Hamilton, Ohio; Oswego, N.Y., and their commercial zones, to points in Alabama, Arkansas (except Little Rock), Colorado, Florida, Idaho, Iowa (except Des Moines, Cedar Rapids, and Sioux City), Kentucky, Louisiana, Minnesota, Mississippi, Missouri (except North Kansas City, Mo.), Montana (except Billings, Mont.), Nebraska (except Omaha and Lincoln), Nevada, New Mexico, North Dakota (except Fargo), Oklahoma (except Oklahoma City and Tulsa, Okla.), South Dakota, Tennessee (except Memphis), Texas (except Dallas and Houston), Utah (except Salt Lake City), and Wyoming; (2) from Indianapolis, Ind., and its commercial zone and points in Ohio (except Hamilton, Ohio), to points in Alabama, Arkansas, Colorado, Florida, Idaho, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Wyoming; (3) from Portland, Oreg., and its commercial zone, to points in Nebraska; and (4) from Pine Bluffs, Ark., and its commercial zone, to Kansas City, Mo., and its commercial zone, and points in Nebraska, for 180 days. Restriction: Traffic destined to Kansas City, Mo., and its commercial zone must be moving on a vehicle having as its final destination, a point in Nebraska and the operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Hammermill Paper Co., Inc. Supporting shipper: Western Paper Co., Division of Hammermill Paper Co., Mid-Continent National Bank Building, 4901 Main Street, Kansas City, Mo. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 128383 (sub-No. 26 TA) (correction), filed January 31, 1973, published in the FEDERAL REGISTER issue of February 22, 1973, and republished as corrected this issue. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, Pa. 19109.

NOTE.—The purpose of this partial republication is to remove Pan American World Airways, Pan Am Building, New York, N.Y. 10017, as sole supporting shipper and add new supporting shippers. The new supporting shippers are: British Overseas Airways Corp., Cargo Building No. 66, J. F. Kennedy International Airport, Jamaica, N.Y. 11430; Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016; Trans-World Shipping Corp., Cargo Building No. 80, J. F. Kennedy International Airport, Jamaica, N.Y. 11430; ABC-ADD Air Freight, 265 West 14th Street, New York, N.Y. 10011; Burlington Northern Air Freight, 145-07 156th Street, Jamaica, N.Y. 11434; BOR-AIR Freight Co., Inc., 351 West 38th Street, New York, N.Y. 10018; Japan Air Lines, Cargo Building No. 263, J. F. Kennedy International Airport, Jamaica, N.Y. 11430; and Forty Four Air Express Systems, Inc., 126-30 37th Avenue, Corona, N.Y. The rest of the application remains the same.

No. MC 133581 (sub-No. 8 TA), filed April 13, 1973. Applicant: HOLDT POTATO CO., INC., Rural Route 2, Red Cloud, Nebr. 68970. Applicant's representative: Harry Holdt (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Harvey, N. Dak., to Red Cloud, Nebr., and points in Arizona, California, Missouri, Kansas, New Mexico, and Oklahoma, for the account of Don Pauley Cheese, Inc., for 180 days. Supporting shipper: Don Pauley, president, Don Pauley Cheese, Inc., Box 686, Manitowoc, Wis. 54220. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 134776 (sub-No. 21 TA), filed April 16, 1973. Applicant: MILTON TRUCKING, INC., P.O. Box 207, Rural Delivery No. 1, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper*, *paper bags*, and *plastic bags*, for the account of Duro Paper Bag Manufacturing Co., from Covington and Ludlow, Ky., to points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, and the District of Columbia, for 180 days. Supporting shipper: Duro Paper Bag Manufacturing Co., Davies & Oak Streets, Ludlow, Ky. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 506 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 135633 (sub-No. 3 TA), filed April 16, 1973. Applicant: NATIONWIDE AUTO TRANSPORTERS, INC., 2185 Lemoine Avenue, Fort Lee, N.J. 07024. Applicant's representative: Harold G. Hernly, Jr., 118 North Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, via driveway service, from McMinnville, Oreg.; Dade City, Fla.; and Elkhart, Ind., to points in the United States (except Alaska and Hawaii), and for returned or damaged shipments, for 180 days. Supporting shippers: (1) Skyline Corp., 2520 By-Pass Road, Elkhart, Ind. 46514; (2) Sheller-Globe Corp., Superior Coach Division, 1200 East Kibby Street, Lima, Ohio 45802; and (3) Campco Corp., 5300 Northwest 165th Street, Hialeah, Fla. 33014. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 136021 (sub-No. 3 TA), filed April 11, 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, and in small containers, and *return of empty containers*: (A) From Sewaren, N.J., and Buffalo, N.Y., to Mundy's Corner, Pa.; (B) from Mundy's Corner, Pa., to Bayard, W. Va.; and (C) from West Brownsville, Pa., to points in Ohio and West Virginia, for 180 days. Supporting shipper: Service Processing Co., P.O. Box 11091, Pittsburgh, Pa. 15237. Send protests to: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 136211 (sub-No. 12 TA), filed April 16, 1973. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., 210 St. Mary's Drive, suite G, P.O. Box 5067, Oxnard, Calif. 93030. Applicant's representative: Robert J. Mildfelt, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New home furnishings, appliances, and recreational equipment*, restricted against the transportation of shipments to retail or commercial enterprises, between Charlotte, N.C., on the one hand, and, on the other, points in Dillon, Marlboro, Chesterfield, Darlington, Florence, Lee, Kershaw, Lancaster, York, Chester, Fairfield, Richland, Lexington, Newberry, Union, Cherokee, Laurens, Spartanburg, and Greenville Counties, S.C., for 180 days. Supporting shipper: Wickes Furniture, Division of The Wickes Corp., Wheeling, Ill. Send protests to: John E. Nance, officer in charge, Interstate Commerce Commission, Bureau of Operations, room

7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 136386 (sub-No. 5 TA), filed April 16, 1973. Applicant: GO LINES, INC., 312 East Van Geisen Avenue, Richland, Wash. 99352. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums, aquarium accessories, supplies, and equipment and household pet cages*, from Benicia, Calif., to points in Montana, Wyoming, Colorado, Texas, New Mexico, Arizona, Utah, Idaho, Oregon, Washington, and Nevada, for 180 days. Supporting shipper: Odell Manufacturing, Inc., P.O. Box 126, Benicia, Calif. 94510. Send protests to: L. D. Boone, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 136789 (sub-No. 2 TA), filed April 13, 1973. Applicant: THOMAS E. SHIVERS, doing business as SHIVERS DELIVERY SERVICE, Front and Erickson Streets, Essington, Pa. 19029. Applicant's representative: Francis P. Desmond, 115 East Fifth Street, Chester, Pa. 19013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, livestock, household goods, commodities in bulk and those requiring special equipment), between Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, points in Montgomery, Bucks, Delaware, Chester, and Philadelphia Counties, Pa.; and Burlington, Camden, and Gloucester Counties, N.J., for 180 days. Restricted to shipments having immediately prior or subsequent movement by air. Supporting shippers: There are approximately 22 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Peter Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, room 1600, Philadelphia, Pa. 19102.

No. MC 138318 (sub-No. 1 TA), filed April 16, 1973. Applicant: FURNESS (MONTREAL) LTD., 500 Place D'Armes, Montreal 126, Quebec, Canada. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp*, in bales, unitized in specially equipped semitrailers, from Woodland, Maine, to the port of entry on the United States-Canada international boundary line located at or near Calais, Maine, for 180 days. Supporting shipper: Georgia Pacific Corp., 800 Summer Street, Stamford, Conn. 06902. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Bureau of Opera-

tions, Interstate Commerce Commission, 52 State Street, Montpelier, Vt. 05602.

No. MC 138378 (sub-No. 1 TA), filed April 17, 1973. Applicant: DALE'S ENTERPRISES, INC., doing business as SOUTHWEST MOBILE HOMES, Highway 67 West, Route No. 6, Box 29A, Texarkana, Tex. 75501. Applicant's representative: Thomas F. Sedberry, suite 1102, Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes and materials and supplies incidental thereto*, in secondary movements only, between points in Bowie, Cass, Morris, Camp, Titus, Franklin, and Red River Counties, Tex.; points in Miller, Lafayette, Hempstead, Columbia, Sevier, Pike, and Little River Counties, Ark., on the one hand, and, on the other, points in Arkansas and Texas, for 180 days. Supporting shippers: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below.

Note.—Applicant does not intend to tack authority.

Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, room 13C12, Dallas, Tex. 75202.

No. MC 138388 (Sub-No. 1 TA), filed April 4, 1973. Applicant: CHESTER CAINE, JR., doing business as CAINE TRANSFER, Box 411, Lowell, Wis. 53557. Applicant's representative: Edward Solig, Executive Building, suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed concentrates* from Fond du Lac, Wis., to points in the Upper Peninsula of Michigan, restricted to traffic originating at the plantsite and facilities of Ralston Purina Co. at Fond du Lac, Wis., and destined to points in the Upper Peninsula of Michigan, for 180 days. Supporting shipper: Ralston Purina Co., P.O. Box 389, Fond du Lac, Wis. 54935 (Harold E. Guenther, buying and traffic manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, room 807, Milwaukee, Wis. 53203.

No. MC 138556 (sub-No. 1 TA), filed April 17, 1973. Applicant: JIM WILKIN, doing business as JIM WILKIN TRUCKING, P.O. Box 411, Pioche, Nev. 89043. Applicant's representative: Raymond D. Free, P.O. Box 218, Pioche, Nev. 89043. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Barite ore*, from 5 miles east of Trout Creek, Juab County, Utah, to Panaca, Lincoln County, Nev., for 180 days. Supporting shipper: Utah Clay Products, Pozzolon

Portland Cement, 211 Felt Building, Salt Lake City, Utah 84111. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, 203 Federal Building, 705 North Plaza Street, Carson City, Nev. 89701.

No. MC 138619 TA, filed April 19, 1973. Applicant: McCORMICK BUILDING, INC., P.O. Box 803, 1001 South Sixth Street, Council Bluffs, Iowa 51501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment and those that may be contaminating to other commodities transported and shall be further restricted to commodities having prior or subsequent truck, rail boxcar, rail trailer, on flatcar or rail container on flatcar movement as a contract carrier by motor vehicle in interstate or foreign commerce), from Council Bluffs, Iowa, to points in Adams, Audubon, Carroll, Cass, Crawford, Fremont, Harrison, Mills, Monona, Montgomery, Page, Pottawattamie, Shelby, Taylor, and Union Counties in Iowa; Cass, Dodge, Douglas, Lancaster, Otoe, Sarpy, Saunders, and Washington Counties in Nebraska for 180 days. Supporting shipper: International Shipper's & Receiver's Association, 845 West 16th Street, Chicago, Ill. 60608. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, Omaha, Nebr. 68102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc. 73-8585 Filed 5-1-73; 8:45 am]

[Notice 55]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 26, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under sections 210a(a) and 311(a) of the Interstate Commerce Act provide for under the new rules of Ex parte No. MC-67 (49 CFR part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service

has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 13764 (sub-No. 1 TA), filed April 16, 1973. Applicant: SIEGEL & COHEN EXPRESS, INC., 567 South 11th Street, Newark, N.J. 07103. Applicant's representative: George A. Olsen, 69 Tonelle Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount or department stores, for the account of Robert Hall Villages, Inc., between points in the New York, N.Y., commercial zone, as defined by the Commission, on the one hand, and, on the other, Portsmouth, Chesapeake, Newport News, Norfolk, and Virginia Beach, Va., for 180 days. Supporting shipper: Robert Hall Clothes, 333 West 34th Street, New York, N.Y. 10001. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 110589 (sub-No. 22 TA), filed April 18, 1973. Applicant: J. E. LAMMERT TRANSFER, INC., 317 North Oak Street, Grand Island, Nebr. 68801. Applicant's representative: Stephen R. Gartner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese, cheese products, and cheese byproducts*, and (2) *pizza toppings*, from Denver, Colo., Hutchinson and Wichita, Kans., and Superior, Nebr., to points in Alabama, Florida, Georgia, North Carolina, Mississippi, Nebraska, South Carolina, and Tennessee, for 180 days. Supporting shipper: Richard J. Whipple, Leprino Cheese Co., 1830 West 38th Avenue, Denver, Colo. 80211. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 112713 (sub-No. 150 TA), filed April 13, 1973. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: John R. Murphy, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except class A and B explosives, household goods as defined by the Commission, commodities in bulk, those of unusual value and those requiring special equipment) serving the facilities of Anaconda Aluminum Co. at Sebree, Ky., as an off-route point in connection with carrier's authorized regular-route operations, for 180 days.

NOTE.—Applicant does intend to tack—authority applied for is appurtenant to all of applicant's present authority. Interlining is possible at points to numerous to list.

Supporting shipper: Anaconda Aluminum Co., 1251 South Fourth Street, Louisville, Ky. 40203. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 112713 (sub-No. 151 TA), filed April 13, 1973. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except class A and B explosives, household goods as defined by the Commission, commodities in bulk, those of unusual value, and those requiring special equipment), serving the facilities of Dow Chemical U.S.A. at Midland, Mich., as an off-route point in connection with carrier's authorized regular route operation, for 180 days.

NOTE.—Applicant does intend to tack—authority here applied for is appurtenant to all of the applicant's present authority, but particularly in connection with its service to and from Saginaw, Mich.

Supporting shipper: Dow Chemical U.S.A., Midland, Mich. 48640. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 114115 (sub-No. 24 TA), filed April 18, 1973. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, Mich. 48217. Applicant's representative: James Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in packages, from Cincinnati, Ohio, to Lower Peninsula of Michigan, for 180 days. Supporting shipper: Diamond Crystal Salt Co., St. Clair, Mich. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower Building, 10 Witherell, Detroit, Mich. 48226.

No. MC 124212 (sub-No. 69 TA), filed April 18, 1973. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, mailing: P.O. Box 22183, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from Pasco, Wash., to LaGrande, Union County, Oreg., for 180 days. Supporting shipper: Lehigh Portland Cement Co., 718 Hamilton Street, Allentown, Pa. 18105. Send protests to: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bu-

reau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 125497 (sub-No. 18 TA), filed April 16, 1973. Applicant: L. WOODS & SON TRANSPORT LTD., 5005 Irwin Avenue, LaSalle, Quebec, Canada. 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: (A) *Agricultural tractors and attachments and equipment* designed for use with such articles when moving in mixed loads therewith, from ports of entry on the United States-Canada boundary line located in Maine, Vermont, and New York, to points in the United States (except Washington, Oregon, Idaho, Utah, Nevada, California, New Mexico, and Arizona); and (B) *farm and industrial tractors; construction and excavation machinery; and attachments and equipment* designed for use with such articles when moving in mixed loads therewith, from Racine and Wausau, Wis.; Bettendorf and Burlington, Iowa, and Terre Haute, Ind., to ports of entry on the United States-Canada boundary line in Michigan and New York, for 120 days. Restrictions: (1) The transportation authorized herein shall be in foreign commerce only and (2) the authority granted herein on traffic originating in the U.S. destined to points in Canada is restricted to traffic in foreign commerce originating at the plant and warehouse sites of the J. I. Case Co., at the origin points in the United States named herein. Supporting shipper: J. I. Case Co., 700 State Street, Racine, Wis. 53404. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 52 State Street, Montpelier, Vt. 05602.

No. MC 126555 (sub-No. 22 TA), filed April 18, 1973. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 268, Rapid City, S. Dak. 57701. Applicant's representative: Charles H. Lien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dolomite rock*, a crushed limestone product, from points in Logan County, Ohio, to points in Pennington County, S. Dak., for 180 days. Supporting shipper: Stearns-Roger Corp., P.O. Box 1469, Rapid City, S. Dak. 57701. J. E. Alton, purchasing agent. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 126738 (sub-No. 6 TA), filed April 16, 1973. Applicant: CENTER DISTRIBUTING CO., 78th and Serum, Ralston, Nebr. 68127. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, in containers, *empty containers*, *pallets*, *vendors*, *syrops*, *advertising material*, *beverages* (except alcoholic or malt beverages), be-

tween points in Illinois, Nebraska, Minnesota, South Dakota, Kansas, and Missouri, on the one hand, and Oskaloosa, Iowa, on the other hand, for 180 days. Supporting shipper: Pepsi-Cola Bottling Co., City Route 63 South, Oskaloosa, Iowa. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Building, Omaha, Nebr. 68102.

No. MC 128277 (sub-No. 2 TA), filed April 17, 1973. Applicant: THE WALDORF ICE CREAM CO., doing business as WALDORF DELIVERY, 1505 Industrial Parkway, Akron, Ohio 44310. Applicant's representative: Sheldon A. Taft, 52 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream products and related frozen desserts*, from Akron, Ohio, to points in Wayne, Randolph, Jay, Adams, Wells, Blackford, Delaware, Henry, Rush, Fayette, and Union Counties, Ind., for 180 days. Supporting shipper: B.C.P. Distributors, Inc., 650 Mansfield Avenue, Pittsburgh, Pa. Send protests to: Franklin D. Ball, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 129325 (sub-No. 5 TA), filed April 18, 1973. Applicant: DIAZ MOTOR FREIGHT, INC., 2829 Frenchmen Street, New Orleans, La. 70122. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in containers, from St. Rose, La., to New Orleans, La., docks restricted to transportation from the plantsite of International Tank Terminal, Ltd., at or near St. Rose, for subsequent movement by water, in foreign commerce, for 180 days. Supporting shipper: International Tank Terminals, Ltd., Ninth floor suite 321, St. Charles Avenue, New Orleans, La. 70130, Mr. David Paddison. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 133928 (sub-No. 7 TA), filed April 17, 1973. Applicant: ANTHONY H. OSTERKAMP, JR., doing business as OSTERKAMP TRUCKING, mailing: 128 East Katella, suite 22, Orange, Calif. 92667, and office: 764 North Cypress Street, Orange, Calif. 92666. Applicant's representative: Gerold von Pahlen, 9401 Wilshire Boulevard, 10th floor, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers* used in the harvesting and distribution of agricultural commodities, from plantsites of Crown Zellerbach Corp. located at or near Gilroy, City of Industry, and Antioch, Calif., to points in Arizona, and *return with rejected and surplus container stock*, to points in California, for 180 days. Supporting shipper: Crown Zellerbach, 1

Bush Street, San Francisco, Calif. 94119. Send protests to: John E. Nance, officer in charge, Interstate Commerce Commission, Bureau of Operations, room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 138104 (sub-No. 1 TA), filed April 18, 1973. Applicant: MOORE TRANSPORTATION CO., INC., 3509 North Grove Street, Fort Worth, Tex. 76106. Applicant's representative: Don D. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), *trailer converter dollies*, *containers*, *refuse bodies*, in initial truckaway and driveaway service, from Fort Worth, Tex., to points in Alabama, Arkansas, Arizona, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, New Mexico, North Carolina, South Dakota, Oklahoma, and Tennessee, and (2) *trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), *trailer converter dollies*, *containers*, *refuse bodies*, in secondary truckaway and driveaway service, between points in Alabama, Arkansas, Arizona, California, Colorado, Georgia, Iowa, Illinois, Indiana, Kansas, Michigan, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Dakota, Tennessee, and Texas, for 180 days. Supporting shipper: Hobbs Trailers, a division of Fruehauf Corp., 609 North Main Street, P.O. Box 1568, Fort Worth, Tex. 76101. Send protests to: H. C. Morrison, Sr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 9A27, Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 138557 (sub-No. 1 TA), filed April 17, 1973. Applicant: WALT KEITH TRUCKING, INC., Route No. 1, P.O. Box 30, Rushville, Mo. 64484. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat*, *meat products*, and *meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Missouri Beef Packers, Inc. at Phelps City, Mo., to points in Kansas, Missouri, and Oklahoma, under contract with Missouri Beef Packers, Inc., for 180 days. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Missouri Beef Packers, Inc., of Phelps City, Mo. Supporting shipper: Missouri Beef Packers, Inc., Phelps City, Mo. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 138570 (sub-No. 1 TA), filed April 18, 1973. Applicant: JOHN B. LAMBERT TRUCKING CO., 8 McIntosh Street, Newnan, Ga. 30263. Applicant's representative: Monty Schumacher, 2045 Peachtree Road, NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, in bulk, in dump trucks and trailers, from the processing plantsite of Vulcan Materials Co., near Shorter, Ala., to plant Wansley of the Georgia Power Co. located in Heard and Carroll Counties, Ga., for 180 days. Supporting shipper: Daniell Construction Co., Daniel Building, Greenville, S.C. 29602. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree Street NW., room 309, Atlanta, Ga. 30309.

No. MC 138620 TA, filed April 16, 1973. Applicant: AUSTIN FIREPROOF STORAGE & MOVING CO., P.O. Box 4056, Austin, Tex. 78751. Applicant's representative: Phillip Robinson, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Bastrop, Caldwell, Fayette, Travis, and Williamson Counties, Tex., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Curtis L. Wagner, Jr., Special Assistant to the Judge Advocate General, Department of the Army, Washington, D.C. 20310, and Mollerup Freight Forwarding Co., 2900 South Main Street, Salt Lake City, Utah 84115. Send protests to: Richard H. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 301 Broadway, room 206, San Antonio, Tex. 78205.

No. MC 138621 (sub-No. 1 TA), filed April 17, 1973. Applicant: MOUW TRANSPORTATION, INC., 307 Maple Drive, Sibley, Iowa 51249. Applicant's representative: Robert G. Planansky, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, in bulk or print form: (1) From Plainview, Nebr.; Freeman, S. Dak.; New Ulm, Clarkfield, Mankato, Fairmont, and Minneapolis, Minn.; to Mason City, Iowa, and (2) from Plainview, Nebr.; Freeman, S. Dak.; Sibley, Sanborn, Sioux Center, Lytton, Arlington, Whittemore, and Kimballton, Iowa, to Mankato, Fairmont, and Minneapolis, Minn., under continuing contract or contracts with Associated Milk Producers, Inc., Mason City, Iowa, for 180 days. Supporting shipper: Associated Milk Producers, Inc., Mason City Division, 1305 19th Street SW., P.O. Box 1504, Mason City, Iowa 50401. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate

Commerce Commission, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 138622 (sub-No. 1 TA), filed April 19, 1973. Applicant: BOBBY E. LOWTHER, doing business as BOB LOWTHER TRUCKING, Ireland, W. Va. 26376. Applicant's representative: John M. Friedman, P.O. Box 426, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Woodchips*, moving in van type trailers, on commercial bills of lading, from the plantsite of the Rexroad Lumber Corp. at or near Sutton, W. Va., to Covington, Va., for 180 days. Supporting shipper: Rexroad Lumber Corp., Route 1, Box 38-A, Sutton, W. Va. 26601, attention: Kenneth E. Rexroad, president. Send protests to: H. R. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 138623 TA, filed April 16, 1973. Applicant: BAY TRANSFER CO., INC., 33rd and Waterfront Road, Galveston, Tex. 77550. Applicant's representative: R. L. Debner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Raw cow hides*, between Houston and Galveston, Tex., from Houston over 1-H 45 to Galveston and return over the same route, serving no intermediate points, for 180 days. Supporting shipper: North American Hide Exporters, Inc., P.O. Box 52282, Houston, Tex. 77052. Send protests to: John C. Redus, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 61212, Houston, Tex. 77061.

No. MC 138629 TA, filed April 18, 1973. Applicant: LARRY W. AND ROBERT E. ALDRED, doing business as ALDRED BROS. TRUCKING, Route 2, Box 644, Roseburg, Ore. 97470. Applicant's representative: Larry Aldred (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood veneer*, from Glendale, Ore., to Klamath Falls, Ore.; McCloud, Calif.; and points in Marin, San Francisco, San Mateo, Contra Costa, Alameda, and Santa Clara Counties, Calif., for 180 days. Supporting shipper: County Line Co., Glendale, Ore. 97422. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, Ore. 97204.

No. MC 138630 TA, filed April 16, 1973. Applicant: GEORGE W. KERR, doing business as KERR'S MOVING & STORAGE, 1 Peachtree Street, Batesburg, S.C. 29006. Applicant's representative: Joseph M. Epting, P.O. Box 11414, Columbia, S.C. 29211. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpet*, from Johnston, S.C., to points in South Carolina, Georgia, and points in North Carolina south and west of the

following counties: Onslow, Duplin, Sampson, Cumberland, Hoke, Moore, Montgomery, Davidson, Davie, Yadkin, Wilkes, Watouga, and Avery; points in Florida north and east of the following counties: Citrus, Sumter, Lake, Seminole, and Brevard, and including Wakulla, Leon, and Gadsden counties; (2) *furniture and appliances including hoods*, from Johnston, S.C., to points in South Carolina; points in North Carolina south and west of the following counties: Onslow, Duplin, Sampson, Cumberland, Hoke, Moore, Montgomery, Davidson, Davie, Yadkin, Wilkes, Watouga, and Avery; and points in Georgia north and east of Johnson, Wilkinson, Baldwin, Jones, Jasper, Newton, Rockdale, De Kalb, Gwinnett, Forsyth, Dawson, Lumpkin, and Union, and *return movement* for dunnage, shipments, or articles refused, rejected or damaged, for 180 days. Supporting shipper: Sears, Roebuck & Co., Atlanta, Ga. Send protests to: E. E. Strotheld, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 Columbia Building, 1200 Main Street, Columbia, S.C. 29201.

WATER CARRIERS OF PASSENGERS

No. W-1249 (sub-No. 3 TA) (Brownville Development Co. temporary authority application), filed April 13, 1973. Applicant: BROWNVILLE DEVELOPMENT CO., Box 43, Brownville, Nebr. 68321. Applicant's representative: A. J. Swanson, 521 South 14th Street, Lincoln, Nebr. 68501. Authority sought for temporary authority to operate as a *common carrier* by water, under section 311(a) of the act, transporting, *passengers*, between Omaha, Nebr., on the one hand, and, on the other, points on the Missouri River between the U.S. Highway 30 bridge, at or near Blair, Nebr., and Ft. Leavenworth, Kans., inclusive, for 180 days. Supported by: A. B. Goodwin, National Bank of Commerce in Lincoln, Lincoln, Nebr.; Paul Schlessler, Omaha Chamber of Commerce, Omaha, Nebr.; Mrs. Gloria Beck, "Tribe of Yes-sir", Committee of Omaha Chamber of Commerce, Omaha, Nebr.; Art Nichols, Ted Reeder Construction Co., Omaha, Nebr.; Johnnie E. Wilson, Pen and Sword Society, Inc., Omaha, Nebr., and 10 others. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Building, 106 South 15th Street, Omaha, Nebr. 68102.

No. W-1267 TA (August H. and Dorothy H. Frazza temporary authority application), filed April 12, 1973. Applicant: AUGUST H. FRAZZA & DOROTHY H. FRAZZA, 506 First Avenue, Dixon, Ill. 20423. Authority sought to operate as a *common carrier* by water, by self-propelled vessels, in the transportation of *passengers*, in excursion and charter service, out of and returning to ports and points along the Mississippi River the entire length of the States of Illinois and Iowa, commencing in May and extending until October, for 180 days. Supported by: Bettendorf Chamber

of Commerce, 1630 State Street, Bettendorf, Iowa 52722, R. L. Wildauer Co., 1630 State Street, Bettendorf, Iowa 52722, Deere & Co., John Deere Road, Moline, Ill. 61265, Thomas L. Havens, 1140 North 13th Street, Clinton, Iowa 52732, LaVern E. Ohlsen, 1121 11th Street, Moline, Ill. 61265, George E. Slothower, 5040 Norwich Drive, Rockford, Ill. 61107, Northern Construction Co., P.O. Box 501, Bettendorf, Iowa 52722, Better Business Service, 1852 16th Street, Moline, Ill. 61265, Blackhawk Music Co., Inc., 1411 East Fourth Street, Sterling, Ill. 61081, Chamber of Commerce, Moline, Ill. 61265, city of Moline, Park and Recreation Board, 3300 Fifth Avenue, Moline, Ill. 61265, Office of the Mayor, Moline, Ill., William A. Getz, Williams-White & Co., Moline, Ill. 61265, Island Marina Corp., Rural Route 1, Box 297-A, East Moline, Ill. 61244, and James J. Marshall, Riverboat Days, Inc., P.O. Box 241, Clinton, Iowa 52732. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 73-8586 Filed 5-1-73; 8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 27, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Alaska Docket No. 73-69-MF/O, filed February 15, 1973. Applicant: J. C. VAN-TREASE, doing business as, ILLAMNA FUEL, Iliamna, Alaska 99606. Applicant's representative: Charles E. Tulin, 529 Third Avenue, Anchorage, Alaska 99501. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general commodities by motor freight between all points accessible by roads or highways contiguous to Iliamna including Iliamna, and all points and places accessible by roads or highways at Newhalen, Landing, Nondalton, Lake Clark, Pedro Bay, Pile Bay, and Levelock on

traffic having an immediate prior or subsequent movement by water carrier routes on Lake Iliamna, the Kvichak River and/or Lake Clark. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Alaska Transportation Commission, 750 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501, and should not be directed to the Interstate Commerce Commission.

California docket No. 53957, filed April 11, 1973. Applicant: JACK HEM-SATH DRAYAGE, INC., 1350-34th Street, Oakland, Calif. 94608. Applicant's representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general commodities, except the following: (a) used household goods and personal effects not packed in accordance with the crated property requirements; (b) livestock; (c) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment; (d) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (e) commodities when transported in bulk in dump trucks or in hopper-type trucks; (f) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (g) logs; (h) fresh fruits and vegetables; and (i) articles of extraordinary value. Between all points on and within 10 miles of the points and places on the following routes: (a) U.S. Highway 101 between Novato and San Jose, inclusive; (b) State Highway 17, between San Rafael and San Jose, inclusive; (c) Interstate Highway 80, between San Francisco and Vallejo, inclusive; (d) State Highway 4, between Pinole and Antioch, inclusive; (e) State Highway 24, between Oakland and Antioch, inclusive; (f) Interstate Highway 580, between Oakland and Livermore, inclusive; (g) Interstate Highway 680, between Vallejo and Warm Springs, inclusive; and (h) State Highway 37, between junction with U.S. Highway 101, near Novato, and junction with Interstate Highway 80, near Vallejo. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, State Building, Civic Center, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 53962, filed April 12, 1973. Applicant: ARROW TRUCKING CO. OF CALIFORNIA, INC., 920 Heinz Avenue, Berkeley, Calif. 94710. Applicant's representative: Daniel W. Baker, 100 Pine Street, suite 2550, San Francisco, Calif. 94111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general commodities, except the following: (a) Used household goods and personal effects not packed in accordance with the crated property requirements; (b) livestock; (c) liquids, compressed gases, commodities in semiplastic form, and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (d) commodities when transported in bulk in dump trucks or in hopper-type trucks; (e) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (f) logs; (g) fresh fruits and vegetables; (h) articles of extraordinary value; and (i) automobiles, trucks, buses, and trailer coaches and campers, between all points on or within 25 miles of points on the following routes: (1) U.S. Highway 101 between Santa Rosa and Salinas, inclusive; (2) State Highway 17 between San Rafael and Santa Cruz, inclusive; (3) State Highway 1 between Santa Cruz and Monterey, inclusive; (4) Interstate Highway 80 between San Francisco and Sacramento, inclusive; (5) State Highway 4 between junction with Interstate Highway 80, near Pinole, and Stockton, inclusive; (6) Interstate Highway 580 and U.S. Highway 50 between Oakland and Stockton, inclusive; (7) Interstate Highways 580 and 5 between junction with Interstate Highway 50, near Tracy, and State Highway 152, near Los Banos; (8) State Highway 99 between Sacramento and Fresno, inclusive; and (9) State Highway 152 between junction with Interstate Highway 5, near Los Banos, and State Highway 99, near Chowchilla. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, State Building, Civic Center, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

Maine Docket No. X-5572, filed April 4, 1973. Applicant: LUCIEN BISSON, INC., New Meadows Road, West Bath, Maine. Applicant's representative: Roger A. Putnam, 57 Exchange Street, Portland, Maine 04111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general commodities (1) between Portland-South Portland and Nobleboro, serving in both directions the following:

Portland, South Portland, Freeport, Brunswick, Topsham, Pejipsot, West Bath, Bath, Woolwich, Montsweag, Wiscasset, Sheepscot, Alna, Head Tide, Whitefield, North Edgcomb along the line of No. 1 Highway, South Newcastle, Newcastle, Damariscotta, Walpole, Clark's Cove, South Bristol, and Damariscotta Mills; (2) Boothbay Harbor to Portland-South Portland as follows: Boothbay Harbor to North Edgcomb including: Boothbay Harbor, East Boothbay, Bayville, Ocean Point, West Boothbay Harbor, Southport, West Southport, Newagen, Boothbay, Trevett, Edgcomb, North Edgcomb, Brunswick, West Bath, and Bath, serving to and/or from all points shown above, and Wiscasset to Portland-South Portland including: Wiscasset, Woolwich, Freeport, Yarmouth, Portland-South Portland, serving to and from these points only such freight as is shipped from or destined to the points Boothbay-North Edgcomb shown above. Note: No freight or merchandise to be picked up at Portland and South Portland to be delivered at Bath and Brunswick and no freight or merchandise to be picked up at Bath and Brunswick to be delivered at Portland and South Portland; and (3) Portland-South Portland to Pemaquid, Bristol to Pemaquid including: Bristol, Bremen, Broad Cove, Chamberlain, Medomak, Muscongus, New Harbor, Pemaquid, Pemaquid Beach, Pemaquid Harbor, Pemaquid Point, and Round Pond, serving to and/or from all points. Pemaquid to Portland-South Portland, including: Damariscotta, Newcastle, Wiscasset, Woolwich, Bath, West Bath, Brunswick, Freeport, and Portland-South Portland, serving to and/or from these points with only such freight as is shipped from or destined to points: Bristol, Bremen, Broad Cove, Chamberlain, Medomak, Muscongus, New Harbor, Pemaquid, Pemaquid Beach, Pemaquid Harbor, Pemaquid Point, and Round Pond.

NOTE.—Applicant states that the purpose of this application is to add service to and from West Bath to its presently authorized routes so that the same shall read as set forth above. Intrastate, interstate, and foreign commerce authority sought.

HEARING: May 9, 1973, at the Office of the Commission, Capitol Shopping Center, Western Avenue, Augusta, Maine, at 10 a.m., d.s.t. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Maine Public Utilities Commission, State House Annex, Capitol Shopping Center, Augusta, Maine 04330, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-8587 Filed 5-1-73; 8:45 am]

[Notice 16]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 27, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-10472 (Deviation No. 4), BYERS TRANSPORTATION CO., INC., 4200 Gardner, Kansas City, Mo. 64120, filed April 18, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over U.S. Highway 73 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction Interstate Highway 29, thence over Interstate Highway 29 to junction U.S. Highway 71 (approximately 3 miles north of St. Joseph, Mo.), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Omaha, Nebr., over city streets to Council Bluffs, Iowa, thence over Iowa Highway 92 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction Iowa Highway 2, thence over Iowa Highway 2 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction Interstate Highway 29 (approximately 3 miles north of St. Joseph, Mo.), and return over the same route.

No. MC-28478 (Deviation No. 8), GREAT LAKES EXPRESS CO., 1150 North Niagara St., Saginaw, Mich. 48602, filed April 12, 1973. Carrier proposes to

operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Gary, Ind., and Toledo, Ohio, over U.S. Highway 20, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 12 via Michigan City, Ind., to junction unnumbered highway (formerly portion U.S. Highway 12), near New Buffalo, Mich., thence over unnumbered highway to junction U.S. Highway 12, thence over U.S. Highway 12 to junction unnumbered highway (formerly U.S. Highway 112), thence over unnumbered highway via Niles, Mich., to junction U.S. Highway 12, thence over U.S. Highway 12 to junction U.S. Highway 223, thence over U.S. Highway 223 to Toledo, Ohio, and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-8588 Filed 5-1-73; 8:45 am]

[Notice No. 33]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 27, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 81908 (sub-No. 3) (Republication), filed August 18, 1971, published in the FEDERAL REGISTER issue of October 15, 1971, and republished this issue. Applicant: WILLIAM E. WAMMES, doing business as H. & W. MOTOR FREIGHT, Route No. 4, Box 196, Bowling Green, Ohio 43402. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. An order of the Commission, Operating Rights Board, dated April 7, 1972, and served

April 25, 1972, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes of *pet food*, from Bowling Green, Ohio, to points in Indiana on, east, and north of a line beginning at Lake Michigan and extending along U.S. Highway 35 to Logansport, Ind., thence along Indiana Highway 29 to Burlington, Ind., thence along Indiana Highway 22 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Indiana-Ohio State line, and to points in Michigan, on and south of Michigan Highway 21; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 95876 (sub-No. 110) (republication), filed February 16, 1971, published in the FEDERAL REGISTER issue of March 4, 1971, and republished this issue. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, Saint Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. A recommended order of the Commission, Hearing Examiner Leonard J. Kassel, dated January 18, 1972, and served February 15, 1972, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of: (1) *Building materials, cabinets, carpeting, and plywood*, and (2) *commodities used in the manufacture of mobile homes*, from the warehouse sites of Mobile Plywoods, Inc., at Cedar Rapids, Iowa, and Marshfield, Wis., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to the transportation of shipments originating at the named sites; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30

days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 134875 (sub-No. 2) (republication), filed July 10, 1972, published in the FEDERAL REGISTER issue of August 3, 1972, and republished this issue. Applicant: JOHN W. SMOOT, Box 124, Mount Jackson, Va. Applicant's representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. An order of the Commission, Review Board No. 1, dated March 26, 1973, and served April 12, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *textiles and textile products*: (1) From Edinburg, Winchester, and Woodstock, Va., Belmont, Albermarle, High Point, and Valdese, N.C., and Spartanburg, S.C., to Abilene, Tex., and (2) from Abilene, Tex., Belmont, Albermarle, High Point, and Valdese, N.C., and Spartanburg, S.C., to Edinburg, Winchester, and Woodstock, Va.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 66886 (sub-No. 29) (Notice of Filing of Petition for Modification of Certificate), filed March 26, 1973. Petitioner: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Petitioner's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Petitioner presently holds a motor *common carrier* certificate in No. MC-66886 (sub-No. 29), issued January 2, 1973, authorizing, as pertinent, transportation, by motor vehicle, over irregular routes, of (1) *heavy machinery, contractors' equipment, and parts and accessories thereof*, (a) between points in Alabama, Louisiana, and Mississippi, and (b) between points in Alabama and Louisiana, and points in that part of Mississippi on and south of U.S. Highway 82, on the one hand, and, on the other, points in Arkansas and Tennessee; and (2) *road, levee and dam building equipment and machinery*, between points in Georgia, on

the one hand, and, on the other, points in Alabama and Mississippi. By the instant petition, petitioner seeks to modify its commodity descriptions in (1) and (2) above to read as follows, respectively: (1) *Heavy machinery, contractors' equipment, materials and supplies, and parts and accessories thereof, and commodities the transportation of which because of size or weight require the use of special equipment, and related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight requires special equipment, and self-propelled articles each weighing 15,000 pounds or more; and (2) road, levee, and dam building equipment and machinery, and commodities the transportation of which because of size or weight require the use of special equipment, and related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight requires special equipment, contractors' equipment, materials, and supplies, and self-propelled articles each weighing 15,000 pounds or more. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.*

No. MC 87720 (sub-No. 113) (Notice of filing of petition for Amendment of Permit), filed January 30, 1973. Petitioner: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Petitioner's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Petitioner presently holds a motor *contract carrier* permit in No. MC-87720 (sub-No. 113), issued September 13, 1972, authorizing transportation, over irregular routes, of (1) *such commodities as are dealt in by retail and chain grocery, hardware, and drug stores, in containers, and (2) materials and supplies (except in bulk) used in the manufacture and distribution of the commodities described in (1) above, between Cranford, N.J., New York, N.Y., Canton, Ohio, and Chicago, Ill., under a continuing contract, or contracts, with American Home Products Corp. of New York, N.Y.* By the instant petition, petitioner seeks to modify its territorial description by inserting "points in that portion of the New York, N.Y., commercial zone, as defined in 'Commercial Zone and Terminal Areas,' 54 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203 (b) (8) of the Interstate Commerce Act (the 'exempt zone')," in lieu of "New York, N.Y." in its present grant of authority as described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 114290 (sub-No. 29) (notice of Filing of Petition for Modification of Certificate), filed March 30, 1973. Petitioner: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, Ore. 97202. Petitioner's representative: Joseph M. Exley (same address as petitioner). Petitioner presently holds a motor common carrier certificate in No. MC 114290 (sub-No. 29), issued April 10, 1968, authorizing transportation, by motor vehicle, over irregular routes, of (1) frozen foods, fresh and cured meats, and commodities, the transportation of which is partially exempt pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle and at the same time with frozen foods, and fresh and cured meats, from points in California, to points in Oregon, Washington, and Lewiston, Idaho, with no transportation for compensation on return except as otherwise authorized; and (2) canned goods, from points in California, to points in Oregon and Washington, with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks to modify its certificate to authorize the transportation of "such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, from points in California, to points in Oregon, Washington, and Lewiston, Idaho," in lieu of its present grant of authority as described in (1) and (2) above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 116915 (sub-No. 1) (Notice of Filing of Petition for Modification of Certificate), filed March 27, 1973. Petitioner: ECK MILLER TRANSPORTATION CORP., P.O. Box 1279, 1125 Sweeney Street, Owensboro, Ky. 42301. Petitioner's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Petitioner presently holds a motor common carrier certificate in No. MC 116915 (sub-No. 1), issued April 14, 1959, authorizing, as pertinent, transportation, by motor vehicle, over irregular routes, of (1) oil well and mine machinery, pipe, and supplies, (a) between points in Indiana, Illinois, Kentucky, and Tennessee within 200 miles of Owensboro, Ky., on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Tennessee, Mississippi, and Georgia, and (b) between points within 35 miles of Owensboro, Ky., on the one hand, and, on the other, points in West Virginia; and (2) such commodities as require the use of special equipment by reason of size or weight, but not including motor vehicles, from points in Ohio, Indiana, Illinois, Missouri, Tennessee, Virginia, West Virginia, and the lower Peninsula of Michigan, to points in Indiana and Kentucky within 150 miles of Owensboro, Ky., including Owensboro, with no transportation for compensation

on return except as otherwise authorized, restricted against the transportation of traffic moving between any two points both of which are in Indiana, and further restricted against joinder with any of the other authority granted in No. MC 116915 (sub-No. 1), for the purposes of rendering a through service. By the instant petition, petitioner seeks: (A) To modify the commodity description as described in (1) above to read, "such commodities as require the use of special equipment by reason of size or weight, contractors' machinery and equipment, self-propelled vehicles weighing 15,000 pounds or more, and parts thereof, when moving in connection therewith," in lieu of the present commodity description; and (B) To remove the restriction in the grant of authority in (2) above against joinder with any of the other authority in No. MC 116915 (sub-No. 1) for the purposes of rendering a through service. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 118831 (sub-No. 40) (notice of Filing of Petition for Interpretation or Modification of Certificate or Alternate Petition To Dismiss), filed March 29, 1973. Petitioner: CENTRAL TRANSPORT, INC., P.O. Box 5044, Uwharrie Road, High Point, N.C. 27261. Petitioner's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Petitioner presently holds a motor common carrier certificate in No. MC 118831 (sub-No. 40), issued August 8, 1967, authorizing transportation, by motor vehicle, over irregular routes, of liquid chemicals, in bulk (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), from points in North Carolina (except Charlotte), to points in South Carolina and Virginia with no transportation for compensation on return except as otherwise authorized, restricted against the transportation of caustic soda from Acme, N.C., and points within 5 miles thereof, to points in South Carolina. By the instant petition, petitioner (A) seeks an interpretation of the Commission indicating that all products specifically testified to by the shippers in the respective hearing proceedings be included in its grant of authority as described above; (B) that should the Commission find in (A) above that petitioner is presently authorized to transport liquid chemicals, including basic inorganic chemicals, magnesium chloride, zinc nitrate, zinc chloride, sulfonated fats, sulfonated oils, fatty acid esters, cyclic urea resins, resin catalysts, synthetic lubricants, sulfated polyesters, cellulose reactants, glycerol stearates, surface active agents, urea, formaldehyde resins, liquid resins, synthetic resins, chemicals received by deep draft vessels or barges into Wilmington Chemical Terminal, Wilmington, N.C., caustic soda, industrial chemicals of various types imported or

sold in the United States as produced by Imperial Chemical Industries, trichloroethylene, industrial chemicals as distributed by F. H. Ross & Co., now Ashland Chemical Co., laundry supplies as distributed by F. H. Ross & Co., now Ashland Chemical Co., liquid alum and sulfuric acid, liquid resins and liquid glues, urea formaldehyde resins, formaldehyde, and phenolic resins, that the instant petition should be dismissed, with the holding that the petitioner already holds such authority in its present certificate No. MC 118831 (sub-No. 40); and (C) that should the Commission find that petitioner does not presently hold authority in No. MC 118831 (sub-No. 40), to transport any of the commodities in (B) above, that the Commission modify petitioner's certificate to include those commodities referenced in (A) above and those commodities enumerated in (B) above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 118831 (sub-No. 44) (Notice of Filing of Petition for Interpretation or Modification of Certificate or Alternate Petition to Dismiss), filed March 29, 1973. Petitioner: CENTRAL TRANSPORT, INC., P.O. Box 5044, Uwharrie Road, High Point, N.C. 27261. Petitioner's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Petitioner presently holds a motor common carrier certificate in No. MC-118831 (sub-No. 44) issued September 30, 1966, authorizing transportation, by motor vehicle, over irregular routes, of liquid chemicals (except petrochemicals), in bulk, in tank vehicles, from points in South Carolina, to points in Georgia, North Carolina, and Virginia, with no transportation for compensation on return except as otherwise authorized, restricted against the transportation of liquid chemicals from Charleston, S.C. to points in Georgia. By the instant petition, petitioner: (A) Seeks an interpretation of the Commission indicating that all products specifically testified by the shippers in the respective hearing proceedings be included in its grant of authority as described above; (B) That should the Commission find in (A) above that petitioner is presently authorized to transport liquid chemicals, including perchloroethylene, trichloroethylene, formaldehyde, glycols, polyols, antifreeze preparations, methanol, acetone, solvents, dimethyl terephthalate, and paraxylene, that the instant petition should be dismissed, with the holding that the petitioner already holds such authority in its present certificate No. MC-118831 (sub-No. 44); and (C) that should the Commission find that petitioner does not presently hold authority in No. MC-118831 (sub-No. 44) to transport any of the commodities listed in (B) above, that the Commission modify petitioner's certificate to include those commodities ref-

erenced in (A) above, including: Perchloroethylene, trichloroethylene, formaldehyde, glycols, polyols, antifreeze preparations, methanol, acetone, solvents, dimethyl terephthalate, and paraxylene. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 129663 and sub-No. 5 (Notice of Filing Petition To Modify Permits by Adding an Additional Origin and Shipper), filed April 9, 1973. Petitioner: BRIGHT TRUCKING CO., INC., Boright Avenue, Kenilworth, N.J. 07033. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner presently holds motor contract carrier permits in No. MC-129663 and sub-No. 5, issued March 1, 1968, and June 1, 1972, respectively, authorizing transportation, by motor vehicle, over irregular routes, of: (1) plastic articles, from Kenilworth, N.J., to points in the United States (except those in New Jersey) located 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, points in Minnesota and Louisiana not embraced within the above specified territory, and points in Missouri, with no transportation for compensation on return except as otherwise authorized, under a continuing contract with Gilbert Plastics, Inc., of Kenilworth, N.J.; and (2) plastic articles, from Kenilworth, N.J., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, with no transportation for compensation on return except as otherwise authorized, under a continuing contract with Gilbert Plastics, Inc., of Kenilworth, N.J. By the instant petition, petitioner seeks to add to its grants of authority as described in (1) and (2) above: (a) An additional origin point of Avenel, N.J.; and (b) the additional contracting shipper of Container Packaging Corp., subsidiary of Gilbert Plastics, Inc., Avenel, N.J. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 134574 (Notice of Filing of Petition for Modification of Certificate Restriction), filed March 28, 1973. Petitioner: FIGOL DISTRIBUTORS, LTD., 11041-105th Avenue, Edmonton, Alberta, Canada. Petitioner's representative: Eldon M. Johnson, The Hartford Building, 650 California Street, Suite 2808,

San Francisco, Calif. 94108. Petitioner presently holds a motor common carrier certificate in No. MC 134574 issued December 6, 1971, authorizing transportation, by motor vehicle, over irregular routes, of bananas, from Long Beach, Calif., to ports of entry on the United States-Canada boundary line located in Washington, Idaho, and Montana, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments destined to the facilities (a) of McDonald's Consolidated Ltd., at Edmonton, Alberta, Canada, and (b) Scott National Co. Ltd., at Calgary, Alberta, Canada, subject to the Commission's right to insure conformity to the provisions of section 210 of the act. By the instant petition, petitioner seeks to modify its restriction to read: "Restricted to the transportation of traffic destined to points in the Provinces of Alberta and Saskatchewan, Canada," in lieu of the presently authorized restriction. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 134938 (Notice of Filing of Petition to Amend a Certificate), filed March 28, 1973. Petitioner: CASSWAYS TRUCKING CORP., 643 South Avenue, Garwood, N.J. 07027. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner presently holds a motor common carrier certificate in No. MC 134938 issued April 17, 1972, authorizing transportation, by motor vehicle, over irregular routes, of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Essex, Union, Monmouth, and Middlesex Counties, N.J., on the one hand, and, on the other, New York, N.Y. By the instant petition, petitioner seeks either: (1) To modify its territorial description to read, "between points in the New York, N.Y., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Essex, Union, Monmouth, and Middlesex Counties, N.J."; or (2) receive an appropriate order of the Commission indicating that petitioner is authorized to designate as its terminal area, all points within which local operations may be conducted in the New York, N.Y., commercial zone as defined by the Commission, pursuant to the Commission's decision concerning exceptions to the application of a general rule, 54 M.C.C. 21, 58. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 136064 (Notice of Filing of Petition to Add an Additional Contracting

Shipper), filed April 13, 1973. Petitioner: NORTH GEORGIA TRANSPORT CO., INC., 2209 Crestmoor Drive, Nashville, Tenn. 37215. Petitioner's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Petitioner presently holds a motor contract carrier permit in No. MC-136064 issued January 2, 1973, authorizing transportation, by motor vehicle, over irregular routes, of such commodities as are distributed by dealers in petroleum products, and service station supplies (except liquefied petroleum gas), between points in Alabama, Georgia, Kentucky, and Tennessee, restricted against traffic originating at points in Kentucky, and limited to a transportation service to be performed under a continuing contract, or contracts, with (a) North Georgia Oil Co., (b) Mid-Tennessee Oil Co., and (c) Highland Oil Co. By the instant petition, petitioner seeks to add Highland Oil Co. as an additional contracting shipper to the authority described herein. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 105881 (sub-No. 48) filed March 16, 1973. Applicant: M R & R TRUCKING CO., a corporation, 715 North Ferdon Boulevard, Crestview, Fla. 32536. Applicant's representative: W. Guy McKenzie, Jr., P.O. Box 1200, Tallahassee, Fla. 32302. 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, commodities requiring special equipment and those injurious or contaminating to other lading), between Atlanta, Ga., and Thomaston, Ga., over U.S. Highway 19, serving all intermediate points.

NOTE.—The purpose of this application is to allow joinder of the Perkins Freight Lines, Inc., authority in MC 66093 with applicant at all points between Atlanta and Thomaston. Presently the only two common points for M R & R Perkins are Atlanta and points within 15 miles thereof. The concurrent approval of this application and the section 5 transfer application would eliminate the necessity of handling through Atlanta all traffic moving between points on the Perkins authority on the one hand, and, on the other, the M R & R authority. This instant application is a matter directly related to MC-F 11817 published in the FEDERAL REGISTER issue of March 21, 1973. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

APPLICATION UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice

of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11500 (Supplemental) (NORMAN TRANSPORTATION LINES, INC.—MERGER—THE KEYSTONE TRANSPORTATION), published in the April 5, 1972, issue of the FEDERAL REGISTER on page 6904. This supplemental notice reflects the unified authority authorized, in the order of the Commission, Appellate Division 3, dated April 12, 1973. It is as follows:

Irregular routes: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business.

Between points within the territory bounded by a line beginning at Erie, Pa., and extending westerly along the shore of Lake Erie to Huron, Ohio, thence southerly to Willard, Ohio, thence southeasterly through Plymouth and Ashland to Wooster, Ohio, thence northeasterly to Orrville, Ohio, thence southeasterly through Dover and Uhrichsville to Cadiz, Ohio, thence northeasterly through Wellsville, Ohio, Midland, Pa., Beaver Falls, and Emlenton to Shippensburg, Pa., thence north to Tionesta, Pa., thence northwesterly through Union City to Erie, Pa., including the points named.

Between points and places in the above-specified territory, on the one hand, and, on the other, Pittsburg, Pa.

No. MC-F-11682 (Amendment) (U.S. TRUCK CO., INC.—Purchase (portion)—TRANSPORTATION SERVICE, INC.), published in the March 14, 1973, issue of the FEDERAL REGISTER on page 6940. Prior notice should be modified to read, in No. MC-F-10998 (TRANSPORTATION SERVICE, INC.—Purchase (portion)—ATKINSON LINES, INC.), in lieu of ATKINSON FREIGHT LINES, INC.

No. MC-F-11840 (Correction) (CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE—Purchase—HARRIS MOTOR EXPRESS, INC.), published in the April 11, 1973, issue of the FEDERAL REGISTER on page 9199. Prior notice should be modified to read at line 44, on and north of U.S. Highway 50, in lieu of on and north of U.S. Highway.

No. MC-F-11848. Authority sought for purchase by CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32d Avenue, Council Bluffs, Iowa 51501, of a portion of the operating rights of CRAWFORD TRUCKING CO., INC., 2502 Q Street, Omaha, Nebr., and for acquisition by CLARENCE L. WERNER, also of Council Bluffs, Iowa 51501, of control of such rights through the purchase. Applicants' attorney: Earl H. Scudder, Jr., P.O. Box 82028, Lincoln, Nebr. 68501. Operating rights sought to be transferred: *Frozen macaroni products, and dry macaroni prod-*

ucts, as a contract carrier over irregular routes, from Omaha, Nebr., to points in Arizona, California, Colorado, New Mexico, and Washington. Vendee is authorized to operate as a contract carrier in Louisiana, Mississippi, Texas, Arkansas, Missouri, Iowa, Nebraska, North Dakota, Wyoming, Arizona, California, Idaho, New Mexico, Oregon, Utah, South Dakota, Washington, Illinois, Colorado, Montana, Minnesota, Kansas, Oklahoma, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11849. Authority sought for purchase by BRIGGS TRANSPORTATION CO., 2360 West County Road C, St. Paul, Minn. 55113, of the operating rights and property of CONARD FREIGHT LINES, INC., 816 South Duff, Ames, Iowa 50010, and for acquisition by GEORGE E. BRIGGS and MICHAEL P. WARDWELL, both of 2360 West County Road C, St. Paul, Minn. 55113, of control of such rights through the purchase. Applicants' attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Operating rights sought to be transferred: Under a certificate of registration in docket No. MC-120277 (sub-No. 1), covering the transportation of property, as a common carrier, in interstate commerce, within the State of Iowa. Vendee is authorized to operate as a common carrier in Minnesota, Illinois, Wisconsin, Iowa, Nebraska, Indiana, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11850. Authority sought for control by INTERNATIONAL UTILITIES CORP., a noncarrier, the Wilmington Tower, 1105 North Market Street, Wilmington, Del. 19801, of AIRBORNE FREIGHT CORP., Colman Building, Seattle, Wash. 98104. Applicants' attorneys: Roland Rice, 618 Perpetual Building, Washington, D.C. 20004, and H. Beatty Chadwick, 1500 Walnut Street, Philadelphia, Pa. 19102. Operating rights sought to be controlled: *General commodities*, excepting among others, classes A and B explosives, household goods, and those in bulk, as a common carrier over irregular routes, between points in Alaska within 25 miles of Anchorage, Alaska, including Anchorage. INTERNATIONAL UTILITIES CORP., holds no authority from this Commission. However, they control (1) PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 958, Oakland, Calif. 94604, and (2) RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, Fla. 32203, which are authorized to operate as common carriers in (1) from coast to coast, and (2) in Tennessee, Georgia, Alabama, Missouri, Ohio, Kentucky, Illinois, Indiana, Wisconsin, North Carolina, Virginia, South Carolina, Florida, Texas, Louisiana, Mississippi, Delaware, Maryland, Michigan, New Jersey, New York, Pennsylvania, California, Colorado, Rhode Island, Connecticut, Massachusetts, West Virginia, Maine, New Hampshire, Vermont, Arkansas, Minnesota, Kansas,

Iowa, Oklahoma, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11851. Authority sought for control by SMITH'S TRANSFER CORP., P.O. Box 1000, Staunton, Va. 24401, of BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, Iowa 50312, and for acquisition by R. R. SMITH, and R. P. HARRISON, both of Staunton, Va. 24401, of control of BRADY MOTORFRATE, INC., through the acquisition by SMITH'S TRANSFER CORP. Applicants' attorneys: David G. Macdonald, 1000 16th Street NW., Washington, D.C. 20036, and Eugene T. Liipfert, 1660 L Street NW., Washington, D.C. 20036. Operating rights sought to be controlled: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a common carrier, over regular and irregular routes, from, to, and between specified points in the States of Missouri, Illinois, Nebraska, Iowa, Minnesota, Ohio, South Dakota, Kansas, Kentucky, Indiana, Michigan, Kansas, Wisconsin, Maryland, New Jersey, New York, Pennsylvania, West Virginia, Delaware, Connecticut, Massachusetts, Rhode Island, and the District of Columbia, with certain restrictions, serving various intermediate and off-route points, over three alternate routes for operating convenience only, as more specifically described in docket No. MC-52110 and sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. SMITH'S TRANSFER CORP. is authorized to operate as a common carrier in Virginia, West Virginia, Kentucky, South Carolina, North Carolina, New York, Pennsylvania, New Jersey, Maryland, Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, Vermont, Delaware, Indiana, Tennessee, Georgia, Illinois, Ohio, Missouri, Michigan, Kansas, Wisconsin, Minnesota, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11852. Authority sought for control by JONES TRUCK LINES, INC., 610 East Emma Street, Springdale, Ark. 72764, of MERSCHEIM TRANSFER, INC., P.O. Box 16346, Denver, Colo. 80216, and for acquisition by HARVEY JONES, also of Springdale, Ark. 72764, of control of MERSCHEIM TRANSFER, INC., through the acquisition by JONES TRUCK LINES, INC. Applicants' attorneys: Earl H. Scudder, Jr., Box 82028, Lincoln, Nebr. 68501, and James B. Blair, 111 Holcomb Street, Springdale, Ark. 72764. Operating rights sought to be controlled: *Household goods*, as defined by the Commission, *emigrant movables*, and *general commodities*, except those of unusual value, classes A and B explosives.

commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over irregular routes, between points in Banner, Cheyenne, Morrill, and Kimball Counties, Nebr., on the one hand, and, on the other, points in a defined area of Colorado; *oils and greases*, in containers, *lumber, coal, iron and steel articles, seeds, farm machinery, salt, grain, and livestock*, from Laramie and Cheyenne, Wyo., and Colorado Springs and Pueblo, Colo., and points in Kansas, to points in Banner, Cheyenne, Morrill, and Kimball Counties, Nebr.; *emigrant movables*, between points in Banner, Cheyenne, Morrill, and Kimball Counties, Nebr., on the one hand, and, on the other, points in Wyoming and Kansas. JONES TRUCK LINES, INC., is authorized to operate as a *common carrier* in Missouri, Arkansas, Oklahoma, Tennessee, Kansas, Texas, Mississippi, Illinois, Indiana, Nebraska, Iowa, Louisiana, Alabama, Florida, Ohio, Kentucky, Michigan, Wisconsin, Maryland, New Jersey, Pennsylvania, District of Columbia, Colorado, Minnesota, North Dakota, New Mexico, South Dakota, Massachusetts, New York, North Carolina, Virginia, West Virginia, South Carolina, Arizona, California, Georgia, Idaho, Nevada, Oregon, Utah, and Washington. Application has been filed for temporary authority under section 210a(b).

NOTE.—As a condition of our approval, Scott Truck Line, Inc., shall file a petition with the Commission requesting cancellation of its temporary authority in No. MC-F-11076 to control Mersheim Transfer, Inc., through management prior to or concurrently with the exercise by Jones Truck Lines, Inc., of the temporary authority granted herein.

No. MC-F-11853. Authority sought for purchase by LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108, of a portion of the operating rights of BRADY MOTOR-FRATE, INC., 2150 Grand Avenue, Des Moines, Iowa 50312, and for acquisition by R. E. LEE, and M. S. LEE, both of Oklahoma City, Okla. 73108, of control of such rights through the purchase. Applicants' attorneys: Richard H. Champin, P.O. Box 82488, Oklahoma City, Okla. 73198, Roland Rice, Suite Perpetual Building, Washington, D.C. 20004, and Eugene T. Lippert, suite 1100, 1660 L Street NW., Washington, D.C. 20036. Operating rights sought to be transferred: *General commodities*, with the usual exceptions, as a *common carrier* over regular routes, between Des Moines, Iowa, and Kansas City, Mo., serving no intermediate points and serving Cameron, Mo., for purposes of joinder only, between Des Moines, Iowa, and St. Paul, Minn., serving no intermediate points, with restriction; *general commodities*, with the usual exceptions, over irregular routes, between Kansas City, Kans., and Kansas City, Mo., on the one hand, and, on the other, points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission, and points in

the Des Moines, Iowa, commercial zone as defined by the Commission. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Arizona, California, Colorado, Georgia, Kansas, Kentucky, Missouri, New Mexico, Illinois, Indiana, Ohio, Pennsylvania, Oklahoma, Tennessee, Texas, and West Virginia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-8589 Filed 5-1-73;8:45 am]

[No. MC-C-7999]

NATIONWIDE AUTO TRANSPORTERS, INC.

Petition for Declaratory Order—Motor Homes

APRIL 23, 1973.

At the request of Mr. William J. Lippman, attorney on behalf of Morgan Drive Away, Inc., the time for filing representations in the above-entitled proceedings has been extended from April 24, 1973, to May 7, 1973 only.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-8591 Filed 5-1-73;8:45 am]

[Ex Parte No. 55 (Sub-No. 8)]

MOTOR COMMON CARRIERS OF PROPERTY, ROUTES AND SERVICE

Petition for the Elimination of Gateways by Rulemaking

APRIL 27, 1973.

JOINT PETITIONERS

Warners Motor Express, Inc., Red Lion, Pa.
Kings Van & Storage, Inc., Oklahoma City, Okla.
Plymouth Van Lines, Inc., Pittsburgh, Pa.
A. Arnold & Son, Inc., Louisville, Ky.
American Security Van Lines, Inc., Atlanta, Ga.
Kessel Transfer & Storage, Inc., Atlas, Okla.
Sherwood Van Lines, Inc., San Antonio, Tex.
Barrieau Express, Inc., Hartford, Conn.
Cartwright Van Lines, Inc., Kansas City, Mo.
Colonial Van Lines, Inc., Reading, Mass.
Dudley's Transcontinental Movers, Inc., Lincoln, Nebr.
Essex Van & Storage, Inc., Baltimore, Md.
United Moving & Storage, Inc., Columbus, Ohio
Bruce & Son Van & Storage Co., Amarillo, Tex.
Brown Moving & Storage, Inc., New Britain, Conn.
Continental Van Lines, Inc., Seaside, Calif.
Gray Moving & Storage, Inc., Denver, Colo.
The Seven Brothers & The Seven Santini Brothers, New York, N.Y.
Dean Van Lines, Inc., Long Beach, Calif.
Berry Van Lines, Easton, Md.
Marsh Motor Haulage, Inc., Port Newark, N.J.
Verity & Son, Inc., Seaford, N.Y.
Checker Van Lines, Inc., Mt. Holly, N.J.
Pan American Van Lines, Inc., Bellerose, N.Y.
Weathers Brothers Transfer Co., Inc., Atlanta, Ga.
U.S. Van Lines, Inc., Atlanta, Ga.
Hilson Moving & Transfer, Inc., Youngstown, Ohio
Malatesta & Sons, Paterson, N.J.
Trans Country Van Lines, Inc., Bohemia, N.Y.

Paramount Moving & Storage, Garden City, N.Y.

Engel Brothers, Inc., Elizabeth, N.J.
Von Der Ahe Van Lines, Inc., Transworld Vans, Chicago, Ill.
Albee Trucking, Wolfboro, N.H.
Allstates Van Lines, Corona, N.Y.
American Van & Storage, Miami, Fla.
Lindstrom Bros., Melrose, Mass.
Bader Brothers Van Lines, Inc., Syosset, N.Y.
Campbell's Moving Co., Inc., Philadelphia, Pa.
Fogarty Brothers Transfer, Tampa, Fla.
Astro Van Pak, Inc., Alexandria, Va.
Newlons Transfer, Arlington, Va.

Petitioners' representatives: Robert J. Gallagher, Brodsky, Linett & Altman, 1776 Broadway, New York City, N.Y. 10019.

By joint petition filed March 21, 1973, the above-named petitioners request that the Interstate Commerce Commission institute a rulemaking proceeding to investigate the possibility of promulgating regulations which would permit all motor carriers to operate directly between any two points that they are authorized to serve, without the necessity of observing any of their presently required gateways. Although petitioners are principally motor common carriers of household goods, the proposal is not limited to any commodity.

Petitioners contend that observation of circuitous gateways creates added highway congestion, fuel consumption, and air and noise pollution. As possible alternatives to the relief sought, petitioners assert: (1) That the Commission could approve the proposal for all carriers except those where the percent of circuitry to be removed could exceed a specified percent, (2) that the Commission could adopt the proposal for a short-term trial basis of 6 months or a year, (3) that the Commission could limit it to a specified group of carriers, and (4) that gateways should be automatically removed unless protestants could prove that such action would impair their ability to serve.

By order of February 5, 1973, the Commission rejected a petition previously tendered by petitioners which failed to comply with the requirements set forth in 49 CFR 1100.250(d). Petitioners appear to have satisfied this deficiency with their present petition. The prior order in this proceeding also stated that motor carriers will continue to be required to meet the standards of proof enunciated in Service Trucking Co., Inc., Extension—Frozen Pies and Pastries, 88 M.C.C. 697 (1962), before any gateways are eliminated; that environmental matters will be considered along with the other elimination-of-gateway criteria; and that to conclude otherwise would cause an imbalance in the existing competitive structure throughout the transportation industry, would infringe on the efficient and economic operations of existing carriers, and would adversely affect the stability of regulated motor carriers generally. That order also suggested that, as an alternative to the proposed action, the Commission could promulgate regulations forbidding all circuitous tacking which might equally (or better)

serve the environmental goals embraced by petitioners.

In response to this latter possibility, petitioners contend that they have always had the right to tack their certificates, and that, therefore, this right could not be taken away, as it is a property right protected by the Fifth Amendment to the U.S. Constitution.²

Petitioners contend that the Commission does not have sufficient facts available to it to determine with any degree of specificity the likely environmental, economic, or social consequences of the proposed action. They contend that a rulemaking is necessary to develop this information and that the Commission must issue an environmental impact statement because the denial of this

² Contrary to petitioners' contentions, however, it should be noted that motor carriers operating over irregular routes have not always had the "right" to tack or join their operating rights. This privilege was developed by the Commission through appropriate case law. *Transport Corp. of Virgin Extension—Maryland*, 43 M.C.C. 716 (1944). In addition, section 208(a) of the Interstate Commerce Act authorizes the Commission to impose in certificates such reasonable terms, conditions, and limitations as the public convenience and necessity may from time to time after the issuance of a certificate require as to the extension of the route or routes of a carrier. This permits the Commission to impose in certificates reasonable conditions against the rendition of through services in cases in which such conditions may be warranted by the evidence presented. Therefore, it would appear that the Commission may, if the public convenience and necessity so require, impose no-tacking and no-joinder restrictions on outstanding certificates. *Gateway Transportation Co. v. United States*, 173 F. Supp. 822 (W.D. Wis. 1959). For a complete discussion of the Commission's powers pursuant to section 208(a) of the Act to alter certificates after they have been issued, see *Removal of Truckload Lot Restrictions*, 106 M.C.C. 455, 474-479 (1968), *aff'd*, *Regular Common Carrier Conference v. United States*, 307 F. Supp. 941 (1969).

action "arguably" will have an adverse environmental effect. Petitioners recognize that the Commission in 1959 investigated a similar proposal in Ex parte No. MC-55 (*Motor Carriers of Property, Routes and Services*, 88 M.C.C. 415) and refused to take the involved action, but they now seek the renewed consideration of this matter in light of the Commission's environmental responsibilities pursuant to the National Environmental Policy Act of 1969.

Petitioners state that the elimination of gateways may well involve a potential annual saving of over 1 billion vehicle miles, 200 million gallons of fuel, and over a billion dollars in expenses. They assert that the pollutants that would not be emitted each year might be more than 100,000 tons. Petitioners have neither documented any of their allegations in detail nor presented any specific evidence on the involved issues. In regard to the creation of new competitive services by the Commission's adoption of the proposal advanced by petitioners, petitioners allege that if existing carriers could not withstand such competition, the fault would lie not with the Commission for allowing competitors to operate directly, but would be that of the existing carriers which are not able to operate as economically and as efficiently as the newly authorized direct carrier.³

The basic issue thus presented in this proceeding is what the Commission should do regarding the tacking or joinder of separate operating authorities in light of the environmental and economic effects of tacking. In order for the Commission properly to evaluate this issue, all motor carriers desiring to participate in this proceeding, including petitioners, are hereby directed to file with the Commission as part of their representations herein the following information: (1) A

³ Petitioners do not appear concerned with the possible infringement upon the "property rights" of existing carriers that might result from a grant of the relief sought.

list of gateways presently being observed; (2) the number of shipments in which the involved carrier observed each gateway during the last complete quarter; (3) the mileages such carrier would save by elimination of such gateways; (4) the cost savings the carrier would obtain by elimination of such gateways; (5) the fuel savings (in gallons) that would result to the carriers from the adoption of the proposed action; and (6) a list of complaints received regarding fuel emissions and noise pollution and actions taken by the carrier to correct such complaints. Carriers opposing this petition should document their traffic which would be subject to diversions by a granting of the relief sought. All persons desiring to comment upon the environmental issues herein are hereby invited to do so.

No oral hearing is contemplated at this time, but any person (including petitioners) wishing to make representations in favor of, or against, the relief sought in the petition may do so by the submission of written data, views, or arguments. An original and fifteen (15) copies of such data, views, or arguments shall be filed with the Commission on or before July 6, 1973. A copy of each representation should be served upon petitioners' representative. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours. Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-8592 Filed 5-1-73;8:45 am]

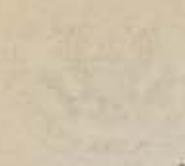
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COUNCIL ON
ENVIRONMENTAL
QUALITY

PREPARATION OF
ENVIRONMENTAL
IMPACT STATEMENTS

Proposed Guidelines

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PART II



COUNCIL ON ENVIRONMENTAL QUALITY

■

PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Proposed Guidelines

COUNCIL ON ENVIRONMENTAL QUALITY

[40 CFR Ch. V]

PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Proposed Guidelines

The Council on Environmental Quality invites comments and suggestions from interested parties with respect to the following proposed revisions of the Council's guidelines on the preparation of environmental impact statements pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C. section 4332(2)(c)). The present guidelines, dated April 23, 1971, are available from the Council and appear at 36 FR 7724-7729.

Comments should be sent to the Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006, on or before June 18, 1973.

After consideration of the comments and views of interested parties, the Council will make appropriate revisions and will codify these guidelines in final form in the Code of Federal Regulations, establishing a new chapter 5 to title 40 of that Code.

The proposed revisions and a section-by-section commentary follow:

1. *Purpose and authority.*—(a) This directive provides guidelines to Federal departments, agencies, and establishments for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment as required by section 102(2)(C) of the National Environmental Policy Act (Public Law 91-190, 42 U.S.C. sections 4321 et seq.) (hereafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (35 FR 4247), of March 5, 1970, that all Federal agencies, to the fullest extent possible, direct their policies, plans, and programs so as to meet national environmental goals to encourage productive and enjoyable harmony between man and his environment, to promote efforts preventing or eliminating damage to the environment and biosphere and stimulating the health and welfare of man, and to enrich the understanding of the ecological systems and natural resources important to the Nation. The objective of section 102(2)(C) of the Act and of these guidelines is to build into the agency decisionmaking process, beginning at the earliest possible point, an appropriate and careful consideration of the environmental aspects of proposed action and to assist agencies in implementing the policies as well as the letter of the Act. This directive also provides guidance to Federal, State, and local agencies and the public in commenting on statements prepared under these guidelines.

(b) Pursuant to section 204(3) of the Act the Council is assigned the duty and function of reviewing and appraising the programs and activities of the Federal

Government, in the light of the Act's policy, for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto. Section 102(2)(B) of the Act directs all Federal agencies to identify and develop methods and procedures, in consultation with the Council, to insure that unquantified environmental values be given appropriate consideration in decisionmaking along with economic and technical considerations; section 102(2)(C) of the Act directs that copies of all environmental impact statements be filed with the Council; and section 102(2)(H) directs all Federal agencies to assist the Council in the performance of its functions. These provisions have been supplemented in sections 3(h) and (i) of Executive Order 11514 by directions that the Council issue guidelines to Federal agencies for preparation of environmental impact statements and such other instructions to agencies and requests for reports and information as may be required to carry out the Council's responsibilities under the Act.

2. *Policy.*—As early as possible and in all cases prior to agency decision concerning recommendations or favorable reports on proposals for: (i) Legislation significantly affecting the quality of the human environment (see secs. 5(i) and 12, *infra*) (hereafter "legislative actions"), and (ii) all other major Federal actions significantly affecting the quality of the human environment (hereafter "administrative actions"), Federal agencies will, in consultation with other appropriate Federal, State, and local agencies, assess in detail the potential environmental impact. Initial assessments of the environmental impacts of proposed action should be undertaken concurrently with initial technical and economic studies and, where required, a draft environmental impact statement prepared and circulated for comment in time to accompany the proposal through the existing agency review processes for such action. In this process, Federal agencies shall: (i) Provide for circulation of draft environmental statements to other Federal, State, and local agencies and for their availability to the public in accordance with the provisions of these guidelines; (ii) consider the comments of the agencies and the public; and (iii) issue final environmental impact statements responsive to the comments received. The purpose of this assessment and consultation process is to provide agencies and other decisionmakers as well as members of the public with an understanding of the potential environmental effects of proposed actions, to avoid or minimize adverse effects wherever possible, and to restore or enhance environmental quality to the fullest extent practicable. In particular, agencies should use the environmental impact statement process to explore alternative actions that will avoid or minimize adverse impacts and to evaluate both the long- and

short-range implications of proposed actions to man, his physical and social surroundings, and to nature. Agencies should consider the results of their environmental assessments along with their assessments of the net economic, technical, and other benefits of proposed actions and use all practicable means, consistent with other essential considerations of national policy, to avoid or minimize undesirable consequences for the environment.

3. *Agency and OMB procedures.*—(a) Pursuant to section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by section 102(2)(C) of the Act. Previous guidelines of the Council on Environmental Quality directed each agency to establish its own formal procedures for: (1) Identifying those agency actions requiring environmental statements, the appropriate time prior to decision for the consultations required by section 102(2)(C) and the agency review process for which environmental statements are to be available, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, State, and local agencies, including obtaining the comment of the Administrator of the Environmental Protection Agency when required under section 309 of the Clean Air Act, as amended, and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact. Each agency shall review the procedures it has established pursuant to the above directives and shall revise them, in consultation with the Council on Environmental Quality, as may be necessary in order to respond to requirements imposed by these revised guidelines as well as by such previous directives. After such consultation, proposed revisions of such agency procedures shall be published in the FEDERAL REGISTER no later than 90 days after the date that these guidelines are published in final form. A minimum 45-day period for public comment shall be provided, followed by publication of final procedures no later than 45 days after the conclusion of the comment period. Each agency shall submit seven copies of all such procedures to the Council on Environmental Quality. Any future revision of such agency procedures shall similarly be proposed and adopted only after prior consultation with the Council and, in the case of substantial revision, opportunity for public comment.

(b) Each Federal agency should consult, with the assistance of the Council on Environmental Quality and the Office of Management and Budget if desired, with other appropriate Federal agencies in the development and revision of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective

coordination among agencies in their review of proposed activities. Where applicable, State and local review of such agency procedures should be conducted pursuant to procedures established by Office of Management and Budget Circular No. A-85. For those revised agency procedures subject to OMB Circular No. A-85 a 30-day extension in the public comment period provided for in section 3(a) is granted.

(c) Existing mechanisms for obtaining the views of Federal, State, and local agencies on proposed Federal actions should be utilized to the maximum extent practicable in dealing with environmental matters. The Office of Management and Budget will issue instructions, as necessary, to take full advantage of such existing mechanisms.

4. *Federal agencies included; effect of the Act on existing agency mandates.*—Section 102(2)(C) of the Act applies to all agencies of the Federal Government. Section 102 of the Act provides that "to the fullest extent possible: (1) The policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act," and section 105 of the Act provides that "the policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies." This means that each agency shall interpret the provisions of the Act as a supplement to its existing authority and as a mandate to view traditional policies and missions in the light of the Act's national environmental objectives. In accordance with this purpose, agencies should continue to review their policies, procedures, and regulations and to revise them as necessary to insure full compliance with the purposes and provisions of the Act. The phrase "to the fullest extent possible" in section 102 is meant to make clear that each agency of the Federal Government shall comply with that section unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible.

5. *Actions included.*—"Actions" include but are not limited to:

(i) Recommendations or favorable reports relating to legislation including requests for appropriations. The requirement for following the section 102(2)(C) procedure as elaborated in these guidelines applies to both (1) agency recommendations on their own proposals for legislation (see section 12 *infra*); and (ii) agency reports on legislation initiated elsewhere. In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement.

(ii) New and continuing projects and program activities: directly undertaken by Federal agencies; or supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance (except where such assistance is solely in the form of general revenue sharing funds, distributed under the State and Local Fiscal Assistance Act of 1972, 31 U.S.C.

section 1221 et seq. with no Federal agency control over the subsequent use of such funds); or involving a Federal lease, permit, license, certificate or other entitlement for use;

(iii) The making, modification, or establishment of regulations, rules, procedures, and policy.

6. *Identifying major actions significantly affecting the environment.*—(a) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed major actions, the environmental impact of which is likely to be highly controversial, should be covered in all cases. In considering what constitutes major action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. In all such cases, an environmental statement should be prepared if it is reasonable to anticipate a cumulatively significant impact on the environment from Federal action. The Council on Environmental Quality, on the basis of a written assessment of the impacts involved, is available to assist agencies in determining whether specific actions require impact statements.

(b) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act also indicates that adverse significant effect. The Act also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment, and serve short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial. Significant effects also include secondary effects, as described more fully, for example in sec. 8(a)(ii)(B), *infra*. The significance of a proposed action may also vary with the setting, with the result that an action that would have little impact in an urban area may be significant in a rural setting or vice versa. While a precise definition of environmental "significance," valid in all contexts, is not possible, effects to be considered in assessing significance in-

clude, but are not limited, to those outlined in appendix II of these guidelines.

(c) Each of the provisions of the Act, except section 102(2)(C), applies to all Federal agency actions. Section 102(2)(C) requires the preparation of a detailed environmental impact statement in the case of "major Federal actions significantly affecting the quality of the human environment." The identification of major actions significantly affecting the environment is the responsibility of each Federal agency, to be carried out against the background of its own particular operations. The action must be (i) a "major" action, (ii) which is a "Federal action," (iii) which has a "significant" effect, and (iv) which involves the "quality of the human environment." The words "major" and "significantly" are intended to imply thresholds of importance and impact that must be met before a statement is required. The action causing the impact must also be one where there is sufficient Federal control and responsibility to constitute "Federal action" in contrast to cases where such Federal control and responsibility are not present as, for example, when Federal funds are distributed in the form of general revenue sharing to be used by State and local governments (see sec. 5(ii) *supra*). Finally, the action must be one that significantly affects the quality of the human environment either by directly affecting human beings or by indirectly affecting human beings through adverse effects on the environment. Each agency should review the typical classes of actions that it undertakes and, in consultation with the Council on Environmental Quality, should develop specific criteria and methods for identifying those actions likely to require environmental statements and those actions likely not to require environmental statements. Normally this will involve:

(i) Making an initial assessment of the environmental impacts typically associated with principal types of agency action;

(ii) Identifying on the basis of this assessment, types of actions which normally do, and types of actions which normally do not, require statements;

(iii) With respect to remaining actions that may require statements depending on the circumstances, and those actions determined under the preceding paragraph (ii) as likely to require statements, identifying: (1) What basic information needs to be gathered; (2) how and when such information is to be assembled and analyzed; and (3) on what bases environmental assessments and decisions to prepare impact statements will be made. Agencies may either include this guidance in the procedures issued pursuant to section 3(a) of these guidelines, or issue such guidance as supplemental instructions to aid relevant agency personnel in implementing the impact statement process. Pursuant to section 15 of these guidelines, agencies

shall report to the Council by December 1, 1973, on the progress made in developing such substantive guidance.

(d) In determining when statements are required, agencies should give careful attention to identifying and defining the scope of the action which would most appropriately serve as the subject of the statement. In many cases, broad program statements will be desirable, assessing the environmental effects of a number of individual actions on a given geographical area (e.g., coal leases), or environmental impacts that are generic or common to a series of agency actions (e.g., harbor maintenance dredging), or the overall impact of a large-scale program or chain of contemplated projects (e.g., major lengths of highway as opposed to small segments), or the environmental implications of research activities that have reached a stage of investment or commitment to implementation likely to determine subsequent development or restrict later alternatives. Subsequent statements on major individual actions should be necessary only where such actions have significant environmental impacts not adequately evaluated in the program statement.

7. *Procedures for preparing draft environmental statements; hearings.*—(a) In accord with the policy of the Act and Executive Order 11514 agencies have a responsibility to develop procedures to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. In furtherance of this policy, agency procedures should include an appropriate early notice system for informing the public of the decision to prepare a draft environmental statement on proposed administrative actions (and for soliciting comments that may be helpful in preparing the statement) as soon as is practicable after the decision to prepare the statement is made. In this connection, agencies should: (i) Maintain a list of administrative actions for which environmental statements are being prepared; (ii) revise the list at regular intervals specified in the agency's procedures developed pursuant to section 3(a) of these guidelines; and (iii) make the list available for public inspection on request.

(b) Each environmental impact statement shall be prepared and circulated in draft form for comment in accordance with the provisions of these guidelines. (Where an agency has an established practice of declining to favor an alternative until public comments on a proposed action have been received, the draft environmental statement may indicate that two or more alternatives are under consideration.) Comments received shall be carefully evaluated and considered in the decision process. A final statement with substantive comments attached shall then be issued and circulated in accordance with applicable provisions of sections 10, 11, or 12 of this directive. It is important that draft environmental statements be prepared and

circulated for comment and furnished to the Council as early as possible in the agency review process in order to permit agency decisionmakers and outside reviewers to give meaningful consideration to the environmental issues involved. In particular, agencies should keep in mind that such statements are to serve as the means of assessing the environmental impact of proposed agency actions, rather than as a justification for decisions already made. This means that draft statements on administrative actions should be prepared and circulated for comment prior to the first significant point of decision in the agency review process. For major categories of agency action, this point should be identified in the procedures issued pursuant to section 3(a).

(c) Where more than one agency directly sponsors an action, or is directly involved through funding, licenses, or permits, to the maximum extent possible one statement should serve as the means of compliance with section 102(2)(C) for all Federal action involved. Agencies in such cases should consider the possibility of joint preparation of a statement by all agencies concerned, or designation of a single "lead agency" to assume supervisory responsibility for preparation of the statement. Where a lead agency prepares the statement, the other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. In either case, the statement should contain an environmental assessment of the full range of Federal actions involved, should reflect the views of all participating agencies, and should be prepared before major or irreversible actions have been taken by any of the participating agencies. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies become involved, the magnitude of their respective involvement, and their relative expertise with respect to the project's environmental effects. As necessary, the Council on Environmental Quality will assist in resolving questions of responsibility for statement preparation in the case of multiagency actions.

(d) Where an agency relies on an applicant to submit initial environmental information, the agency should assist the applicant by outlining the types of information required. In all cases, the agency should make its own evaluation of the environmental issues and take responsibility for the scope and content of draft and final environmental statements.

(e) Agency procedures developed pursuant to section 3(a) of these guidelines shall include provision for public hearings on actions with environmental impact whenever appropriate, and for providing the public with relevant information, including information on alternative courses of action. In deciding whether a public hearing is appropriate, an agency should consider: (i) The magnitude of the proposal in terms of economic costs, the geographic area involved, and the uniqueness or size of commitment of the resources involved;

(ii) the degree of interest in the proposal, as evidenced by requests from the public and from Federal, State and local authorities that a hearing be held; (iii) the complexity of the issue and the likelihood that information will be presented at the hearing which will be of assistance to the agency in fulfilling its responsibilities under the Act; (iv) the extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, and/or written comments on the proposed action. Agency procedures should also indicate as explicitly as possible those types of agency decisions or actions which utilize hearings as part of the normal agency review process, either as a result of statutory requirement or agency practice. Agencies should make any draft environmental statement available to the public at least 15 days prior to the time of such hearings.

8. *Content of environmental statements.*—(a) The following points are to be covered:

(i) A description of the proposed action and of the environment affected, including information, summary technical data, and maps and diagrams where relevant, adequate to permit an assessment of potential environmental impact by commenting agencies and the public. Highly technical and specialized analyses and data should be avoided in the body of the draft impact statement. Such materials should be attached as appendices or footnoted with adequate bibliographic references. The statement should also succinctly describe the environment of the area affected as it exists prior to a proposed action. The amount of detail provided in such descriptions should be commensurate with the extent and expected impact of the action, and with the amount of information required at the particular level of decisionmaking (planning, feasibility, design, etc.). In order to insure accurate descriptions and environmental assessments, site visits should be made where feasible. Agencies should also take care to identify, as appropriate, population and growth characteristics of the affected area and any population and growth assumptions used to justify the project or program or to determine secondary population and growth impacts resulting from the proposed action and its alternatives (see par. (ii)(B), *infra*). In discussing these population aspects, agencies should give consideration to using the rates of growth in the region of the project contained in the projection compiled for the Water Resources Council by the Office of Business Economics of the Department of Commerce and the Economic Research Service of the Department of Agriculture (the OBERS projection). In any event it is essential that the sources of data used be identified.

(ii) The probable impact of the proposed action on the environment.

(A) This requires agencies to assess the positive and negative effects of the

proposed action as it affects both the national and international environment. The attention given to different environmental factors will vary according to the nature, scale, and location of proposed actions. Among factors to consider should be the potential effect of the action on such aspects of the environment as those listed in appendix II of these guidelines. Primary attention should be given in the statement to discussing those factors most evidently impacted by the proposed action.

(B) Secondary, as well as primary consequences for the environment should be included in the analysis. Many major Federal actions, in particular those that involve the construction or licensing of infrastructure investments (e.g., highways, airports, sewer systems, water resource projects, etc.), stimulate or induce secondary effects in the form of associated investments and changed patterns of social and economic activities. Such secondary effects, through their impacts on existing community facilities and activities and through inducing new facilities and activities, may often be even more substantial than the primary effects of the original action itself. For example, the effects of the proposed action on population and growth may be among the more significant secondary effects. Such population and growth impacts should be estimated if expected to be significant (using data identified as indicated in section 8(a)(1), *supra*) and an assessment made of the effect of any possible change in population patterns or growth upon the resource base, including land use, water, and public services, of the area in question.

(iii) Alternatives to the proposed action, including, where relevant, those not within the existing authority of the responsible agency. (Section 102(2)(D) of the Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of the environmental impacts of all reasonable alternative actions, particularly those that might avoid some or all of the adverse environmental effects, is essential. Sufficient analysis of such alternatives and their environmental costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects. Examples of such alternatives include: The alternative of taking no action or of postponing action pending further study; alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts (e.g., nonstructural alternatives to flood control programs, or mass transit alternatives to highway construction); alternatives related to different designs or details of the proposed action which would present different environmental

impacts (e.g., cooling ponds vs. cooling towers for a powerplant or alternatives that will significantly conserve energy). In each case, the analysis should be sufficiently detailed to permit comparative evaluation of the environmental benefits, costs and risks of the proposed action and each reasonable alternative, provided, however, that where an existing impact statement already contains such an analysis, its treatment of alternatives may be incorporated.

(iv) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health, or other consequences adverse to the environmental goals set out in section 101(b) of the Act). This should be a brief section summarizing in one place those effects discussed in paragraph (ii) that are adverse and unavoidable under the proposed action. Included for purposes of contrast should be a clear statement of how other adverse effects discussed in paragraph (ii) will be mitigated to prevent apparent unavoidable consequences.

(v) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This section should contain a brief discussion of the extent to which the proposed action involves tradeoffs between short-term environmental gains at the expense of long-term losses, or vice versa. In this context short term and long term do not refer to any fixed time periods, but should be viewed in terms of the environmentally significant consequences of the proposed action.

(vi) Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented. This requires the agency to identify from its survey of unavoidable impacts in paragraph (iv) the extent to which the action irreversibly curtails the range of potential uses of the environment. Agencies should avoid construing the term "resources" to mean only the labor and materials devoted to an action. "Resources" also means the natural and cultural resources committed to loss or destruction by the action.

(b) In developing the above points, agencies should make every effort to convey the required information succinctly in a form easily understood, both by members of the public and by public decisionmakers, giving attention to the substance of the information conveyed rather than to the particular form, or length, or detail of the statement. Each of the above points, for example, need not always occupy a distinct section of the statement if it is otherwise adequately covered in discussing the impact of the proposed action and its alternatives—which items should normally be the focus of the statement. Draft statements should indicate at appropriate points in the text any underlying studies, reports, and other information obtained and considered by the agency in

preparing the statement including any cost-benefit analyses prepared by the agency. In the case of documents not likely to be easily accessible (such as internal studies or reports), the agency should indicate how such information may be obtained. If such information is attached to the statement, care should be taken to insure that the statement remains an essentially self-contained instrument, capable of being understood by the reader without the need for undue cross reference.

(c) Each environmental statement should be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government, "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision-making which may have an impact on man's environment." Agencies should attempt to have relevant disciplines represented on their own staffs; where this is not feasible they should make appropriate use of relevant Federal, State, and local agencies or the professional services of universities and outside consultants. The interdisciplinary approach should not be limited to the preparation of the environmental impact statement, but should also be used in the early planning stages of the proposed action. Early application of such an approach should help assure a systematic evaluation of reasonable alternative courses of action and their potential social, economic, and environmental consequences.

(d) Appendix I prescribes the form of the summary sheet which should accompany each draft and final environmental statement.

9. *Review of draft environmental impact statements by appropriate Federal, Federal-State, State, and local agencies and by public.*—(a) *Federal agency review.*—In general, A Federal agency considering an action requiring an environmental statement should consult with, and (on the basis of a draft environmental statement for which the agency takes responsibility) obtain the comment on the environmental impact of the action of Federal and Federal-State agencies with jurisdiction by law or special expertise with respect to any environmental impact involved. These Federal and Federal-State agencies and their relevant areas of expertise include those identified in appendix II to these guidelines. It is recommended that the listed departments and agencies establish contact points, which may be regional offices, for providing comments on the environmental statements. The requirement in section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or special expertise is in addition to any specific statutory obligation of any Federal agency to coordinate or consult with any other Federal or State agency. Agencies should, for

example, be alert to consultation requirements of the Fish and Wildlife Coordination Act, 16 U.S.C. sections 661 et seq., and the National Historic Preservation Act of 1966, 16 U.S.C. sections 470 et seq. To the extent possible, statements or findings concerning environmental impact required by such other statutes, as in the case of section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C. section 1653(f), or section 106 of the National Historic Preservation Act of 1966, should be combined with compliance with the environmental impact statement requirements of section 102(2)(C) of the Act to yield a single document which meets all applicable requirements. The Advisory Council on Historic Preservation, the Department of Transportation, and the Department of the Interior, in consultation with the Council on Environmental Quality, will issue any necessary supplementing instructions for furnishing information or findings not forthcoming under the environmental impact statement process.

(b) *EPA review under Clean Air Act.*—Section 309 of the Clean Air Act, as amended (42 U.S.C. sec. 1857h-7), provides that the Administrator of the Environmental Protection Agency shall comment in writing on the environmental impact of any matter relating to his duties and responsibilities, and shall refer to the Council on Environmental Quality any matter that the Administrator determines is unsatisfactory from the standpoint of public health or welfare or environmental quality. Accordingly, wherever an agency action related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, generally applicable environmental radiation criteria and standards, or other provision of the authority of the Administrator is involved, Federal agencies are required to submit such proposed actions to the Administrator for review and comment in writing. In all cases where EPA determines that proposed agency action is environmentally unsatisfactory, or where EPA determines that an environmental statement is so inadequate that such a determination cannot be made, EPA shall notify the Council on Environmental Quality as soon as practicable. The Administrator's comments shall constitute his comments for the purposes of both section 309 of the Clean Air Act and section 102(2)(C) of the National Environmental Policy Act.

(c) *State and local review.*—Office of Management and Budget Circular No. A-95 (Revised) through its system of State and areawide clearinghouses provides a means for securing the views of State and local environmental agencies, which can assist in the preparation and review of environmental impact statements. Current instructions for obtaining the views of such agencies are contained in the joint OMB-CEQ memorandum attached to these guidelines as appendix III. A current listing of clearinghouses is issued periodically by the Office of Management and Budget.

(d) *Public review.*—Agency procedures should make provision for facilitating the comment of public and private organizations and individuals by announcing the availability of draft environmental statements and by making copies available to organizations and individuals that have requested an opportunity to comment. Agencies should devise methods for publicizing the existence of draft statements, for example, by publication in local newspapers or by maintaining a list of groups known to be interested in the agency's activities and directly notifying such groups of the existence of a draft statement, or sending them a copy, as soon as it has been prepared.

(e) *Responsibilities of commenting entities.*—Agencies and members of the public submitting comments on proposed actions on the basis of draft environmental impact statements should endeavor to make comments as specific, substantive, and factual as possible without undue attention to matters of form in the impact statement. Emphasis should be placed primarily on the assessment of the environmental impacts of the proposed action, and the acceptability of those impacts on the quality of the environment, particularly as contrasted with the impacts of reasonable alternatives to the action. Commenting entities may recommend modifications to the proposed action and/or new alternatives that will avoid or minimize environmental impacts.

(f) Agencies seeking comment may establish time limits of not less than 45 days for reply, after which it may be presumed, unless the agency or party consulted requests a specified extension of time, that the agency or party consulted has no comment to make. Agencies seeking comment should endeavor to comply with requests for extensions of time of up to 15 days.

10. *Preparation and circulation of final environmental impact statements.*—(a) Agencies should make every effort to discover and discuss all major points of view on the environmental effects of the proposed action and its alternatives in the draft statement itself. However, where opposing professional views and responsible opinion have been overlooked in the draft statement and are brought to the agency's attention through the commenting process, the agency should review the environmental effects of the action in light of those views and should make a meaningful reference in the final statement to the existence of any responsible opposing view not adequately discussed in the draft statement, indicating the agency's response to the issues raised. All substantive comments received on the draft (or summaries thereof where response has been exceptionally voluminous) should be attached to the final statement, whether or not each such comment is thought to merit individual discussion by the agency in the text of the statement.

(b) Copies of final statements, with comments attached, shall be sent to all

Federal, State, and local agencies and private organizations that made substantive comments on the draft statement and to individuals who requested a copy of the final statement. Where the number of comments on a draft statement is such that distribution of the final statement to all commenting entities appears impracticable, the agency shall consult with the Council concerning alternative arrangements for distribution of the statement.

11. *Distribution of statements to Council on Environmental Quality; minimum periods for review and advance availability; availability to public.*—(a) As soon as they have been prepared, 10 copies of draft environmental statements, 5 copies of all comments made thereon (to be forwarded to the Council by the entity making comment at the time comment is forwarded to the responsible agency), and 10 copies of the final text of environmental statements (together with the substance of all comments received thereon by the responsible agency from Federal, State, and local agencies and from private organizations and individuals) shall be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve to meet the statutory requirement to make environmental statements available to the President). At the same time that copies are sent to the Council, copies of final statements should also be sent to relevant commenting entities as set forth in section 10(b) of these guidelines.

(b) To the maximum extent practicable no administrative action subject to section 102(2)(C) is to be taken sooner than 90 days after a draft environmental statement has been circulated for comment, furnished to the Council and, except where advance public disclosure will result in significantly increased costs of procurement to the Government, made available to the public pursuant to these guidelines; neither should such administrative action be taken sooner than 30 days after the final text of an environmental statement (together with comments) has been made available to the Council, commenting agencies, and the public. If the final text of an environmental statement is filed within 90 days after a draft statement has been circulated for comment, furnished to the Council and made public pursuant to this section of these guidelines, the 30-day period and 90-day period may run concurrently to the extent that they overlap. An agency may supplement or amend a draft or final environmental statement. In such cases the agency should consult with the Council on Environmental Quality with respect to the possible need for or desirability of recirculation of the statement for the appropriate period.

(c) The Council will publish weekly in the FEDERAL REGISTER lists of environmental statements received during the preceding week that are available for public comment. The date of receipt by the Council, as noted in the FEDERAL REGISTER publication, shall be the date from

which the minimum periods for review and advance availability of statements shall be calculated.

(d) The Council's publication of notice of the availability of statements is in addition to the agency's responsibility, as described in section 9(d) of these guidelines, to insure the fullest practicable provision of timely public information concerning the existence and availability of environmental statements. The agency responsible for the environmental statement is also responsible for making the statement, the comments received, and any underlying documents available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C., sec. 552), without regard to the exclusion of intragovernmental or interagency memoranda when such memoranda transmit comments of Federal agencies on the environmental impact of the proposed action pursuant to section 9 of these guidelines. Agency procedures prepared pursuant to section 3(a) of these guidelines shall implement these public information requirements and shall include arrangements for availability of environmental statements and comments at the head and appropriate regional offices of the responsible agency and at appropriate State, regional, and metropolitan clearinghouses unless the Governor of the State involved designates some other point for receipt of this information. Notice of such designation of an alternate point for receipt of this information shall be included in the Office of Management and Budget listing of clearinghouses referred to in section 9(c).

(e) Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these guidelines concerning minimum periods for agency review and advance availability of environmental statements, the Federal agency proposing to take the action should consult with the Council on Environmental Quality about alternative arrangements. Similarly where there are overriding considerations of expense to the government or impaired program effectiveness, the responsible agency should consult with the Council concerning appropriate modifications of the minimum periods.

(f) In order to assist the Council on Environmental Quality in fulfilling its responsibilities under the Act and under Executive Order 11514, all agencies shall (as required by Section 102(2)(H) of the Act and section 3(i) of Executive Order 11514) be responsive to requests by the Council for reports and other information dealing with issues arising in connection with the implementation of the Act. In particular, agencies shall be responsive to requests by the Council for either the preparation and circulation of environmental statements or, in the alternative, if the responsible agency determines that an environmental statement is not required, for an environmental assessment and a publicly available record briefly setting forth the reasons for

that determination. In no case, however, shall the Council's silence or failure to request action with respect to an environmental statement be construed as bearing in any way on the question of the legal requirement for or the adequacy of such statements under the Act.

12. *Legislative actions.*—(a) The Council on Environmental Quality and the Office of Management and Budget will cooperate in giving guidance as needed to assist agencies in identifying legislative items believed to have environmental significance. Efforts shall be made to identify types of repetitive legislation requiring environmental impact statements (such as certain types of bills affecting transportation policy or annual construction authorizations) to assure preparation of impact statements prior to submission of such legislative proposals to the Office of Management and Budget.

(b) With respect to recommendations or reports on proposals for legislation to which section 102(2)(C) applies, the final text of the environmental statement and comments thereon should be available to the Congress and to the public for consideration in connection with the proposed legislation or report. In cases where the scheduling of congressional hearings on recommendations or reports on proposals for legislation which the Federal agency has forwarded to the Congress does not allow adequate time for the completion of a final text of an environmental statement (together with comments), a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text.

13. *Application of section 102(2)(C) procedure to existing projects and programs.*—The section 102(2)(C) procedure shall be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the Act on January 1, 1970. While the status of the work and degree of completion may be considered in determining whether to proceed with the project, it is essential that the environmental impacts of proceeding are reassessed pursuant to the Act's policies and procedures and, if the project or program is continued, that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

14. *Supplementary guidelines, evaluations of procedures.*—(a) The Council on Environmental Quality after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will continue to assess their experience in the implementation of the section 102(2)(C) provisions of the Act and in conforming with these

guidelines and report thereon to the Council on Environmental Quality by December 1, 1973. Such reports should include an identification of the problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental aspects (and alternatives, where appropriate) of proposed actions without imposing unproductive administrative procedures. Such reports shall also indicate what progress the agency has made in developing substantive criteria and guidance for making environmental assessments as required by section 6(c) of this directive and by section 102(2)(B) of the Act.

15. *Effective date.*—The revisions of these guidelines shall apply to all draft and final impact statements filed with the Council more than 90 days after the publication of this directive in final form in the FEDERAL REGISTER.

RUSSELL E. TRAIN,
Chairman.

APPENDIX I

(Check one) () Draft. () Final Environmental Statement.

Name of Responsible Federal Agency (with name of operating division where appropriate).

1. Name of Action. (Check one) () Administrative Action. () Legislative Action.

2. Brief description of action indicating what States (and counties) particularly affected.

3. Summary of environmental impact and adverse environmental effects.

4. List alternatives considered.

5. a. (For draft statements) List all Federal, State, and local agencies from which comments have been requested.

b. (For final statements) List all Federal, State, and local agencies and other sources from which written comments have been received.

6. Dates draft statement and final statement made available to Council on Environmental Quality and public.

APPENDIX II—FEDERAL AGENCIES AND FEDERAL STATE AGENCIES¹ WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT ON VARIOUS TYPES OF ENVIRONMENTAL IMPACTS

AIR

Air Quality and Air Pollution Control

Department of Agriculture—
Forest Service (effects on vegetation).
Atomic Energy Commission (radioactive substances).
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Air Pollution Control Office.
Department of the Interior—
Bureau of Mines (fossil and gaseous fuel combustion).
Bureau of Sport Fisheries and Wildlife (wildlife).
National Aeronautics and Space Administration (remote sensing, aircraft emissions).

¹ River Basin Commissions (Delaware, Great Lakes, Missouri, New England, Ohio, Pacific Northwest, Souris-Red-Rainy, Susquehanna, Upper Mississippi) and similar Federal-State agencies should be consulted on actions affecting the environment of their specific geographic jurisdictions.

Department of Transportation—
Assistant Secretary for Systems Development and Technology (auto emissions).
Coast Guard (vessel emissions).
Federal Aviation Administration (aircraft emissions).

Weather Modification

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Defense—
Department of the Air Force.
Department of the Interior—
Bureau of Reclamation.
Water Resources Council.

ENERGY

Energy Conservation

Department of the Interior—
Office of Energy Conservation.
Department of Commerce—
National Bureau of Standards (energy efficiency).
Department of Housing and Urban Development—
Federal Housing Administration (energy conservation in housing standards).
General Services Administration (energy conservation in design and operation of buildings).

Environmental Aspects of Electric Energy Generation and Transmission

Atomic Energy Commission (nuclear power).
Environmental Protection Agency—
Water Quality Office.
Air Pollution Control Office.
Department of Agriculture—
Rural Electrification Administration (rural areas).
Department of Defense—
Army Corps of Engineers (hydro-facilities).
Federal Power Commission (hydro-facilities and transmission lines).
Department of Housing and Urban Development (urban areas).
Department of the Interior—(facilities on Government lands).
National Aeronautics and Space Administration (solar).
Water Resources Council.
River Basins Commissions (as geographically appropriate).

Natural Gas Energy Development, Transmission and Generation

Federal Power Commission (natural gas production, transmission and supply).
Department of the Interior—
Geological Survey.
Bureau of Mines.

HAZARDOUS SUBSTANCES

Toxic Materials

Atomic Energy Commission (radioactive substances).
Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency.
Department of Agriculture—
Agricultural Research Service.
Consumer and Marketing Service.
Department of Defense.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.

Pesticides

Department of Agriculture—
Agricultural Research Service (biological controls, food and fiber production).
Consumer and Marketing Service.
Forest Service.

Department of Commerce—
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration.
Environmental Protection Agency—
Office of Pesticides.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife).
Bureau of Land Management.
Department of Health, Education, and Welfare (Health aspects).

Herbicides

Department of Agriculture—
Agricultural Research Service.
Forest Service.
Environmental Protection Agency—
Office of Pesticides.
Department of Health, Education, and Welfare (Health aspects).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
Bureau of Reclamation.

Transportation and Handling of Hazardous Materials

Department of Commerce—
Maritime Administration.
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration (impact on marine life).
Department of Defense—
Armed Services Explosive Safety Board.
Army Corps of Engineers (navigable waterways).
Department of Health, Education, and Welfare—
Office of the Surgeon General (Health aspects).
Department of Transportation—
Federal Highway Administration, Bureau of Motor Carrier Safety.
Coast Guard.
Federal Railroad Administration.
Federal Aviation Administration.
Assistant Secretary for Systems Development and Technology.
Office of Hazardous Materials.
Office of Pipeline Safety.
Environmental Protection Agency (hazardous substances).
Atomic Energy Commission (radioactive substances).

LAND USE AND MANAGEMENT

*Esthetics*²

Coastal Areas: Wetlands, Estuaries, Waterfowl Refuges, and Beaches
Department of Agriculture—
Forest Service.
Department of Commerce—
National Marine Fisheries Service (impact on marine life).
National Oceanic and Atmospheric Administration (impact on marine life).
Department of Transportation—
Coast Guard (bridges, navigation).
Department of Defense—
Army Corps of Engineers (beaches, dredge and fill permits, Refuse Act permits).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
National Park Service.
U.S. Geological Survey (coastal geology).
Bureau of Outdoor Recreation (beaches).
Department of Agriculture—
Soil Conservation Service (soil stability, hydrology).

² Numerous agencies have developed specific methods of assessing esthetics in relation to their area of responsibility.

Environmental Protection Agency—
Water Quality Office.
National Aeronautics and Space Administration (remote sensing).
Water Resources Council.
River Basin Commissions (as geographically appropriate).

Historic and Archeological Sites

Department of the Interior—
National Park Service.
Advisory Council on Historic Preservation.
Department of Housing and Urban Development (urban areas).

Flood Plains and Watersheds

Department of Agriculture—
Agricultural Stabilization and Research Service.
Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Reclamation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Measurement.
U.S. Geological Survey.
Department of Housing and Urban Development (urban areas).
Department of Defense—
Army Corps of Engineers.
Water Resources Council.
River Basins Commissions (as geographically appropriate).

Mineral Land Reclamation

Appalachian Regional Commission.
Department of Agriculture—
Forest Service.
Department of the Interior—
Bureau of Mines.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
U.S. Geological Survey.
Tennessee Valley Authority.

Parks, Forests, and Outdoor Recreation

Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Land Management.
National Park Service.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Defense—
Army Corps of Engineers.
Department of Housing and Urban Development (urban areas).
Water Resources Council.
River Basins Commissions (as geographically appropriate).

Soil and Plant Life, Sedimentation, Erosion and Hydrologic Conditions

Department of Agriculture—
Soil Conservation Service.
Agricultural Research Service.
Forest Service.
Department of Defense—
Army Corps of Engineers (dredging, aquatic plants).
Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of the Interior—
Bureau of Land Management.
Bureau of Sport Fisheries and Wildlife.
Geological Survey.
Bureau of Reclamation.
Water Resources Council.
River Basins Commissions (as geographically appropriate).

NOISE

Noise Control and Abatement

Department of Health, Education, and Welfare (Health aspects).

Department of Commerce—
National Bureau of Standards.
Department of Transportation—
Assistant Secretary for Systems Development and Technology.
Federal Aviation Administration (Office of Noise Abatement).
Environmental Protection Agency (Office of Noise).
Department of Housing and Urban Development (urban land use aspects, building materials standards).
National Aeronautics and Space Administration (aircraft noise abatement and control).

PHYSIOLOGICAL HEALTH AND HUMAN WELL BEING

Chemical Contamination of Food Products

Department of Agriculture—
Consumer and Marketing Service.
Department of Health, Education, and Welfare (health aspects).
Environmental Protection Agency—
Office of Pesticides (economic poisons).

Food Additives and Food Sanitation

Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Pesticides (economic poisons, e.g., pesticide residues).
Department of Agriculture—
Consumer and Marketing Service (meat and poultry products).

Microbiological Contamination

Department of Health, Education, and Welfare (Health aspects).

Radiation and Radiological Health

Department of Commerce—
National Bureau of Standards.
Atomic Energy Commission.
Environmental Protection Agency—
Office of Radiation.
Department of the Interior—
Bureau of Mines (uranium mines).

Sanitation and Waste Systems

Atomic Energy Commission (radioactive waste).
Department of Health, Education, and Welfare—(Health aspects).
Department of Defense—
Army Corps of Engineers.
Environmental Protection Agency—
Solid Waste Office.
Water Quality Office.
Department of Transportation—
U.S. Coast Guard (ship sanitation).
Department of the Interior—
Bureau of Mines (mineral waste and recycling, mine acid wastes, urban solid wastes).
Bureau of Land Management (solid wastes on public lands).
Office of Saline Water (deminceralization of liquid wastes).
Water Resources Council.
River Basins Commissions (as geographically appropriate).

Shellfish Sanitation

Department of Commerce—
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Water Quality.

TRANSPORTATION

Air Quality

Environmental Protection Agency—
Air Pollution Control Office.

Department of Transportation—
Federal Aviation Administration.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (meteorological conditions).
National Aeronautics and Space Administration (aviation).

Water Quality

Environmental Protection Agency—
Office of Water Quality.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (impact on marine life and ocean monitoring).
Department of Defense—
Army Corps of Engineers.
Department of Transportation—
Coast Guard.
Water Resources Council.

URBAN

Congestion in Urban Areas, Housing and Building Displacement

Department of Transportation—
Federal Highway Administration.
Office of Economic Opportunity.
Department of Housing and Urban Development.
Department of the Interior—
Bureau of Outdoor Recreation.

Environmental Effects With Special Impact in Low-Income Neighborhoods

Department of the Interior—
National Park Service.
Office of Economic Opportunity.
Department of Housing and Urban Development (urban areas).
Department of Commerce (economic development areas).
Economic Development Administration.
Department of Transportation—
Urban Mass Transportation Administration.
Water Resources Council.
River Basins Commissions (as geographically appropriate).

Rodent Control

Department of Health, Education, and Welfare (health aspects).
Department of Housing and Urban Development (urban areas).

Urban Planning

Department of Transportation—
Federal Highway Administration.
Department of Housing and Urban Development.
Environmental Protection Agency.
Department of the Interior—
Geological Survey.
Bureau of Outdoor Recreation.
Department of Commerce—
Economic Development Administration.
Water Resources Council.
River Basins Commissions (as geographically appropriate).

WATER

Water Quality and Water Pollution Control

Department of Agriculture—
Soil Conservation Service.
Forest Service.
Atomic Energy Commission (Radioactive substances).
Department of the Interior—
Bureau of Reclamation.
Bureau of Land Management.
Bureau of Sports Fisheries and Wildlife.
Bureau of Outdoor Recreation.
Geological Survey.
Office of Saline Water.

Environmental Protection Agency—
Water Quality Office.
Department of Health, Education, and Welfare (Health aspects).
Department of Defense—
Army Corps of Engineers.
Department of the Navy (ship pollution control).
National Aeronautics and Space Administration (remote sensing).
Department of Transportation—
Coast Guard (oil spills, ship sanitation).
Department of Commerce—
National Oceanic and Atmospheric Administration.
Water Resources Council.
River Basins Commissions (as geographically appropriate).

Marine Pollution

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Transportation—
Coast Guard.
Department of Defense—
Army Corps of Engineers.
Office of Oceanographer of the Navy.
Water Resources Council.
River Basins Commissions (as geographically appropriate).

River and Canal Regulation and Stream Channelization

Department of Agriculture—
Soil Conservation Service.
Department of Defense—
Army Corps of Engineers.
Department of the Interior—
Bureau of Reclamation.
Geological Survey.
Bureau of Sport Fisheries and Wildlife.
Department of Transportation—
Coast Guard.
Water Resources Council.
River Basins Commissions (as geographically appropriate).

WILDLIFE

Environmental Protection Agency.
Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
Bureau of Outdoor Recreation.
Water Resources Council.
River Basins Commissions (as geographically appropriate).

FEDERAL AGENCY AND FEDERAL-STATE AGENCY OFFICES FOR RECEIVING AND COORDINATING COMMENTS UPON ENVIRONMENTAL IMPACT STATEMENTS

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Office of the Executive Director, suite 618, 801 19th Street NW., Washington, D.C. 20006, 343-8607.

DEPARTMENT OF AGRICULTURE

Office of the Secretary, Washington, D.C. 20250, 447-7803.

APPALACHIAN REGIONAL COMMISSION

Office of the Alternate Federal Co-Chairman, 1666 Connecticut Avenue NW., Washington, D.C. 20235, 967-4103.

DEPARTMENT OF THE ARMY (CORPS OF ENGINEERS)

Executive Director of Civil Works, Office of the Chief of Engineers, Washington, D.C. 20314, 893-7168.

ATOMIC ENERGY COMMISSION

For nonregulatory matters: Director, Office of Environmental Affairs, Washington, D.C. 20545, 973-5391.

For regulatory matters: Office of the Assistant Director for Regulation, Washington, D.C. 20545, 973-7531.

DEPARTMENT OF COMMERCE

Office of the Deputy Assistant Secretary for Environmental Affairs, Washington, D.C. 20230, 967-4335.

DEPARTMENT OF DEFENSE

Office of the Assistant Secretary for Defense (Health and Environment), Room 3E172, the Pentagon, Washington, D.C. 20301, 697-2111.

DELAWARE RIVER BASIN COMMISSION

Office of the Secretary, P.O. Box 360, Trenton, N.J. 08603, 609-863-9500.

ENVIRONMENTAL PROTECTION AGENCY²

Director, Office of Federal Activities, Environmental Protection Agency, 401 M Street NW., Washington, D.C. 20460, 755-0777.

FEDERAL POWER COMMISSION

Commission's Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 386-6084.

² Contact the Office of Federal Activities for environmental statements concerning legislation, regulations, national program proposals or other major policy issues.

For all other EPA consultation, contact the Regional Administrator in whose area the proposed action (e.g., highway or water resource construction projects) will take place. The Regional Administrators will coordinate the EPA review. Addresses of the Regional Administrators, and the areas covered by their regions are as follows:

Regional Administrator I, Room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203, 617-223-7210; Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Regional Administrator II, Room 908, 26 Federal Plaza, New York, N.Y. 10007, 212-264-2525; New Jersey, New York, Puerto Rico, Virgin Islands.

Regional Administrator III, Curtis Building, Sixth Floor, Sixth and Walnut Streets, Philadelphia, Pa. 19106, 215-597-9801; Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia.

Regional Administrator IV, Suite 300, 1421 Peachtree Street NE., Atlanta, Ga. 30309, 404-526-5727; Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.

Regional Administrator V, 1 North Wacker Drive, Chicago, Ill. 60606, 312-353-5250; Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.

Regional Administrator VI, 1600 Patterson Street, Suite 1100, Dallas, Tex. 75201, 214-749-1962; Arkansas, Louisiana, New Mexico, Texas, Oklahoma.

Regional Administrator VII, 1735 Baltimore Avenue, Kansas City, Mo. 64108, 816-374-5493; Iowa, Kansas, Missouri, Nebraska.

Regional Administrator VIII, Suite 900, Lincoln Tower, 1860 Lincoln Street, Denver, Colo. 80203, 303-837-3895; Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.

Regional Administrator IX, 100 California Street, San Francisco, Calif. 94111, 415-558-2320; Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territories of Pacific Islands, Wake Island.

Regional Administrator X, 1200 Sixth Avenue, Seattle, Wash. 98101, 206-442-1220; Alaska, Idaho, Oregon, Washington.

GENERAL SERVICES ADMINISTRATION

Office of Environmental Affairs, Office of the Commissioner, Public Buildings Service, Washington, D.C. 20405, 343-4193.

GREAT LAKES BASIN COMMISSION

Office of the Chairman, 3475 Summit Road, Ann Arbor, Mich. 48106, 313-769-7431.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Environmental Affairs, Office of the Assistant Secretary for Community and Field Services, Washington, D.C. 20202, 962-5895.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT⁴

Director, Office of Community and Environmental Standards, room 7206, Washington, D.C. 20410, 755-5977.

DEPARTMENT OF THE INTERIOR

Office of the Deputy Assistant Secretary for Programs, Washington, D.C. 20240, 343-6181.

MISSOURI RIVER BASIN COMMISSION

Office of the Chairman, 10050 Regency Circle, Omaha, Nebr. 68114, 402-397-5714.

NATIONAL CAPITAL PLANNING COMMISSION

Office of the Executive Director, Washington, D.C. 20576, 382-1163.

NEW ENGLAND RIVER BASIN COMMISSION

Office of the Chairman, 55 Court Street, Boston, Mass. 02108, 617-223-6244.

⁴ Contact the Director with regard to environmental impacts of legislation, policy statements, program regulations and procedures, and precedent-making project decisions. For all other HUD consultation, contact the HUD Regional Administrator in whose jurisdiction the project lies, as follows:

Regional Administrator I, Environmental Clearance Officer, room 405, John F. Kennedy Federal Building, Boston, Mass. 02203, 617-223-4066.

Regional Administrator II, Environmental Clearance Officer, 26 Federal Plaza, New York, N.Y. 10007, 212-264-8068.

Regional Administrator III, Environmental Clearance Officer, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106, 215-597-2560.

Regional Administrator IV, Environmental Clearance Officer, Peachtree-Seventh Building, Atlanta, Ga. 30323, 404-526-5585.

Regional Administrator V, Environmental Clearance Officer, 360 North Michigan Avenue, Chicago, Ill. 60601, 312-353-5680.

Regional Administrator VI, Environmental Clearance Officer, Federal Office Building, 819 Taylor Street, Fort Worth, Tex. 76102, 817-334-2867.

Regional Administrator VII, Environmental Clearance Officer, 911 Walnut Street, Kansas City, Mo. 64106, 816-374-2661.

Regional Administrator VIII, Environmental Clearance Officer, Samsonite Building, 1051 South Broadway, Denver, Colo. 80209, 303-837-4061.

Regional Administrator IX, Environmental Clearance Officer, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, Calif., 94102, 415-556-4752.

Regional Administrator X, Environmental Clearance Officer, room 226, Arcade Plaza Building, Seattle, Wash. 98101, 206-583-5415.

OFFICE OF ECONOMIC OPPORTUNITY

Office of the Director, 1200 19th Street NW., Washington, D.C. 20506, 254-6000.

OHIO RIVER BASIN COMMISSION

Office of the Chairman, 36 East 4th Street, suite 208-20, Cincinnati, Ohio 45202, 513-684-3831.

PACIFIC NORTHWEST RIVER BASIN COMMISSION

Office of the Chairman, 1 Columbia River, Vancouver, Wash. 98660, 206-695-3806.

SOURIS-RED-RAINY RIVER BASIN COMMISSION

Office of the Chairman, suite 6, Professional Building, Holiday Mall, Moorhead, Minn. 56560, 701-237-5227.

DEPARTMENT OF STATE

Office of the Special Assistant to the Secretary for Environmental Affairs, Washington, D.C. 20520, 632-7964.

SUSQUEHANA RIVER BASIN COMMISSION

Office of the Water Resources Coordinator, Department of Environmental Resources, 105 South Office Building, Harrisburg, Pa. 17120, 717-787-2315.

TENNESSEE VALLEY AUTHORITY

Office of the Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tenn. 37401, 615-755-2002.

DEPARTMENT OF TRANSPORTATION

Office of the Assistant Secretary for Environmental, Safety, and Consumer Affairs, Washington, D.C. 20590, 426-4474.

DEPARTMENT OF TREASURY

Office of Assistant Secretary for Administration, Washington, D.C. 20220, 964-5391.

UPPER MISSISSIPPI RIVER BASIN COMMISSION

Office of the Chairman, Federal Office Building, Fort Snelling, Twin Cities, Minn. 55111, 612-725-4690.

WATER RESOURCES COUNCIL

Office of the Associate Director, 2120 L Street NW., suite 800, Washington, D.C. 20037, 254-6442.

APPENDIX III—STATE AND LOCAL AGENCY REVIEW OF IMPACT STATEMENTS

1. OBM Circular No. A-95 through its system of clearinghouses provides a means for securing the views of State and local environmental agencies, which can assist in the preparation of impact statements. Under A-95, review of the proposed project in the case of federally assisted projects (part I of A-95) generally takes place prior to the preparation of the impact statement. Therefore, comments on the environmental effects of the proposed project that are secured during this stage of the A-95 process represent inputs to the environmental impact statement.

2. In the case of direct Federal development (part II of A-95), Federal agencies are required to consult with clearinghouses at the earliest practicable time in the planning of the project or activity. Where such consultation occurs prior to completion of the draft impact statement, comments relating to the environmental effects of the proposed action would also represent inputs to the environmental impact statement.

3. In either case, whatever comments are made on environmental effects of proposed Federal or federally assisted projects by clearinghouses, or by State and local environ-

mental agencies through clearinghouses, in the course of the A-95 review should be attached to the draft impact statement when it is circulated for review. Copies of the statement should be sent to the agencies making such comments. Whether those agencies then elect to comment again on the basis of the draft impact statement is a matter to be left to the discretion of the commenting agency depending on its resources, the significance of the project, and the extent to which its earlier comments were considered in preparing the draft statement.

4. The clearinghouses may also be used, by mutual agreement, for securing reviews of the draft environmental impact statement. However, the Federal agency may wish to deal directly with appropriate State or local agencies in the review of impact statements because the clearinghouses may be unwilling or unable to handle this phase of the process. In some cases, the Governor may have designated a specific agency, other than the clearinghouse, for securing reviews of impact statements. In any case, the clearinghouses should be sent copies of the impact statement.

5. To aid clearinghouses in coordinating State and local comments, draft statements should include copies of State and local agency comments made earlier under the A-95 process and should indicate on the summary sheet those other agencies from which comments have been requested, as specified in appendix I of the CEQ guidelines.

SECTION-BY-SECTION COMMENT AND EXPLANATION OF MAJOR PROPOSED REVISIONS

1. *Purpose and authority.*—This section remains basically unchanged, except for minor stylistic revisions and expanded reference in subsection (a) (purpose) to national goals described in section 2 of NEPA. In addition a new subsection (b) has been added making explicit the basis of the Council's role in the NEPA process.

The former reference to EPA's implementation of section 309 of the Clean Air Act is replaced with a more general reference to all commenting entities in order to reflect more accurately the matters covered by the new directive.

2. *Policy.*—This section reinforces the former emphasis on early consideration of environmental issues in agency planning, and explains in general terms the function of the environmental impact statement process in meeting this objective. The emphasis on early preparation of statements accords with the directive in section 102(2)(C) of the Act that such statements "accompany the proposal through the existing agency review process." It also accords with results of review sessions held last July by the Council with major Federal agencies following issuance of the GAO Report on Improvements Needed in Federal Efforts to Implement NEPA.

3. *Agency and OMB Procedures.*—(a) [Requirement for Agency Procedures].—This subsection reaffirms the previous direction to agencies to develop their own NEPA procedures and requires further revision as necessary to reflect new changes in the CEQ guidelines. New provisions also require agencies to consult with CEQ in developing or revising procedures and to notice significant proposed revisions for public comment.

(b) [Consultation with other agencies].—This subsection retains the previous recommendation for consultation with other agencies in developing or revising NEPA procedures and incorporates and clarifies the previous reference (former sec. 3(c)) to OMB Circular A-85 as the means for obtaining State and local review of such procedures.

(c) [Use of existing mechanisms].—This is former section 3(d), essentially unchanged.

4. *Federal agencies included; effect of Act on existing agency mandates.*—This section adds additional language to former section 4 to emphasize that NEPA expands the traditional mandates of agencies covered by the Act—a view that is fully supported both by the legislative history of the Act, see, e.g., Hearings on S. 1075, S. 237, and S. 1752 Before Senate Committee on Interior and Insular Affairs, 91st Cong., 1st Sess. 206 (1969); 115 Cong. Rec. (part 30) 40418 (1969) (remarks of Senator Jackson), and by early and consistent judicial opinion. See, e.g., *Calvert Cliffs v. AEC*, 2 ERC 1779, 1780-81 (D.C. Cir. 1971); *Zabel v. Tabb*, 1 ERC 1449, 1457-59 (5th Cir. 1970).

5. *Actions included.*—The nonapplicability of the impact statement process to general revenue sharing is confirmed.

The former section 5(d) of the CEQ guidelines, exempting all of EPA's environmental protective regulatory activities from the requirements of section 102(2)(C), has been deleted in recognition of the fact that new section 511(c) of the Federal Water Pollution Control Act Amendments of 1972 now specifically addresses this issue, requiring EPA to prepare impact statements in some cases, and exempting EPA from the requirement in other cases. This general matter will be addressed in EPA's NEPA procedures issued pursuant to section 3(a) of these guidelines.

6. *Identifying "major," environmentally "significant" actions.*—This new section combines parts of the existing guidelines with new directives for interpreting and applying these key words of the Act.

(a) General guidance from previous section 5(b) is included here about the statutory criteria for determining when an EIS is required. (The discussion of the "lead agency" concept has been moved to the following section (sec. 7(c)).)

(b) More specific guidance is included here concerning factors to consider in assessing "significance." Specific cross-reference is made to appendix II which contains a list of typical kinds of environmental impact to consider in making this assessment including a new reference to "energy conservation."

(c) This subsection indicates that each agency should supplement the general CEQ criteria with specific criteria, and review its typical actions to determine those that will require statements and those that will not. With respect to remaining actions and actions likely to require statements, agencies are to develop guidance, indicating for particular kinds of projects how environmental impact is to be determined. The emphasis on agency responsibility to develop such criteria for making environmental assessments accords with longstanding CEQ policy and with provisions contained in recommendation No. 1 of the CEQ's memorandum of May 16, 1972. See 3 Environmental Reporter 83 ("Current Developments," May 19, 1972).

(d) This subsection emphasizes the usefulness and desirability of program or overview statements, in accord with recommendation No. 9 of the CEQ May 16 memo, 3 ER 87.

7. *Procedures for preparing draft EIS's.*—This is a new section, discussing procedural aspects of preparing draft statements.

(a) Because the decision whether or not to prepare an impact statement is a crucial point in the 102 process, this subsection adds new provisions for making public the decision when it is made. The "notice of intent" device was previously recommended in the May 16 memo (see Rec. No. 5, 3 ER 85-86).

(b) This subsection provides a general overview of the 102 process from draft through final, emphasizing again the importance of early preparation pursuant to the policy of section 2.

(c) The "lead agency" concept is clarified here, and the desirability of joint statements is emphasized in accordance with Recommendation No. 8 of the May 16 memo, 3 ER 86-87 (attached, app. A), and with similar recommendations made both by agencies and environmental organizations. The section also makes clear that where a "lead agency" prepares the statement, input from other participating agencies should still be secured. Finally, additional factors relevant to selection of a lead agency are specified.

(d) This subsection responds to the decision in *Greene County Planning Board v. FPC*, 3 ERC 1595 (2d Cir., 1972), prohibiting the use of applicant EIS's. Some flexibility is preserved, however, to permit the use (after review) of initial information furnished by an applicant in the form of an EIS.

(e) This is a revision and codification of what appears in sections 6(d) and 10(e) of the existing guidelines, with some additional general guidance about when to hold hearings. Agencies are also asked to identify in their procedures contexts in which hearings are normally held as part of the review process. The final clause of the former section 10(e) has been deleted in response to the decision in *Greene County*, supra.

8. *Content of EIS's.* (a) The points to be covered have been reorganized and new language has been added: (1) Emphasizing the need for a comprehensive but comprehensible description of the proposed action and the existing environment and for accurate population data, identified by source, in making assessments of population impact; (2) illustrating the range of environmental values which agencies should keep in mind in evaluating proposals, and indicating that the effect on the international environment is also to be assessed where relevant; and (3) discussing the kinds of secondary effects to which agencies should be alert in making environmental assessments.

Additional language in the discussion of alternatives (sec. 8(a)(iii)) reflects the decision in *NRDC v. Morton*, 3 ERC 1558 (D.C. Cir. 1972) and Recommendation No. 4 in the CEQ May 16 memo, 3 ER 83-84.

(b) This subsection emphasizes the importance of substance over form in the content of EIS's, and stresses the primary EIS function of serving as a full disclosure document. The reference to incorporation of underlying documents is from Recommendation No. 6 of the May 16 memo, 3 ER 86.

(c) This is former section 6(c), with additional language clarifying the act's reference to use of an "interdisciplinary" approach.

9. *Review of draft EIS's.*—(a) Review by Federal agencies is discussed here, incorporating parts of former section 7 with minor revisions, and adding a discussion of the relationship of section 102(2)(C) to other Federal statutes requiring consultation and coordination. The deletion of the clause in the first sentence of former section 7 is responsive to the decision in *Greene County*, supra. The list of relevant commenting agencies has been moved to the appendix.

(b) This subsection relates EPA review of EIS's under section 309 of the Clean Air Act to the EIS process generally and requires prompt notification of the Council where statements are rated inadequate or projects are determined to be environmentally unsatisfactory.

(c) Procedures for securing State and local review are referenced here to the recent joint CEQ-OMB memorandum. This joint memo-

random has been attached to the guidelines as an appendix, thus allowing modification as necessary without necessitating full revision of the CEQ guidelines. This subsection replaces former section 9 of the guidelines.

(d) A new subsection is added discussing arrangements for securing public review of statements. The discussion reflects Recommendation No. 7 of the May 16 memo, 3 ER 86.

(e) This subsection is new, providing general guidance for commenting entities.

(f) The time limits for review have been expanded to 45 days for all commenting entities. Under present guidelines, agencies must allow 45 days for comment by EPA in any event, so that there seems little reason not to make this commenting period uniform.

10. *Preparation and circulation of final statements.*—(a), (b) These subsections incorporate Recommendation No. 3 of the May 16 memo, 3 ER 84-85.

11. *Distribution of statements; minimum periods for review and advance availability.*—(a), (b) These subsections include relevant portions of former section 10(b), retaining

provisions concerning number of copies to file with CEQ and waiting periods prior to action. Additional language at the end of subsection (b) draws attention to the possibility of amending and recirculating statements, as further discussed in the Council's "Third Annual Report," chapter 7, pages 238-239.

(c) This subsection indicates how time periods are to be calculated. The periods for review and advance availability of statements run from the date of receipt of the EIS by CEQ, as per Recommendation No. 7 of the May 16 memo, 3 ER 86.

(d), (e) Substantially unchanged.

(f) This subsection describes in general terms the Council's role in the EIS process, including the Council's authority to require agencies to prepare either an EIS or, if the responsible agency has determined an EIS is not required, a publicly available record of the reasons for that determination.

12. *Legislative actions.*—(a) This general language concerning application of section 102 in the legislative process corresponds to agreements reached between CEQ and OMB last fall after the July agency review sessions to followup the GAO report.

(b) Former section 10(c).

13. *Application to existing projects and programs.*—This section has been slightly revised to make clear that the act applies to major actions yet to be taken on environmentally significant projects, even though such projects were begun prior to passage of the act. This view is now supported by overwhelming judicial precedent, see, e.g., *Jicarilla Apache Tribe v. Morton*, 4 ERC 1933 (9th Cir., Jan. 2, 1973); *EDF v. TVA*, 4 ERC 1850 (8th Cir., Dec. 13, 1972) (*Tellico Dam* case), and is consistent with the intent of the former section 11 of the CEQ guidelines.

14. *Supplementary guidelines and evaluations.*—This section is former section 12, with a new sentence in subsection (b) requiring agencies to report on their progress in developing substantive guidance for making environmental assessments.

15. *Effective date.*—The amended guidelines will apply to all draft and final impact statements filed with the Council more than 90 days after the publication of the revised guidelines in final form.

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PART III



ENVIRONMENTAL PROTECTION AGENCY

■

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND ENGINES

Federal Certification Test Results for
1973 Model Year

ENVIRONMENTAL PROTECTION AGENCY

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Federal Certification Test Results for 1973 Model Year

Section 206(e) of the Clean Air Act, as amended (42 U.S.C. 1857f-5(e)), directs the Administrator of the Environmental Protection Agency to announce in the FEDERAL REGISTER the results of certification tests conducted on new motor vehicles and new motor vehicle engines to determine conformity with Federal standards for the control of air pollution caused by motor vehicles.

FEDERAL EMISSION STANDARDS

The regulations that apply to the control of emissions from 1973 model year vehicles, appearing at 40 CFR part 85, set maximum allowable emission levels for new gasoline-fueled heavy duty engines (for use in trucks and buses), and gasoline-fueled light duty vehicles (automobiles and light trucks). Heavy duty gasoline-fueled engines are required to meet emission standards of 275 parts per million (p/m) for hydrocarbons (unburned gasoline) and 1.5 percent for carbon monoxide (a poisonous gas). Heavy duty Diesel engines must meet Federal smoke emission standards of 40 percent opacity during acceleration and 20 percent opacity during lugging. These opacity standards limit the darkness of the exhaust smoke to a light gray haze.

The standards for automobiles prohibit all crankcase emissions, and limit allowable evaporative emissions from the fuel system and exhaust emissions from the tailpipe. The exhaust standards allow 1973 automobiles to emit no more than 3.4 g/mi of hydrocarbons, 39 g/mi of carbon monoxide, and 3.0 g/mi of oxides of nitrogen from the tailpipe. The 1973 evaporative emission standard limits the loss of gasoline by evaporation from the carburetor and the fuel tank to no more than 2.0 g per test.

FEDERAL CERTIFICATION PROCEDURES

Under the provisions of the Clean Air Act, it is unlawful to offer for sale new motor vehicles which are not in conformity with Federal regulations. Prior to the beginning of each model year, automobile manufacturers apply to the Administrator of the Environmental Protection Agency for a certificate of conformity for each model they wish to produce for that model year. The Federal regulations prescribe a number of requirements which a manufacturer must meet before the Administrator will grant certification.

In advance of production, the manufacturers are required to provide the Administrator with extensive test data demonstrating the effectiveness of the vehicle's emission control and the ability of the emission control system to remain

effective over the useful life of a vehicle (50,000 miles). In addition to the submission of test data on the prototype test vehicles, the manufacturers are required to deliver the test vehicles to the Federal Testing Laboratory at Ann Arbor, Mich. At this facility, the vehicles are retested by Federal engineers to assure conformity with the regulations. The Federal emission test procedure for light duty vehicles is designed to simulate an average trip of 7.5 miles in an urban area and consists of cold-engine startup and vehicle operation on a chassis dynamometer through a specified driving schedule.

The regulations require a manufacturer to test a selection of prototype vehicles, as designated by the Administrator, which will represent the models to be sold to the public. These vehicles are grouped into two separate fleets. One fleet, known as the emission-data fleet, consists of new prototype vehicles which are driven for 4,000 miles and then tested. The purpose of the emission-data fleet is to determine the stabilized emission levels of new motor vehicles. The second fleet, known as the durability fleet, is made up of new prototype vehicles which are driven for 50,000 miles and tested every 4,000 miles. The durability fleet is used to establish "deterioration factors" which are adjustments that account for the decrease in an emission control system's efficiency over its expected useful life. The deterioration factors enable the Administrator to predict a motor vehicle's emission levels at 50,000 miles based upon its measured levels at 4,000 miles. The test data from the two fleets are then combined, in accordance with the procedures specified in the regulations, to determine whether the vehicle is in compliance with emission standards over the expected useful life of the vehicle. If all the motor vehicles in an engine family so tested are found to conform with the regulations, the manufacturer is granted a certificate of conformity.

The same procedure is applicable to heavy duty engines, except that emission-data engines accumulate 125 hours of service on an engine dynamometer before the emission test and gasoline-fueled durability engines and diesel durability engines accumulate 1,500 and 1,000 hours of service, respectively. The heavy duty engine test is designed to simulate on an engine dynamometer a truck driving pattern in a metropolitan area.

FEDERAL CERTIFICATION DATA

Listed below are the emission levels of each light duty emission data vehicle and heavy duty emission data engine, as adjusted by the deterioration factors discussed above. The vehicles and engines listed represent all of the models and configurations certified as of March 23, 1973, for the 1973 model year. A supplemental listing will be published when the manufacturers whose certification is presently pending complete their test programs.

The emission and fuel economy data listed below was obtained from the original emission data vehicles and engines. In some cases, manufacturers have submitted requests to perform "running changes" on already certified configurations. EPA has authorized manufacturers to make such running changes if the review of the test data and technological information has shown that the proposed modifications do not cause the vehicles or engines to exceed the standards. The data listed below does not indicate the effect of running changes on certified emission levels.

Included in the light duty vehicle section is a column labeled "Fuel economy." The values in this column represent the calculated fuel economy for each emission data vehicle as it was operated according to the Federal emission test procedure at the EPA laboratory. The expression used to calculate fuel economy based upon analysis of the exhaust gas is:

Fuel Economy:

2423

$$(0.866)(HC) + (0.429)(CO) + (0.273)(CO_2)$$

where:

Fuel economy = Fuel economy in miles per gallon.

HC = Hydrocarbon mass emissions expressed in grams per mile.

CO = Carbon monoxide mass emissions expressed in grams per mile.

CO₂ = Carbon dioxide mass emissions expressed in grams per mile.

Note that the HC, CO, and CO₂ emission values used in the relation are actual 4,000 mile emission test results and not the certification values which include the deterioration factor adjustment.

EPA must caution against attempting to compare these published fuel economy values with other values obtained under different conditions or by different techniques. Fuel economy is affected by a wide range of factors including the manner in which the vehicle is driven, type of route and terrain traveled, speeds at which the vehicle is driven, frequency of cold-starts, use of power-absorbing accessories, vehicle weight, axle ratio, ambient conditions, and many others. However, these published figures are valid and useful for comparing vehicle performance on the Federal emission test procedure. Description of this general method of calculating fuel economy and discussion of the many factors which affect fuel economy are included in the EPA report "Fuel Economy and Emission Control," published in November 1972, and available from the EPA Office of Public Affairs.

This listing should not be construed as an endorsement by the Environmental Protection Agency of any manufacturer's vehicles or engines.

Dated April 23, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator.

Manufacturer (Models)	Engine Family		Model	Test Vehicle			Certification Levels						
	Displacement (Cubic inches)	Family Designation		Engine Disp. & Carb. Venturis	Inertia Weight Class Trans. (lbs.)	Axle Ratio	Fuel Econ. (MPG)	Exhaust Emissions (grams/mile)	Hydro-carbons	Oxides of Nitrogen	Evaporative Emissions (gms/test) Hydro-carbons		
Alfa Romeo S.P.A. 115.00 Berlina (Sedan), 115.01 GTV (Coupe), 115.02 Spyder (Roadster).	119.7	01500	115.01 GTV 115.01 GTV	119.7-FI 119.7-FI	M4 M4	2500 2500	4.55 4.55	19.1 18.0	2.8 3.0	28 35	2.3 2.2	0.0 0.0	
	AM General Corporation Utility Vehicles, Ambulance, 106 mm Rifle Mount.	141.5	141.5	M151 A2 M151 A2	141.5-1 141.5-1	M4 M4	2750 3000	4.86 4.86	19.5 19.1	2.7 3.0	22 22	2.8 2.5	0.0 0.0
		232- 258	I	DJ-56 FJ-8A	232-1 232-1	A3 A3	3000 4000	3.07 3.73	16.0 14.4	1.7 2.1	16 25	2.9 2.7	0.1 0.0
American Motors Corp. Gremlin Sedan, Gremlin X Sedan, Hornet Sedan, Hornet Hatchback Sedan, Hornet Sportabout Wagon, Javelin Hardtop, Matador Hardtop, Matador Sedan, Matador Wagon, Jeep Universal J-5, Jeep Universal CJ-6, Jeep Universal DJ-5, Jeep Universal DJ-6, Jeep Commando Roadster, Jeep Commando Wagon, Jeep Commando Pick-up, Ambassador Brougham Hardtop, Ambassador Brougham Sedan, Ambassador Brougham Wagon, Jeep Wagoneer Standard, Jeep Wagoneer Custom, Gladiator Jeep Truck J-2500, Gladiator Jeep Truck J-2600, Gladiator Jeep Truck J-4500, Gladiator Jeep Truck J-4600.	232- 258	I	Hornet	232-1	A3	3000	2.73	18.9	1.4	15	2.7	0.4	
	Gremlin Javelin Jeepster Matador Gladiator Universal	3000	M3	Gremlin	232-1	M3	3000	2.73	18.0	2.7	32	2.5	0.7
		3000	M3	Javelin	232-1	M3	3000	3.58	14.3	1.7	18	2.5	0.2
		3500	M3	Jeepster	232-1	M3	3500	4.27	13.3	2.4	24	3.0	0.0
		3500	M3	Matador	258-1	M3	3500	3.54	13.1	2.1	20	2.4	0.1
		4500	A3	Gladiator	258-1	A3	4500	4.88	13.7	1.8	18	2.4	0.0
		5000	M4	Universal	258-1	M4	5000	4.27	13.7	1.0	12	2.2	0.0

1973 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (Models)	Engine Family Displacement (Cubic Inches) Designation	Model	Test Vehicle			Certification Levels							
			Engine Disp. & Carb. Venturis	Inertia Weight Class Trans. (lbs.)	Fuel Econ. Ratio (MPG)	Exhaust Emissions (grams/mile)	Evaporative Emissions (gms/test)	Hydro- carbons	Carbon Oxides of Nitrogen				
American Motors Corp.													
Gremlin Sedan, Gremlin X Sedan, Hornet Sedan, Hornet Hatchback Sedan, Hornet Sportabout Wagon, Javelin Hardtop, Javelin AMX Hardtop, Matador Hardtop, Matador Sedan, Matador Wagon, Ambassador Brougham Hardtop, Ambassador Brougham Sedan, Ambassador Brougham Wagon, Jeep Universal CJ-5, Jeep Universal CJ-6, Jeep Commando Roadster, Jeep Commando Wagon, Jeep Commando Pick-up.	304	Matador Javelin Ambassador Wagon Jeepster Javelin Javelin	304-2 304-2 304-2 304-2 304-2 304-2	A3 A3 A3 M3 M3 M3	3.15 2.87 3.54 4.27 3.91 3.91	12.2 12.6 12.4 12.3 12.6 13.6	2.8 2.9 2.9 2.8 3.4 2.8	36 20 20 19 29 20	2.1 1.7 2.3 2.3 2.0 2.4	0.5 1.8 0.2 0.5 0.6 0.9			
Hornet Sedan, Hornet Hatchback Sedan, Hornet Sportabout Wagon, Javelin Hardtop, Javelin AMX Hardtop, Matador Hard- top, Matador Sedan, Matador Wagon, Ambassador Brougham Hardtop, Ambassador Brougham Sedan, Ambassador Brougham Wagon, Jeep Wagoneer Standard, Jeep Wagoneer Custom, Gladiator Jeep Truck J-2500, Gladiator Jeep Truck J-2600, Gladiator Jeep Truck J-4500, Gladiator Jeep Truck J-4600.	360-401	Javelin Ambassador Wagon Ambassador Gladiator Matador Wagon Ambassador Wagon	360-2 360-2 360-2 360-4 401-4 401-4	M4 A3 A3 M4 A3 A3	3.91 3.15 3.15 4.88 3.91 3.91	10.0 10.9 11.2 9.8 11.1 9.8	2.9 2.8 2.4 2.7 2.4 3.5	33 30 17 18 30 28	1.8 2.2 2.0 2.4 2.3 2.5	1.5 1.8 0.1 0.2 0.2 0.1			
Avanti II.	400	Avanti II	400-2	A3	3.31	11.0	1.9	.22	2.3	0.0			

1975 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (Models)	Engine Family		Test Vehicle			Certification Levels						
	Displacement (Cubic Inches)	Family Designation	Model	Engine Disp. & Carb. Venturis	Inertia Weight Class Trans. (lbs.)	Axle Ratio	Fuel Econ. (MPG)	Exhaust Emissions (grams/mile)			Evaporative Emissions (gms/test) Hydrocarbons	
								Hydrocarbons	Carbon Monoxide	Oxides of Nitrogen		
Audi	114.5	100	Audi 100	114.5-2	A3	3000	2.94	14.2	2.9	17	2.5	0.0
Audi 100, 100LS, 100CL.			Audi 100	114.5-2	A3	3000	3.91	13.9	2.6	20	2.4	0.0
			Audi 100	114.5-2	M4	3000	4.11	14.3	2.5	22	2.7	0.0
Bayerische Motoren Werke AG	182	130	Bavaria	182.0-2	A3	3500	3.64	14.8	2.6	23	1.8	0.3
BMW Bavaria, BMW 3.0CS.			Bavaria	182.0-2	M4	3500	3.64	15.0	2.8	23	1.7	0.8
BMW 2002, BMW 2002tii.	121.3	121	2002	121.3-2	A3	2500	3.64	21.8	2.1	27	1.5	0.0
			2002	121.3-2	M4	2500	3.64	21.4	1.9	22	1.9	0.0
			2002tii	121.3-FI	M4	2500	3.64	22.0	2.4	23	1.7	0.0
			2002tii	121.3-FI	M4	2500	3.64	22.5	2.9	24	1.1	0.0
British Leyland Motor Corp. (Austin-Morris)	77.9	A Series	MG Midget	77.9-2	M4	2000	3.50	22.1	2.6	31	1.2	0.0
MG Midget			MG Midget	77.9-2	M4	2000	3.90	22.0	3.0	35	1.3	0.0
Austin Marina, MGB Sports, MGB GT.	109.6	B Series	Austin Marina	109.6-1	A3	2500	3.64	19.2	1.6	29	2.2	0.3
			MGB Sports	109.6-2	M4	2500	3.90	18.7	1.8	27	1.7	0.0
			MGB GT	109.6-2	M4	3000	3.90	16.3	2.6	34	2.2	0.3
(Triumph) Stag.	183.0	TA	Stag	183.0-2	A3	3000	3.70	16.1	2.8	31	2.7	0.2
			Stag	183.0-2	M4	3000	3.70	16.6	3.1	24	2.6	0.2
TR6, GT6.	122-152	TB	GT6	122.0-2	M4	2250	3.27	19.7	2.2	25	2.1	0.3
			GT6	122.0-2	M4	2350	3.89	19.1	2.0	28	2.1	0.8
			TR6	152.0-2	M4	2750	3.70	17.8	2.5	29	2.4	0.6
			TR6	152.0-2	M4	2750	3.70	18.1	2.1	20	2.8	0.2

1973 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (Models)	Engine Family		Test Vehicle				Certification Levels				
	Displacement (Cubic Inches)	Family Designation	Model	Engine Disp. & Carb. Venturis	Inertia Weight Class Trans. (lbs.)	Axle Ratio	Fuel Econ. (MPG)	Exhaust Emissions (grams/mile)		Evaporative Emissions (gms/test) Hydro- carbons	
								Hydro- carbons	Carbon Monoxide Nitrogen		
(Triumph) Spitfire.	91.0	TC	Spitfire Spitfire	91.0-1 91.0-1	M4 M4	3.89 3.89	24.9 23.8	2.3 2.6	29 37	1.8 1.5	0.0 0.4
(Rover, Ltd.) 88" Land Rover.	139.5	139.5 4 cyl.	88" Land Rover 88" Land Rover	139.5-1 139.5-1	M4 M4	4.70 4.70	18.6 10.6	1.7 2.6	18 31	1.0 1.8	0.1 0.1
(Jaguar) XJ6 Sedan	258	4.2L	XJ6 Sedan XJ6 Sedan	258-2 258-2	A3 A3	3.54 3.54	9.7 11.6	1.3 1.9	35 29	2.4 2.5	0.0 0.0
XJ12 Sedan, E Type.	326	V12	XJ12 Sedan E Type E Type	326-4 326-4 326-4	A3 A3 M4	3.31 3.31 3.54	7.5 7.6 9.7	2.9 2.1 2.8	37 23 21	2.5 2.3 2.7	0.0 0.3 0.0
Checker A-11 Taxicab, A-11E Taxicab, A-12 Marathon, A-12E Marathon, A-12M Marathon.	250	GM-102	A-11	250-1	A3	3.31	12.4	2.0	19	3.0	0.1
A-11 Taxicab, A-11E Taxicab, A-12 Marathon, A-12M Marathon, A-12M8 Aerobus.	350	GM-104	A-12 A-12M8	350-2 350-4	A3 A3	3.31 3.54	11.6 9.7	2.2 3.0	28 29	2.5 2.5	0.0 0.3

Manufacturer (Models)	Engine Family Displacement (Cubic Inches) Designation	Test Vehicle Engine Disp. & Carb. Venturis	Inertia Weight Class (lbs.)	Fuel Econ. (MPG)	Certification Levels			Evaporative Emissions (gms/test) Hydro- carbons
					Exhaust Emissions (grams/mile)	Hydro- carbons	Oxides of Nitrogen	
Chrysler Corporation								
Valiant, Valiant-Duster, Valiant-Scamp, Valiant-Scamp Special, Dart, Dart-Custom, Dart-Swinger, Dart-Sport, Dart-Swinger Special, Satellite, Satellite-Sabring, Satellite-Custom, Satellite-Police, Satellite-Taxi, Coronet, Coronet-Custom, Coronet-Police, Coronet-Taxi, Dodge-Taxi, Charger, Charger Coupe, Fury I, Fury II, Fury III, Fury-Police, Fury-Taxi, Polara, Polara-Special, Polara-Taxi, B100 Van-Tradesman, B100 Sportsman, B100 Custom Sportsman, B100 Royal Sportsman, B200 Van-Tradesman, B200 Sportsman, B200 Custom Sportsman, B200 Royal Sportsman, B300 Custom Sportsman, B300 Royal Sportsman, D100 Adventurer, D100 Adventurer-Sport, D100 Adventurer SE, D100 Club Cab, M100 Adventurer, M100 Adventurer-Sport, M100 Custom.	198-1 225-1 225-1 225-1 225-1 225-1 225-1	M3 A3 A3 M3 A3 A3 M3	3500 3500 3500 4500 3500 4500 4000	17.9 15.9 17.9 13.8 14.5 13.6 14.5	3.55 2.76 2.76 3.91 3.23 3.91 4.10	2.6 2.4 2.4 2.0 1.8 2.1 3.1	27 28 17 24 28 23 24	0.5 0.1 0.0 0.4 0.2 1.9 0.0

1973 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (Models)	Engine Family Displacement (Cubic Inches) Designation	Test Vehicle			Certification Levels				
		Engine Dispo. & Carb. Venturis	Inertia Weight Class Trans. (lbs.)	Fuel Econ. (MPG)	Exhaust Emissions (grams/mile)	Hydro- carbons	Carbon Monoxide	Oxides of Nitrogen	Evaporative Emissions (gms/test) Hydro- carbons
Chrysler Corporation									
Valiant	Valiant-Duster, 198-225	RG	M3	3500	17.9	2.6	27	2.0	0.5
Valiant-Scamp	Valiant-Scamp Special, Dart, Dart-Custom, Dart-Swinger, Dart-Sport, Dart-Swinger Special, Satellite, Satellite-Sebring, Satellite-Custom, Satellite-Police, Satellite-Taxi, Coronet, Coronet-Custom, Coronet-Police, Coronet-Taxi, Dodge-Taxi, Charger, Charger Coupe, Fury I, Fury II, Fury III, Fury-Police, Fury-Taxi, Polara, Polara-Special, Polara-Taxi, B100 Van-Tradesman, B100 Sportsman, B100 Royal Sportsman, B100 Royal Sportsman, B200 Van-Tradesman, B200 Sportsman, B200 Royal Sportsman, B300 Royal Sportsman, B300 Custom Sportsman, B300 Royal Sportsman, D100 Adventurer, D100 Adventurer-Sport, D100 Adventurer SE, D100 Club Cab, W100 Adventurer, W100 Adventurer-Sport, W100 Custom.	RG	M3	3500	17.9	2.6	27	2.0	0.5
Valiant			A3	3500	15.9	2.4	28	2.1	0.1
Valiant			M3	4500	17.9	2.4	17	2.3	0.0
Valiant			M3	4500	13.8	2.0	24	2.4	0.4
Valiant			A3	3500	14.5	1.8	28	2.2	0.2
Valiant			A3	4500	13.6	2.1	23	2.0	1.9
Valiant			M3	4000	14.5	3.1	24	2.2	0.0

Manufacturer (Models)	Engine Family Displacement (Cubic Inches)	Family Designation	Model	Test Vehicle		Certification Levels						
				Engine Disp. & Carb. Venturis	Inertia Weight Class Trans. (lbs.)	Fuel Econ. (MPG)	Exhaust emissions (grams/mile)	Hydro- carbons	Carbon Oxides	Nitrogen	Evaporative Emissions (gms/test) Hydro- carbons	
Chrysler Corporation	318-340-	LA	Charger	318-2	A3	4000	2.71	12.2	2.4	2.3	2.3	0.4
Valiant, Valiant-Duster, Valiant-Scamp	360		Dodge B-300 Wagon	318-2	A3	4500	3.55	10.5	2.8	3.4	2.6	0.4
Special, Dart, Dart-Swinger, Dart-Sport, Dart-Custom, Dart-Swinger Special, Barracuda Challenger, Satellite-Satellite-Sebring, Satellite-Sebring Plus, Satellite-Custom, Satellite-Regent, Road Runner, Satellite-Police, Satellite-Taxi, Coronet, Coronet-Custom, Coronet-Crestwood, Coronet-Police, Coronet-Taxi, Dodge Taxi, Charger, Charger SE, Fury I, Fury II, Fury III, Fury-Gran Coupe, Fury-Gran Sedan, Fury-Police, Fury-Taxi, Suburban, Custom Suburban, Sport Suburban, Polara, Polara-Custom, Polara-Special, Polara-Police, Polara-Taxi, Monaco, B100 Van-Tradesman, B100 Sportsman, B100 Custom Sportsman, B100 Royal Sportsman, B200 Van-Tradesman, B200 Sportsman, B200 Custom Sportsman, B200 Royal Sportsman, B300 Sportsman, B300 Royal Sportsman, D100 Custom, D100 Adventurer, D100 Adventurer-Sport, D100 Adventurer-SE, D100 Club Cab, M100 Adventurer, M100 Adventurer-Sport, Valiant-Duster 340, Dart-Sport 340, Barracuda-Cuda,												

1973 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (Models)	Engine Family Displacement (Cubic Inches)	Family Designation	Model	Test Vehicle			Certification Levels						
				Engine Disp. & Carb. Venturis	Inertia Weight Class	Axle Ratio	Exhaust Emissions		Evaporative Emissions (gas/test) Hydro- carbons				
							Hydro- carbons	Carbon Monoxide		Oxides of Nitrogen			
Chrysler Corporation	400	B											
Satellite, Satellite- Custom, Satellite- Sebring, Satellite- Sebring Plus, Satellite- Regent, Satellite-Police, Road Runner, Coronet, Coronet-Custom, Coronet- Crestwood, Coronet- Police, Charger, Charger SE, Fury I, Fury II, Fury III, Fury- Gran Coupe, Fury-Gran Sedan, Fury-Police, Suburban, Custom Suburban, Sport Sub- urban, Polara, Polara-Custom, Polara-Special, Polara- Police, Monaco, D100 Custom, D100 Adventurer, D100 Adven- turer-Sport, D100 Adventurer-SE, D100 Club Cab, Chrysler-Newport, Chrysler-Newport Custom.	400-2 400-2 400-2 400-2	A3 A3 A3 A3	Chrysler Chrysler Chrysler Wagon Fury Wagon	2.71 2.71 3.23 3.23	5000 5000 5500 5500	10.6 10.3 9.4 9.6	2.5 2.4 2.7 3.4	27 38 29 33	2.2 2.1 2.9 2.3	0.7 0.8 0.4 1.1			
			Satellite D1-Truck	3.55 3.23	4500 4500	7.9 9.4	2.1 2.2	25 22	3.0 2.1	1.9 0.8			

Manufacturer (Models)	Engine Family		Model	Test Vehicle			Certification Levels				
	Displacement (Cubic Inches)	Family Designation		Engine & Carb. Venturis	Inertia Weight Class (lbs.)	Axle Ratio	Fuel Econ. (MPG)	Exhaust Emissions (grams/mile)			Evaporative Emissions (gas/test) Hydrocarbons
								Trans.	Hydrocarbons	Carbon Monoxide	
Chrysler Corporation	440	RB	Chrysler	440-4	5000	2.76	9.3	2.5	31	2.4	0.5
Fury I, Fury II			Chrysler	440-4	5000	2.76	9.4	2.7	25	2.1	0.6
Fury III, Fury-Gran Coupe, Fury-Gran Sedan, Fury-Police, Suburban, Custom-Suburban, Sport Suburban, Chrysler-Newport, Chrysler-Newport Custom, Chrysler-Town & Country, Chrysler-New Yorker Brougham, Chrysler Imperial-LeBaron, Satellite, Satellite-Custom, Satellite-Sebring, Satellite-Police, Road Runner, Coronet, Coronet-Custom, Coronet-Police, Charger, Charger SE, Polara, Polara-Custom, Polara-Special, Polara-Police, Monaco.			Chrysler Wagon	440-4	5500	2.76	9.7	2.6	35	2.4	0.4
			Imperial	440-4	5500	3.23	9.2	1.5	29	2.5	1.0
			Fury	440-4	5000	3.23	8.7	2.5	32	2.1	0.5
			Charger	440-4	4500	3.55	9.8	2.4	23	3.0	0.3
Chrysler United Kingdom, Ltd.	91.41	91	Cricket Sedan	91.41-1	2250	3.89	18.4	2.9	35	2.2	0.0
Cricket Sedan, Cricket Wagon.			Cricket Sedan	91.41-1	2250	3.89	23.2	2.2	19	1.7	0.0
			Cricket Wagon	91.41-2	2250	3.89	20.1	3.2	37	2.1	0.0
Jensen Motors, Ltd.	440	RB	Interceptor III	440-4	4500	3.55	10.4	3.0	32	2.6	0.3

1973 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (Models)	Engine Family		Test Vehicle			Certification Levels					
	Displacement (Cubic Inches)	Family Designation	Engine Displacement & Carb. Venturis	Inertia Weight Class	Trans.	Axle Ratio	Fuel Econ. (MPG)	Exhaust Emissions (grams/mile)	Hydrocarbons	Oxides of Nitrogen	Evaporative Emissions (gms/test)
Citroen Citroen SM.	181	S	181-6 181-6	3500 3500	M5 A4	4.37 4.37	11.2 11.9	2.6 2.1	19 32	2.9 1.9	0.6 0.2
Ferrari Dino 246GT Berlinetta, Dino 246GT Spyder.	147.55	LDV-1	147-6 147-6	3000 3000	M5 M5	4.21 4.21	10.0 9.2	1.6 1.5	17 16	1.0 1.1	0.1 0.0
365GTB.4, 365GTB.4 Berlinetta, 365GTB.4 Spyder.	268	LDV-2	268-12 268-12	4000 4000	M5 M5	3.30 3.30	6.5 6.3	2.5 1.0	33 27	0.7 0.8	0.0 0.0
Fiat S.P.A. 850 Sport Spider.	55	100	55-2 55-2	2000 2000	M4 M4	4.88 4.88	21.7 24.1	2.8 3.0	23 20	1.9 2.3	0.4 0.4
128 Sedan, 128 Sedan 2-Door, 128 Sedan Station Wagon, 128 Sedan 1300, 128 Sedan 1300-2 Door, 128 Sedan Wagon 1300, 128 Coupe 1300.	68	128	68-1 68-1 78-1 78-1	2250 2250 2250 2250	M4 M4 M4 M4	4.07 4.07 4.07 4.07	20.6 20.2 22.0 20.4	1.7 2.1 1.5 1.6	20 20 20 21	1.9 2.4 2.0 2.0	1.0 0.1 0.1 0.1
124 Special Sedan, 124 Special Station Wagon.	87	124	87-2 87-2	2250 2500	M4 M4	4.10 4.30	20.7 19.1	2.3 1.9	23 25	2.2 2.1	0.4 0.2
124 Sport Spider 1600, 124 Sport Coupe 1600.	98	125	87-2 98-2	2500 2500	A3 M5	4.10 4.30	18.2 18.5	2.1 2.3	28 23	2.4 2.4	0.3 0.0
124 Sport Spider 1600, 124 Sport Coupe 1600.	97	132	98-2 97-2	2500 2500	M5 M5	4.30 4.30	23.5 19.9	2.2 2.5	29 34	2.7 2.3	0.0 0.0
			97-2	2500	M5	4.30	18.9	2.2	25	2.2	0.6

Manufacturer (Models)	Engine Family Displacement (Cubic Inches) Designation	Model	Test Vehicle			Certification Levels					
			Engine Disp. & Carb. Venturis	Inertia Weight Class	Fuel Econ. (MPG)	Exhaust emissions (grams/mile)			Evaporative Emissions (gas/test) Hydro- carbons		
						Trans.	Hydro- carbons	Carbon Monoxide		Oxides of Nitrogen	
Ford Motor Company Pinto - Sedan, Runabout.	98	1.6L	98-1 98-1	M4 M4	2500 2500	3.55 3.55	21.4 20.8	2.7 2.0	32 27	2.3 2.3	0.4 0.3
Ford, Ltd. Capri - 2-Dr. Sport Coupe Base, 2-Dr. Sport Coupe Decor Option. Cortina Cortina - 2-Dr. Sedan L, 2-Dr. Sedan GT, 4-Dr. Sedan L.	122	2.0L	122-2 122-2 122-2 122-2	M4 M4 M4 A3	2750 2750 2750 2750	3.44 3.44 3.75 3.44	21.6 20.4 19.5 18.6	1.7 1.5 1.5 1.7	34 30 32 38	1.9 2.1 1.9 2.4	0.0 0.1 0.0 0.2
Capri - 2-Dr. Sport Coupe, 2-Dr. Sport Coupe Decor Option.	154	2.6L	154-2 154-2 154-2	M4 M4 A3	2750 2750 2750	3.22 3.22 3.22	18.6 18.4 15.4	2.5 2.4 2.7	30 33 38	2.8 2.8 2.8	0.2 1.3 0.3
Ford Motor Company Pinto - 2-Dr. Sedan, 3-Dr. Runabout, 2-Dr. Wagon.	122	2.0L	122-2 122-2 122-2	A3 A3 M4	2750 2750 2750	3.40 3.40 3.40	18.4 17.9 21.2	1.1 1.5 2.2	31 22 36	1.8 2.0 2.5	0.0 0.0 0.4
Maverick - 2-Dr., 4-Dr., Grabber. Comet - 2-Dr., 4-Dr., GT.	200	200	200-1 200-1 200-1	A3 A3 M3	3000 3000 3000	2.79 2.79 3.00	15.1 14.7 16.3	2.3 2.3 2.3	15 21 28	2.4 1.8 1.4	0.2 0.2 0.1
Econoline E-100 & E-200 - Cargo Van, Window Van, Display Van, Club Wagon, Custom Club Wagon, Chateau Club Wagon, Econoline F-300 - Club Wagon, Window Van, Display Van.	240	240	240-1 240-1 240-1 240-1 240-1	M3 M3 M3 A3 A3	4000 4000 4000 5000 4500	3.70 3.70 3.70 4.10 4.11	10.3 10.4 10.5 9.6 10.4	1.4 1.5 1.3 2.4 2.2	20 20 24 25 25	2.3 2.4 2.4 2.9 2.5	0.2 0.2 0.0 0.2 0.5

1973 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (Models)	Engine Family Displacement (Cubic Inches) Designation	Test Vehicle			Certification Levels					
		Engine Disp. & Carb. Venturis	Inertia Weight Class Trans. (lbs.)	Fuel Econ. (MPG)	Exhaust emissions (grams/mile)	Hydro- carbons	Oxides of Nitrogen	Evaporative Emissions (gas/test) Hydro- carbons		
Ford Motor Company										
F-100 4x2 Styleside and Chassis/Cab - Custom, Ranger, Ranger XL, F-100 4x2 Flareside Custom.	250	250	A3 3000	2.79	12.2	1.9	32	1.6	1.2	
Mustang - Hard Top, Grande Sports Roof, Convertible, Maverick - 2-Dr. Sedan, 4-Dr. Sedan, Grabber, Comet - 2-Dr. Sedan, 4-Dr. Sedan, GT, Torino - Torino, Gran Torino, Ranchero, Ranchero Squire, Montego - Montego, MX, MX Brougham.			A3 3000 A3 3000 A3 3500 M3 4000 A3 4000	2.79 2.79 3.00 3.25 3.00	12.2 13.2 13.3 17.9 14.1	1.9 1.9 1.9 2.4 1.9	32 23 22 36 27	1.6 1.7 1.9 1.7 2.2	1.2 0.8 0.3 1.0 0.0	
Maverick - 2-Dr. Sedan, 4-Dr. Sedan, GT, Comet - 2-Dr. Sedan, 4-Dr. Sedan, GT, Torino - Torino, Gran Torino, Ranchero, Ranchero Squire, Montego - Montego, MX, MX Brougham.	302	302	A3 4000	2.79	8.5	1.2	21	2.2	0.5	
Maverick - 2-Dr. Sedan, 4-Dr. Sedan, GT, Comet - 2-Dr. Sedan, 4-Dr. Sedan, GT, Torino - Torino, Gran Torino, Ranchero Squire, Ranchero GT, Torino Wagon, Gran Torino Wagon, Gran Torino Squire, Montego - Montego, Montego MX, Montego MX Brougham, Montego GT, Montego MX Wagon, Montego Villager.			A3 4000 A3 4000 M3 3500 M3 4000 M3 4500 M3 5000	2.79 3.25 2.79 3.25 4.11 4.10	8.5 9.9 10.6 9.1 10.4 9.1	1.2 2.2 1.6 1.8 2.5 1.8	21 29 24 32 23 36	2.2 2.3 2.1 2.1 2.7 2.3	0.5 0.2 0.2 0.9 1.5 0.2	

1975 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (Models)	Engine Family		Model	Test Vehicle			Certification Levels		
	Displacement (Cubic Inches)	Family Designation		Engine Disp. & Carb. Venturis	Inertia Weight Class Trans. (lbs.)	Ratio	Fuel Econ. (MPG)	Exhaust Emissions (grams/mile)	Hydro-carbons

Ford Motor Company	302	302								
Mustang - Hard Top, Grande, Sports Roof, Mach I, Convertible, Bronco - Pickup, Wagon, Econoline E-100 & E-200 - Cargo Van, Window Van, Display Van, Club Wagon, Custom Club Wagon, Chateau Club Wagon, E-300 - Club Wagon, Custom Club Wagon, Chateau Club Wagon, F-100 4x2 Styleside & Chassis/Cab - Custom, Ranger, Ranger XLT, F-100 4x2 Flareside Custom.										
Mercury Monterey.	351	351C								
Torino - Torino, Gran Torino, Gran Torino Sport, Torino Wagon, Gran Torino Wagon, Gran Torino Squire, Ranchero, Ranchero Squire, Ranchero GT, Montego - Montego, Montego MX, Montego MX Brougham, Montego GT, Montego MX Wagon, Montego Villager, Ford - Custom, Galaxie 500, LTD, LTD Brougham, Ranch Wagon, Country Sedan, Squire, Mustang - Hard Top, Grande, Sports Roof, Mach I, Convertible.			Torino Torino Cougar Torino Pantera	A3 A3 A3 M4 A3 M5	4500 4500 4500 4500 5000 3500	2.75 2.75 3.50 3.50 3.25 4.22	9.6 8.2 7.9 8.7 9.2 10.4	1.9 1.6 1.7 2.4 2.7 1.9	38 31 36 29 36 24	0.2 0.4 1.8 0.9 0.2 0.2

1973 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (Models)	Engine Family Displacement (Cubic Inches) Designation	Test Vehicle				Certification Levels							
		Engine Disp. & Carb. Venturis	Inertia Weight Class	Fuel Econ. (MPG)	Exhaust Emissions (grams/mile)	Evaporative Emissions (gms/test)	Hydro- carbons	Carbon Monoxide	Oxides of Nitrogen				
Ford Motor Company Cougar - Hard Top, XR-7 Hard Top, GT, Convertible, XR-7 Con- vertible, Pantera.	351	351C											
			Model										
			Engine	351-2	A3	4500	2.75	9.1	1.6	20	2.4	0.1	
			Trans.	351-2	A3	4500	2.75	9.3	1.6	23	1.8	0.1	
			Model	Torino	A3	4500	3.25	9.0	1.0	18	2.0	0.3	
Torino - Torino, Gran Torino, Gran Torino Sport, Montego - Montego, Montego MX, Montego MX Brougham, Montego GT, Ford - Custom, Galaxie 500, LTD, LTD Brougham, Ranch Wagon, Country Sedan, Squire.	351	351M											
			Model	Ford	A3	4500	2.75	9.1	1.6	20	2.4	0.1	
			Engine	351-2	A3	4500	2.75	9.3	1.6	23	1.8	0.1	
			Trans.	351-2	A3	4500	3.25	8.7	1.3	21	2.2	0.3	
			Model	Ford S.W. Ford S.W.	A3	5000	3.25	10.1	2.0	19	2.2	0.1	
			A3	5000	3.25	8.7	1.9	28	2.5	0.1			
F-100 Styleside & Chassis/Cab - Custom, Ranger, Ranger XLT (4x2, 4x4), F-100 Flareside - Custom (4x2, 4x4).	360	360-390											
			Model	F-100	A3	4000	3.00	9.0	1.9	29	2.7	0.0	
			Engine	360-2	A3	4500	3.00	9.0	2.0	23	2.2	1.6	
			Trans.	360-2	A3	5000	4.11	8.1	1.3	25	2.6	0.1	
			Model	F-100 F-100	M5	4500	4.11	9.9	2.2	26	2.0	0.2	
F-100 Styleside & Chassis/Cab - Custom, Ranger, Ranger XLT (4x2), F-100 Flareside Custom (4x2).	390	360-390											
			Model	F-100	A3	4500	3.50	9.5	2.0	21	2.5	0.0	
			Engine	390-2	A3	4000	3.25	9.3	1.8	20	2.0	0.1	
			Trans.	390-2	A3	4000	3.25	9.3	1.8	20	2.0	0.1	
			Model	F-100	A3	4000	3.25	9.3	1.8	20	2.0	0.1	

1973 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (Models)	Engine Family		Test Vehicle			Certification Levels					
	Displacement (Cubic Inches)	Family Designation	Engine Type	Inertia Weight Class	Axle Ratio	Exhaust Emissions (grams/mile)		Evaporative Emissions (gms/test)			
						Hydro- carbons	Carbon Monoxide	Hydro- carbons	Oxides of Nitrogen		
Ford Motor Company	400	400	400-2	A3	5000	2.75	7.9	1.4	14	2.1	0.2
Ford - Custom			400-2	A3	5000	2.75	8.8	1.5	23	2.5	0.0
Galaxie 500, LTD, LTD Brougham, Ranch Wagon, Country Sedan, Squire, Torino, Gran Torino, Gran Torino Sport, Torino Wagon, Gran Torino Wagon, Gran Torino Squire, Ranchero Squire, Ranchero GT, Ranchero.			400-2	A3	5000	3.25	7.6	1.8	20	2.3	0.0
Mercury - Monterey, Monterey Custom, Monterey Wagon, Marquis Wagon, Colony Park, Montego, Montego MX, Montego MX Brougham, Montego GT, Montego MX Wagon, Montego Villager.			400-2	A3	5000	3.25	10.1	2.4	19	2.3	0.0
			400-2	A3	5000	3.25	7.9	2.4	20	2.3	0.9

1973 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (Models)	Engine Family		Test Vehicle				Certification Levels															
	Displacement (Cubic Inches)	Family Designation	Model	Engine Disp. & Carb. Venturis	Inertia Weight Class Trans. (lbs.)	Axle Ratio	Fuel Econ. (MPG)	Exhaust Emissions (grams/mile)	Hydro-carbons	Carbon Oxides of Nitrogen	Evaporative Emissions (gms/test)											
Ford Motor Company	429	429-460	Ford S.W. Mercury Montego	429-4	A3 5500	3.25	8.7	3.0	3.0	3.0	0.2											
Ford - Custom, Galaxie 500, LTD, LTD, Brougham, Ranch Wagon, Country Sedan, Squire, Thunderbird, Torino, Gran Torino, Gran Torino Sport, Ranchero, Ranchero Squire, Ranchero GT, Torino Wagon, Gran Torino Wagon, Gran Torino Squire.																						
Mercury - Monterey, Monterey Custom, Marquis, Marquis Brougham, Monterey Wagon, Marquis Wagon, Colony Park, Montego, Montego GT, Montego MX, Montego MX Brougham, Montego MX Wagon, Montego Villager.																						
Ford - Custom, Galaxie 500, LTD, LTD Brougham, Country Sedan, Ranch Wagon, Squire, Thunderbird 2-Dr. Hard Top, Custom P.I., Galaxie 500 P.I., Torino P.I.																						
												460	429-460	Torino P.I.	460-4	A3 5000	5.00	7.7	2.0	2.0	2.0	0.0

Manufacturer (Models)	Engine Family		Test Vehicle			Certification Levels							
	Displacement (Cubic Inches)	Family Designation	Model	Engine Displacement & Carb. Venturis	Inertia Weight Class Trans. (lbs.)	Fuel Econ. (MPG)	Exhaust emissions (grams/mile)	Evaporative Emissions (gms/test)	Hydrocarbons	Carbon Oxides	Nitrogen		
Ford Motor Company Mercury - Monterey, Monterey Custom, Marquis, Marquis Brougham, Monterey Wagon, Marquis Wagon, Colony Park, Monterey P.I., Monterey Custom P.I., Montego P.I., Montego MX P.I., Lincoln - 2-Dr. Coupe, 2-Dr. Town Car, 4-Dr. Town Car, 4-Dr. Pillared Hard Top, Mark IV 2-Dr. Hard Top.	460	429-460	Mercury S.M. Lincoln	460-4 460-4	A3 A3	5500 5500	3.25 2.75	8.5 8.9	2.4 2.0	23 32	2.5 2.4	0.0 0.6	
	83.1	Subaru A6	Subaru	83.1-2 83.1-2	M4 M4	2250 2250	3.89 3.89	21.1 21.8	1.9 2.4	17 16	1.8 1.9	0.2 0.2	
	Fuji Heavy Industries Subaru A22L, Subaru A62L.												

1973 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (Models)	Engine Family		Model	Test Vehicle			Certification Levels					
	Displacement (Cubic Inches)	Family Designation		Engine Disp. & Carb. Venturis	Inertia Weight Class	Axle Ratio	Fuel Econ. (MPG)	Exhaust Emissions		Evaporative Emissions (gas/test) Hydro- carbons		
								Trans. (lbs.)	Hydro- carbons		Carbon Monoxide	Oxides of Nitrogen
General Motors Corporation Chevrolet - Vega 2300.	140	GM-101	Vega	140-1	A3	2750	2.92	18.9	1.5	18	2.1	0.2
			Vega	140-1	M4	2750	2.92	21.5	2.1	23	2.0	0.0
			Vega	140-2	A2	2750	3.36	18.9	1.5	15	1.9	0.0
			Vega	140-2	M4	2750	3.36	18.0	2.0	18	1.9	0.0
			Vega	140-2	M3	2750	2.92	19.7	2.0	23	2.1	0.0
			Vega	140-2	A3	2750	3.36	19.5	2.1	24	1.7	0.6
Chevrolet - Bel Air, Im-250 pala, Chevelle Deluxe, Malibu, Laguna, El Camino, El Camino Custom, Nova, Nova Custom, Camaro, P-10 Step Van, P-10 Forward Control Chassis, G-10 Chevy Van and Sport- Van, G-20 Chevy Van and Sportvan, G-30 Sportvan, C-10 Blazer, C-10 Fleet- side and Stepside Truck, C-10 Suburban, K-10 Blazer, K-10 Fleetside and Stepside Truck, K-10 Suburban. Oldsmobile - Omega. Pontiac - Ventura, Lemans, Firebird. Buick - Apollo, Apollo Custom.	GM-102	Nova	250-1	A2	3500	3.08	12.7	1.4	20	1.7	0.5	
		Nova	250-1	A2	3500	3.08	12.8	1.7	22	2.1	0.1	
		Sportvan	250-1	A3	4500	4.56	10.4	1.3	38	2.6	0.1	
		Chevelle	250-1	M3	4500	3.42	11.8	2.4	21	2.8	0.1	
		Suburban	250-1	M4	4500	4.11	11.0	2.2	21	2.5	1.5	
		Suburban	250-1	A3	4500	4.11	11.5	1.7	24	2.6	0.1	

Manufacturer (Models)	Engine Family		Test Vehicle	Certification Levels			
	Displacement (Cubic Inches)	Family Designation		Exhaust Emissions (Grams/mile)	Hydrocarbons	Oxides of Nitrogen	Evaporative Emissions (gas/test)

General Motors

GMC - Sprint, Sprint Custom, P-10 Value Van, P-10 Forward Control Chassis, G-10 Van Dura and Rally Wagon, G-20 Van Dura and Rally Wagon, G-30 Rally Wagon, C-10 Jimmy, C-10 Fenderside and Wideside Truck, C-10 Carryall, K-10 Jimmy, K-10 Fenderside and Wideside Truck, K-10 Carryall.	250	GM-102	350-2	A3	4500	2.73	12.0	2.7	2.4	0.0
Chevrolet - Bel Air, Impala, Caprice Classic, Caprice Estate, Chevelle Deluxe, Malibu, Laguna, Laguna Estate, El Camino, El Camino Custom, Monte Carlo, Nova, Nova Custom, Camaro, Camaro Type LT, Corvette, G-10 Chevy Van, Sportvan and Beauville, G-20 Chevy Van, Sportvan and Beauville, G-30 Sportvan and Beauville, C-10 Blazer, C-10 Chassis Cab, C-10 Stepside and Fleetside Truck, C-10 Suburban, C-20 Suburban, K-10 Blazer, K-10 Stepside and Fleetside Truck, K-10 Suburban, K-20 Suburban.	307-350-400	GM-104	307-2 350-2 350-4 400-2	A3 A3 M4 A3	4000 5500 5000 5500	3.08 3.42 4.56 3.42	12.8 10.0 7.2 8.6	2.4 2.0 2.6 2.7	1.8 2.4 2.5 2.3	0.0 0.1 0.0 0.1

1973 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (Models)	Engine Family Displacement (Cubic Inches)	Family Designation	Model	Test Vehicle			Certification Levels				
				Engine Disp. & Carb. Venturis	Inertia Weight Class Trans. (lbs.)	Fuel Econ. Axle Ratio (MPG)	Exhaust emissions (grams/mile) Hydro- carbons	Oxides of Nitrogen	Evaporative Emissions (gms/test) Hydro- carbons		
General Motors											
GMC - Sprint	307-350-	GM-104									
Custom, G-10 Van Dura,	400										
Rally Wagon, Rally STX,											
G-20 Van Dura, Rally Wagon,											
Rally STX, G-30 Rally											
Wagon and Rally STX, C-10											
Jimmy, C-10 Chassis Cab,											
C-10 Fenderside and Wide-											
side Truck, C-10 Carryall,											
C-20 Carryall, K-10 Jimmy,											
K-10 Fenderside and Midside											
Truck, K-10 Carryall, K-20											
Carryall.											
Ford											
Ford - Ventura.											
Chrysler											
Chevrolet - Bel Air,	454	GM-105	Impala	454-4	5000	2.73	10.1	2.3	19	2.2	0.1
Impala, Caprice Classic,			El Camino	454-4	4500	2.73	10.4	2.0	15	2.0	0.3
Caprice Estate, Deluxe			Corvette	454-4	4000	3.55	8.1	2.0	21	1.8	0.1
Chevelle, Malibu,			Bel Air Wagon	454-4	5500	3.42	9.2	2.7	17	2.3	0.5
Laguna, Laguna Estate,			Chevelle	454-4	4500	3.42	8.1	1.5	23	1.5	0.2
El Camino, El Camino			Suburban	454-4	5500	4.10	7.8	1.5	17	2.3	0.1
Custom, Monte Carlo,											
Corvette, C-10 Pickup,											
C-10 Chassis Cab, C-10											
Suburban, C-20 Suburban.											
GMC - Sprint											
Custom, C-10 Pickup,											
C-10 Chassis Cab, C-10											
Carryall, C-20 Carryall.											

1973 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (Models)	Engine Family		Test Vehicle			Certification Levels				
	Displacement (Cubic Inches)	Family Designation	Model	Engine Displacement & Carb. Venturis	Inertia Weight Class Trans. (lbs.)	Fuel Econ. (MPG)	Exhaust emissions (grams/mile)	Hydro-carbons	Carbon Oxides	Evaporative Emissions (gms/test)
General Motors										
Pontiac - Luxury	350-400	GM-201	Catalina	400-2	A3 5000	10.0	2.8	18	2.8	0.2
Lemans, Lemans Sport Coupe, Lemans Deluxe Safari, Lemans Safari, Lemans Catalina, Ventura, Ventura Hatchback, Ventura Custom, Ventura Sprint, Firebird, Esprit Formula, Catalina Safari, Bonneville, Grand AM.			Lemans Catalina Lemans Wagon Catalina Safari Firebird	350-2 350-2 400-2 400-2 350-2	A3 4500 A3 5000 A3 5000 A3 5500 M4 4000	9.9 8.1 10.0 8.8 9.0	2.8 2.7 2.9 2.7 3.1	18 14 26 36 24	2.8 2.7 3.0 2.8 2.2	0.0 0.0 0.5 0.0 0.0
Pontiac - Grand AM, Luxury Lemans, Lemans Sport Coupe, Lemans Deluxe Safari, GTO, Lemans, Grand Prix, Grand Prix SJ, Catalina, Bonneville, Catalina Safari, Grand Ville, Grand Safari, Formula, Trans AM.	400-455	GM-202	Grand Prix Bonneville GTO Lemans Wagon Catalina Safari Trans AM	400-4 455-4 400-4 400-4 455-4	A3 4500 A3 5000 M4 4500 A3 5000 A3 5500 M4 4000	10.6 8.6 9.1 9.7 9.7 8.5	3.0 2.8 2.9 2.9 2.3 2.3	19 20 27 23 19 24	2.6 2.3 2.8 2.8 2.3 2.2	0.0 0.0 0.2 0.1 0.2 0.0

1973 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (Models)	Engine Family		Test Vehicle				Certification Levels					
	Displacement (Cubic Inches)	Family Designation	Model	Model	Model	Model	Model	Model	Model	Model	Model	Model
			Engine Disp. & Carb. Venturis	Inertia Weight Class Trans. (lbs.)	Ratio	Fuel Econ. (MPG)	Hydrocarbons	Carbon Oxides	Nitrogen	Exhaust Emissions (grams/mile)	Evaporative Emissions (gms/test)	
General Motors												
Oldsmobile - Omega, Cutlass, Cutlass S, Cutlass Supreme, Cutlass Salon, Cutlass Supreme Vista Cruiser, Delta 88, Delta 88 Royale.	350	GM-301	350-2	A3	5000	3.08	9.9	2.6	24	2.6	0.1	
			350-4	A3	4500	2.75	10.8	2.7	19	2.5	0.1	
			350-4	A3	5000	3.23	9.4	2.0	17	2.2	0.1	
			350-4	M4	4500	3.23	8.3	1.9	19	2.7	0.1	
			350-4	M3	5000	3.23	9.9	2.4	29	2.4	0.1	
			350-4	A3	5500	2.75	8.9	1.8	28	2.6	0.2	
			350-4	A3	5000	2.75	10.2	1.9	30	2.8	0.0	
			350-4	A3	5500	3.23	8.9	1.4	18	2.7	0.0	
			350-4	M4	4500	3.42	7.5	1.7	25	2.2	0.4	
			350-4	A3	5500	3.07	7.9	2.0	18	2.5	0.0	
Oldsmobile - Cutlass, Cutlass S, Cutlass Supreme, Cutlass Salon, Cutlass Supreme Vista Cruiser, Delta 88, Delta 88 Royale, Delta 88 Custom Cruiser, Ninety Eight, Toronado.	455	GM-302	455-4	A3	5500	2.75	8.9	1.8	28	2.6	0.2	
			455-4	A3	5000	2.75	10.2	1.9	30	2.8	0.0	
			455-4	A3	5500	3.23	8.9	1.4	18	2.7	0.0	
			455-4	M4	4500	3.42	7.5	1.7	25	2.2	0.4	
			455-4	A3	5500	3.07	7.9	2.0	18	2.5	0.0	
			455-4	A3	5500	2.75	8.9	1.8	28	2.6	0.2	
			455-4	A3	5000	2.75	10.2	1.9	30	2.8	0.0	
			455-4	A3	5500	3.23	8.9	1.4	18	2.7	0.0	
			455-4	M4	4500	3.42	7.5	1.7	25	2.2	0.4	
			455-4	A3	5500	3.07	7.9	2.0	18	2.5	0.0	
Buick - Apollo, Apollo Custom, Century, Century 350, Century Luxus, Regal, Gran Sport 350, LeSabre, LeSabre Custom, Centurian.	350	GM-401	350-2	A3	4500	2.75	10.2	2.7	25	2.8	1.3	
			350-4	A3	5000	3.08	10.5	2.8	25	2.4	0.0	
			350-4	A3	4500	3.42	10.5	2.9	28	1.8	0.2	
			350-4	M4	4500	3.42	10.0	2.1	23	1.8	0.1	
			350-4	M4	4500	3.42	10.0	2.1	23	1.8	0.1	

Manufacturer (Models)	Engine Family		Test Vehicle			Certification Levels				
	Displacement (Cubic Inches)	Family Designation	Engine Disp. & Carb. Venturis	Inertia Weight Class	Axle Ratio	Exhaust emissions (grams/mile)		Evaporative Emissions (gas/test) Hydro- carbons		
						Trans. (lbs.)	Fuel Econ. (MPG)	Hydro- carbons	Oxides of Nitrogen	Hydro- carbons
General Motors										
Buick - Century, Century Luxus, Century Regal, Gran Sport 455, LeSabre, Centurian, Estate Wagon, Electra, Riviera, Riviera GS.	455	GM-402	455-4	5500	2.73	8.2	2.0	19	2.2	0.3
			455-4	5500	2.73	8.7	2.4	29	2.3	0.1
			455-4	4500	3.42	8.7	2.1	26	1.6	0.0
			455-4	4500	3.42	9.8	2.5	18	2.5	0.0
Cadillac - Calais, Deville, Fleetwood Sedan, Fleetwood Limo- usine, Eldorado.	472- 500	GM-501	472-4	5500	2.93	8.5	2.2	25	1.7	0.3
			472-4	5500	2.93	8.8	1.7	26	1.8	0.2
			472-4	5500	3.15	8.8	1.8	13	1.8	0.5
			500-4	5500	3.07	8.1	1.9	19	2.4	0.4
Opel - 1900, GT, Manta, Manta Rallye, Manta Luxus.	115.8	GM-601	115.8-2	2500	3.44	23.8	2.4	30	1.9	0.0
			115.8-2	2500	3.67	21.4	2.9	22	1.6	0.1
			115.8-2	2500	3.44	20.0	2.5	34	2.1	0.0

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Manufacturer (Models)	Engine Family		Test Vehicle			Certification Levels						
	Displacement (Cubic Inches)	Family Designation	Model	Engine Displ. & Carb. Venturis	Inertia Weight Class Trans. (lbs.)	Fuel Econ. (MPG)	Exhaust Emissions (grams/mile)	Hydro-carbons	Oxides of Nitrogen	Evaporative Emissions (gas/test) Hydro-carbons		
Classic Industries												
Phaeton, Roadster.	302	302	Phaeton	302-2	A3	2750	3.00	12.3	2.2	36	1.0	0.2
Honda												
S81 2-Dr. Sedan,	71	EB	Honda	71-2	M4	1750	4.93	23.6	2.1	23	1.7	0.0
S81 3-Dr. Sedan.			Honda	71-2	M2	1750	4.12	25.8	1.8	15	1.7	0.0
International Harvester												
Scout 4x2, Scout 4x4,	258	6-258	Scout	258-1	M3	4000	3.73	13.1	1.9	26	2.0	0.1
1010 Pickup, 1010			1110 Pickup	258-1	M3	4000	3.73	12.9	1.7	28	2.6	0.4
Travelall, 1110 Pickup			1110 Pickup	258-1	A3	5000	3.54	10.6	1.1	25	2.9	0.1
4x2, 1110 Pickup 4x4,			1110 Pickup	258-1	M3	5000	4.56	10.5	2.2	34	2.1	0.0
1110 Travelall 4x2,												
1110 Travelall 4x4,												
1210 Travelall 4x2,												
1210 Travelall 4x4.												
Scout 4x2, Scout 4x4,	304	N-304	1110 Pickup	304-2	M3	4500	3.54	10.2	3.1	35	2.2	0.0
1010 Pickup, 1010			Scout 4x4	304-2	M3	4000	3.73	12.0	2.4	27	1.6	0.3
Travelall, 1110 Pickup			1010 Travelall	304-2	A3	5000	4.10	10.4	2.4	25	2.7	0.1
4x2, 1110 Pickup 4x4,			1210 Travelall	304-2	M4	5000	4.56	9.8	2.1	36	2.1	0.2
1110 Travelall 4x2,												
1110 Travelall 4x4,												
1210 Travelall 4x2,												
1210 Travelall 4x4.												

1973 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (Models)	Engine Family Displacement (Cubic Inches)	Family Designation	Model	Test Vehicle				Certification Levels				
				Engine & Carb. Venturis	Inertia Weight Class	Axle Ratio	Fuel Econ. [MPG]	Exhaust Emissions (grams/mile)		Evaporative Emissions (gms/test) Hydro- carbons		
								Trans.	Trans. (lbs.)		Hydro- carbons	Monoxide Nitrogen
International Harvester												
Scout 4x2, Scout 4x4, 1010 Pickup, 1010 Travelall, 1110 Pickup 4x2, 1110 Pickup 4x4, 1110 Travelall 4x2, 1110 Travelall 4x4, 1210 Travelall 4x2, 1210 Travelall 4x4.	345	V-345	1010 Travelall Scout 1210 Travelall 1110 Travelall	345-2 345-2 345-2 345-2	A3 M4 M3 A3	5000 4500 5500 5000	3.54 3.73 4.56 3.07	9.2 8.2 8.2 9.9	2.3 2.6 1.8 2.9	20 28 23 28	2.8 1.4 2.3 2.7	0.0 0.3 0.1 0.1
1010 Pickup, 1010 Travelall, 1110 Pickup 4x2, 1110 Pickup 4x4, 1110 Travelall 4x2, 1110 Travelall 4x4, 1210 Travelall 4x2, 1210 Travelall 4x4.	392	V-392	1210 Travelall 1010 Travelall 1210 Travelall	392-4 392-4 392-4	A3 A3 M4	5500 5500 5500	3.73 3.54 4.56	9.0 7.3 7.8	2.9 2.0 1.7	34 32 27	2.7 2.9 2.8	1.7 0.0 0.0
1010 Pickup, 1010 Travelall.	401	V-400	1010 Pickup 1010 Travelall 1010 Travelall	401-2 401-2 401-2	A3 A3 A3	5000 5000 5000	3.54 3.54 3.07	9.6 9.8 10.1	2.2 1.4 2.2	24 27 23	2.0 2.0 2.1	1.2 0.8 1.8

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Manufacturer (Models)	Engine Family			Test Vehicle			Certification Levels			Evaporative Emissions (gms/test) Hydro-carbons	
	Displacement (Cubic Inches)	Family Designation	Model	Engine Disp. & Carb. Venturis	Inertia Weight Class	Fuel Econ. (MPG)	Exhaust Emissions (grams/mile)		Hydro-carbons		Oxides of Nitrogen
							Trans. (lbs.)	Ratio			
Isuzu Luv.	110.8	G180	Luv Luv	110.8-2	2750	16.6	4.56	1.9	27	2.7	0.5
				110.8-2	2750	17.1	4.56	2.1	23	2.8	0.3
Jensen Motors, Ltd. Jensen Healey I.	120.5	907	Jensen Healey I Jensen Healey I	120.5-2	2500	19.7	3.73	2.8	27	2.8	0.3
				120.5-2	2500	22.1	3.73	2.8	16	2.8	0.1
Lamborghini Espada 400GT, Jarama 400GT.	259.7	L-403	Espada 400GT Jarama 400GT	259.7-12	4000	7.2	4.50	1.3	20	0.8	0.0
				259.7-12	4000	7.3	4.50	1.8	17	0.8	0.0
Maserati Maserati Bora, Maserati 120.	301	107/49	Bora 120	301-8	4000	9.0	3.77	0.4	15	1.1	0.0
				301-8	4000	7.9	3.77	1.1	25	1.3	0.0
Mercedes-Benz MB 220.	134	I	MB220 MB220	134-1	3500	13.2	3.92	1.7	39	2.2	0.0
				134-1	3500	16.2	3.92	1.7	13	1.8	0.0
MB 280/280C.	167.5	II	MB280/280C MB280/280C	167.5-4	3500	13.0	3.92	2.8	34	1.9	0.0
				167.5-4	3500	13.1	3.92	2.0	26	2.5	0.0
MB280SE/1-4.5, MB280SEL/1-4.5, MB300SEL/1-4.5, MB107(350SL-4.5).	276	III	MB107 MB280SEL/1-4.5	276-FI	4000	13.1	3.07	2.6	31	2.7	0.2
				276-FI	4000	12.7	3.23	2.6	29	2.7	0.2
Mitsubishi Motors Dodge Colt	97.5	4G3EM-02	Dodge Colt Dodge Colt	97.5-2	2500	22.7	3.88	1.7	30	1.8	0.2
				97.5-2	2500	22.5	3.88	2.5	26	2.1	0.3

1973 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (Models)	Engine Family		Test Vehicle			Certification Levels						
	Displacement (Cubic Inches)	Family Designation	Model	Engine Displacement & Carb. Venturis	Inertia Weight Class Trans. (lbs.)	Axle Ratio	Fuel Econ. (MPG)	Exhaust Emissions (grams/mile)		Evaporative Emissions (gms/test) Hydrocarbons		
								Hydrocarbons	Oxides of Nitrogen			
Nissan Motor Company KLB110U, LB110TRU, KLB110AU.	71.5	Nissan-1 A12	KLB110U	71.5-2	M4	2000	3.90	27.8	1.7	16	1.7	0.0
			LB110TRU	71.5-2	M4	2000	3.90	28.7	1.7	14	1.4	0.0
			KLB110AU	71.5-2	A3	2000	3.90	27.0	1.5	19	1.5	0.0
PL620TU, RPL510STU, RPL510STAU.	97.4	Nissan-2 L16	PL620TU	97.4-2	M4	2500	4.37	23.1	1.7	13	1.3	0.0
			RPL510STU	97.4-2	M4	2500	4.37	20.7	1.8	16	1.4	0.4
			RPL510STAU	97.4-2	A3	2500	4.11	20.7	2.1	20	1.6	0.0
HLS30U, HLS30AU.	146	Nissan-3 L24	HLS30U	146-1	A3	2750	3.54	13.9	2.0	20	1.8	0.5
			HLS30U	146-1	M4	2750	3.36	15.8	2.8	14	1.5	0.0
			HLS30AU	146-1	M4	2750	3.36	15.0	2.5	13	1.4	0.0
WPL610TU, PL610TU, WPL610ATU.	108	Nissan-4 L18	WPL610TU	108	M4	2750	3.89	18.1	1.5	19	1.7	0.7
			PL610TU	108	M4	2500	3.90	18.3	1.9	27	1.7	0.2
			WPL610ATU	108	A3	2750	3.89	20.9	1.6	15	1.5	0.2
Peugeot 504 Sedan, 504 Station Wagon.	120	XN1	504XN1	120-2	A3	3000	3.78	17.0	0.6	25	1.3	0.2
			504XN1	120-2	M4	3000	3.78	16.8	1.3	14	1.0	0.0
Porsche 911T, 911E, 911S, 914/6(T), 914/6(E), 914/6(S).	142.4	1	911T	142.4-FI	M4	2750	4.43	16.8	2.3	18	2.2	0.0
			911T	142.4-FI	M5	2750	4.43	15.8	2.7	7	1.8	0.0
			911T	142.4-FI	Sptom.	2750	3.86	13.8	2.7	16	3.0	0.0
			911S	142.4-FI	M5	2750	4.43	14.3	3.0	18	1.9	0.0
			911T	142.8-FI	M5	2750	4.43	18.8	2.4	35	2.2	0.0
Renault 17.	99.5	807	17	99.5-FI	M4	2750	3.77	16.4	2.4	15	2.6	0.0
			17	99.5-FI	M4	2750	3.77	19.0	2.6	22	2.5	0.0
12.	100.5	841	12	100.5-2	M4	2500	3.77	19.7	1.7	31	1.9	0.1
			12	100.5-2	A3	2500	3.55	18.9	0.9	34	2.0	0.1
			12	100.5-2	M4	2500	3.77	20.6	2.0	27	2.6	0.1
			12	100.5-2	A3	2500	3.55	19.7	1.1	35	2.4	0.0

1973 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (Models)	Engine Family		Test Vehicle			Certification Levels						
	Displacement (Cubic Inches)	Family Designation	Model	Engine Disp. & Carb. Venturis	Inertia Weight Class Trans. (lbs.)	Fuel Econ. (MPG)	Exhaust Emissions		Evaporative Emissions (gms/test) Hydro- carbons			
							Hydro- carbons	Oxides of Nitrogen				
Rolls-Royce Silver Shadow, Corniche, 412 Silver Shadow Corniche Mark II, Bentley "M" Series, Bentley Corniche.	-1		Silver Shadow Silver Shadow	412-2 412-2	A3 A3	5000 5500	3.07 3.07	9.2 8.0	2.7 2.6	33 36	2.2 2.8	0.1 0.1
SAAB, USA Saab 95, Saab 96, Saab 97 Sonett.	103.5	P	Saab 95 Saab 97 Sonnet Saab 97 Sonnet	103.5-1 103.5-1 103.5-1	M4 M4 M4	2500 2250 2250	4.88 4.66 4.66	18.8 21.7 20.3	2.4 1.9 2.3	30 18 37	2.5 2.1 2.2	0.7 0.0 0.0
Saab 99L, Saab 99 LE & EMS, Saab 99LE Automatic.	121	B20	Saab 99 Saab 99 Saab 99	121-1 121-FI 121-FI	M4 M4 A3	2750 2750 2750	3.89 4.22 3.89	18.8 18.6 17.8	1.7 2.7 1.8	23 26 23	2.2 2.0 2.4	0.5 0.4 0.4
S. S. Auto Excalibur Phaeton, Excalibur Roadster.	454	GM-105	Excalibur Phaeton	454-4	A3	4000	3.08	10.1	1.9	13	2.5	0.1
Toyo Kogyo Co., Ltd. Mazda 808 - SN3A Sedan, SN3A Coupe, SN3AV Sta- tion Wagon, Mazda B1600 - BNA61 Pickup.	96.82	Toyo-1	808 Sta. Wagon 808 Sta. Wagon B1600 Pickup B1600 Pickup	96.82-2 96.82-2 96.82-2 96.82-2	M4 A3 M4 M4	2500 2500 2750 2750	3.70 4.11 4.37 4.37	23.4 19.0 23.7 19.9	2.8 2.0 2.4 2.3	22 26 19 19	1.5 2.1 1.7 1.6	0.1 0.1 0.2 0.1

1973 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (Models)	Engine Family		Test Vehicle			Certification Levels				
	Displacement (Cubic Inches)	Family Designation	Engine Disp. Venturis	Inertia Weight Class	Axle Ratio	Fuel Econ. (MPG)	Exhaust Emissions (grams/mile)		Evaporative Emissions (gas/test) Hydro- carbons	
							Hydro- carbons	Oxides of Nitrogen		
Toyota Kogyo Co., Ltd. Mazda 618 - SV2A Sedan, SV2A Coupe, Mazda B1800 - BVD61 Pickup, Courier - SGT4 Pickup.	109.6	Toyot-2	109.6-2 109.6-2 109.6-2 109.6-2	M4 A3 M4 M4	3.90 4.11 4.11 4.11	19.6 18.3 15.9 18.8	2.3 1.3 2.5 2.4	25 31 25 17	1.7 1.6 0.3 2.1	0.1 0.2 0.3 0.1
Mazda RX-3 - S124A Sedan, S124A Coupe, S124W Station Wagon, Mazda RX-2 - S122A Sedan, S122A Coupe, Mazda RX-4 - S125A Sedan, S125A Coupe.	35.0x2	Toyot-3	35.0x2-4 35.0x2-4 35.0x2-4	M5 M4 A3	3.78 3.90 3.90	13.5 12.4 12.3	2.4 1.9 2.0	20 18 16	0.9 1.0 1.1	0.0 0.0 0.0
Toyota Motor Company Corolla-1 Sedan, Corolla-1 Coupe.	71	3K-C	71-2 71-2	M4 M4	4.22 4.22	24.8 27.1	1.9 2.0	21 17	1.4 1.4	0.2 0.4
Corolla-2 Sedan, Corolla-2 Coupe, Corolla-2 Station Wagon, Carina Sedan.	97	2T-C	97-2 97-2 97-2 97-2	A2 M4 M5 A3	4.11 3.90 4.30 4.30	22.6 20.8 20.4 19.9	2.5 2.3 2.3 2.4	25 27 23 28	1.4 1.7 1.7 1.8	0.2 0.2 0.2 0.1
Celica Hard Top, Corona Sedan, Corona Station Wagon, Corona 1/2 Ton Pickup.	120	18R-C	120-2 120-2 120-2 120-2	A3 M4 A3 M4	3.90 3.90 3.90 4.11	18.5 17.2 17.6 17.2	1.2 1.3 1.6 2.2	21 21 22 27	2.0 1.9 1.3 1.2	0.0 0.1 0.3 0.1

1973 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (Models)	Engine Family		Test Vehicle				Certification Levels				
	Displacement (Cubic Inches)	Family Designation	Engine Disp. & Carb. Venturis	Inertia Weight Class	Trans. (lbs.)	Axle Ratio	Fuel Econ. [MPG]	Exhaust Emissions (grams/mile)		Evaporative Emissions (gms./test) Hydro- carbons	
								Hydro- carbons	Carbon Oxides of Nitrogen		
Toyota Motor Company	156	4M	156-2	3000	A3	3.90	15.4	2.2	21	2.1	0.1
Corona Mk. II Sedan,			3.90	15.2	2.0	20	1.9	0.1			
Corona Mk. II Hardtop,			3.90	15.2	2.5	22	2.4	0.0			
Corona Mk. II Station Wagon, Crown Sedan, Crown Hardtop, Crown Station Wagon.			4.11	13.7	2.8	23	2.4	0.3			
Land Cruiser Hardtop, Land Cruiser Softtop, Land Cruiser Station Wagon.	236	F	236-2	4000	M3	4.11	12.6	2.1	24	1.7	0.2
Land Cruiser			4.11	11.9	1.5	16	1.8	0.2			
TVR	152	TB	152-2	2750	M4	3.70	17.8	2.3	29	2.3	0.5
2500N.			3.70	18.1	2.1	20	2.8	0.2			
Volkswagen AC	96.6	1	96.6-1	2250	M4	4.13	21.7	3.1	37	3.0	0.0
Deluxe Sedan 11,			4.13	23.6	3.3	36	2.4	0.0			
Convertible 15,			4.13	22.0	3.4	34	1.6	0.0			
Fastback Sedan 31,			3.88	21.3	2.1	29	2.6	0.0			
Squareback Sedan 36,			4.13	21.0	2.5	29	2.7	0.1			
Karmann Ghia 14.			3.67	21.2	1.8	16	2.1	0.1			
Station Wagon 22/24,			3500	M4	5.38	15.2	2.4	3.0	0.0		
Combi 23,			3500	A3	4.45	18.3	2.2	2.9	0.0		
Panel Truck 21, Pickup			3500	M4	5.38	15.5	1.6	3.0	0.0		
26, Pickup Double Cabin			3500	A3	4.45	16.8	2.5	2.8	0.0		
26, Sedan 41/42, Square- back Sedan 46, Roadster 914/4.	2750	M4	3.91	18.8	3.1	2.0	2.2	0.0			
26, Sedan 46, Roadster 914/4.	2500	A3	3.91	21.9	2.0	14	2.8	0.2			
Roadster 914/4.	2500	M5	4.43	19.6	3.4	26	2.7	0.0			
Roadster 914/4.	2500	M5	4.43	17.3	3.1	29	3.0	0.0			
Roadster 914/4.	120	3	120FI	2250	M5	4.43	19.5	3.1	26	1.9	0.0
Roadster 914/4.			2250	M5	4.43	19.3	2.5	26	0.0		

1973 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (Models)	Engine Family		Test Vehicle			Certification Levels					
	Displacement (Cubic Inches)	Family Designation	Engine Displacement & Carb. Venturis	Inertia Weight Class (lbs.)	Trans.	Axle Ratio	Fuel Econ. (MPG)	Exhaust Emissions (grams/mile)	Evaporative Emissions (gas/test)		
							Hydro-carbons	Carbon Monoxide	Hydro-carbons		
Volvo 142, 144, 145, 183.	121	B20F	121-FI	M4	3000	4.10	17.7	3.2	30	1.7	0.3
			121-FI	A3	3500	4.10	15.3	2.0	22	2.4	0.4
			121-FI	M5	3000	4.30	17.0	1.8	16	2.1	0.2
164.	182	B30F	182-FI	M5	3500	3.75	13.4	3.0	28	2.6	0.0
			182-FI	A3	3500	3.51	14.5	2.4	15	2.3	0.0
			182-FI	A3	3500	3.31	15.0	3.1	16	2.3	0.0
142, 144, 145.	121	B20B	121-2	M4	3000	4.30	18.4	3.3	29	2.5	0.0
			121-2	A3	3500	4.30	20.3	2.3	24	2.7	0.0

1973 MODEL YEAR HEAVY DUTY GASOLINE ENGINES

Manufacturer	Engine Family		Test Engine Displacement (Cubic Inches)	Certification Levels	
	Displacement (Cubic Inches)	Family Designation		Hydrocarbons (Parts Per Million)	Exhaust Emissions Carbon Monoxide (Percent)
Chrysler Corporation	225	RG	225	178	.83
			225	81	.31
			225	152	1.01
	318	LA	318	145	.93
			318	116	.66
	360	LA	360	171	.52
			360	134	.69
	361	LB	361	126	.36
			361	224	.64
			361	146	.53
			361	175	.57
			400	112	.25
	Diamond Reo	413	RB	413	83
			413	119	.37
			413	127	.77
440		RBM	440	122	.60
			440	106	.57
			440	110	.49
331		I-6	331	172	.60
			331	198	1.30
400		I-6	400	129	.47
468		V-8	468	97	.53

Manufacturer	Engine Family		Test Engine Displacement (Cubic Inches)	Certification Levels		
	Displacement (Cubic Inches)	Family Designation		Hydrocarbons (Parts Per Million)	Exhaust Emissions Carbon Monoxide (Percent)	
Ford Motor Company	240	240-300	300	96	.41	
	300		300	161	.48	
	302	302	302	161	.24	
	330	330-361-391	330MD	199	1.06	
	361		330HD	160	.59	
	391		361	120	.25	
			391	170	.80	
		360	360-390	360	207	.74
		390		390	239	.44
		401	401-477-534	401	129	.30
		477		477	102	.29
		534		534	123	.49

1973 MODEL YEAR HEAVY DUTY GASOLINE ENGINES

Manufacturer	Engine Family		Test Engine Displacement (Cubic Inches)	Certification Levels	
	Displacement (Cubic Inches)	Family Designation		Hydrocarbons (Parts Per Million)	Exhaust Emissions Carbon Monoxide (Percent)
General Motors Corp.	250	GM-111	250	150	.59
			250	94	.43
	292	GM-112	292	106	.43
			292	63	.46
			292	42	.31
	307	GM-113	307	139	.92
	350		350	100	.75
			350	109	1.21
			350	161	.99
	366	GM-114	366	114	.36
	427		366	77	.49
			427	121	.57
			427	62	.49
	454	GM-115	454	110	.59
			454	70	.36
	Jeep Corporation	455	GM-202	455	163
455		GM-312	455	79	.53
472		GM-501	472	170	.43
379		GM-811	379	221	1.09
432			379	92	.41
478			432	161	1.09
			478	76	.57
637		GM-812	637	115	1.13
305		GM-813	305	186	1.12
360		III	360	84	.41

Manufacturer (Models)	Engine Family		Test Engines		Smoke Emissions		
	Engine Air Aspiration	Family Designation	Model	Rated Horsepower	Maximum Torque	Acceleration Mode (\$ Opacity)	Lug-Down Mode (\$ Opacity)
AB Scania Vabis END475.	Natural	No. 2	END475	155	385	5.6	9.1
			END475	155	385	7.2	6.7
ENDT475.	TC	No. 1	ENDT475	190	470	12.5	4.4
			ENDT475	190	470	7.1	2.2
Allis Chalmers 21000. 25000. 3500.	TC	21000	21000	375	1055	26.5	18.7
			21000	375	1055	24.9	13.5
	TC	25000	25000	450	1250	30.9	9.6
			25000	450	1250	25.5	6.9
TC	3500	3500	175	428	23.4	14.3	
		3500	175	428	24.0	15.4	
Caterpillar Tractor Co. 1140, 1145.	N.A.	1	1145	160	326	20.7	10.6
			1145	160	326	20.2	11.1
1150.	N.A.	2	1150	185	403	23.9	11.4
			1150	185	403	26.4	13.4
1160.	N.A.	3	1160	210	474	20.8	12.1
			1160	210	474	19.8	7.1
1673C, D333.	TC	4	1673C	250	690	18.5	4.0
			1673C	250	690	12.0	3.0

TC = Turbocharged
N.A. = Naturally Aspirated

1973 MODEL YEAR HEAVY DUTY DIESEL ENGINES

Manufacturer (Models)	Engine Family		Test Engines		Smoke Emissions		
	Engine Air Aspiration	Family Designation	Model	Rated Horsepower	Maximum Torque	Acceleration Mode (% Opacity)	Lug-Down Mode (% Opacity)
Caterpillar Tractor Co.	TC/AC	5	1674	300	805	16.7	2.0
			1674	300	805	21.2	2.5
	1693.	TC	6	1693	325	1055	26.0
1693				325	1055	22.0	3.5
1693.	TC/AC	7	1693	425	1275	33.5	3.0
			1693	425	1275	28.5	2.5
Cummins Engine Company	TC	182	350	350	1002	14.8	5.4
			350	350	1002	10.9	4.0
NTA-927-400.	TC/AC	183	400	400	1200	18.0	9.2
			400	400	1200	15.6	8.6
NTF-365.	TC	092	365	365	930	12.6	3.9
			365	365	930	20.6	5.0
NTA-414.	TC/AC	093	414	414	1200	28.2	9.4
			414	414	1200	35.6	9.7
V-903-C320.	N.A.	171	320	307	707	17.0	18.1
			320	307	707	17.6	16.6
NHF-240.	N.A.	091	240	240	658	11.9	13.7
			240	240	658	10.9	12.9
V-378.	N.A.	201	155	149	290	8.6	5.5
			155	149	290	12.3	9.7
V-504.	N.A.	211	210	202	387	10.4	10.4
			210	202	387	10.7	11.1

AC = Aftercooled

1973 MODEL YEAR HEAVY DUTY DIESEL ENGINES

Manufacturer (Models)	Engine Family		Test Engines		Smoke Emissions		
	Engine Air Aspiration	Family Designation	Model	Rated Horsepower	Maximum Torque	Acceleration Mode (% Opacity)	Lug-Down Mode (% Opacity)
Cummins Engine Co. V-555.	N.A.	221	230	230	425	9.3	11.0
			230	230	425	14.8	16.8
VT-1510.	TC	152	635	635	1790	11.7	3.8
			635	635	1790	11.0	3.0
Super 250/270.	N.A.	181	260	260	720	14.4	13.0
			260	260	720	16.0	16.2
VT-903 w/o aneroid.	TC	172	320	320	775	9.2	1.9
			320	320	775	10.8	1.2
VT-903 w/aneroid.	TC	172	350	350	848	12.7	3.4
			350	350	848	13.2	6.4
VT-555 w/aneroid	TC	222	240	240	447	12.4	3.1
			240	240	447	16.6	5.0

1973 MODEL YEAR HEAVY DUTY DIESEL ENGINES

Manufacturer (Models)	Engine Family		Test Engines		Smoke Emissions		
	Engine Air Aspiration	Family Designation	Model	Rated Horsepower	Maximum Torque	Acceleration Mode ($\frac{1}{2}$ Opacity)	Lug-Down Mode ($\frac{1}{2}$ Opacity)
General Motors Corp.	N.A.	L-53N	4L-53N	136	282	5.0	4.4
			4L-53N	136	282	5.0	3.5
6V-53N	N.A.	V-53N	8V-53N	275	577	12.1	4.6
			8V-53N	275	577	9.9	5.3
3L-71N(4V)	N.A.	L-71N(4V)	6L-71N(4V)	250	610	11.5	4.0
			6L-71N(4V)	250	610	6.1	2.0
6V-71N(4V)	N.A.	V-71N(4V)	12V-71N(4V)	500	1220	8.5	3.8
			12V-71N(4V)	500	1220	5.8	4.1
6V-71N(4V)	N.A.	V-71N(4V) Coach	8V-71N(4V)	262	730	1.4	1.3
			8V-71N(4V)	262	730	1.2	1.3
6V-71N(2V)	N.A.	V-71N(2V) Coach	6V-71N(2V)	184	528	3.9	3.7
			6V-71N(2V)	184	528	3.6	3.2
6L-71T	T $\frac{1}{2}$	L-71T	6L-71T	262	725	8.9	2.0
			6L-71T	262	725	13.4	1.7
6V-71T	TC	V-71T	12V-71T	525	1450	12.4	2.5
			12V-71T	525	1450	11.0	2.8
			12V-71T (Military)	600	1470	13.3	12.1
			12V-71T (Military)	600	1470	12.4	6.2
DH-478(Truck)	N.A.	DH	DH-478(Truck)	165	337	10.8	12.7
			DH-478(Coach)	165	337	9.6	12.2

Manufacturer (Models)	Engine Family		Test Engines		Smoke Emissions	
	Engine Air Aspiration	Family Designation	Model	Rated Horsepower	Acceleration Mode (% Opacity)	Lug-Down Mode (% Opacity)
White Motor Corp.						
Hercules - LDT-465-1C	TC	LDT465	LDT-465-1C	140	22.6	11.2
			LDT-465+1C	140	20.4	11.4
Hino						
EB300.	N.A.	EB	EB300	165	5.7	5.7
			EB300	165	9.4	11.2
Mack Trucks, Inc.						
END673E.	N.A.	No. 1	END673E	180	5.2	4.6
			END673E	180	4.4	3.0
END707.	N.A.	No. 2	END707	200	5.3	6.1
			END707	200	3.6	3.9
ENDT673, ENDT673M11, ENDT673A, ENDT673B, ENDT673C, ENDT675, ENDTF673, ENDTF673C.	TC	No. 3	ENDT675	235	16.8	6.8
			ENDT675	235	17.2	3.7
END864C.	N.A.	No. 4	END864C	270	6.9	11.9
			END864B	270	5.6	7.9
ENDT864.	TC	No. 5	ENDT864	300	8.5	5.9
			ENDT864	300	6.7	5.0
ENDT865, ENDDT865, ENDTB865, ENDDTB865, ENDT866, ENDTB866.	TC	No. 6	ENDT865	322	35.4	15.2
			ENDT865	322	31.6	9.2

1973 MODEL YEAR HEAVY DUTY DIESEL ENGINES

Engine Family		Test Engines		Smoke Emissions			
Manufacturer (Models)	Engine Air Aspiration	Family Designation	Model	Rated Horsepower	Maximum Torque	Acceleration Mode (% Opacity)	Lug-Down Mode (% Opacity)
Perkins Engine Company NA 80	N.A.	No. 1	NA 80	79	185	7.6	6.3
			NA 80	79	185	7.6	8.0
NA 120	N.A.	No. 2	NA 120	116	270	10.9	14.1
			NA 120	116	270	11.7	9.5
NA 180	N.A.	No. 3	NA 180	174	382	16.5	14.1
			NA 180	174	382	9.0	7.3
Teledyne Continental Motors LED-500.	TC	LED-500	LED-500/200	200	434	12.6	4.8
			LED-500/200	200	434	12.6	3.4

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