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PART I

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## HIGHLIGHTS OF THIS ISSUE

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



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# REMINDERS

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

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

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## Title 7—Agriculture

### CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

### PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

### Appendix—Second Apportionment of Food Assistance and Nonfood Assistance Funds Pursuant to National School Lunch Act for Fiscal Year 1973

Pursuant to section 13, of the National School Lunch Act, as amended, food assistance and nonfood assistance funds available for the fiscal year 1973 are reapportioned among the States to meet reapportioned among the States to meet their year-round program level as follows:

Funds unneeded by States to maintain year-round program level and indicated in the table as a balance are available for carryover use. In addition to the funds apportioned herein a total of $2.7 million of section 32 funds were authorized to States to maintain continuity of operations where the program level exceeded the initial apportionment.

| State: | Total apportionment |
|---|---|
| Alabama | $519,451 |
| Alaska | 23,760 |
| Arizona | 195,570 |
| Arkansas | 222,414 |
| California | 598,627 |
| Colorado | 181,018 |
| Connecticut | 132,957 |
| Delaware | 82,669 |
| District of Columbia | 112,253 |
| Florida | 763,781 |
| Georgia | 965,240 |
| Guam | 2,710 |
| Hawaii | 87,934 |
| Idaho | 64,242 |
| Illinois | 627,090 |
| Indiana | 347,392 |
| Iowa | 231,983 |
| Kansas | 148,573 |
| Kentucky | 556,188 |
| Louisiana | 588,013 |
| Maine | 123,121 |
| Maryland | 252,948 |
| Massachusetts | 248,512 |
| Michigan | 530,133 |
| Minnesota | 343,488 |
| Mississippi | 278,856 |
| Missouri | 559,171 |
| Montana | 69,066 |
| Nebraska | 115,071 |
| Nevada | 62,584 |
| New Hampshire | 92,806 |
| New Jersey | 286,850 |
| New Mexico | 128,788 |
| New York | 866,752 |
| North Carolina | 845,615 |
| North Dakota | 46,651 |
| Ohio | 629,820 |
| Oklahoma | 357,641 |
| Oregon | 143,790 |
| Pennsylvania | 884,306 |
| Puerto Rico | 0 |
| Rhode Island | 99,587 |
| South Carolina | 507,662 |
| South Dakota | 68,458 |
| Tennessee | 633,837 |
| Texas | 707,228 |
| Utah | 47,516 |
| Vermont | 84,082 |
| Virginia | 529,314 |
| Virgin Islands | 4,382 |
| Washington | 189,961 |
| West Virginia | 292,383 |
| Wisconsin | 357,676 |
| Wyoming | 30,763 |
| Samoa, American | 0 |
| Trust Territory | 15,663 |
| Sub-Total | $16,886,346 |
| Balance | 3,888,654 |
| Total | $20,775,000 |

(Sec. 13, 82 Stat. 117; 42 U.S.C. 1761)

Dated: June 25, 1973.

EDWARD J. HEKMAN,
*Administrator.*

[FR Doc.73-13024 Filed 6-27-73;8:45 am]

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### CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 5]

### PART 711—MARKETING QUOTA REVIEW REGULATIONS

#### Verbatim Transcripts

*Basis and purpose.* (a) The purpose of this amendment is to clarify the policy with respect to arrangements for a verbatim transcript of the testimony taken in scheduled marketing quota review committee hearings and the distribution to be made of such copies. Section 711.21 (f) of Part 711—Marketing Quota Review Regulations (35 FR 15355 and 35 FR 16235) are not entirely clear as to whether the applicant or the Government is responsible for paying the contractual firm for the transcript in certain instances.

(b) It is proposed that arrangements be made for a verbatim transcript when the review committee, the State Executive Director, or the applicant requests such transcript. Otherwise, only such notes, stenographic reports or recordings as will enable the review committee to make their findings, conclusions and determination will be required. When a verbatim transcript is so requested, the Government will arrange for the service and pay for three copies; one each for the review committee, the State Executive Director, and the Regional Attorney, Office of the General Counsel, United States Department of Agriculture. The applicant or his representative may obtain a copy from the firm at his own expense.

(c) Since the basic policy with respect to this change was published as a notice of rule making in an amendment to Part 780—Appeal Regulations, relating to administrative appeals other than those involving marketing quota program matters and is currently in effect (36 FR 25146), it is determined that compliance with the notice, public participation, and 30-day effective date provisions of 5 U.S.C. 553, is unnecessary. Accordingly, this amendment shall become effective on June 28, 1973.

(d) Paragraph (f) of § 711.21 of the subject, Marketing Quota Review Regulations, is amended to read as follows:

§ 711.21 **Conduct of hearing.**

* * * * *

(f) *Transcript of testimony.* The review committee shall provide for the taking of such notes including but not limited to stenographic reports or recordings at the hearing as will enable it to make a summary of the proceedings and the testimony received at the hearing. The testimony received at the hearing shall be reported verbatim by a representative of a private firm under an existing Departmental contract for such services if the review committee, the State Executive Director, or the applicant, requests such transcript be made. If such transcript is so requested, the State Executive Director shall advise the Deputy Administrator, State and County Operations, prior to the hearing date who will then arrange for the service. A copy of such transcript shall be furnished to each of the following: the review committee, the State Executive Director, and the Regional Attorney, Office of the General Counsel, United States Department of Agriculture. The applicant or his representative may obtain a copy from the firm at his own expense.

* * * * *

Effective date: June 28, 1973.

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

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

[FR Doc.73-13064 Filed 6-27-73;8:45 am]

[Amdt. 1]

## PART 728—WHEAT

### Subpart—Wheat Set-Aside Program for Crop Years 1972–1973

MISCELLANEOUS AMENDMENTS

The regulations governing the Wheat Set-Aside Program for Crop Years 1972–1973, 37 FR 10709, are being amended to set forth changes for the 1973 crop year. The major changes are as follows:

1. A permanent adjustment in the wheat allotment, feed grain base, or upland cotton allotment is required when the allotments and feed grain base total more than the cropland on the farm.

2. Except for producers who elect to set aside additional acreage, no set-aside of cropland is required. Producers electing to set aside additional acreage are required to set aside an acreage of cropland equal to 86 percent of the domestic allotment. Such producers may set aside an additional acreage of cropland up to the smaller of (a) 150 percent of the domestic wheat allotment, or (b) the additional set-aside base for the farm.

3. An adjustment in the wheat allotment or feed grain base is required for 1973 to the extent necessary so that the sum of the allotment and 50 percent of the base does not exceed the cropland eligible for set-aside. The wheat allotment on a farm with a CAP or CCP agreement for other than wheat must also be adjusted for 1973 to the extent necessary so that it does not exceed the permitted acres established for the CAP or CCP agreement.

4. The provisions of the regulations regarding the misrepresentation of facts are amended so as not to require a forfeiture of payments made under the feed grain or upland cotton set-aside program.

5. In accordance with amendment 3 to the regulations governing reconstitution of farms, allotments, and bases (38 FR 7564), federally-owned land shall be ineligible for participation in the program. To the extent that the leasing arrangement permits the production of wheat, this prohibition shall not apply (1) to the former owner who has enjoyed uninterrupted possession of the land, or (2) during the term of any lease executed prior to March 23, 1973.

On May 23, 1973, notice of proposed rule making regarding determinations with respect to the 1973 crop of wheat was published in the FEDERAL REGISTER (37 FR 10448). Interested persons were invited to submit written data, views, and recommendations regarding the determinations. The comments received have been duly considered.

Pursuant to sections 379b and 379c of the Agricultural Adjustment Act of 1938, as amended, Part 728 is amended as follows:

### § 728.14 [Amended]

1. Section 728.14(a) is amended by changing the title of Form MQ–25 in the third sentence to "Application for New Farm or Producer Allotment, Base or Quota."

2. Section 728.14(b)(7) is amended to read as follows:

"(7) The applicant has produced wheat in any year prior to the year for which the request is made for a new allotment."

3. Section 728.14 is further amended by adding a new paragraph (g) to read as follows:

"(g) Notwithstanding any other provision of this section, the domestic wheat allotment shall be reduced to the extent the sum of domestic wheat allotment, the feed grain base, and all other allotments exceeds the cropland for the farm, unless the operator requests in writing that the reduction be in the upland cotton allotment or feed grain base."

4. Section 728.47 is amended to read as follows:

### § 728.47 Misrepresentation and scheme or device.

(a) A producer who is determined by the county committee or the State committee to have erroneously represented any fact affecting a program determination shall not be entitled to receive wheat marketing certificates or payments under the program for the farm with respect to which the representation was made and shall refund any payments and return any certificates received by him, or, in the case of certificates, pay the value thereof to the Commodity Credit Corporation.

(b) A producer who is determined by the State committee, or the county committee with the approval of the State committee, to have knowingly (1) adopted any scheme or device which tends to defeat the purpose of the program, (2) made any fraudulent representation, or (3) misrepresented any fact affecting a program determination shall not be entitled to receive program benefits under the wheat set-aside program for any farm under the program and shall return any wheat marketing certificates (or pay the value thereof) and shall refund any payment received by him to the Commodity Credit Corporation.

(c) The provisions of this section shall be applicable in addition to any liability under criminal and civil fraud statutes.

5. A new § 728.55 is added to read as follows:

### § 728.55 Changes effective for 1973.

Notwithstanding any other provisions of this subpart, the following changes, in addition to any other specific amendments to the regulations, shall be applicable for 1973.

(a) *Reduced allotments.* The domestic wheat allotment and the feed grain base shall be reduced for 1973 to the extent necessary so that the sum of the allotment and 50 percent of the base does not exceed the cropland which, under normal conditions, could reasonably be expected to produce a crop in 1973. The domestic wheat allotment on a farm with a CAP or CCP agreement for commodities other than wheat shall be reduced for 1973 to the extent necessary so that it does not exceed the permitted acres established for the CAP or CCP agreement.

(b) *Required set-aside.* Except for producers who elect to set aside additional acreage, no acreage is required to be set aside. Producers electing to set aside additional acreage must set aside an acreage of cropland equal to 86 percent of the domestic wheat allotment.

(c) *Additional set-aside.* (1) Producers who set aside an acreage of cropland equal to 86 percent of the domestic wheat allotment may set aside an additional acreage of cropland up to the smaller of (i) 150 percent of the domestic wheat allotments, or (ii) the 1973 additional set-aside base for the farm as established in accordance with paragraph (c)(2) of this section.

(2) The acreage of wheat planted for harvest by producers who elect to set aside additional acreage shall not exceed the 1973 wheat additional set-aside base minus the additional acreage the producer agrees to set aside. The 1973 wheat additional set-aside base shall be equal to the sum of (i) the additional acreage set aside in 1972, (ii) the 1972 wheat acreage as determined under § 728.2(1), and (iii) to the extent the sum of the acreages in (i) and (ii) is less than the 1972 domestic wheat allotment, the acreage considered to have been planted to wheat in 1972 as determined under § 728.2(m). The wheat additional set-aside base shall be established in accordance with instructions issued by the Deputy Administrator and may, in accordance with such instructions, be adjusted upward in cases where the production of wheat in 1972 was adversely affected due to flood, drought, or other natural disaster.

(3) The 1973 payment rate for additional set-aside shall be 88 cents per bushel. The 1973 additional acre set-aside payment rate shall be determined by multiplying 88 cents by the projected yield as established for the farm pursuant to the provisions of § 728.15.

(d) *Alternate crops.* The approved alternate crops are castor beans, crambe, guar, mustard seed, plantago ovato, safflower, sesame, and sunflower. The per acre reduction for set-aside acreage devoted to approved alternate crops shall be at a fair and reasonable rate as determined in accordance with instructions issued by the Deputy Administrator.

(e) *Federally-owned land.* Land owned by the Federal Government shall be ineligible for participation in the program if it is (1) leased subject to restrictions prohibiting the production of wheat, or requiring the use of land for other purposes, or prohibiting the receipt of Federal payments for diversion or set-aside of such acreage, (2) occupied without a lease, permit, or other right of possession, (3) in a national wildlife refuge, or (4) covered by a lease which was renewed or executed after March 22, 1973, unless the land was acquired by an agency having the right of eminent domain, and leased back to the former owner with uninterrupted possession.

(Secs. 375(b), 379b(g), 52 Stat. 66, 84 Stat. 1364; 7 U.S.C. 1375(b), 1379b(g))

*Effective date.* June 28, 1973.

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

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

[FR Doc.73-13065 Filed 6-27-73;8:45 am]

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

[Valencia Orange Reg. 438]

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

### Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period June 29–July 5, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

**§ 908.738 Valencia Orange Regulation 438.**

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to remain slow. Prices f.o.b. averaged $3.13 per carton on a sales volume of 593 carlots during the week ended June 21, 1973, compared with $3.19 per carton on sales of 661 carlots a week earlier. Track and rolling supplies at 348 cars were down 26 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to be public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia ornages; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 26, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 29, 1973, through July 5, 1973, are hereby fixed as follows:

(i) District 1: 125,000 cartons;
(ii) District 2: 310,000 cartons;
(iii) District 3: 65,000 cartons."

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

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

Dated: June 27, 1973.

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.73-13296 Filed 6-27-73;11:47 am]

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## Title 9—Animals and Animal Products

## CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION) DEPARTMENT OF AGRICULTURE

### SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

## PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

### Exemptions for Specified Operations

*Statement of consideration.* The poultry products inspection regulations (9 CFR Part 381) provides for certain exemptions from the requirements of the Poultry Products Inspection Act and other provisions of said regulations. One such exemption is for operations traditionally and usually conducted at retail stores when conducted for sale in normal retail quantities. Section 381.10(d)(2)(ii) of the regulations defines the limitations of such normal retail quantities. However, because of an error in printing in the final rulemaking, the intended distinction between "household consumer" and a "consumer other than a household consumer" is not made.

Therefore, in the interest of accuracy and clarity of intent, § 381.10(d)(2)(ii) is being amended to correct this error. In the first sentence of § 381.10(d)(2)(ii), the words "a consumer other than" are deleted.

As amended, the first sentence of § 381.10(d)(2)(ii) will read as follows: "A normal retail quantity is any quantity of a poultry product purchased by a household consumer from a retail supplier that in the aggregate does not exceed 75 pounds."

(Sec. 14, 71 Stat. 447, as amended, 21 U.S.C. 463; 37 FR 28464, 28477)

It does not appear that further public rulemaking proceedings are necessary since this amendment merely corrects the regulations to reflect the correct wording and clarify the meaning. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found on good cause that notice and other public procedure concerning the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective in less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective June 28, 1973.

Done at Washington, D.C., on June 22, 1973.

G. H. WISE,
*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc.73-12938 Filed 6-27-73;8:45 am]

## Title 14—Aeronautics and Space

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

[Airspace Docket No. 73-WE-11]

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

#### Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Ontario, California control zone.

The Chino, California control zone has been altered to include a small extension described on the 288° M(303°T) radial of the Ontario, California, VORTAC (ASD 73-WE-9). This amendment will be effective August 16, 1973. Since the Chino control zone becomes part of the Ontario, California control zone when Chino is not effective, it is necessary to amend the description of the Ontario control zone accordingly.

Since this amendment is editorial in nature and imposes no additional burden on any person notice and public procedure hereon is unnecessary.

In consideration of the foregoing in § 71.171 (38 FR 351) the description of the Ontario, California control zone is amended in part as follows:

Delete all after "* * * Chino, California, * * *" and substitute "* * * and within 1.5 miles each side of the Ontario, California VORTAC 303° radial, extending from the 3-mile radius zone to 1 mile NW of the VORTAC, excluding the portion within the Chino control zone when it is effective."

Effective date: This amendment shall be effective 0901 G.m.t., August 16, 1973.

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

Issued in Los Angeles, California, on June 11, 1973.

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

[FR Doc.73-13004 Filed 6-27-73;8:45 am]

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[Airspace Docket No. 73-WE-9]

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

#### Alteration of Control Zone

On May 3, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 10958) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Chino, California control zone.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change.

A review of the document revealed that a typographical error was made.

In line 6 of the control zone description the word "west" should have read "northwest" and the final rule is corrected accordingly.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

*Effective date.* This amendment shall be effective 0901 G.m.t., August 16, 1973.

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

Issued in Los Angeles, California, on June 11, 1973.

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

[FR Doc.73-13005 Filed 6-27-73;8:45 am]

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

[Docket No. 12124, Amendments 103-16, 121-104, and 135-36]

### PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

### PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

### PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

#### Loading and Carrying Dangerous Articles and Magnetized Materials on Aircraft; Training and Manual Requirements

*Correction*

In FR Doc. 73-11356 appearing at page 14914 in the issue of Thursday, June 7, 1973, the amendment numbers in brackets should read as set forth above.

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## Title 16—Commercial Practices

### CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 2402]

### PART 13—PROHIBITED TRADE PRACTICES

#### Georgia-Pacific Corp.

Subpart—Reciprocity: § 13.2110 *Reciprocal arrangements, agreements, understandings, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Georgia-Pacific Corporation, Portland, Or., Docket No. C-2402, May 16, 1973]

*In the matter of Georgia-Pacific Corporation, a corporation.*

Consent order requiring a Portland, Oregon, manufacturer of a wide variety of products including, wood, paper, pulp, chemicals and wood products, among other things to cease engaging in unfair methods of competition by systematically using its purchasing power to obtain sales to its actual or potential suppliers. Respondent is further required to destroy certain statistical data and maintain certain other records as set out in the order.

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

I. *It is ordered,* That respondent, its officers, directors, employees, agents and representatives, directly or through any corporate or other device, shall forthwith cease and desist from:

A. Purchasing or entering into or adhering to any agreement or understanding to purchase from an actual or potential supplier on the understanding that any of such purchases are conditioned upon or related to any sales by respondent or any other company;

B. Selling or entering into, or adhering to any agreement or understanding to sell to an actual or potential customer on the understanding that any of such sales are conditioned upon or related to any purchases by respondent or any other company;

C. Purchasing in order to promote or induce sales to another company;

D. Selling in order to promote or induce sales by another company;

E. Communicating to another company that:

1. Purchases by respondent or relative positions on respondent's bidder lists will or may be conditioned upon or related to sales by respondent or another company;

2. Sales by respondent or relative positions on respondent's bidder lists will or may be conditioned upon or related to purchases by respondent or another company;

F. Discussing, comparing, or exchanging statistical data or other information with another company in order to ascertain, develop, facilitate or further any relationship between purchases and sales of the nature prohibited by this Order;

G. Preparing or maintaining statistical data which compares or otherwise relates purchases by respondent from a company to sales by respondent to such company;

H. Causing or permitting any of respondent's personnel holding any of the positions listed in Appendix 1, hereof, to influence, request, or suggest to any of respondent's personnel holding any of the positions listed in Appendixes 2 or 3, hereof, to consider respondent's actual or potential sales to any company as a factor in any decision to purchase from such company;

I. Causing or permitting any of respondent's personnel who are primarily and directly engaged in promoting or obtaining sales on behalf of respondent, including, but not limited to, respondent's personnel holding any of the positions listed in Appendix 2, hereof, to:

1. Engage in purchasing;

2. Obtain statistical data or other information which shows the amount of actual or potential purchases by respondent from any company;

3. Attend any meeting, a purpose of which is the discussion of respondent's purchases or its purchasing strategy;

4. Specify or recommend, because of the status of any company as an actual or potential customer of respondent, that purchases could or should be made from such company;

*Provided, however,* That nothing contained in this subparagraph shall prohibit any of respondent's personnel holding any of the positions listed in Appendix 2, hereof, and followed by brackets ([]), from:

a. Purchasing items for resale by the divisions of respondent for which such individual is assigned sales and purchasing responsibilities;

b. Obtaining statistical data or other information which shows the amount of actual or potential purchases of items for resale by the divisions of respondent for which such individual is assigned sales and purchasing responsibilities;

c. Attending any meeting, the purpose of which is the discussion of respondent's purchases of items for resale or its strategy for purchasing such items;

J. Causing or permitting any of respondent's personnel who are primarily and directly engaged in purchasing on behalf of respondent, including, but not limited to, respondent's personnel holding any of the positions listed in Appendix 3, hereof, to:

1. Engage in obtaining sales;

2. Obtain statistical data or other information which shows the amount of actual or potential sales by respondent to any company;

3. Attend any meeting, a purpose of which is the discussion of respondent's sales, or its strategy for obtaining sales;

4. Specify or recommend, because of the status of any company as an actual or potential supplier to respondent, that sales could or should be made to such company;

*Provided, however,* That nothing contained in this subparagraph shall prohibit any of respondent's personnel holding any of the positions listed in Appendix 3, hereof, and followed by brackets ([]), from:

a. Selling items purchased for resale by the divisions of respondent for which such individual is assigned purchasing and resale responsibilities;

b. Obtaining statistical data or other information which shows the amount of actual or potential sales of items purchased for resale by the divisions of respondent for which such individual is assigned purchasing and resale responsibilities;

c. Attending any meeting, the purpose of which is the discussion of respondent's sales of items purchased for resale by respondent or its strategy for selling such items;

II. *It is further ordered,* That respondent shall, within thirty (30) days subsequent to the date of this Order, destroy:

A. All statistical data in its possession, custody, or control which compares or otherwise relates purchases from another company to sales to such company;

B. All statistical data and other information which shows the amount of actual or potential purchases by respondent from any company, and which is in the possession, custody or control of any of respondent's personnel holding any of the positions listed in Appendix 2, hereof;

C. All statistical data and other information which shows the amount of actual or potential sales by respondent to any company, and which is in the possession, custody or control of any of respondent's personnel holding any of the positions listed in Appendix 3, hereof.

III. *It is further ordered,* That respondent shall, within sixty (60) days subsequent to the date of this Order:

A. Issue a copy of Attachment A, hereof, to each of respondent's personnel listed on its then-current Key Personnel List A or Key Personnel List B;

B. Insert and maintain the language of Attachment A hereof within all manuals and other such documents which set out respondent's policies or procedures for purchasing or for obtaining sales, or its policies relating to the compilation or distribution of statistical purchase or sales data.

IV. *It is further ordered,* That respondent shall, beginning within sixty (60) days of the date of this Order and for a period of one (1) year subsequent to such beginning date, mail or otherwise distribute copies of Attachment B, hereof, together with a copy of this Order, exclusive of all Appendixes, in the following manner:

A. Attached to each purchase order or substitute document issued by respondent to any supplier for any purchase in excess of $5,000 documented thereby if such attachment has not previously been provided to such supplier in compliance with this paragraph;

B. Attached to each invoice or substitute document issued by respondent to any customer for any sale made by respondent in excess of $5,000 if such attachment has not previously been provided to such customer in compliance with this paragraph; *Provided, however,* In lieu of the requirement stated in this subparagraph B, for all sales made by respondent through its Distribution Division only, respondent may, in the alternative make a single distribution by mail of copies of said Attachment B and of this Order (exclusive of all Appendixes), to each of its customers listed on its then-current computerized Distribution Division customer list.

The above provisions of this Paragraph IV notwithstanding, respondent shall, within sixty (60) days subsequent to the date of this Order, mail a copy of Attachment B, hereof, together with a copy of this Order (exclusive of all Appendixes), to each company which is a party with respondent to any contract or agreement of the nature described in Paragraph XI, below.

V. *It is further ordered,* That respondent notify the Federal Trade Commission:

A. At least thirty (30) days prior to any proposed change in its corporate structure, 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 respondent which may affect compliance obligations arising out of this Order;

B. Annually of all positions with responsibility for sales or purchases. For purposes of compliance with this subparagraph respondent shall furnish to the Federal Trade Commission at the end of each year a list of all such positions and the names of the employees holding each such positions.

VI. *It is further ordered,* That respondent shall, within sixty (60) days subsequent to the date of this Order, file with the Federal Trade Commission a written report setting forth in detail the manner and form in which it has complied with this Order including, but not limited to, the name of each individual to whom a copy of Attachment A, hereto, was issued pursuant to Paragraph III, above.

VII. *It is further ordered,* That respondent shall, within ninety (90) days subsequent to the first (1st) anniversary of the date of this Order, provide the Federal Trade Commission with the name of each company to which copies of Attachment B, hereof, and this Order were mailed or otherwise distributed pursuant to Paragraph IV, above.

VIII. *It is further ordered,* That respondent shall, within sixty (60) days of the third (3rd) anniversary of the date of this Order:

A. Cause each of its then-current personnel who, at such third (3rd) anniversary date of this Order, hold any of the positions listed in Appendix 1, hereof, to complete and furnish to respondent's legal department a sworn statement in the form of Attachment C, hereof;

B. Cause each of its then-current personnel who, at such third (3rd) anniversary date of this Order, hold any of the positions listed in Appendix 2, hereof, other than those positions preceded by an asterisk (*), to complete and furnish to respondent's legal department a sworn statement in the form of Attachment D, hereof;

C. Cause each of its then-current personnel who, at such third (3rd) anniversary date of this Order, hold any of the positions listed in Appendix 3, hereof, other than those positions preceded by an asterisk (*), to complete and furnish to respondent's legal department a sworn statement in the form of Attachment E, hereof.

IX. *It is further ordered,* That respondent shall:

A. Request each of its personnel who, at any time subsequent to the date of this Order, has held any of the positions listed in Appendix 1, hereof, and who leaves the employ of respondent prior to the third (3rd) anniversary of the date of this Order, to complete and furnish to respondent's legal department, within ten (10) days preceding such termination of employment, a sworn statement in the form of Attachment C, hereof;

B. Request each of its personnel who, at any time subsequent to the date of this Order, has held any of the positions listed in Appendix 2, hereof, other than those positions preceded by an asterisk (*), and who leaves the employ of respondent prior to the third (3rd) anniversary of the date of this Order, to complete and furnish to respondent's legal department, within ten (10) days preceding such termination of employment, a sworn statement in the form of Attachment D, hereof;

C. Request each of its personnel who, at any time subsequent to the date of this Order, has held any of the positions

listed in Appendix 3, hereof, other than those positions preceded by an asterisk (*), and who leaves the employ of respondent prior to the third (3rd) anniversary of the date of this Order, to complete and furnish to respondent's legal department, within ten (10) days preceding such termination of employment, a sworn statement in the form of Attachment E, hereof.

X. *It is further ordered*, That respondent shall submit to the Federal Trade Commission:

A. Within ninety (90) days subsequent to the third (3rd) anniversary of the date of this Order, all sworn statements which it has received pursuant to Paragraph VIII, above;

B. Within ninety (90) days subsequent to the first (1st) anniversary of the date of this Order, and annually thereafter for a period of two (2) years, all sworn statements which it has received pursuant to Paragraph IX, above, together with the name and address of each individual who would have been required by Paragraph IX, above, but did not complete a sworn statement at any time in the one (1) year period immediately prior to such submission.

XI. *It is further ordered*, That nothing contained in this Order shall prohibit respondent from:

A. Entering into or adhering to any contract or agreement pursuant to which respondent shall purchase from another party any products which respondent also produces in exchange for the purchase from respondent by such other party of an approximately equal volume or value of like or similar products in any stage of process;

B. Entering into or adhering to any contract or agreement for the conversion of respondent's products or goods into other forms for its own use or for resale or for the conversion by respondent of the products or goods of other parties;

C. Entering into or adhering to any contract or agreement for construction work or for the manufacture, installation, servicing or operating of equipment, products or facilities, or the furnishing of supplies, for respondent's own use, or the use of its employees, on the condition that respondent's or other specified products, goods or services be used in the performance of such contracts or agreements; provided, however, that such contracts or agreements are not used to carry out or promote any reciprocal purchasing policy, arrangement or practice of the type prohibited by this Order.

*Provided, however*, That nothing in this Paragraph or any of its subparagraphs shall be construed as having application to, or limiting in any manner whatsoever, any other proceeding or investigation initiated by the Federal Trade Commission, and that the Federal Trade Commission reserves the right to take further action including the issuance of a complaint with respect to transactions of the nature described in this Paragraph and each of its subparagraphs in the event that it shall at any time in the future have reason to believe that any of such transactions may violate any of the statutes administered by it.

XII. *It is further ordered*, That nothing contained in this Order shall prohibit respondent from preparing and compiling statistical data and information showing sales to particular customers or groups of customers ("sales summaries") and statistical data and information showing purchases from particular suppliers or groups of suppliers ("purchasing summaries") for use by its managerial personnel; *Provided*, That such sales and purchasing summaries are not used by any of such managerial personnel to carry out or promote any reciprocal purchasing policy, arrangement, or practice of the type prohibited by this Order; *Provided further*, That no such sales summaries be made available to personnel with primary purchasing responsibility, and no such purchasing summaries be made available to personnel with primary sales responsibility; *Provided further*, That respondent prepare at the end of each year for a period of three (3) years subsequent to the date of this Order, a list of all such sales and purchasing summaries, and maintain for a period of five (5) years following their preparation, the original or a copy of each such sales and purchasing summary, together with a list of the personnel to whom each was distributed; and *Provided further*, That respondent shall send the above-described lists to the Federal Trade Commission at the end of each of such three years and shall grant any duly authorized representative of the Federal Trade Commission access to the sales and purchasing summaries to which such lists relate.

XIII. *It is further ordered*, That respondent shall, for a period of five (5) years subsequent to the date of this Order:

A. Maintain:

1. All written contracts and agreements of the nature described in Paragraph XI, above; and

2. Documents sufficient to disclose the terms and substance of all oral contracts and agreements of the nature described in Paragraph XI, above;

together with documents sufficient to show the total annual dollar value and/or volume of deliveries and receipts pursuant to each such written or oral contract and agreement;

B. Grant any duly authorized representative of the Federal Trade Commission access to all such contracts, agreements, and other documents;

C. Furnish to the Federal Trade Commission copies of all such contracts, agreements, and other documents which are requested by any of its duly authorized representatives.

By the Commission.

Issued: May 16, 1973.

[SEAL] VIRGINIA M. HARDING,
*Acting Secretary.*

ATTACHMENT A

Re: Federal Trade Commission Order Concerning the Selling and Purchasing Activities of Georgia-Pacific Corporation and its Subsidiaries.

Pursuant to an Order of the Federal Trade Commission, we issue the following policies and guidelines:

*General.* No employee shall:

1. Discuss, compare or exchange statistical data or other information with another company in order to ascertain, develop, facilitate or further any relationship between our purchases and our sales;

2. Prepare, maintain or in any manner obtain statistical data which compares or otherwise relates our purchases from a company to our sales to such company.

*Purchasing.* It is our policy to purchase solely on the basis of price, quality and service. Purchasing personnel shall be prepared to justify all purchases in light of these criteria. No purchase may be conditioned upon or related to our sales or sales by any other company nor shall any employee suggest or imply to any actual or potential supplier that any purchase is so conditioned or related.

No Purchasing Department personnel shall:

1. Engage in sales or marketing on our behalf;

2. In any manner obtain statistical data or other information which shows the amount of our actual or potential sales to any company;

3. Attend any meeting, a purpose of which is the discussion of our sales or our strategy for obtaining sales;

4. Specify or recommend to our sales or marketing personnel, because of the status of any company as an actual or potential supplier, that sales could or should be made to such company.

*Selling.* No employee promoting sales to any actual or potential customer shall suggest or imply that such sales are conditioned upon or related to our purchases or purchases by any other company.

No sales or marketing personnel shall:

1. engage in purchasing on our behalf;

2. in any manner obtain statistical data or other information which shows the amount of our actual or potential purchases from any company;

3. attend any meeting, a purpose of which is the discussion of our purchases or our purchasing strategy, except to the extent discussion concerns the purchase of items for resale;

4. specify or recommend to our purchasing personnel, because of the status of any company as an actual or potential customer, that purchases could or should be made from such company.

*Items purchased for resale.* Those employees who are assigned sales and purchasing responsibilities in connection with items purchased for resale by our company are not prohibited from performing such functions.

*Violation of policies or guidelines.* Violation of the above policies or guidelines shall subject any offending employee to dismissal from his employment.

ATTACHMENT B

To our Customers and Suppliers:

Pursuant to the attached Order of the Federal Trade Commission, we herewith advise you that it is the policy of Georgia-Pacific Corporation to purchase solely on the basis of price, quality and service. We wish to assure you that our purchases will in no way be conditioned upon or related to our sales to you or any other company.

*Chairman of the Board*
*and President.*

ATTACHMENT C

Name and address:

Positions held, with dates, with Georgia-Pacific Corporation or its subsidiaries since _____:
(the date of this Order)

I have marked the statement below which is true:

____1. I have engaged in one or more of the activities of the nature prohibited by Article I, subparagraphs A through H, inclusive, of _____ at some (this Order) time since _____. (the date of this Order)

____2. I have not engaged in any activities of the nature prohibited by Article I, subparagraphs A through H, inclusive, of _____ since _____. (this Order) (the date of this Order)

_____ (Signature)

City of _____
State of _____
Sworn to and subscribed before me this ____ day of _____, 1972.

_____ (Notary Public)

ATTACHMENT D

Name and address:
Positions held, with dates, with Georgia-Pacific Corporation or its subsidiaries since _____: (the date of this Order)

I have marked all statements below which have been true at all times since _____: (the date of this Order)

____1. I have not discussed, compared, or exchanged statistical data or other information with another company in order to ascertain, develop, facilitate, or further any reciprocal relationship between purchases and sales by Georgia-Pacific Corporation or its subsidiaries, and such company.

____2. I have not prepared or maintained statistical data which compared or otherwise related purchases by Georgia-Pacific Corporation or its subsidiaries from any company to sales by Georgia-Pacific Corporation or its subsidiaries to such company.

____3. I have not specified or recommended, because of the status of any company as an actual or potential customer, that purchases could or should be made from such company.

____4. I have not suggested or implied to another company that purchases by Georgia-Pacific Corporation or its subsidiaries might be conditioned upon or related to sales to such company.

____5. I have not engaged in purchasing on behalf of Georgia-Pacific Corporation or its subsidiaries, other than purchasing for resale.

____6. I have not in any manner obtained statistical data or other information which showed the amount of actual or potential purchases from any company by Georgia-Pacific Corporation or its subsidiaries, other than purchases for resale.

____7. I have not attended a meeting, a purpose of which was the discussion of the purchasing strategy of Georgia-Pacific Corporation or its subsidiaries, other than its strategy for purchasing for resale.

____8. To the best of my knowledge and belief, none of the individuals over whom I have had line authority since _____ have since (the date of this Order) such time engaged in any of the activities set out above.

_____ (Signature)

City of _____
State of _____
Sworn to and subscribed before me this ____ day of _____, 1972.

_____ (Notary Public)

ATTACHMENT E

Name and address:
Positions held, with dates, with Georgia-Pacific Corporation or its subsidiaries since _____: (the date of this Order).

I have marked all statements below which have been true at all times since _____: (the date of this Order).

____1. I have not discussed, compared, or exchanged statistical data or other information with another company in order to ascertain, develop, facilitate, or further any reciprocal relationship between purchases and sales by Georgia-Pacific Corporation or its subsidiaries and such company.

____2. I have not prepared or maintained statistical data which compared or otherwise related sales by Georgia-Pacific Corporation or its subsidiaries to any company with purchases by Georgia-Pacific Corporation or its subsidiaries from such company.

____3. I have not specified or recommended, because of the status of any company as an actual or potential supplier, that sales could or should be made to such company.

____4. I have not suggested or implied to another company that purchases by Georgia-Pacific Corporation or its subsidiaries might be conditioned upon or related to sales to such company.

____5. I have not engaged in sales or marketing on behalf of Georgia-Pacific Corporation or its subsidiaries, other than the sale of items purchased for resale.

____6. I have not in any manner obtained statistical data or other information which showed the amount of actual or potential sales to any company by Georgia-Pacific Corporation or its subsidiaries, other than sales of items purchased for resale.

____7. I have not attended a meeting, a purpose of which was the discussion of the strategy of Georgia-Pacific Corporation or its subsidiaries for obtaining sales, other than its strategy for selling items purchased for resale.

____8. To the best of my knowledge and belief, none of the individuals over whom I have had line authority since _____ have since (the date of this Order) such time engaged in any of the activities set out above.

_____ (Signature)

City of _____
State of _____
Sworn to and subscribed before me this ____ day of _____, 1972.

_____ (Notary Public)

APPENDIX 1

Executive personnel of respondent

APPENDIX 2

Personnel who are primarily and directly engaged in obtaining sales on behalf of respondent. Place asterisks before all positions which are not required to file affidavits.

APPENDIX 3

Personnel who are primarily and directly engaged in purchasing on behalf of respondent. Place asterisks before all positions which are not required to file affidavits.

[FR Doc.73-12998 Filed 6-27-73;8:45 am]

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[Docket No. 8873]

## PART 13—PROHIBITED TRADE PRACTICES

### LRS, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections*: 13.15–15 Bonded business; 13.15–30 Connections or arrangements with others; § 13.55 *Demand, business or other opportunities;* § 13.60 *Earnings and profits;* § 13.115 *Jobs and employment service;* § 13.143 *Opportunities;* § 13.155 *Prices*: 13.155–5 Additional costs unmentioned. Subpart—Delaying or withholding corrections, adjustments, or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed;* § 13.677 *Delaying or failing to deliver goods.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities or misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1368 *Bonded business;* § 13.1395 *Connections and arrangements with others;* § 13.1430 *Government endorsement, sanction or sponsorship;* § 13.1440 *Identity;* —Goods: § 13.1610 *Demand for or business opportunities;* § 13.1615 *Earnings and profits;* § 13.1625 *Free goods or services;* § 13.1647 *Guarantees*: § 13.1655 *Identity* § 13.1670 *Jobs and employment;* § 13.1697 *Opportunities in product or service;* § 13.1720 *Quantity;* § 13.1765 *Undertakings, in general;* —Prices: § 13.1778 *Additional charges unmentioned.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1855 *Identity*: § 13.1882 *Prices;* § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions:* 13.1905–50 Sales contract.

Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1935 *Earnings and profits;* § 13.1980 *Guarantee, in general;* §13.1995 *Job guarantee and employment;* § 13.2013 *Offers deceptively made and evaded;* § 13.2015 *Opportunities in product or service;* § 13.2040 *Returns and reimbursements;* § 13.2055 Sales for noncommercial recipients or objectives. Subpart—Securing agents or representatives by misrepresentation: § 13.2125 *Demand or business opportunities;* § 13.2130 *Earnings;* § 13.2150 *Seller status, advantages or connections.* Subpart—Securing agents or representatives by misrepresentation: § 13.2125 *Demand or business opportunities;* § 13.2130 *Earnings;* § 13.2150 *Seller status, advantages or connections.* Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, LRS, Inc., et al., Terre Haute, Ind., Docket 8873, May 8, 1973]

*In the matter of LRS, Inc., Local Readers' Service, Inc., Leisure Readers' Service, Inc., and Literary Readers' Service, Inc., corporations, Mary E. (Harrington) Chalmers, individually and as an officer of said corporations.*

Order requiring a Terre Haute, Indiana, seller of magazine subscriptions and other publications, as well as three subsidiaries, among other things to cease misrepresenting travel opportunities available to their representatives or solicitors; misrepresenting the terms and conditions or nature of employment; misrepresenting earnings of representatives or solicitors; misrepresenting the terms and conditions of any guarantees; failing to inform customers of their right to a three-day cooling-off period; and furnishing means and instrumentalities of misrepresentation or deception.

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

*It is ordered*, That respondents LRS, Inc., Local Readers' Service, Inc., Leisure Readers' Service, Inc. and Literary Readers' Service, Inc., corporations, and their officers, and Mary E. (Harrington) Chalmers, individually and as an officer of said corporations, and respondents' agents, representatives and employees, successors and assigns, directly or through any corporate or other device, in connection with the advertising, offering for sale, or distribution of magazines, magazine subscriptions or other products or the sale, solicitation or acceptance of subscriptions for magazines or other publications or monies paid therefor, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, to prospective solicitors and solicitors that they will travel on a planned itinerary to various large cities and resort areas throughout the United States and foreign countries; or misrepresenting, in any manner, the travel opportunities available to their representatives or solicitors.

2. Representing, directly or by implication, to prospective solicitors or solicitors that they will serve in any capacity other than as magazine subscription solicitors selling magazines on a door-to-door basis; or misrepresenting, in any manner, the terms, conditions, or nature of such employment, or the manner or amount of payment for such employment.

3. Representing, directly or by implication, to prospective solicitors and solicitors that they will earn or receive $125 per week or $400 per month or any other stated or gross amount; or representing, in any manner, the past earnings of respondents' representatives or solicitors, unless in fact the past earnings represented have actually been received by a substantial number of respondents' representatives or solicitors and accurately reflect the average earnings of such representatives or solicitors.

4. Representing, directly or by implication, to prospective solicitors or solicitors, that respondents will pay all, or any part of, the expenses of such solicitors unless such is the fact; or misrepresenting, in any manner, the terms or conditions of employment as a solicitor for respondents.

5. Failing clearly and unqualifiedly, to reveal during the course of any contact or solicitation of any prospective employee, sales agent or representative, whether directly or indirectly, or by written or printed communications, or by newspaper or periodical advertising, or person-to-person, that such prospective employee, sales agent or representative will be employed to solicit the sale of magazine subscriptions.

6. Soliciting or accepting subscriptions for magazines or other publications which respondents have no authority to sell or which respondents cannot promptly deliver or cause to be delivered.

7. Representing, directly or by implication, that respondents' representatives or solicitors are participants in a contest working for prize awards and are not solicitors working for money compensation; or misrepresenting, in any manner, the status of their sales agents or representatives or the manner or amount of compensation they receive.

8. Representing, directly or by implication, that respondents' representatives or solicitors are employed by or for the benefit of any charitable or non-profit organization; or misrepresenting, in any manner, the identity of the solicitor or of his firm or of the business they are engaged in.

9. Representing, directly or by implication, that respondents' representatives or solicitors are employed by or affiliated with programs sponsored by a government agency, the purpose of which is to provide assistance to underprivileged groups or persons.

10. Representing, directly or by implication, that respondents' representatives or solicitors are competing for college scholarship awards.

11. Representing, directly or by implication, that respondents' representatives or solicitors are college students working their way through school, unless such is the fact.

12. Representing, directly or by implication, that respondents' sales agents or representatives have been or are bonded or making any reference to bonding, unless such sales agents or representatives have been bonded by a recognized bonding agency, and any payments made pursuant to such bonding arrangement would accrue directly to the benefit of subscribers ordering subscriptions from respondents' representatives or solicitors; or misrepresenting, in any manner, the nature, terms or conditions of any such bond.

13. Representing, directly or by implication, that respondents have a legal arrangement with any independent third party which insures the placement and fulfillment of each and every magazine subscription order; or misrepresenting, in any manner, the nature, terms and conditions of any such arrangement.

14. Representing, directly or by implication, that respondents guarantee the delivery of magazines for which they sell subscriptions and accept payments, without clearly and conspicuously disclosing the terms and conditions of any such guarantee; or misrepresenting, in any manner, the terms and conditions of any guarantee.

15. Representing, directly or by implication, that the money paid by a subscriber to the respondents' representative or solicitor at the time of the sale is the total cost of the subscription in instances where the subscriber will be required to remit an additional amount in order to receive the subscription as ordered.

16. Representing, directly or by implication, that magazines purchased by subscribers will be distributed to various schools and institutions as gifts or contributions.

17. Misrepresenting the number and name(s) of publications being subscribed for, the number of issues and duration of each subscription and the total price for each and all such publications, or misrepresenting in any way the terms and conditions of the sale.

18. Utilizing any sympathy appeal to induce the purchase of subscriptions, including but not limited to: illness, disease, handicap, race, financial need, or other personal status of the solicitor, past, present or future; or misrepresenting, directly or by implication, the solicitor's eligibility for any benefit offered by respondents; or representing that earnings from subscription sales will benefit certain groups of persons such as students or the underprivileged, or will help charitable or civic groups.

19. Failing clearly and conspicuously without any qualification, orally or in writing, to reveal at the initial contact or solicitation of a purchase or prospective purchaser, whether directly or indirectly, or by written or printed communications, or person-to-person, that the purpose of such contact or solicitation is to sell products or services as the case may be, which shall be identified with particularity at the time of such contact or solicitation.

20. Failing to answer and to answer promptly inquiries by or on behalf of subscribers regarding subscriptions placed with respondents.

21. Failing within thirty days from the date of sale of any subscription to enter each magazine subscription with publishers for magazines which respondents are authorized by the publisher or distributor thereof to sell; provided, however, that in those sales in which an additional payment by the subscriber is required, the subscription shall be entered within thirty days of the receipt of the final payment, but in no event shall any subscription be entered later than sixty days from the date of sale.

22. Failing within thirty days from the date of sale of any subscription to notify a subscriber of respondents' inability to place all or a part of a subscription and to deliver each of the magazines or other publications subscribed for; and to offer each such subscriber the option to receive a full refund of the money paid for such subscription or part thereof which respondents are unable to deliver or to substitute other publications in lieu thereof.

23. Failing within fourteen days from the receipt of notification of a subscriber's election as provided in Paragraph 22 hereof, to make the required refund or to enter the subscription with publishers, as elected by the subscriber.

24. Failing to give clear and conspicuous oral and written notice to each subscriber that upon written request said subscriber will be entitled to a refund of all monies paid if he does not receive the magazine or magazines subscribed for within 120 days of the date of the sale thereof.

25. Failing to refund all monies to subscribers who have not received magazines subscribed for through respondent within 120 days from the date of the sale thereof or to offer the subscribers the right to substitute one or more magazines or the extension of the subscription period for a magazine already selected, at the option of the subscribers, upon written request by such subscribers.

26. Failing to arrange for the delivery of publications already paid for or to promptly refund money on a pro rata basis for all undelivered issues of publications for which payment has been made in advance or to offer the subscriber the right to substitute one or more magazines or the extension of the subscription period for a magazine already selected, at the option of the subscriber.

27. Failing to furnish to each subscriber at the time of sale of any subscription a duplicate original of the contract, order or receipt form showing the date signed by the customer and the name and address of the sales representative or solicitor together with the respondent corporation's name, address and telephone number and showing on the same side of the page the exact number and name(s) of the publications being subscribed for, the number of issues and duration of each subscription and the total price for each and all such publications.

28. Failing to:

(a) Inform orally all subscribers and to provide in writing in all subscription contracts that the subscription may be cancelled for any reason by notification to respondents in writing within three business days from the date of the sale of the subscription.

(b) Refund immediately all monies to (1) subscribers who have requested subscription cancellation in writing within three business days from the sale thereof, and (2) subscribers showing that respondents' solicitations or performance were attended by or involved violation of any of the provisions of this order.

29. Furnishing, or otherwise placing in the hands of others, the means or instrumentalities by or through which the public may be misled or deceived in the manner or as to the things prohibited by this order.

*It is further ordered*, That:

(a) Respondents herein deliver, by registered mail, a copy of this decision and order to each of their present and future crew managers, and other supervisory personnel engaged in the sale or supervision of persons engaged in the sale of respondents' products or services;

(b) Respondents herein require that each person so described in paragraph (a) above to clearly and fully explain the provisions of this decision and order to all sales agents, representatives and other persons engaged in the sale of respondents' products or services;

(c) Respondents provide each person so described in paragraphs (a) and (b) above with a form returnable to the respondents clearly stating his intention to be bound by and to conform his business practices to the requirements of this order;

(d) Respondents inform each of their present and future crew managers, sales agents, representatives and other persons engaged in the sale of respondents' products or services that the respondents shall not use any third party, or the services of any third party if such third party will not agree to so file notice with the respondents and be bound by the provisions of the order.

(e) If such third party will not agree to so file notice with the respondents and be bound by the provisions of the order, the respondents shall not use such third party, or the services of such third party to solicit subscriptions;

(f) Respondents inform the persons described in paragraphs (a) and (b) above that the respondents are obligated by this order to discontinue dealing with those persons who continue on their own the deceptive acts or practices prohibited by this order;

(g) Respondents institute a program of continuing surveillance adequate to reveal whether the business operations of each said person described in paragraphs (a) and (b) above conform to the requirements of this order;

(h) Respondents discontinue dealing with the persons so engaged, revealed by the aforesaid program of surveillance, who continue on their own the deceptive acts or practices prohibited by this order; and that

(i) Respondents upon receiving information or knowledge from any source concerning two or more bona fide complaints prohibited by this order against any of their sales agents or representatives during any one-month period will be responsible for either ending said practices or securing the termination of the employment of the offending sales agent or representative.

*It is further ordered*, That respondents herein shall notify the Commission at least 30 days prior to any proposed change in the structure of any of the corporate respondents 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 respective corporation which may affect compliance obligations arising out of this order.

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

*It is further ordered*, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

Issued: May 8, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-12997 Filed 6-27-73;8:45 am]

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## Title 17—Commodity and Securities Exchanges

## CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-17980]

## PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

### Fee Schedule

The Securities and Exchange Commission, effective May 31, 1973, has amended § 250.106 of Title 17, Chapter II of the Code of Federal Regulations, relating to the schedule of fees for filings under the Public Utility Holding Company Act of 1935 ("Act") [15 U.S.C. 79(a) et seq.] with respect to certificates prescribed under Rule 7(d) [17 CFR 250.7(d)] of the Act. Such amendment materially reduces the amount of the established filing fee of $2,000 for each initial filing and $500 for each amendment which would otherwise be applicable, in order to make the fees for filing the exemption statements required by Rule 7(d) fair and equitable.

*Commission action:* Pursuant to authority in Title V of the Independent Offices Appropriation Act, 1952, and section 20(a) of the Public Utility Holding Company Act of 1935, the Securities and Exchange Commission hereby amends § 250.106 of Chapter II of Title 17 of the Code of Federal Regulations by adding the following sentence immediately after the first sentence of said rule:

§ 250.106 Fees.

* * *At the time of filing any exemption statement in the form of a certificate prescribed by Rule 7(d) under the Act the person or persons making such filing shall pay to the Commission a total fee of $200, provided however, that if an initial certificate has been filed with respect to any lease or contract, there shall be paid to the Commission a fee of $100 at the time of the filing of each amendment thereto.

(Sec. 20(a), 49 Stat. 804, 833, 15 U.S.C. 79t (a); Title V, Independent Offices Appropriation Act, 1952)

The Commission finds that submission of the amendment for public comment would require the collection of excessive fees until the amendment to Rule 106 [17 CFR 250.106] became effective and that publication of this amendment to Rule 106 is unnecessary under the Administrative Procedures Act, 5 U.S.C. 553(b). Accordingly, the foregoing action, taken pursuant to Title V of the Independent Offices Appropriation Act, 1952, and section 20(a) of the Public

Utility Holding Company Act of 1935, is declared effective as of May 31, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

MAY 31, 1973.

[FR Doc.73-12962 Filed 6-27-73;8:45 am]

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[Release No. 35-17980; File No. S7-470]

## PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

## PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

### Exclusion From Definition of Ownership of Certain Kinds of Lessors Under Long-Term Net Leases of Utility Facilities

On January 9, 1973, the Securities and Exchange Commission published notice (Holding Company Act Release No. 17843) [in FEDERAL REGISTER on January 23, 1973 (38 FR 2220-22)] that it had under consideration a proposed Rule 7 (d) [17 CFR 250.7(d)] which declares holders of certain kinds of essentially passive interests in electric or gas utility facilities created by standard types of long-term net leases to operating public-utility companies under sections 2(a)(3) and 2(a)(4) of the Public Utility Holding Company Act of 1935 ("Act") [15 U.S.C. 79a et. seq.].

The Commission has considered the comments and suggestions received in response to that proposal and has found that for good cause the notice and procedure specified in the Administrative Procedures Act, 5 U.S.C. 553 is unnecessary, and accordingly it has adopted Rule 7(d) [17 CFR 250.7(d)], effective May 31, 1973.

*Statutory Basis.* The rule is adopted under the rule-making authority granted the Commission by section 20(a) of the Act, including the authority to define accounting, technical and trade terms used in the Act. The rule in effect defines the term "own" in sections 2(a)(3) and 2(a)(4) by specifying that the property interest of the lessor in a facility covered by the rule is not the kind of ownership to which these sections apply.

*Background and Purpose.* Reference is made to Holding Company Act Release No. 17843 (January 9, 1973), for a fuller discussion of the need and purpose for Rule 7(d). The rule is designed to cover leases which effectively insulate the legal or beneficial owners of the facility from any significant influence on the public utility company's operation and from participation in its revenues or income. Changes have been made to the original proposal in response to comments.

The reference to nuclear fuel has been deleted from the introductory clause in paragraph (d), and new subparagraph (6) has been added to provide a specific and broader exclusion for nucler fuel leases and contracts. Nuclear fuel financing differs in significant respects from other forms of leasing. It is still in a formative and experimental stage, and a broader exemption would appear to be appropriate.

Subdivision (i) has been clarified to state explicitly that a lease within the rule includes facilities under lease to one or more public utility companies. The conditions specified in the rule are applicable to each lessee separately.

Subdivision (i) refers to the time the lease is first executed. A subsequent disposition of the facilities by the lessee, subject to such lease, in response to changing needs, would not be in conflict with the requirements of Subdivision (i).

Subdivision (ii) is unchanged. It specifies that the lessor be primarily engaged in a business other than that of a public utility company. Like conditions are imposed in the specific exemptions provided in sections 2(a)(3) and 2(a)(4) of the Act. It is a particularly appropriate limitation with respect to a lease that is primarily intended as a financing technique influenced significantly by tax considerations.

Subdivisions (iii) continues to require the express approval or authorization of the terms of the lease by a regulatory authority with jurisdiction over the rates and services of the lessee public utility company. As explained on page 12 of the Holding Company Act Release No. 17843, approval by such an agency is acceptable to the Commission to support its grant of the exception from the Act in the public interest and in the interest of investors and customers.

It is hoped that such ambiguities as may exist under some local laws will be affirmatively resolved, once it is recognized that, under the lease within the rule, lessor and beneficial owners are not just institutional providers of capital. They also require a substantial proprietary interest in an operating public utility company.

Subdivision (iii) has been clarified to require approval or authorization of only one regulating authority if more than one has jurisdiction.

The minimum term of a non-nuclear lease is changed in subdivision (iv). It has been reduced to fifteen (15) years or two-thirds of the expected useful life if less than fifteen (15) years. No minimum term is specified for nuclear fuel leases.

The concluding sentences of paragraph (d)(1) and paragraph (d)(6) enlarge the "grandfather clause."

No substantive changes have been made in paragraph (d)(2) dealing with termination of a lease. It provides for a 90-day period of grace, and continues the applicability of the rule if a new lease or an operating agreement at a fixed rent is agreed upon during that period. The term "operating agreement" was selected as a phrase of maximum flexibility. The operating agreement can be of indefinite duration and can be otherwise adjusted to the needs of the situation.

There is no requirement in the rule that all questions under the terminated lease be settled or disposed of within 90 days, nor would termination of the owner's status under the rule deprive him of any relief to which he might be otherwise entitled under any laws then in effect. The references to a sale or surrender of title have been deleted because the rule is premised on a continuing lessor-lessee relationship. When a lessor sells or surrenders title, he is no longer an owner as defined in sections 2(a)(3) and 2(a)(4) of the Act and does not need the exception granted by the rule.

A new paragraph (7) has been added. It relates to a lease of facilities within the rule to a governmental body and instrumentality thereof specified in section 2(c) of the Act.

*Application of the Rule to Executed Leases.* Upon the filing of the appropriate certificate, leases executed prior to the effective date of this rule, or within 30 days thereafter, whether or not an exemption application has been filed, are governed by the last sentence of paragraphs (d)(1) and (d)(6) of this rule. The exception from Sections 2(a)(3) and 2(a)(4) granted by the rule shall have the same force and effect as though an order of exemption had been entered. Pending applications for such exemptions will be deemed withdrawn upon the filing of the required certificate.

*Future Applications for Exemption.* Applications for exemption under sections 2(a)(3) or 2(a)(4) of the Act will hereafter be accepted only if such applications meet each requirement specified in clauses (A) or (B) of section 2(a)(3), or clauses (A) and (B) of section 2(a)(4). As pointed out in pages 16 and 17 of Holding Company Act Release No. 17843, the exemptive authority granted by these sections is not well adapted with respect to the kind of leases to which Rule 7(d) is directed. Prior exemption orders with respect to such leases remain unaffected.

*Commission action.* Pursuant to the authority in Section 20 of the Public Utility Holding Company Act of 1935, the Commission hereby amends § 250.7 of Chapter II of Title 17 of the Code of Federal Regulation by adding thereunder a new paragraph (d), and adds a new § 259.404 under said chapter, all reading as follows:

**§ 250.7 Companies deemed not to be electric or gas utility companies.**

* * * * *

(d) A company shall not be deemed to be an electric utility company or a gas utility company which owns any of the facilities specified in sections 2(a)(3) and 2(a)(4) [of the Act] provided that:

(1) Such company owns the facility as a company, as a trustee, or as holder of a beneficial interest under a trust, or as a purchaser or assignee of any of the foregoing; and

(i) Such facility is leased under a net lease directly to a public utility company either as a sole lessee or joint lessee with one or more other public utility companies, and such facility is or is to be

employed by the lessee in its operations as a public utility company; and

(ii) Such company is otherwise primarily engaged in one or more businesses other than the business of a public utility company, or is a company all of whose equity interest is owned by one or more companies so engaged, either directly or through subsidiary companies; and

(iii) The terms of the lease have been expressly authorized or approved by a regulatory authority having jurisdiction over the rates and service of the public utility company which leases such facility; and

(iv) The lease of the facility extends for an initial term of not less than 15 years, except for termination of the lease upon events therein set forth, unless the owner shall state in the initial certificate filed pursuant to paragraph (d)(5) of this section that a shorter term specified in the lease is not less than two-thirds of the expected useful life of the facility; and

(v) The rent reserved under the lease shall not include any amount based, directly or indirectly, on revenues or income of the public utility company, or any part thereof.

Paragraphs (d)(1)(iii) and (iv) of this section shall not apply to a lease executed before, or within 30 days after, the effective date of this section, if the certificate required by paragraph (d)(5) of this section is filed within 60 days after such effective date.

(2) Paragraph (d)(1) of this section shall cease to be applicable in the event of termination of the lessee's right to possession or use of the facility during its term, unless within 90 days of the date of termination, and subject to such prior or subsequent regulatory and other approvals as by law may be required, such company, as defined in this section, negotiates a new lease or an operating agreement at a fixed rental.

(3) A public utility company shall not cease to be such by reason of a lease, directly or indirectly, of part or all of its facilities to any associate company or to any entity, whether or not a company, as defined in sections 2(a)(2) of the Act.

(4) Except to the extent provided in paragraphs (d)(1) and (d)(6) of this section, this section shall not relieve any company from such other provisions of the Act, and rules and regulations promulgated thereunder, as may be applicable.

(5) Any company specified in paragraph (d)(1) of this section shall file, or join in the filing of, a certificate on a form prescribed by the Commission, as to each lease within 30 days of its execution. Upon any transfer of legal or beneficial ownership, such new owner shall file an appropriate amendment within 30 days of such transfer. If the lease is amended in a manner which would alter any item of the certificate, or if the facility ceases, for any reasons, to be subject to the lease, the holder of legal title to the facility shall file an appropriate amendment within 30 days of the event.

(6) A company shall not be deemed to be an electric utility company by reason of ownership of any interest in nuclear fuel and facilities incident to its use, if the operation and use thereof is vested by lease or contract in one or more public utility companies, unless the consideration paid by a public utility company for the use of such fuel and facilities, or of the heat or energy produced thereby, includes an amount based, directly or indirectly, on the revenue or income of the public utility company or any part thereof. Any such company shall file, or join in the filing of, the certificates specified in paragraph (d)(5) of this section. A certificate with respect to a lease or contract executed prior to, or within 30 days after, the effective date of this section shall be filed within 60 days after such effective date.

(7) The provisions of paragraphs (d)(1) and (d)(5) of this section, and the filing requirements of paragraph (d)(6) of this section shall not apply if the facilities therein specified are in possession of and operated by one or more governmental bodies or instrumentalities thereof specified in section 2(c) of the Act.

(Sec. 20(a), 49 Stat. 804, 833, 15 U.S.C. 79t(a))

**§ 259.404 Certificate to be filed pursuant to § 250.7(d) of this chapter.**

This form [1] must be filed with the Commission by any lessor or beneficial owner of a utility facility which has been leased by it to an operating public utility company, within 30 days after execution of the lease, if any beneficial owner of such facility seeks exclusion from the status of an electric or gas utility company under the Act pursuant to § 250.7(d) of this chapter.

The Commission finds that the foregoing action relates to agency procedures governing applications for exemptions under the Act and therefore notice and procedures specified under 5 U.S.C. 553 are unnecessary. Accordingly, the foregoing action is declared effective as of May 31, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

MAY 31, 1973.

[FR Doc.73-12981 Filed 6-27-73;8:45 am]

## Title 18—Conservation of Power and Water Resources

### CHAPTER II—TENNESSEE VALLEY AUTHORITY

### PART 306—RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

*Correction*

In FR Doc. 73-2468, appearing at page 3591 for the issue for Thursday, February 8, 1973, the seventh line of § 306.9 (b)(2) now reading "dwelling. The amount of such payment" should read "dwelling acquired by TVA was encum-".

[1] Certificate was filed as part of the original document.

## Title 21—Food and Drugs

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

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 121—FOOD ADDITIVES

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

PHOSALONE

Two petitions (FAP 2H2668 and 2H5013) were filed by Rhodia Inc., Chipman Division, 120 Jersey Avenue, New Brunswick, NJ 08903, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), proposing establishment of food additive tolerances (21 CFR Part 121) for residues of the insecticide phosalone (*S*-(6-chloro-3-(mercaptomethyl) - 2-benzoxazolinone) *O,O*-diethyl phosphorodithoate) in or on dried apple pomace at 40 parts per million and dried citrus pulp at 12 parts per million resulting from application of the insecticide to the growing raw agricultural commodities apples and citrus fruit.

Subsequently, the petitioner amended the petition by proposing a tolerance of 85 parts per million for residues of phosalone in or on dried apple pomace. (For a related document, see this issue of the FEDERAL REGISTER page 17003).

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, 348). Pesticide and food additive tolerances for phosalone have previously been established.

Having evaluated the data in the petition and other relevant material, it is concluded that the tolerance should be established.

Therefore, pursuant to provisions of the act (sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), Part 121 is amended by adding the following new section to Subpart C:

**§ 121.346 Phosalone.**

Tolerances are established for residues of the insecticide phosalone (*S*-(6-chloro-3-(mercaptomethyl)-2-benzoxazolinone) *O,O*,-diethyl phosphorodithioate) in or on the following processed foods, when present therein as a result of the application of this insecticide to growing crops:

85 parts per million in or on dried apple pomace.

12 parts per million in or on dried citrus pulp.

Any person who will be adversely affected by the foregoing order may at any time on or before July 30, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902–A, 4th & M Street, SW., Waterside Mall, Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on June 28, 1973.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: June 22, 1973.

EDWIN L. JOHNSON,
*Acting Deputy Assistant Administrator for Pesticide Programs.*

[FR Doc.73-13027 Filed 6-27-73;8:45 am]

SUBCHAPTER C—DRUGS

## PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

## PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

### Acetazolamide Sodium

*Correction*

In FR Doc. 73-11598 appearing at page 15444 in the issue of Tuesday, June 12, 1973, § 135c.64(b) should read:

"(b) *Sponsor.*—See code No. 004 in § 135.501(c) of this chapter."

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

### Arsenic

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (7-891V) filed by Salsbury Laboratories, Charles City, IA 50616, proposing a change to 2 parts per million (ppm) in the tolerance for total residues of combined arsenic (calculated as As) in uncooked edible by-products of chickens and turkeys.

In evaluating this application, the Commissioner has considered the following factors:

1. Roxarsone, the firm's product, is an organic compound containing arsenic. It is known chemically as 3-nitro-4-hydroxyphenylarsonic acid. The compound is used in amounts of from 22.7 to 45.4 grams per ton of complete feed for the purposes of increasing rate of weight gain, and improving feed efficiency and pigmentation.

2. Over the past several years the firm has submitted extensive toxicology data from: (a) A 3-generation rat reproduction study; (b) 2-year feeding studies in the rat, mouse and dog; and, (c) a 2-year skin painting study. From these data it is concluded that an arsenic tolerance of 2 ppm in the edible by-products of chickens and turkeys is consistent with the public health and will not compromise human safety.

3. There is to be no change in the required 5-day withdrawal period nor in the established use level for Roxarsone. Thus, there will be no increase in levels of actual muscle tissue residue above the presently established safe tolerance of 0.5 ppm. In turn, therefore, there will be no increase in human exposure to arsenic residues.

4. Certain segments of the human diet (segments more important than poultry livers, gizzards, kidneys and hearts) contain arsenic as a natural component at levels considerably higher than the new tolerance of 2 ppm. For example, the National Marine Fisheries Service reports arsenic in flounder at 2.1 to 9.4 ppm, in domestic cod at 1.2 to 7.4 ppm, and in haddock at 3.5 to 9.0 ppm. Oysters can have arsenic concentrations as high as 25 ppm.

5. A review was completed of the arsenic residue data that appear in several new animal drug applications. Residue data in several files show that the 5-day withdrawal period is sufficient to deplete the liver of arsenic residues to below the presently established tolerance of 1 ppm. The trials were all closely supervised and controlled. Two liver samples (one each from 2 separate trials) were found to contain arsenic residues in excess of 1 ppm. The means calculated from these trials, however, were below the established tolerance of 1 ppm. From this, it is reasonable to expect that a certain percentage of livers will exceed 1 ppm even under controlled or experimental conditions.

In addition, reports have been received from the United States Department of Agriculture (USDA) that the occasional above tolerance finding seen under controlled conditions is also manifested under field conditions. The USDA has reported about 5 percent of all samples to be above 1 ppm arsenic for the current calendar year. This report further supports the observations from the experimental trials. It is significant to note that only 3 of the 130 positive results reported by the USDA were observed to be 2 ppm or slightly above.

There are a number of factors which may be operating to cause residue levels to occasionally fall in the range between 1 and 2 ppm. These include:

1. Biological variabilities; age, sex, etc.
2. Variation in arsenic content of feedstuffs.
3. Variation in arsenic content of water.
4. Accumulation of arsenic in built-up litter.
5. Variable factors in the gut environment leading to increased uptake of drug.
6. Human error.

These factors would more accurately depict typical field conditions than they would controlled tissue residue studies wherein few, if any, of the factors would be operating. It is obvious that under field conditions these factors would not be totally avoidable.

The Commissioner, therefore, concludes that the USDA results coupled with the controlled trial data provide the necessary basis for an adjustment of the arsenic tolerance. This adjustment is safe for man. The factors which may increase arsenic residues under field conditions were not all considered when the 1 ppm tolerance was originally established. Thus, the proposed tolerance is one which is in accordance with section 512(d)(1)(F) of the Federal Food, Drug, and Cosmetic Act in that it is "reasonably required to accomplish the physical or other technical effect for which the drug is intended".

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135g.33 is amended in paragraph (a) by revising subparagraph (2) as follows:

§ 135g.33 Arsenic.

* * * * *

(a) * * *

(2) 2 parts per million in uncooked edible by-products.

* * * * *

*Effective date.* This order shall be effective on June 28, 1973.

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

Dated: June 22, 1973.

FRED J. KINGMA,
*Acting Director, Bureau of Veterinary Medicine.*

[FR Doc.73-13233 Filed 6-27-73;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

### UL Bend and Bowdoin National Wildlife Refuges, Mont.

The following regulations are issued and are effective on June 27, 1973. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Montana.

*General conditions.* Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215.

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

Migratory game birds may be hunted on the following refuge areas:

Bowdoin National Wildlife Refuge, Post Office Box J, Malta, Montana 59538.
UL Bend National Wildlife Refuge, Post Office Box J, Malta, Montana 59538.

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

Upland game birds may be hunted on the following refuge areas:
UL Bend National Wildlife Refuge, Post Office Box J, Malta, Montana 59538.
Bowdoin National Wildlife Refuge, Post Office Box J, Malta, Montana 59538.

*Special condition.* Hunting of all upland birds not permitted until opening of pheasant season.

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

Big game animals may be hunted on the following refuge areas:
UL Bend National Wildlife Refuge, Post Office Box J, Malta, Montana 59538.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1974.

JOHN R. FOSTER,
*Refuge Manager, UL Bend National Wildlife Refuge, Bowdoin National Wildlife Refuge, Malta, Montana.*

JUNE 15, 1973.

[FR Doc.73-13011 Filed 6-27-73;8:45 am]

## Title 24—Housing and Urban Development

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

### SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-157]

### PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

#### Status of Participating Communities

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

**§ 1914.4 Status of participating communities.**

* * * * * * *

| State | County | Location | Map No. | State map repository | Local map repository | Effective date of authorization of sale of flood insurance for area |
|---|---|---|---|---|---|---|
| * * * | * * * | * * * | * * * | * * * | * * * | * * * |
| Missouri | Marion | Unincorporated areas. | | | | June 28, 1973, Emerg. |
| Do. | St. Louis | Sunset Hills, City of. | | | | Do. Emerg. |
| New Jersey | Hunterdon | Alexandria, Township of. | | | | Do. Emerg. |
| Do. | Essex | Belleville, Town of. | | | | Do. Emerg. |
| Do. | Passaic | Hawthorne, Borough of. | | | | Do. Emerg. |
| Pennsylvania | Schuylkill | Landingville, Borough of. | | | | Do. Emerg. |
| Do. | do. | Pottsville, City of. | | | | Do. Emerg. |
| Do. | McKean | Smethport, Borough of. | | | | Do. Emerg. |

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

Issued: June 20, 1973.

GEORGE K. BERNSTEIN,
*Federal Insurance Administrator.*

[FR Doc.73-13020 Filed 6-27-73;8:45 am]

[Docket No. FI-158]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

### Status of Participating Communities

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

**§ 1914.4 Status of participating communities.**

* * * * * * *

| State | County | Location | Map No. | State map repository | Local map repository | Effective date of authorization of sale of flood insurance for area |
|---|---|---|---|---|---|---|
| * * * | * * * | * * * | * * * | * * * | * * * | * * * |
| Arkansas | Greene | Paragould, City of. | | | | June 27, 1973, Emerg. |
| Illinois | McHenry | Marengo, City of. | | | | Do. Emerg. |
| Missouri | St. Charles | St. Charles, City of. | | | | Do. Emerg. |
| New Jersey | Ocean | Little Egg Harbor, Township of. | | | | Do. Emerg. |
| Do | Monmouth | Loch Arbour, Village of. | | | | Do. Emerg. |
| North Carolina | Rockingham | Madison, Town of | | | | Do. Emerg. |
| Ohio | Hamilton | Cincinnati, City of. | | | | Do. Emerg. |
| Pennsylvania | York | Hellam, Township of. | | | | Do. Emerg. |

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

Issued: June 20, 1973.

GEORGE K. BERNSTEIN,
*Federal Insurance Administrator.*

[FR Doc.73-13021 Filed 6-27-73;8:45 am]

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[Docket No. FI-159]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

### Status of Participating Communities

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

**§ 1914.4 Status of participating communities.**

* * * * * * *

| State | County | Location | Map No. | State map repository | Local map repository | Effective date of authorization of sale of flood insurance for area |
|---|---|---|---|---|---|---|
| * * * | * * * | * * * | * * * | * * * | * * * | * * * |
| California | San Joaquin | Tracy, City of | | | | June 29, 1973, Emerg. |
| North Carolina | Carteret | Emerald Isle, Town of. | | | | Do. Emerg. |

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

Issued: June 21, 1973.

CHARLES W. HEICKING,
*Acting Federal Insurance Administrator.*

[FR Doc.73-13022 Filed 6-27-73;8:45 am]

## Title 32—National Defense

### CHAPTER VI—DEPARTMENT OF THE NAVY

#### SUBCHAPTER B—NAVIGATION

### PART 706—NAVIGATIONAL LIGHT WAIVERS

#### Miscellaneous Amendments

Sections 360 and 1052 of title 33, U.S.C., provide that the requirements of the regulations for preventing Collisions at Sea, 1960, The Inland Rules, the Great Lakes Rules, and the Western River Rules as to number, position, range of visibility, or arc of visibility of the lights to be displayed by vessels shall not apply to any vessel of the Navy when the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible for such vessel or class of vessels to comply with the statutory provisions as to navigation lights.

Whereas a recent review of the notes under § 706.2, title 32, Code of Federal Regulations, as published in the FEDERAL REGISTER of August 31, 1965 (30 FR 11172, 11173), and as amended in the FEDERAL REGISTER of May 28, 1968 (33 FR 7759, 7760), indicates that subparagraph b of Note 8 thereof, relating to Hydrofoil Patrol Craft [PC(H) class], has not been revised to conform to an amendment to 33 U.S.C. 180, Lights of vessel at anchor, as enacted by Pub. L. 88-84, 1, 77 Stat. 116 (August 5, 1963),

Now, therefore, I do direct that said Notes be brought into conformance with the aforementioned statute by deleting, in its entirety, subparagraph b of Note 8 and revising said note as hereinafter indicated.

Further, a recent study indicates that the military design characteristics of that type of naval vessel known as Patrol Hydrofoil Missile Ship (PHM class) preclude the installation of the masthead and anchor lights in conformance with currently existing waivers on such lights or with Rules 2(a) and 11(a) of the Regulations for Preventing Collisions at Sea (33 U.S.C. 1062 and 1071) and articles 2(a) and 11(a) of the Inland Rules (33 U.S.C. 172 and 180).

I hereby certify that these Patrol Hydrofoil Missile Ships (PHM class) are naval vessels of special construction and, with respect to the position on such vessels of the masthead light and anchor light, it is not possible to comply with the requirements of the statutes referred to in sections 360 and 1052, title 33, U.S.C.

I further find that it is feasible to locate these said navigation lights as follows:

(a) The masthead and anchor lights shall be located on the centerline and ten feet or less aft of the amidship point instead of in the forepart of such vessels.

Further, I certify that such locations constitute compliance as closely with the applicable statutes as I hereby find to be feasible.

Whereas this waiver for the Patrol Hydrofoil Missile Ship (PHM class) is similar and related to the previously granted waiver for the Hydrofoil Patrol Craft [PC(H) class], as published in the FEDERAL REGISTER of August 6, 1963 (28 FR 8000), and as herein amended above, I do specify that this waiver amends the consolidated tabulation of lights set forth in Table 1 of § 706.2, title 32, Code of Federal Regulations, as published in the FEDERAL REGISTER of August 31, 1965 (30 FR 11172, 11173) and amended in the FEDERAL REGISTER of May 30, 1969 (34 FR 8355), by revising the "PC(H) (Hydrofoil Patrol Craft)" line to read as follows:

**§ 706.2 Certification of the Secretary of the Navy under 33 U.S.C. 360 and 1052.**

* * * * *

| | 1st Col | 2d Col | 3d Col | 4th Col |
|---|---|---|---|---|
| PC(H) (Hydrofoil Patrol Craft). PHM (Patrol Hydrofoil Missile Ship). | None, after white light not carried | | | |

I do direct that Note 8 of § 706.2, title 32, Code of Federal Regulations, as published in the FEDERAL REGISTER of August 31, 1965 (30 FR 11173), be revised to read as follows:

8. On Hydrofoil Patrol Craft [PC(H) class] and Patrol Hydrofoil Missile Ship (PHM class), the masthead and anchor lights shall be located on the centerline and ten feet or less aft of the amidship point instead of in the forepart of such vessels.

I specifiy that the foregoing amendments shall become effective on June 28, 1973.

(Section 1, 59 Stat. 590; section 2, 77 Stat. 194; 33 U.S.C. 360, 1052)

Dated: June 13, 1973.

FRANK SANDERS,
*Acting Secretary of the Navy.*

[FR Doc.73-12990 Filed 6-27-73;8:45 am]

## Title 40—Protection of Environment

### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

#### SUBCHAPTER E—PESTICIDE PROGRAMS

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

#### Carbaryl

In response to a petition (PP 3E1324) submitted by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee; the Agricultural Experiment Stations of Florida, Oklahoma, and Texas; and the Texas Pecan Growers Association, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of April 30, 1973 (38 FR 10643), proposing establishment of a tolerance for residues of the insecticide carbaryl (1-naphthyl-*N*-methylcarbamate) in or on the raw agricultural commodity pecans at 1 part per million and revision of established tolerances on almonds, filberts (hazelnuts), and walnuts to conform to § 180.1 (j)(2). No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.169 is amended by (1) deleting the paragraphs "10 parts per million in or on whole almonds * * *" and (hazelnuts) * * *" and (2) by adding (hazelnuts) * * * and (2) by adding a new paragraph after the paragraph "5 parts per million in or on corn * * *", as follows:

**§ 180.169 Carbaryl; tolerances for residues.**

* * * * *

1 part per million in or on almonds, filberts (hazelnuts), pecans, and walnuts.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before July 30, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, S.W., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on June 28, 1973.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: June 22, 1973.

EDWIN L. JOHNSON,
*Acting Deputy Assistant Administrator for Pesticide Programs.*

[FR Doc.73-13026 Filed 6-27-73;8:45 am]

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

#### Phosalone

Two petitions (PP 0F0983 and 2F1193) were filed by Rhodia Inc., Chipman Division, 120 Jersey Avenue, New Brunswick NJ 08903, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide phosalone (*S*-(6-chloro - 3 - (mercaptomethyl) - 2 - benzoxazolinone) *O,O*-diethyl phosphorodithioate) in or on the raw agricultural

commodities almond hulls at 50 parts per million; citrus fruit at 3 parts per million; and almonds and the meat, fat, and meat byproducts of cattle at 0.1 part per million (negligible residue).

Subsequently, the petitioner amended PP 0F0983 by proposing a tolerance of 0.25 part per million for residues of phosalone in the meat, fat, and meat byproducts of cattle. (For a related document, see this issue of the FEDERAL REGISTER, page 16999.)

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

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs, meat (except cattle), milk, or poultry, and § 180.6(a)(3) applies.

3. Residues in the meat, fat, and meat byproducts of cattle will not exceed the proposed 0.25 part per million tolerance.

4. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.263 is amended by adding the new paragraph "50 parts per million * * *" before the paragraph "15 parts per million * * *" and by adding three new paragraphs "3 parts per million * * *", "0.25 part per million * * *" and "0.1 part per million * * *" after the paragraph "10 parts per million * * *", as follows:

**§ 180.263 Phosalone; tolerances for residues.**

* * * * *

50 parts per million in or on almond hulls.

* * * * *

3 parts per million in or on citrus fruit.

0.25 part per million in the meat, fat, and meat byproducts of cattle.

0.1 part per million (negligible residue) in or on almonds.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before July 30, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, S.W., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on June 28, 1973.

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

Dated: June 22, 1973.

EDWIN L. JOHNSON,
*Acting Deputy Assistant Administrator for Pesticide Programs.*

[FR Doc.73-13025 Filed 6-27-73;8:45 am]

## Title 46—Shipping

## CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

### SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

[CGD 73-120]

## PART 93—STABILITY

### Wind Heel Criteria for Cargo and Miscellaneous Vessels

The purpose of this new subpart is to establish stability criteria for cargo and miscellaneous vessels.

Their substance was published as a notice of proposed rulemaking in the FEDERAL REGISTER on March 1, 1972 (37 FR 4292), and full text in the Marine Safety Council Public Hearing Agenda CG-249 for March 27, 1972, a public hearing was held at U.S. Coast Guard Headquarters in Washington, D.C. No oral testimony was presented. However, six written comments were submitted.

Mr. Richard H. Riley of Defoe Shipbuilding Co., Bay City, Michigan, recommended that a formula for "P" for winter operations on the Great Lakes be added and that summer be defined. Both suggestions have been adopted, to avoid confusion.

Two comments suggest a number of additions to the proposed regulations. These are being studied now and will probably be included in a future proposal.

One comment questions the authority. This is due to a misunderstanding. The two conventions at issue are the reasons, not the authority for the proposal. The authority is statutory, as cited at the end of the regulations.

Two other comments pointed out that § 93.07-90 seems to have been omitted. This was due to an oversight and the section is being added now. A notice for this addition has been found to be unnecessary, particularly since it only clarifies the existing rules and does not impose any burden on anyone.

In consideration of the foregoing, Part 93 of Title 46 of the Code of Federal Regulations is amended as follows:

1. The table of contents is amended by inserting the following after "93.05-5 Procedure" and before "Subpart 93.10:"

**Subpart 93.07—Stability Standards**

Sec.
93.07-1 Application.
93.07-5 General.
93.07-10 Weather criteria.
93.07-15 Special cases.
93.07-90 Existing vessels.

AUTHORITY: 46 U.S.C. 375, 391, 416; 49 U.S.C. 1655(b); 49 CFR 1.4(b) and 1.46(b).

2. A new subpart is added, preceding "Subpart 93.10", as follows:

### Subpart 93.07—Stability Standards

**§ 93.07-1 Application.**

(a) The provisions of this Subpart apply as a minimum to all vessels contracted for after July 1, 1973 for an international and coastwise voyage and any other vessel whose stability is being considered by the Officer in Charge, Marine Inspection. Vessels contracted for prior to July 1, 1973 must meet the requirements in § 93.07-90.

**§ 93.07-5 General.**

All vessels within the purview of this part must be designed so as to be able to provide sufficient stability in an impact condition in all service conditions.

**§ 93.07-10 Weather criteria.**

The required minimum metacentric height (GM) in feet at any particular draft is obtained from the following formula:

$$GM = \frac{PAh}{\Delta \tan \Theta}$$

Where:

$P = 0.005 + \left[\frac{L}{14,200}\right]^2$ tons/ft² for oceans, coastwise service and for the Great Lakes in winter (Oct 1-Apr 15).

$P = 0.0033 + \left[\frac{L}{14,200}\right]^2$ tons/ft² for partially protected waters such as lakes, bays, sounds and for the Great Lakes in summer (Apr 16-Sept 30).

$P = 0.0025 + \left[\frac{L}{14,200}\right]^2$ tons/ft² for protected waters such as rivers and harbors.

L = Length between perpendiculars in feet.
A = Projected lateral area in square feet of portion of vessel above water line.
h = Vertical distance in feet from center of A to center of underwater lateral area or approximately one-half draft point.
$\Delta$ = Displacement in long tons.
$\Theta$ = Angle of heel to one-half the freeboard to the deck edge or 14 degrees whichever is less. (For vessels having a discontinuous weather deck or abnormal sheer, the angle to one-half the freeboard may be suitably modified.)

**§ 93.07-15 Special cases.**

(a) The criteria specified in § 93.07-10 are generally limited in application to flush deck mechanically powered vessels of ordinary proportions and form which carry cargo below the main deck. For other vessels, additional calculations showing that the vessel has a safety level equivalent to that achieved by Section 93.07-10 must be submitted. The extent of such calculations will be determined by the Commandant.

**§ 93.07-90 Existing vessels.**

(a) Vessels contracted for prior to July 1, 1973, must meet the requirements specified in this section.

(b) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this section and they are maintained in a suitable condition to the satisfaction of the Officer in Charge, Marine Inspection.

Minor repairs and alterations may be made to the original standards.

(c) In general, the standards of stability previously attained should be maintained. In this regard, no change or modification may result in a lower level of stability than that which existed before the change or modifications. This is intended to include the normal additions and subtractions which occur over the life of the ship.

Effective date: This amendment is effective July 1, 1973.

Dated: June 18, 1973.

T. R. SARGENT,
*Vice Admiral, U.S. Coast Guard,*
*Acting Commandant.*

[FR Doc.73-13045 Filed 6-27-73;8:45 am]

## CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

### SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 116, Rev., Amdt. 6]

## PART 294—OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN CARRYING BULK RAW AND PROCESSED AGRICULTURAL COMMODITIES FROM THE UNITED STATES TO THE UNION OF SOVIET SOCIALIST REPUBLICS

### Extension of Existing Agreements

The following regulations govern the operating-differential subsidy program with respect to bulk cargo vessels engaged in carrying bulk raw and processed agricultural commodities from the United States to the Union of Soviet Socialist Republics. The Maritime Subsidy Board published a notice of extension of existing agreements on Monday, June 18, 1973, 38 FR 15860. This amendment extends the effective date of the regulations until July 31, 1973.

The operating-differential subsidy program is exempt from the requirement of 60 Stat. 238, Section 4, as amended (5 U.S.C. section 553). Consequently, these regulations are published in final form.

§ 294.3 [Amended]

1. Section 294.3 is amended by striking "June 30, 1973" in paragraph (a) *Expiration*, and inserting "July 31, 1973".

2. Section 294.10 is amended to read as follows:

§ 294.10 Effective period.

The provisions of this part effective on June 30, 1973 shall terminate on July 31, 1973, except that they shall continue in effect for the subsidized voyages in progress on that date, and for purposes of §§ 294.8(b), 294.13 and 294.14.

(Section 204, 49 Stat. 1987, 46 U.S.C. 1114)

Effective date: June 28, 1973.

Dated: June 25, 1973.

By Order of the Assistant Secretary of Commerce for Maritime Affairs and the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
*Secretary, Maritime Administration,*
*Maritime Subsidy Board.*

[FR Doc.73-13068 Filed 6-27-73;8:45 am]

## Title 47—Telecommunication

## CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-660]

## PART 0—COMMISSION ORGANIZATION

### Establishment of Office of Plans and Policy

*Order.* In the matter of amendment of Part O of the Commission's rules to establish the Office of Plans and Policy.

The purpose of this Order is to establish the Office of Plans and Policy; to assign it specific functions and responsibilities; and, to formalize its organizational setting and structure.

Accordingly, Part O of the Commission's rules is amended to reflect this change. Authority for the attached amendment is contained in sections 4(i), 5(b), and 303(r) of the Communications Act of 1934, as amended. Because the amendment relates to internal Commission organization, the prior notice and effective date provisions of section 4 of the Administrative Procedures Act (5 U.S.C. 553) do not apply.

In view of the foregoing, *It is ordered*, That, effective July 6, 1973, Part O of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: June 21, 1973.

Released: June 25, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

Part O of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 0.5 is amended as follows:

a. In paragraph (a), a new subparagraph (4) is added, to read as follows, and present subparagraphs (4) through (11) are redesignated (5) through (12), respectively.

b. In paragraph (b), a new subparagraph (3) is added, to read as follows, and present subparagraphs (3) and (4) are redesignated (4) and (5), respectively.

§ 0.5 General description of Commission organization and operations.

(a) * * *

(4) Office of Plans and Policy.

* * * * *

(b) * * *

(3) *The Chief of Plans and Policy.* The Chief of Plans and Policy is designated by the Commission as a staff officer directly responsible to the Commission under the supervision of the Chairman. His principal role is to advise, assist, and make recommendations to the Commission with respect to the development and implementation of communications policies in all areas of Commission authority and responsibility. He is also responsible for coordinating policy research and development activities within the Commission, and with other governmental agencies.

* * * * *

[1] Commissioner Hooks absent.

2. An undesignated center heading and new § 0.21 are added to read as follows:

OFFICE OF PLANS AND POLICY

§ 0.21 Functions of the Office.

The Office of Plans and Policy, as a staff office to the Commission, assists, advises and makes recommendations to the Commission with respect to the development and implementation of communications policies in all areas of Commission authority and responsibility. A principal function of the Office is to conduct independent policy analyses to assess the long-term effects of alternative Commission policies on domestic and international communication industries and services, with due consideration of the responsibilities and programs of other staff units, and to recommend appropriate Commission action. The Office is also responsible for coordinating the policy research and development activities of other staff units, with special concern for matters which transcend their individual areas of responsibility. The Office is composed of legal, engineering, economic, and sociological policy analysts and other personnel, and is headed by a chief having the following duties and responsibilities:

(a) To identify and define significant communications policy issues in all areas of Commission interest and responsibility;

(b) To conduct technical, economic, and sociological impact studies of existing and proposed communications policies and operations, including cooperative studies with other staff units and consultant and contract efforts as appropriate;

(c) To develop and evaluate alternative policy options and approaches for consideration by the Commission;

(d) To review and comment on all significant actions proposed to be taken by the Commission in terms of their overall policy implications;

(e) To recommend and evaluate governmental (state and federal), academic, and industry sponsored research affecting Commission policy issues;

(f) To prepare briefings, position papers, proposed Commission actions, or other agenda items as appropriate;

(g) To manage the Commission's policy research program, recommend budget levels and priorities for this program, and serve as central account manager for all contractual policy research studies funded by the Commission;

(h) To coordinate the development and presentation of Commission views and position papers regarding both domestic and international communication policy, and to participate in inter-agency and international discussions and conferences, as may be authorized and approved by the Commission;

(i) To develop and recommend procedures and plans for the effective handling of policy issues within the Commission.

[FR Doc.73-13048 Filed 6-27-73;8:45 am]

[Docket No. 17477; FCC 73-677]

## PART 1—PRACTICE AND PROCEDURE

### Assignment of New and Modified Call Signs

*Report and order.* In the matter of amendment of Part 1 of the Commission's rules—Practice and Procedure—with respect to the Assignment of New and Modified Call Signs to AM, FM, and TV Broadcasting Stations. Docket No. 17477.

1. The Commission released a notice of proposed rulemaking (FCC 67-634) in the above captioned matter on May 26, 1967, which was published in the FEDERAL REGISTER on June 1, 1967 (32 FR 7917). Interested parties were invited to file comments on or before July 3, 1967, and reply comments on or before July 13, 1967.

2. That notice proposed specific amendments to § 1.550 of the rules to reflect Commission policy and case law applicable to broadcasting station call sign assignment matters, and to resolve related problems which had arisen since the adoption of the section in 1964. Seven comments were received. Storer Broadcasting Company supports codification of existing policy requirements that call signs be in good taste and not confusingly similar to others in the area; that only "W" call signs be assigned east of the Mississippi River and only "K" call signs west of the river; and that call signs be awarded on a first-come-first-served basis. However, Storer questions whether the public interest would benefit from a proscription of what was depicted in the Notice as "trafficking" in call signs; i.e., the manipulation of the availability of call signs which are in the process of relinquishment or deletion, and in support of its position, points to the hypothetical circumstance where the relinquished call sign has no significance to the relinquishing licensee or permittee but does to the licensee or permittee seeking to acquire it. Finally, Storer asks that provision be made to transfer a call sign from one station to another station, possibly newly acquired, under the same ownership. In particular, Storer requests that existing three-letter call signs should be conformable to other stations owned, or being acquired by, the same licensee.

3. The latter point was also addressed by King Broadcasting Company. King, then and now the licensee of stations KGW and KGW-TV, Portland, Oregon, among others, which has since acquired station KGW-FM, Portland, urged the Commission to make clear in the rules that licensees of stations having three-letter call signs will be able to add appropriate suffixes upon the acquisition of stations in the same cities in different services. King does not address any other part of the Notice. These comments were filed on July 3, 1967; the call sign KGW-FM was assigned to the same licensee on December 5, 1967. In this connection, it was never intended that a three-letter basic call sign would per se bar the assignment of a conforming call sign to a commonly owned station in the same or adjoining community.

4. Columbia Broadcasting System, Inc., supports the Commission's proposal to amend § 1.550 but, like Storer, does so on the assumption that a licensee or permittee seeking to transfer a call sign from one to another of its broadcasting properties would not be deemed, by virtue of such transfer, to be relinquishing, within the meaning of proposed paragraph (h), the call sign so as to call into play the public notice procedure.

5. The Tribune Company, licensee of stations WFLA, WFLA-FM and WFLA-TV, Tampa, Florida, supports the proposed amendment to section 1.550, except for a claimed lack of precision with respect to proposed paragraph (i), i.e., that to be eligible for conforming call signs (e.g., WFLA, WFLA-FM and WFLA-TV), stations must meet certain criteria, including their being licensed to "the same or adjoining communities." Tribune would substitute therefor: "the same community or to the same urbanized area as defined by the U.S. Census." In a similar manner, the comments of Southern Broadcasting Company addressed only the question of eligibility for conforming call signs. With respect to the requirement that conformed stations be assigned to the "same or adjoining", Southern would either add "or communities in close proximity to one another" or would substitute the Standard Metropolitan Statistical Area (SMSA) concept.

6. The comments of Odessa Broadcasting Company, by its attorneys, were directed to a different aspect of eligibility for conforming call signs. In place of our proposal to determine "common control" on the basis of 50 percent or greater common ownership, Odessa would substitute "common operational control" and would make common management the prima facie standard of eligibility.

7. The law firm of Midlen and Harrison (now Midlen and Reddy) registers general support of the proposals contained in the Notice, but states the belief that the rules should provide for the receipt and evaluation of information from competing applicants for the same call sign covering matters other than length of service. Further, they indicate their having received numerous requests from clients desiring call signs incorporating the initials of former Presidents of the United States, and urge the inclusion of the Commission policy on this matter in the rules. That policy is that an otherwise available call sign whose last three letters form the initials in their usual sequence of the President of the United States, or of a living former President, is unavailable without suitable clearance for assignment to a standard, FM or TV broadcasting station licensed or authorized for construction by the Commission. Finally, they allude to the recurring problem of how soon a deleted call sign may be reassigned in the same community without creating undue public confusion.

8. The suggestion by Storer and CBS that multiple owners and network organizations be permitted to transfer call signs from one broadcast property to another without regard to the procedural provisions of § 1.550 (paragraphs 2 and 4, supra), must be rejected. Apart from affording preferential treatment to such organizations vis-a-vis the independent stations with which they compete, we see no way of assuring phonetic dissimilarity among call signs in the same market without subjecting all call sign requests, including intra-corporate call sign transfers, to the same ground rules. Moreover, under the formula proposed in section 1.550(h) for choosing among competing requests for the same relinquished or deleted call sign, the applicant with the "* * * longest continuous record of operation under substantially unchanged ownership and control" would prevail over other applicants. Since multiple owners and network organizations tend to meet this length of service test by virtue of their seniority in the industry, their concern in this regard appears to be without foundation.

9. We also decline to relax existing requirements for the issuance of conforming call signs; i.e., that qualifying stations be under common control (evidenced by 50 percent common ownership) and be assigned to the same or adjoining communities. The treatment of 50 percent or greater common ownership as a prima facie showing of common control accords, we think, with accepted norms of determining corporate control and avoids the morass of de facto control determinations outside the context of formal applications for consent to assignment or transfer of control. Further relaxation in this regard, as urged by Odessa (paragraph 6, supra), would be unworkable from an administrative standpoint and must therefore be rejected. By the same token, the substitution of urbanized areas, SMSA's, or like standards for the present requirement that conforming calls be used in the "same or adjoining communities", cannot be justified either in practical terms or in the public interest. This requirement derives from public notices adopted in 1949 and 1965 (FCC 49-24 and FCC 65-282), and was last considered in Eastern Oklahoma Television Company, 28 FCC 2d 31 (1971). In Eastern, we reaffirmed our view that the issuance of common call signs to broadcasting stations in different services, unless under common control and assigned to the same or adjoining communities, unnecessarily confuses the listening and viewing public as to station location. This would be particularly true in AM/FM simulcast operation where, by reason of identical programming, the identification of each station with the community of license would be even further diluted. Finally, it is reasonable to assume that the use of conformed call signs by stations in nonadjoining communities would work an unwarranted and unnecessary competitive disadvantage on independent stations in the same general area. The changes proposed by Tribune and Southern in this regard (paragraph 5, supra) are therefore rejected.

10. Midlen (paragraph 7, supra) cites recurring problems in call sign assignment practices which have been taken into account in drafting the rules adopted herein. Perhaps the most troublesome is fixing limits on our policy of indefinitely withholding the reassignment of relinquished or deleted call signs in the same community, except to the same station or its successor-in-interest. Shepard Broadcasting Company, 16 FCC 2d 718 (1969); Great Lakes Broadcasting Corporation, 26 FCC 2d 705 (1970). This policy is premised on the belief that the early reassignment of a relinquished or deleted call sign in the same community tends to create the erroneous impression among listeners and viewers that the same principals are involved in the new operation. Clearly, the longer reassignment of the call is withheld, the less likelihood there will be of identification, in the minds of the public, with the former licensee. We conclude that a six-month interval should be sufficient to dissipate this type of confusion, and have written the rule accordingly—§ 1.550(n). Midlen's proposal to consider factors other than applicants' length of service as a means for choosing from among competing requests for the same relinquished or deleted call sign must, however, be rejected on the ground that it would needlessly compel us to make value judgments in an area where public interest considerations are minimal.

11. No unfavorable comments was received regarding proposed § 1.550 (e), (f), (g), (j) and (k). These dealt, in turn, with the availability of "W" versus "K" call signs; the unavailability of new three-letter call signs; the standards for judging claims of phonetic and rhythmic similarity; simplified procedures where the only modification is the addition or deletion of "-FM" or "-TV" suffixes in the call sign assignment; and the procedure to be followed if no call sign request for a new station is filed in compliance with the rules. Accordingly, these provisions are being incorporated into the rules. Language has been added to proposed § 1.550(f) to make clear that Commission policy allows the assignment of a conforming available three-letter call sign (plus FM and TV, if appropriate) to a newly acquired station under common control and assigned to the same or an adjoining community. This accords with the comments of Storer, and King (paragraphs 2 and 3, supra).

12. We have already touched on the problem of "trafficking" in call signs in the limited context of call sign reassignments within the same organization—paragraph 8, supra. The basic "trafficking" problem lies elsewhere, however, and arises as a by-product of the "first-come-first-served" principle under which our receipt of a written, non-defective application for an available call sign blocks the acceptance of competing requests therefor until the first-received request is processed to completion. Specifically, the party relinquishing a call sign and the party wishing to acquire it can, by pre-arrangement, control its "availability" date by appropriate timing of their respective requests for an effective date for the new call and for reassignment of the relinquished call. Not infrequently, these requests are made by the same attorney, acting on behalf of both. We continue to view this practice as being unfair to other parties having a legitimate interest in the relinquished call sign, and as bordering on abuse of Commission process. Experience gained since 1967 only reinforces our concern in this regard. Actually, the problem is broader than that addressed in 1967, in that there now appears to be "trafficking" in four-letter signs (or four-letter combinations commencing with "W" or "K" assigned by the Department of Transportation as signal letters to vessels) assigned for use by licensees in the Maritime Mobile Service and to stations operated by the United States Government. Various government agencies have expressed their concern over these practices because of the disruption caused to the registration of affected stations. We find that the public interest requires that these abuses be curbed by giving public notice of relinquished and deleted calls signs sought by broadcasters, thereby affording all interested parties an opportunity to compete therefor on the basis of longest continuous record of operation under substantially unchanged ownership and control. In this regard, § 1.550(h) is adopted herein essentially as proposed.

13. Policies dealing with miscellaneous aspects of call sign assignment have also been incorporated into the rules. These concern effective dates of call sign changes; non-licensed, low-power devices operating under Part 15 of the rules; and the policy against reservation of call signs. Finally, we note that applicants frequently proceed on the erroneous assumption that if a four-letter call sign is not assigned to a Commission-licensed broadcasting station, it is automatically available for assignment. Many four-letter call signs are assigned to vessels in documentation and to other nonbroadcasting radio stations, and a paragraph has been added to indicate their non-availability—§ 1.550(m).

14. We wish to call attention to various petitions for rule making, filed after proceedings in Docket No. 17477 were initiated, involving the assignment and use of call signs in the broadcasting services: Lincoln Broadcasting Company, et al (RM-1451); Straus Broadcasting Group (RM-1891); and Suffolk Broadcasting Corporation (RM-2136). Lincoln and Suffolk would prohibit the assignment of common call signs to commonly owned AM and FM stations, alleging that existing practices have an unfair competitive impact on independent FM stations; Straus proposes minor changes in current station identification requirements. Since these proposals are outside the scope of matters considered in this proceeding, they will be separately considered at another time. In addition, we are concerned with the spiraling workload generated by seemingly frivolous requests for call sign changes; the Office of Chief Engineer and the Re-regulation Task Force will address this problem, along with the need for any on-air call sign identification, in the near future.

15. Authority for the adoption of this Report and Order is contained in sections 4(i), 303(o), 303(p), 303(r) and 305(c) of the Communications Act of 1934, as amended. Those rules and rule revisions adopted herein for which prior notice was not given reflect policies and practices generally accepted in the industry and are therefore not viewed as controversial. Under these circumstances, we find that further notice of proposed rule making under the Administrative Procedure Act (5 U.S.C. 553) would serve no useful purpose.

16. *Accordingly, it is ordered*, That effective August 6, 1973, § 1.550 of the rules is amended as set forth below.

17. *It is further ordered*, That proceedings in Docket No. 17477 are hereby terminated.

(Secs. 4, 303, 305, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 305)

Adopted: June 21, 1973.

Released: June 25, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

Part 1 of the Commission's rules is amended to read as follows:

**§ 1.550 Requests for new or modified call assignments.**

(a) Requests for new or modified call sign assignments for standard, FM or television broadcasting stations shall be made by letter to the Secretary, Federal Communications Commission, Washington, D.C. 20554. An original and one copy of the letter shall be submitted and shall be accompanied by the filing fee, if required, specified in section 1.1111 of this chapter. Incomplete or otherwise defective filings will be returned by the Commission, and any filing fee submitted in connection therewith will be forfeited 45 days from the date the application is returned should the applicant fail to submit an acceptable call sign application for the same station within that period.

(b)(1) No request for a new call sign assignment will be accepted from an applicant for a new station until the Commission has granted a construction permit.

(2) An applicant for transfer or assignment of an outstanding construction permit or license may, in accordance with this section, request a new call sign assignment at the time the application for transfer or assignment is filed, or at any time thereafter. In the absence of written consent of the proposed transferor or assignor, no change in call sign assignment will be made effective until such

[1] Commissioner Hooks absent.

application is granted by the Commission and the transaction consummated.

(3) Where an application is granted by the Commission for transfer or assignment of the construction permit or license of a station whose existing call sign conforms to that of a commonly owned station not part of the transaction, the assignee shall, within 30 days after consummation, request a different call sign in accordance with the provisions of this section. Should a suitable application not be received within that period of time, the Commission will, on its own motion, select an appropriate call sign and effect the change in call sign assignment.

(c) Each request submitted under the provisions of paragraphs (a) and (b) of this section shall include the following:

(1) A statement that a copy of the request has been served upon each standard, FM or television broadcasting station licensed to operate, or whose construction has been authorized, in communities wholly or partially within a 35-mile radius of the main post office of the applicant's community of license, and a list of the call signs and locations of all stations upon which copies of the request have been served.

(2) Subject to the other requirements of this paragraph, as many as five call signs, listed in descending order of preference, may be included in a single request.

(d) (1) No request for call signs subject to the provisions of this paragraph will be acted upon by the Commission earlier than 30 days following issuance of public notice of the receipt of such request. Applicants for new or modified call signs are cautioned to take no action in reliance on securing the desired call sign until notified by the Commission that the request has been granted.

(2) Objections to the assignment of the requested call signs may be filed within the 30-day period following issuance of public notice of the receipt of such request. Copies of objections shall be served on the party making the request. Objections filed after the 30-day period will be considered only if, in the judgment of the Commission, good cause has been shown for failure to file within the time specified. A reply may be filed within 10 days of the filing of the objection, a copy of which shall be served on the objector. No further pleadings will be entertained, unless specifically authorized by the Commission.

(e) Call signs beginning with the letter "K" will not be assigned to stations located east of the Mississippi River, nor will call signs beginning with the letter "W" be assigned to stations located west of the Mississippi River, except where necessary to conform the call sign assignments of stations which otherwise qualify for common call signs.

(f) Only four-letter call signs (plus FM or TV suffixes, if used) will be assigned. However, subject to the other provisions of this section, a new or acquired station may be conformed to a commonly owned station holding a three-letter call sign assignment (plus FM or TV suffixes, if used).

(g) Subject to the foregoing limitations and provided the call sign is available for assignment, licensees and permittees are eligible to apply for call signs of their choice if the requested combination is in good taste and is sufficiently dissimilar phonetically and rhythmically from existing call signs of stations in the same service area so that there will be no significant likelihood of public confusion.

(h) Call signs are normally assigned on a "first-come-first-served" basis, in accordance with which the receipt by the Commission of a request for an available call sign blocks the acceptance of competing requests until the first-received request is processed to completion; *Provided*, That in the case of call signs being relinquished or deleted, the Commission will announce the availability thereof by public notice. If competing requests are filed within 15 days, the assignment (if otherwise grantable) will be made to the station having the longest continuous record of broadcasting operation under substantially unchanged ownership and control. However, involuntary and pro forma assignments and transfers will not be taken into account in determining priority under this paragraph.

(i) Stations in different broadcasting services which are under common control and assigned to the same or adjoining communities may request that their call signs be conformed by the assignment of the same basic call sign. For the purposes of this paragraph, 50 percent or greater common ownership shall constitute a prima facie showing of common control.

(j) The procedural provisions of this section shall not apply to international broadcasting stations, to stations in the experimental, auxiliary, and special broadcasting services, nor to FM or television broadcasting stations seeking to modify an existing call sign only to the extent of adding or deleting an "-FM" or "-TV" suffix. The latter additions and deletions may be requested by letter, accompanied by the necessary filing fee, if applicable.

(k) Failure by the permittee of a new station to request the assignment of a specific call sign and to complete the action required by this section will result in the assignment of identification by the Commission on its own motion.

(l) In the absence of an objection, or pending transfer or assignment of a license or construction permit, a change in call sign assignment will be made effective on the date specified in the related public notice. Postponement of the effective date will be granted only in response to a timely request and for only the most compelling reasons.

(m) Four-letter combinations commencing with "W" or "K" which are assigned as signal letters to vessels in documentation or to other radio stations are not available for assignment to stations in the broadcasting services, with or without the suffix "-FM" or "-TV".

(n) A call sign previously assigned to a station in the broadcasting services will not be reassigned to another broadcasting station in the same community within 180 calendar days from its relinquishment, except to the same licensee or permittee or to its successor-in-interest.

(o) Users of non-licensed, low-power devices operating under Part 15 of this chapter may use whatever identification is currently desired, so long as propriety is observed and no confusion results with a station for which the Commission issues a license.

(p) A call sign whose suffix forms the initials in their usual sequence of the President of the United States, of a living former President, or of the United States of America or any department or agency thereof, is unavailable for assignment to a station in the broadcasting services in the absence of suitable clearance.

(q) A call sign may not be reserved. Where a licensee or permittee declines to indicate a specific desired effective date for the requested change of call sign assignment, the Commission will effect the change in assignment on a date at least 21 days after approval thereof.

(r) Call sign assignment changes will not be made effective retroactively.

[FR Doc.73-13049 Filed 6-27-73;8:45 am]

## Title 6—Economic Stabilization

## CHAPTER I—COST OF LIVING COUNCIL

## PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

### Special Freeze Group Questions and Answers No. 7

These "Questions and Answers", which are issued by the Cost of Living Council's Freeze Group, are designed to provide immediate guidance in understanding and applying the new freeze regulations (Part 140 of Title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to Appendix A of Part 140. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on June 26, 1973.

JAMES W. MCLANE,
*Director,*
*Special Freeze Group.*

Appendix A of Part 140 is amended by adding the following:

SPECIAL FREEZE GROUP

QUESTIONS AND ANSWERS

No. 7

1. Q: How does the freeze affect the Health Industry?

A: The Health Industry is subject to all aspects of the freeze like any other industry. No price may be increased during the freeze

period. This includes cost reimbursement contracts.

2. Q: Are cost reimbursements paid during the freeze period for services rendered prior to the freeze subject to the freeze?

A: No. Such prices are governed by the regulations in effect when the services were rendered.

3. Q: Are third party cost reimbursement contract adjustments for a completed year subject to the freeze?

A: If all of the cost increases included in the cost report for the completed fiscal year were incurred prior to the freeze, the adjustments are not subject to freeze. Cost increases incurred during the freeze are not reimburseable.

4. Q: Are interim rates paid under a cost reimbursement contract subject to the freeze?

A: Yes.

5. Q: May an interim rate be increased during the freeze?

A: No.

6. Q: If a price was increased after June 8, must it be rolled back?

A: Yes.

7. Q: Will the new Form S-52 (Revised July 1973) still become effective on July 1, 1973?

A: Phase III regulations remain in effect in addition to the freeze. Therefore, the new Form S-52 (Revised July 1973) should be used for planning purposes. No prices may be increased during the freeze. Price increases subsequent to the freeze will be governed by Phase IV regulations.

8. Q: Are institutional and non-institutional health providers subject to the general posting and freeze price information requirements?

A: Yes. Records of fees and charges prevailing during the freeze base period must be maintained and information on freeze prices provided to the public within 48 hours of a request. A sign must also be posted announcing the availability of freeze information.

9. Q: Can the Social Security Administration increase the reasonable charge screens under Part B of the Medicare Program during the freeze?

A: No. The reasonable charge screens in effect during the freeze base period represent the maximum price that may be charged to the Medicare program by a participating physician.

10. Q: Can the Social Security Administration increase the premium charge for Supplementary Medical Insurance Coverage under Medicare during the freeze?

A: No. The premium represents a price charged by the Federal Government and is frozen at the level in effect June 1-8.

[FR Doc.73-13278 Filed 6-27-73;10:08 am]

# Proposed Rules



## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR Part 1 ]

### INCOME TAX

### Terminal Railroad Corporations and Their Shareholders

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Rvenue, Attention: CC:LR:T, Washington, D.C. 20224, by July 30, 1973. Written comments or suggestions which are not exempt from disclosure by the Internal Revenue Service may be inspected by any person upon compliance with 26 CFR 601.702(d)(9). The provisions of 26 CFR 601.601(b) shall apply with respect to the designation of portions of comments or suggestions as exempt from disclosure. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by July 30, 1973. In such case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER,
*Commissioner of Internal Revenue.*

This document contains proposed amendments to the Income Tax Regulations (26 CFR, pt 1) in order to conform such regulations to the provisions of section 1 of the Act of October 23, 1962 (Public Law 87-870, 76 Stat. 1158), relating to terminal railroad corporations and their shareholders.

The Act of October 23, 1962, added a new section 281 to the Internal Revenue Code of 1954 which provides special rules for the computation of the taxable incomes of a terminal railroad corporation and its shareholders. In general, the proposed regulations provide that if income, which is earned from the operation of a railroad terminal, is used to reduce a charge that a terminal railroad corporation had made or would have made for terminal services rendered to any shareholder railroad corporation, then the terminal railroad corporation is not considered to have received the amount by which such charge was reduced. Similarly the amount by which the charge was reduced is not to be treated as a dividend to, nor allowed as a deduction for, a railroad shareholder of the terminal railroad corporation.

Further, the proposed regulations provide that the terminal railroad corporation shall not be disallowed a deduction as a result of the reduced charge if such deduction is otherwise allowable to it.

Proposed § 1.281-2(a)(2) makes clear that section 281, to the extent applicable, shall apply to the exclusion of section 277, relating to disallowance of deductions to certain membership organizations.

Proposed § 1.281-4 provides generally that the provisions of section 281 apply to all taxable years to which the Internal Revenue Code of 1954 or 1939 apply, subject, of course, to statutes of limitation. It also provides special rules applicable to taxable years ending before October 23, 1962.

PROPOSED AMENDMENTS TO THE REGULATIONS

In order to conform the Income Tax Regulations (26 CFR, pt. 1) to the provisions of section 1 of the Act of October 23, 1962 (Public Law 87-870, 76 Stat. 1158), such regulations are amended as follows:

TERMINAL RAILROAD CORPORATIONS AND THEIR SHAREHOLDERS

Sec.
1.281 Statutory provisions; terminal railroad corporations and their shareholders.
1.281-1 In general.
1.281-2 Effect of section 281 upon the computation of taxable income.
1.281-3 Definitions.
1.281-4 Taxable years affected.

There are inserted immediately after § 1.279-7 the following new sections:

TERMINAL RAILROAD CORPORATIONS AND THEIR SHAREHOLDERS

**§ 1.281 Statutory provisions; terminal railroad corporations and their shareholders.**

SEC. 281. *Terminal railroad corporations and their shareholders.*—(a) *Computation of taxable income of terminal railroad corporations.*—(1) *In general.*—In computing the taxable income of a terminal railroad corporation—

(A) Such corporation shall not be considered to have received or accrued—

(i) The portion of any liability of any railroad corporation, with respect to related terminal services provided by such corporation, which is discharged by crediting such liability with an amount of related terminal income, or

(ii) The portion of any charge which would be made by such corporation for related terminal services provided by it, but which is not made as a result of taking related terminal income into account in computing such charge; and

(B) No deduction otherwise allowable under this chapter shall be disallowed as a result of any discharge of liability described in subparagraph (A)(i) or as a result of any computation of charges in the manner described in subparagraph (A)(ii).

(2) *Limitation.*—In the case of any taxable year ending after the date of the enactment of this section, paragraph (1) shall not apply to the extent that it would (but for this paragraph) operate to create (or increase) a net operating loss for the terminal railroad corporation for the taxable year.

(b) *Computation of taxable income of shareholders.*—Subject to the limitation in subsection (a)(2), in computing the taxable income of any shareholder of a terminal railroad corporation, no amount shall be considered to have been received or accrued or paid or incurred by such shareholder as a result of any discharge of liability described in subsection (a)(1)(A)(i) or as a result of any computation of charges in the manner described in subsection (a)(1)(A)(ii).

(c) *Agreement required.*—In the case of any taxable year, subsections (a) and (b) shall apply with respect to any discharge of liability described in subsection (a)(1)(A)(i), and to any computation of charges in the manner described in subsection (a)(1)(A)(ii), only if such discharge or computation (as the case may be) was provided for in a written agreement, to which all of the shareholders of the terminal railroad corporation were parties, entered into before the beginning of such taxable year.

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

(1) *Terminal railroad corporation.*—The term "terminal railroad corporation" means a domestic railroad corporation which is not a member, other than as a common parent corporation, of an affiliated group (as defined in sec. 1504) and—

(A) All of the shareholders of which are domestic railroad corporations subject to part I of the Interstate Commerce Act;

(B) The primary business of which is the providing of railroad terminal and switching facilities and services to domestic railroad corporations subject to part I of the Interstate Commerce Act and to the shippers and passengers of such railroad corporations;

(C) A substantial part of the services of which for the taxable year is rendered to one or more of its shareholders; and

(D) Each shareholder of which computes its taxable income on the basis of a taxable

year beginning or ending on the same day that the taxable year of the terminal railroad corporation begins or ends.

(2) *Related terminal income.*—The term "related terminal income" means the income (determined in accordance with regulations prescribed by the Secretary or his delegate) of a terminal railroad corporation derived—

(A) From services or facilities of a character ordinarily and regularly provided by terminal railroad corporations for railroad corporations or for the employees, passengers, or shippers of railroad corporations;

(B) From the use by persons other than railroad corporations of portions of a facility, or a service, which is used primarily for railroad purposes;

(C) From any railroad corporation for services or facilities provided by such terminal railroad corporation in connection with railroad operations; and

(D) From the United States in payment for facilities or services in connection with mail handling.

For purposes of subparagraph (B), a substantial addition, constructed after the date of the enactment of this section, to a facility shall be treated as a separate facility.

(3) *Related terminal services.*—The term "related terminal services" includes only services, and the use of facilities, taken into account in computing related terminal income.

(e) *Application to taxable years ending before the date of enactment.*—In the case of any taxable year ending before the date of the enactment of this section—

(1) This section shall apply only to the extent that the taxpayer computed on its return, filed at or prior to the time (including extensions thereof) that the return for such taxable year was required to be filed, its taxable income in the manner described in subsection (a) in the case of a terminal railroad corporation, or in the manner described in subsection (b) in the case of a shareholder of a terminal railroad corporation; and

(2) This section shall apply to a taxable year for which the assessment of any deficiency, or for which refund or credit of any overpayment, whichever is applicable, was prevented, on the date of the enactment of this section, by the operation of any law or rule of law (other than sec. 3760 of the Internal Revenue Code of 1939 or sec. 7121 of this title, relating to closing agreements, and sec. 3761 of the Internal Revenue Code of 1939 or sec. 7122 of this title, relating to compromises), only—

(A) To the extent any overpayment of income tax would result from the recomputation of the taxable income of a terminal railroad corporation in the manner described in subsection (a),

(B) If claim for credit or refund of such overpayment, based upon such recomputation, is filed prior to 1 year after the date of the enactment of this section.

(C) To the extent that paragraph (1) applies, and

(D) If each shareholder of such terminal railroad corporation consents in writing to the assessment, within such period as may be agreed upon with the Secretary or his delegate, of any deficiency for any year to the extent attributable to the recomputation of its taxable income in the manner described in subsection (b) correlative to its allocable share of the adjustment of taxable income made by the terminal railroad corporation in its recomputation under subparagraph (A).

(f) *Regulations.*—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.

[Sec. 281 as added by sec. 1, act of Oct. 23, 1962 (Public Law 87-870, 76 Stat. 1158).]

**§ 1.281-1 In general.**

Section 281 provides special rules for the computation of the taxable incomes of a terminal railroad corporation and its shareholders when the terminal railroad corporation, as a result of taking related terminal income into account, reduces a charge which was made or which would be made for related terminal services furnished to a railroad corporation. Section 281 and paragraphs (a) and (b) of § 1.281-2 provide that the "reduced amount" described in paragraph (c) of § 1.281-2 is not includable in gross income of the terminal railroad corporation, is not treated as a dividend or other distribution to its railroad shareholders, and is not treated as an amount paid or incurred by the railroad shareholders to the terminal railroad corporation. Section 281 and paragraph (a)(2) of § 1.281-2 provide that no deduction otherwise allowable to a terminal railroad corporation shall be disallowed as a result of the "reduced amount" described in paragraph (c) of § 1.281-2. Section 1.281-3 defines the terms "terminal railroad corporation," "related terminal income," "related terminal services," "agreement," and "railroad corporation." Section 1.281-4 describes the effective dates and special rules for application of section 281 to taxable years ending before October 23, 1962.

**§ 1.281-2 Effect of section 281 upon the computation of taxable income.**

(a) *Computation of taxable income of terminal railroad corporations.*—(1) *Income not considered received or accrued.*—A terminal railroad corporation (as defined in paragraph (a) of § 1.281-3) shall not be considered to have received or accrued the "reduced amount" described in paragraph (c) of this section in the computation of its taxable income. Thus, income is not to be considered accrued or actually or constructively received by a terminal railroad corporation where, in the manner described in paragraph (c) of this section, (i) a charge which would be made to any railroad corporation for related terminal services is not made, or (ii) a portion of any liability payable by any railroad corporation with respect to related terminal services is discharged.

(2) *Deduction not disallowed.*—In the computation of the taxable income of a terminal railroad corporation, a deduction relating to a "reduced amount", described in paragraph (c) of this section, which is otherwise allowable to it under chapter 1 of the code (without regard to sec. 277) shall not be disallowed by reason of section 281. Thus, deductions for expenses attributable to services rendered to a shareholder are not to be disallowed to a terminal railroad corporation merely because, in the manner described in paragraph (c) of this section, (i) a charge which would be made to any railroad corporation for related terminal services is not made, or (ii) a portion of any liability payable by any railroad corporation with respect to related terminal services is discharged. To the extent that section 281 applies to a deduction relating to a "reduced amount", such deduction shall not be disallowed under section 277.

(b) *Computation of taxable income of shareholders.*—(1) *Income not considered received or accrued.*—A shareholder of a terminal railroad corporation shall not be considered to have received or accrued any reduced amount (described in paragraph (c) of this section) in the computation of the shareholder's taxable income. Thus a dividend is not to be considered actually or constructively received by a shareholder of a terminal railroad corporation merely because, in the manner described in paragraph (c) of this section, (i) a charge which would be made to the shareholder or any other railroad corporation for related terminal services is not made, or (ii) a portion of any liability payable by it or any other railroad corporation with respect to related terminal services is discharged.

(2) *Expenses not considered paid or incurred.*—In the computation of the taxable income of a shareholder of a terminal railroad corporation, the shareholder shall not be considered to have paid or incurred any reduced amount (described in paragraph (c) of this section). Thus, a shareholder of the terminal railroad corporation may not deduct as an expense for related terminal services (as defined in paragraph (c) of § 1.281-3) an amount in excess of the net cost to it of such services.

(c) *Amounts to which section 281 applies.*—(1) *Reduced amount.*—For purposes of this section, the term "reduced amount" means, subject to the limitation of paragraph (c)(4) of this section, the amount by which—

(i) A charge which would be made by a terminal railroad corporation for its taxable year for related terminal services provided to a railroad corporation; or

(ii) A liability of a railroad corporation, resulting from a charge made by a terminal railroad corporation for its taxable year, with respect to related terminal services provided by the terminal railroad corporation,

is reduced by reason of the terminal railroad corporation's taking into account, pursuant to an agreement (as defined in paragraph (d) of § 1.281-3), related terminal income (as defined in paragraph (b) of § 1.281-3) received or accrued (without regard to section 281) during such taxable year.

(2) *Charge which would be made.*—For purposes of this section, a charge which would be made by a terminal railroad corporation is the amount that would be charged to any railroad corporation for related terminal services provided if the terminal railroad corporation made the charge without taking related terminal income into account.

(3) *Reduction resulting from related terminal income.*—For purposes of subparagraph (1) of this section, a charge

or a liability is reduced by taking related terminal income into account to the extent that—

(i) Related terminal income is received or accrued (without regard to section 281) by the terminal railroad corporation for its taxable year in which the charge or liability is reduced; and

(ii) The charge or liability in question would have been larger than it is had such income not been received or accrued (without regard to section 281).

The reduction must be made (directly or indirectly) on the books of the terminal railroad corporation, and in fact, for the same taxable year for which the charge would be made or for which the liability is incurred. The reduction of the charge or liability must be taken into account by the terminal railroad corporation in ascertaining the income, profit, or loss for such taxable year for the purpose of reports to shareholders and the Interstate Commerce Commission, and for credit purposes.

(4) *Limitation.*—To the extent that a reduced amount (as described in paragraph (c)(1) of this section but without regard to the limitation under this subparagraph) would operate either to create or to increase a net operating loss for the terminal railroad corporation, this section shall not apply. Therefore, if a portion of a liability is discharged (in the manner described in this paragraph) and the discharged portion of the liability exceeds an amount equal to the terminal railroad corporation's gross income minus the deductions allowed by chapter 1 of the code (computed with regard to the modifications specified in section 172(d) but without regard to section 281 and this section), then section 281 and this section shall not apply to such excess. The limitation described in this subparagraph shall apply only to taxable years of terminal railroad corporations ending after October 23, 1962.

(d) *Examples.*—The provisions of this section may be illustrated by the following examples. In these examples, references to "before the application of section 281", "after the application of section 281", "taxable income", and "allowable deductions" take no account of section 277, which may apply to deductions to which section 281 does not apply.

*Example (1).*—(i) *Facts.*—The T Company is a terminal railroad corporation which charges its three equal shareholders, the X, Y, and Z railroad corporations, a rental calculated monthly on a wheelage or user basis for the use of its services and facilities. The T Company and each of its shareholders report income on the calendar year basis. A written lease agreement to which all of the shareholders were parties was entered into in 1947. The agreement provides that at the end of each year the liabilities of each of the shareholders resulting from charges for rental obligations with respect to related terminal services shall be reduced by the shareholder's one-third share of the net income from each source of revenue that produced income (computed before reduction for Federal income taxes). For the calendar year 1973, the T Company's charges to its shareholders include the following charges for related terminal services: $35,000 to the X Company, $25,000 to the Y Company, and $20,000 to the Z Company. Thus, prior to reduction, total shareholder liabilities to the T Company for related terminal services are $80,000 at the end of 1973. The T Company's net income from all sources (before reduction of liabilities pursuant to the 1947 agreement and before reduction for Federal income taxes) and its taxable income, before the application of section 281, for 1973 are $36,000 determined as follows:

| Source | Gross income | Allowable deductions | Income (or loss) |
|---|---|---|---|
| Related terminal services performed: | | | |
| For shareholders | $80,000 | $65,000 | $15,000 |
| For nonshareholders | 46,000 | 37,000 | 9,000 |
| Related terminal income | 126,000 | 102,000 | 24,000 |
| Nonrelated terminal income | 30,000 | 18,000 | 12,000 |
| Total | 156,000 | 120,000 | 36,000 |

The liability of each shareholder is, pursuant to the agreement, discharged in part by the T Company crediting $12,000 against the rental due from each shareholder for a total discharge of liabilities of $36,000 (the net income from all sources), resulting in net shareholder liabilities owing to the T Company at the end of 1973 of $44,000 ($80,000 less $36,000): $23,000 from the X Company, $13,000 from the Y Company, and $8,000 from the Z Company.

(ii) *Effect on terminal railroad corporation.*—The reduced amount to which this section applies is $24,000 (related terminal income of $9,000 from nonshareholders and $15,000 from shareholders). Thus, to the extent of $24,000, the T Company is not considered to have received or accrued income from the discharged liabilities of $36,000. Similarly, to the extent of the same $24,000, the T Company is not disallowed deductions for expenses merely by reason of the discharge. The T Company's taxable income for 1973 after application of section 281 is $12,000, computed as follows:

| | |
|---|---|
| Gross income ($156,000 less $24,000) | $132,000 |
| Less allowable deductions | 120,000 |
| Taxable income | 12,000 |

(iii) *Effect on shareholders.*—The reduced amount of $24,000 shall not be deemed to constitute either a dividend to the shareholders of the T Company or an expense paid or incurred by them. Thus, under the facts described, neither the X Company, the Y Company, nor the Z Company shall be considered to have received or accrued a dividend of $8,000, or to have paid or incurred an expense of $8,000. Assuming the X Company's taxable income for 1973 before the application of section 281 would have been $43,200, computed in the following manner, its taxable income for 1973 after the application of section 281 is $50,000, determined as follows:

| | Before the application of sec. 281 | After the application of sec. 281 |
|---|---|---|
| Gross income: | | |
| From sources other than T Co. | $146,000 | $146,000 |
| Dividend considered received because of T Co.'s discharge of liabilities of $12,000 | 12,000 | 4,000 |
| Total | 158,000 | 150,000 |
| Less allowable deductions: | | |
| From sources other than T Co. | 60,600 | 60,600 |
| 85 percent dividend received deduction under sec. 243 attributable to dividend considered received because of T Co.'s discharge of liabilities | 10,200 | 3,400 |
| Expenses for accrued charges for related terminal services performed by T Co. | 35,000 | 35,000 |
| | 114,800 | 100,000 |
| Taxable income | 43,200 | 50,000 |

*Example (2).*—Assume the same facts as in example (1), except that the charges to each of the shareholders for related terminal services for 1973 were as follows: $35,000 to the X Company, $40,000 to the Y Company, and $5,000 to the Z Company. Assume further that the Z Company, prior to the reduction in liabilities at the end of 1973, owed the T Company an additional $4,000 resulting from charges for 1972 for related terminal services and $6,000 resulting from the purchase of equipment. Since only $21,000 (X Company $8,000, Y Company $8,000, Z Company $5,000) of the liabilities which were discharged resulted from charges made for 1973 for related terminal services, the reduced amount to which this section applies is $21,000 (instead of $24,000 as in example (1)). Thus, the T Company's taxable income for 1973 would be $15,000 ($36,000 less $21,000 reduced amount) and the amount which shall be considered not to have been received or accrued as a dividend nor paid or incurred as an expense of each shareholder is $8,000 for the X Company, $8,000 for the Y Company, and $5,000 for the Z Company.

*Example (3).*—Assume the same facts as in example (1), except that the allowable deductions with respect to nonrelated terminal activities were $39,000 instead of $18,000. The T Company's net income from all sources (before reduction for Federal income taxes) and its taxable income, before the application of section 281, is therefore $15,000, determined as follows:

| Source | Gross income | Allowable deductions | Income (or loss) |
|---|---|---|---|
| Related terminal income | $126,000 | $102,000 | $24,000 |
| Nonrelated terminal income | 30,000 | 39,000 | (9,000) |
| Total | 156,000 | 141,000 | 15,000 |

The liability of each shareholder is nevertheless discharged in part, pursuant to the agreement, by the T Company crediting $8,000 against the rental due from each shareholder for a total discharge of liabilities of $24,000 (the net income from each source of revenue that produced income). Assume further that none of the modifications spec-

tified in section 172(d) apply. If the limitation under paragraph (c)(4) of this section were not applied, the reduced amount for the purposes of this section would be $24,000, and the operation of this section would result in a net operating loss of $9,000, since the allowable deductions of $141,000 would exceed the gross income of $132,000 ($156,000 less discharged liabilities of $24,000) by that amount. Because of the limitation under paragraph (c)(4) of this section, however, $9,000 is not included in the reduced amount to which this section applies. Accordingly, the reduced amount is $15,000 (instead of $24,000 as in example (1)). Thus, the T Company's taxable income for 1973 would be zero ($15,000 less the $15,000 reduced amount), and the amount which each shareholder shall be considered not to have received or accrued as a dividend nor paid or incurred as an expense is $5,000.

*Example (4).*—Assume the same facts as in example (1), except that under the agreement income from the terminal parking lot would not reduce the shareholders' liabilities. Assume further that such income amounted to $3,000 of the total related terminal income of $24,000 for the taxable year 1973. The liability of each shareholder therefore is discharged by crediting $11,000 against its rental due for a total discharge of liabilities of $33,000. The reduced amount to which this section applies is $21,000 ($24,000 less $3,000) since only to the extent of $21,000 would there have been no such reduction under the agreement if there were no related terminal income.

*Example (5).*—Assume the same facts as in example (1), except that, pursuant to the agreement, the A Company, a nonshareholder railroad corporation, is to have its liabilities resulting from charges for rental obligations reduced equally with each of the shareholders. Assume further that the T Company's charges to the A Company for the calendar year 1973 included $15,000 for related terminal services and that the liability of each shareholder and the A Company is discharged in part pursuant to the agreement by the T Company crediting $9,000 against the rental due from each. The reduced amount to which this section applies is $24,000. Thus, the T Company's taxable income for 1973 is $12,000, and each shareholder shall not be considered to have received or accrued as a dividend nor paid or incurred as an expense $6,000 ($24,000/$36,000 x $9,000) merely because of the discharge of its own liability. Similarly, each shareholder shall not be considered to have received or accrued as a dividend nor paid or incurred as an expense $2,000 (⅓ x ($24,000/$36,000 x $9,000)) merely because of the discharge of the liability of the A Company. Section 281 does not apply to the determination of the tax consequences of the transaction to the A Company. Similarly, the section does not apply to the determination of the tax consequences to the shareholders resulting from that portion of the discharge of the liability of the A Company which is attributable to the application of income which is not related terminal income ($3,000). Hence, such consequences shall be determined under the sections of the Internal Revenue Code which govern in the absence of section 281.

*Example (6).*—(i) *Facts.*—The TR Company is a terminal railroad corporation with three equal shareholders, the M, N, and O Railroad Corporations. The TR Company and each of its shareholders report income on the calendar year basis. Pursuant to a written agreement entered into in 1947 to which all shareholders were parties, the TR Company makes one annual charge to each of the three shareholders at the end of each year for the difference between the cost of operations, allocated on a wheelage or user basis for the use of its services and facilities provided to the shareholder during the year, and one-third of its net income from all other sources (computed before reduction for Federal income taxes). The TR Company's taxable income, before the application of section 281, for 1973 is $21,000 determined as follows:

| Source | Gross income | Allowable deductions | Income (or loss) |
|---|---|---|---|
| Related terminal services performed: | | | |
| For shareholders | $65,000 | $65,000 | 0 |
| For nonshareholders | 46,000 | 37,000 | $9,000 |
| Related terminal income | 111,000 | 102,000 | 9,000 |
| Nonrelated terminal income from nonshareholders | 30,000 | 18,000 | 12,000 |
| Total | 141,000 | 120,000 | 21,000 |

For the calendar year 1973, the TR company's charges to its shareholders are $23,000 ($30,000 less $7,000) to the M company, $13,000 ($20,000 less $7,000) to the N company, and $8,000 ($15,000 less $7,000) to the O company for a total of $44,000 for related terminal services.

(ii) *Effect on terminal railroad corporation.*—The reduced amount to which this section applies is $9,000. The TR company is not considered to have received or accrued income of $9,000 (related terminal income) merely because the charge of $21,000 (net income from all sources other than shareholders) was not made. Similarly, to the extent of $9,000, the TR company is not disallowed deductions for expenses merely because the full cost of services was not charged. The TR company's taxable income for 1973 after application of section 281, is $12,000, computed as follows:

| | |
|---|---|
| Gross income ($141,000 less $9,000 charges not made) | $132,000 |
| Less allowable deductions | 120,000 |
| Taxable income | 12,000 |

(iii) *Effect on shareholders.*—Neither the M company, the N company, nor the O company shall be considered to have received or accrued a dividend of $3,000 nor to have paid or incurred an expense of $3,000 merely by reason of the reduced charges. Thus, assuming the M company's taxable income for 1973 before the application of section 281 would have been $47,450, computed in the following manner, its taxable income for 1973 after the application of section 281 is $50,000, determined as follows:

| | Before the application of sec. 281 | After the application of sec. 281 |
|---|---|---|
| Gross income: | | |
| From sources other than TR Co. | $146,000 | $146,000 |
| Dividend considered received because of TR Co.'s reduction of charges | 7,000 | 4,000 |
| Total | 153,000 | 150,000 |
| Less allowable deductions: | | |
| From sources other than ETR Co. | 69,600 | 69,600 |
| 85 percent dividend received deduction under sec. 243 attributable to dividend considered received because of TR Co.'s reduction of charges | 5,950 | 3,400 |
| Expenses for accrued charges for related terminal services performed by TR Co. | 30,000 | 27,000 |
| | 105,550 | 100,000 |
| Taxable income | 47,450 | 50,00 |

§ 1.281–3 **Definitions.**

(a) *Terminal railroad corporation.*—The term "terminal railroad corporation" means a corporation which, in the taxable year, meets all of the following conditions:

(1) The corporation and each of its shareholders must be domestic corporations. Thus, all of the shareholders of the corporation, as well as the corporation itself, must be corporations which were organized or created in the United States, including only the States and the District of Columbia, or under the law of the United States or of any State or territory.

(2) All of the shareholders must be railroad corporations which are subject to part I of the Interstate Commerce Act. Thus, if any shareholder of the corporation, regardless of the class or percentage of stock owned, is not subject to the jurisdiction of the Interstate Commerce Commission under part I of that act, the corporation cannot qualify as a terminal railroad corporation.

(3) The corporation must not be a member of an affiliated group of corporations (as defined in section 1504), other than as a common parent corporation. For this purpose it is immaterial whether or not the affiliated group has ever made a consolidated income tax return. Thus, if the X railroad corporation owns 80 percent of all of the outstanding stock of the Y railroad corporation, the X railroad corporation may qualify, but the Y railroad corporation cannot qualify, as a terminal railroad corporation.

(4) The primary business of the corporation must be that of providing to domestic railroad corporations subject to part I of the Interstate Commerce Act and to the shippers and passengers of such railroad corporations one or more of the following facilities or services: (i) Railroad terminal facilities, (ii) railroad switching facilities, (iii) railroad terminal services, or (iv) railroad switching services. The designated facilities and services include the furnishing of terminal trackage, the operation of stockyards or a union passenger or freight station, and the operation of railroad bridges and ferries. The providing of the designated facilities includes the leasing of those facilities. A corporation shall be considered as having established that its primary business is that of providing the designated facilities and services if more than 50 percent of its gross income (computed without regard to section 281, and excluding dividends and gains and losses from the disposition of capital assets or property described in section 1231(b)) for the taxable year is derived from those sources. The fact that income from a service or facility is included within the definition of related terminal income is immaterial for purposes of determining whether that service or facility is one which is designated in this subparagraph. Thus, although income from the operation of a commuter railroad line may be related terminal income, a corporation whose primary business is the

operation of that facility is not a terminal railroad corporation, since its primary business is not the providing of the designated facilities or services.

(5) A substantial part of the services rendered by the corporation for the taxable year must be rendered to one or more of its shareholders. For purposes of this requirement, providing the use of facilities shall be considered the rendering of services.

(6) Each shareholder of the corporation must compute its taxable income on the basis of a taxable year which either begins or ends on the same day as the taxable year of the corporation.

(b) *Related terminal income.*—(1) *In general.*—Related terminal income is, generally, the type of income normally earned from the operation of a railroad terminal. The term "related terminal income" means the taxable income (computed without regard to sections 172, 277, or 281) which the terminal railroad corporation derives for the taxable year from the sources enumerated in paragraph (b)(2) of this section. Related terminal income must be derived from direct provision of the specified facilities or services by the terminal corporation itself. Thus, income consisting of rent from a lease of a terminal facility by a terminal corporation to a railroad user would qualify; but dividends from a corporation in which the terminal corporation owned stock and which provided such facilities or services to others would not qualify. The term does not include gain or loss derived from the sale, exchange, or other disposition of capital assets or section 1231 assets, whether or not section 1245 or section 1250 applies to part or all of that gain. For example, the term does not apply to gain from the sale of a terminal building or terminal equipment. All direct and indirect expenses and other deductible items attributable to related terminal services or facilities shall be deducted in determining related terminal income. Attribution shall be determined in accordance with customary railroad accounting practices accepted by the Interstate Commerce Commission, except that interest paid with respect to the indebtedness of a terminal railroad corporation shall be deducted from related terminal income to the extent that the proceeds from the indebtedness were directly or indirectly applied to facilities or activities producing such income. The district director may either accept the use of the taxpayer's method of determining the application of the proceeds of all indebtedness of such corporation or prescribe the use of another method which, under all the facts and circumstances, appears to reflect more accurately the probable application of such proceeds.

(2) *Sources of related terminal income.*—The term "related terminal income" includes only income derived from one or more of the following sources.

(i) From services or facilities of a character ordinarily and regularly provided by terminal railroad corporations for railroad corporations or for the employees, passengers, or shippers of railroad corporations. Whether the services or facilities are of a character ordinarily and regularly provided by terminal railroad corporations is to be determined by accepted industry practice. The fact that nonterminal businesses may also provide such services or facilities is immaterial. However, there must be a direct relationship between the service or facility provided and the operation of the terminal, including the operation of its trackage and switching facilities. Thus, the term "related terminal income" includes income derived from operating or leasing switching facilities and terminal facilities, such as income from charges to railroad corporations for the use of a union passenger or freight station. Also included for this purpose is income derived from charges to railroad shippers, including express companies and freight forwarders, for the use of sheds or warehouses, even though not directly intended for railroad use. The term includes income derived from leasing or operating restaurants, drugstores, barbershops, newsstands, ticket agencies, banking facilities, car rental facilities, or other similar facilities for passengers, in waiting rooms or along passenger concourses. Similarly, the term includes income derived from operating or leasing passenger parking facilities, and from renting taxicab space, located on or adjacent to the terminal premises. Although the term does include income derived from the operation of a small hotel operated primarily for and usually occupied primarily by the employees of the railroad corporations, it does not include income derived from the operation of a hotel for passengers or other persons.

(ii) From any railroad corporation for services or facilities provided by the terminal railroad corporation in connection with railroad operations. A service or a facility is provided in connection with railroad operations if it is of a character ordinarily and regularly availed of by railroad corporations. For purposes of this subdivision, the income must be derived from railroad corporations. Thus, in addition to the income derived from sources described in paragraph (b)(2)(i) of this section, the term "related terminal income" includes income derived from switching facilities or leasing to any railroad corporation, or operating for the benefit of such corporation, a beltline or bypass railroad leading to or from the terminal premises. Also included are income derived from the rental of office space (whether or not services are provided to the occupants) in the terminal building to any railroad corporation for that corporation's administrative or operating divisions, and income derived from tolls charged to any railroad corporation for the use of a railroad bridge or ferry.

(iii) From the use by persons other than railroad corporations of a portion of a facility, or of a service, which is used primarily for railroad purposes. A facility or service is used primarily for railroad purposes if the predominant reason for its continued operation or provision is the furnishing of facilities or services described in either paragraph (b)(2)(i) or (ii) of this section. The determination required by this subdivision is to be made independently for each separate facility or service. Two substantial portions of a single structure may be considered separate facilities, depending upon the respective uses made of each. Moreover, any substantial addition, constructed after October 23, 1962, to a facility shall be considered a separate facility. The term "related terminal income" includes income produced by operating a commuter service or by renting tracks and facilities for a commuter service to an independent operator. The term also includes the sale or rental of advertising space on either the inside or outside of the terminal. If the conditions described in this subdivision are satisfied, the term "related terminal income" may include income which has no connection with the operation of the terminal. Thus, if a terminal railroad corporation operates a railroad bridge primarily to provide railroad corporations a means of crossing a river and the lower level of the bridge contains a roadway for similar use by automobiles, the term includes income derived from the tolls charged to the automobiles for the use of the bridge roadway. However, upon the discontinuance of operations of the railroad level of the bridge, the term would cease to include the automobile tolls. If excess steam from a steamplant operated primarily to supply steam to the terminal is sold to another business in the neighborhood, the term would include the income derived from such sale. However, because an oil or gas well or a mine constitutes a separate facility, the term "related terminal income" does not include income derived in any form from a deposit of oil, natural gas, or any other mineral located on property owned or leased by the terminal railroad corporation. Similarly, while the term includes income derived from the rental of a small number of offices located in the terminal building (whether or not the lessees are railroad corporations), it does not include income derived from the leasing or operation, for the use of the general public, of a large number of offices or a large number of rooms for lodging, whether or not the space is physically part of the same structure as the terminal. Moreover, the term does not include income derived from the rental of offices to the general public in an addition to the terminal building constructed after October 23, 1962, unless the addition is primarily used for railroad purposes and the offices rented to the general public do not constitute a separate facility in the addition. Whether or not income from the addition is determined to be related terminal income, the income from the small number of offices which were included in the terminal building before the addition

was constructed shall continue to be related terminal income.

(iv) From the United States in payment for facilities or services in connection with mail handling. The income must be derived directly from the U.S. Government, or any agency thereof (including for this purpose the U.S. Postal Service), through the receipt of payments for mail-handling facilities or services. Thus, the term would include income derived from the rental of space for a post office for use by the general public on the terminal premises or from the sorting of mail in a railroad box car.

(3) *Illustration.*—The provisions of this paragraph may be illustrated by the following example:

*Example.*—For its calendar year 1973, the R Company, a terminal railroad corporation, has taxable income of $36,000, before the application of section 281 and taking no account of section 277, determined as follows:

| | | |
|---|---|---|
| Gross income: | | |
| Switching charges | | $50,000 |
| Express companies | | 2,000 |
| Commuter line | | 4,000 |
| U.S. mail handling | | 4,000 |
| Railroad bridge tolls: | | |
| From railroads | 2,000 | |
| From automobiles | 1,000 | |
| Total | 3,000 | |
| Station and train charges | | 47,000 |
| Terminal parking lot | | 4,000 |
| Rent from terminal building: | | |
| Passenger facilities (ground level) | 8,000 | |
| Offices leased to railroads (2d floor) | 3,000 | |
| Offices leased to others (2d floor) | 1,000 | |
| Hotel open to public (3d through 6th floors) | 14,000 | |
| Total | 26,000 | |
| Interest received from bond investments | | 1,500 |
| Dividends received from wholly owned subsidiary | | 10,000 |
| Amount realized from sale of equipment | | 6,000 |
| Less: | | |
| Adjusted basis | 1,000 | |
| Expenses of sale | 500 | |
| | 1,500 | |
| | 4,500 | |
| | 156,000 | |
| Allowable deductions: | | |
| Dividend received deduction | | 8,500 |
| Interest paid: | | |
| On loan for hotel furnishings | 1,500 | |
| On loan for rolling stock | 2,000 | |
| | 3,500 | |
| Maintenance, depreciation, management and other expenses: | | |
| Attributable to hotel | 3,000 | |
| Attributable to parking lot | 1,000 | |
| Attributable to U.S. mail handling | 1,000 | |
| All other | 98,000 | |
| | 103,000 | |
| Loss from sale of securities | 3,000 | |
| Charitable contribution | 500 | |
| Net operating loss deduction | 1,500 | |
| | 120,000 | |
| Taxable income before the application of sec. 281 | | 36,000 |

The R Co.'s related terminal income for 1973 is $24,000, computed as follows:

| | | |
|---|---|---|
| Taxable income (before the application of sec. 281) | | $36,000 |
| Less: | | |
| Dividend received | 10,000 | |
| Minus dividend received deduction | 8,500 | |
| | 1,500 | |
| Interest received | 1,500 | |
| Amount realized from sale of equipment | 6,000 | |
| Less: | | |
| Adjusted basis | 1,000 | |
| Expense of sale | 500 | |
| | 1,500 | |
| | 4,500 | |
| Hotel income | 14,000 | |
| Less: | | |
| Interest paid on loan for hotel | 1,500 | |
| Other hotel expenses | 3,000 | |
| | 4,500 | |
| | 9,500 | |
| | 17,000 | |
| | 19,000 | |
| Add: | | |
| Loss from sale of securities | 3,000 | |
| Charitable contribution | 500 | |
| Net operating loss deduction | 1,500 | |
| | 5,000 | |
| Related terminal income | | 24,000 |

(c) *Related terminal services.*—The term "related terminal services" means only the services or the use of facilities, provided by the terminal railroad corporation, which are taken into account in computing related terminal income. Thus, the term includes the providing of terminal and switching services, the furnishing of terminal and switching facilities including the furnishing of terminal trackage, and the operation of bridges and ferries for railroad purposes. For example, upon the facts of the example in the preceding paragraph, the charges for related terminal services are $126,000, determined as follows:

| | |
|---|---|
| Switching charges | $50,000 |
| Express companies | 2,000 |
| Commuter line | 4,000 |
| U.S. mail handling | 4,000 |
| Railroad bridge tolls | 3,000 |
| Station and train charges | 47,000 |
| Terminal parking lot | 4,000 |
| Rent from: | |
| Passenger facilities | 8,000 |
| Offices | 4,000 |
| Total | 126,000 |

(d) *Agreement.*—As used in section 281 and § 1.281–2 the term "agreement" means a written contract, entered into before the beginning of the terminal railroad corporation's taxable year in question, to which all shareholders of the terminal railroad corporation are parties. The fact that other railroad corporations or persons are also parties will not disqualify an agreement. Section 281 applies only if, and to the extent that, the reduction of the liability or charge that would be made, as described in paragraph (c) of § 1.281–2, results from the agreement. Thus, where the other conditions of the statute are met, section 281 applies if a written agreement, to which all of the shareholders were parties and which was entered into prior to the beginning of the terminal railroad corporation's taxable year, provides that the net revenues of the terminal railroad corporation are to be applied as a reduction of what would otherwise be the charge for the taxable year for related terminal services provided to the shareholders. Similarly, section 281 applies, where its other requirements are fulfilled, if the agreement provides that the net revenues are to be credited against rental obligations resulting from related terminal services furnished to shareholders. However, section 281 does not apply where the agreement provides that the net revenues are to be divided among the shareholders and distributed to them in cash or held subject to their unconditional right of withdrawal instead of being applied to the computation of charges, or in reduction of liabilities incurred, for related terminal services.

(e) *Railroad corporation.*—For purposes of section 281, § 1.281–2, and this section, the term "railroad corporation" means any corporation, regardless of whether it is a shareholder of the terminal railroad corporation, engaged as a common carrier in the furnishing or sale of transportation by railroad.

**§ 1.281–4 Taxable years affected.**

(a) *In general.*—Except as provided in paragraph (b) of this section, the provisions of section 281 and §§ 1.281–2 and 1.281–3 shall apply to all taxable years to which either the Internal Revenue Code of 1954 or the Internal Revenue Code of 1939 apply.

(b) *Taxable years ending before October 23, 1962.*—(1) (i) In the case of a taxable year of a terminal railroad corporation ending before October 23, 1962, section 281 (a) shall apply only to the extent that the terminal railroad corporation (*a*) computed its taxable income on its return for such taxable year as if the reduced amount, described in paragraph (c) of § 1.281–2, were not received or accrued, and (*b*) did not decrease its otherwise allowable deductions for such taxable year on account of that reduced amount. Similarly, in the case of a taxable year of a shareholder of a terminal railroad corporation ending before October 23, 1962, section 281 (b) shall apply only to the extent that such shareholder computed its taxable income on its return for such taxable year as if the shareholder had neither received or accrued as a dividend nor paid or incurred as an expense the "reduced amount" described in paragraph (c) of § 1.281–2. Such return must have been filed on or before the due date (including the period of any extension of time) for filing the return for the applicable taxable year. The fact that an amended return or claim for refund or credit of overpayment was subsequently filed, or a deficiency subsequently assessed, based upon a computation of taxable income which is inconsistent with the manner in which the taxable income was computed on the timely filed return, is immaterial.

(ii) The provisions of this paragraph may be illustrated by the following examples:

*Example* (*1*).—The G Company is a terminal railroad corporation which in 1960 reduced the liabilities resulting from charges to its shareholders, pursuant to a 1947 written agreement, by its income from nonshareholder sources. For the calendar year 1960, the G Company's related terminal income was $24,000, of which $3,000 is attributable to income from the United States in payment for facilities and services in connection with mail handling. Although the shareholders' liabilities were reduced by $24,000 as a result of taking related terminal income earned during the taxable year into account, on its timely filed 1960 income tax return the G Company treated the $3,000 of liabilities which were reduced on account of income from mail handling as gross income received or accrued during the year. Assuming that the provisions of § 1.281–2 otherwise apply, their application to the determination of the 1960 tax liability of the G Company shall not extend to the entire "reduced amount" of $24,000, but shall be limited to $21,000 of that amount.

*Example* (*2*).—Assume the same facts as in example (1), and the following additional facts. The G Company had three shareholders in 1960, and an equal discharge of liability of $8,000 resulted for each of them on account of related terminal income. Each shareholder treated, on its timely filed 1960 income tax return, $1,000 of its liabilities, which were so reduced and were attributable to income from the United States in payment for facilities and services in connection with mail handling, as if it had received $1,000 from the G Company as a dividend and paid that $1,000 to the G Company for services. Each shareholder treated the remaining $7,000 of its liabilities which were so reduced as if the liabilities which were reduced had never been incurred. Assuming that the provisions of § 1.281–2 otherwise apply, each shareholder shall not be considered to have received or accrued as a dividend, nor to have paid or incurred as an expense $7,000 (instead of $8,000).

(2) For any taxable year of a terminal railroad corporation ending before October 23, 1962, a claim for refund or credit of overpayment of income tax based upon section 281 may be filed, even though such refund or credit of overpayment was otherwise barred by operation of any law or rule of law on October 23, 1962, subject to the conditions set forth in paragraph (b) (2) (i) through (v) of this section.

(i) The claim for refund or credit of overpayment must not have been barred by a closing agreement (under either section 3760 of the Internal Revenue Code of 1939 or section 7121 of the Internal Revenue Code of 1954), or by a compromise (under section 3761 of the Internal Revenue Code of 1939 or section 7122 of the Internal Revenue Code of 1954);

(ii) The claim for refund or credit of overpayment shall be allowed only to the extent that the overpayment of income tax results from the recomputation of the terminal railroad corporation's taxable income in the manner described in paragraph (a) of § 1.281–2;

(iii) The claim for refund or credit of the overpayment must have been filed prior to October 23, 1963;

(iv) The claim for refund or credit of overpayment shall be allowed only to the extent that the manner in which the terminal railroad corporation's taxable income is recomputed is the manner in which the terminal railroad corporation's taxable income was computed on its timely filed income tax return for such taxable year; and

(v) Each railroad corporation which was a shareholder of the terminal railroad corporation during such taxable year must consent in writing to the assessment, within such period as may be agreed upon with the district director, of any deficiency for any year (even though assessment of the deficiency would otherwise be prevented by the operation of any law or rule of law at the time of filing the consent) to the extent that—

(A) The deficiency is attributable to the recomputation of the shareholder's taxable income in the manner described in paragraph (b) of § 1.281–2, and

(B) The deficiency results from the shareholder's allocable portion of the "reduced amount" (described in paragraph (c) of § 1.281–2) which gives rise to the refund or credit granted to the terminal railroad corporation under this subparagraph.

[FR Doc.73–12834 Filed 6–27–73;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### [ 9 CFR Part 319 ]

### LARD

### Proposed Preparation and Labeling

*Correction*

In FR Doc. 73–11725 appearing at page 15519 in the issue of Wednesday, June 13, 1973, in paragraph (c) of § 319.702 subparagraphs (5) and (6) should read as follows:

| | |
|---|---|
| (5) Moisture and volatile. | Maximum 0.2 percent. |
| (6) Insoluble impurities. | By appearance of liquid fat or maximum 0.05 percent. |

### Agricultural Marketing Service

### [ 7 CFR Part 929 ]

[Docket No. AO–341–A3]

### CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

### Extension of the Time for Filing Written Exceptions

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674) and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time fixed for filing written exceptions thereto in the recommended decision dated May 25, 1973 (38 FR 14291), with respect to proposed amendment of the amended marketing agreement and order regulating the handling of cranberries grown in the designated States, is hereby extended to and including July 31, 1973.

A request for a 90-day extension of time, through September 13, 1973, has been made. However, an extension of time beyond July 31 would not permit timely completion of the amendment proceedings. Accordingly, the time for filing exceptions is extended through July 31, 1973.

Dated: June 22, 1973.

JOHN C. BLUM,
*Deputy Administrator,*
*Regulatory Programs.*

[FR Doc.73–13023 Filed 6–27–73;8:45 am]

## DEPARTMENT OF COMMERCE

### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

### [ 50 CFR Part 253 ]

### AID TO FISHERIES

### Commercial Fisheries Research and Development

JUNE 19, 1973.

Notice is hereby given that it is proposed to revise Part 253, Subchapter F,

Chapter II of Title 50 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in the Act of May 20, 1964 (78 Stat. 197, 16 U.S.C. 779a–779f), as amended by the Act of October 4, 1968 (82 Stat. 957, 16 U.S.C. 779b), and as further amended by the Act of October 27, 1972 (86 Stat. 1303).

Part 253 sets forth procedures to be used by the Secretary in providing financial assistance to State agencies for research and development of the commercial fisheries resources of the Nation. Part 253 is being revised in accordance with the enactment of P.L. 92–590 which extended the Act for 5 years, to provide for changes of terminology brought about by the promulgation of Office of Management and Budget Circular No. A–102, "Uniform Administrative Requirements for Grants-in-Aid to States and Local Governments," and to improve administrative procedures.

1. Section 253.1(b) is revised to add "and Public Law 92–590, 86 Stat. 1303" to the definition of "Act" in accordance with new legislation.
2. Section 253.1(c) is revised to change "cooperator" to "grantee" in accordance with standard terminology of OMB Circular A–102. The same change was made throughout the revised regulations.
3. Section 253.1(c) is revised to change "cooperative agreement" to "grant-in-aid award" in accordance with standard terminology of OMB Circular A–102. The same change was made throughout the revised regulations.
4. Section 253.1(d) is revised to change "project proposal" to "application" in accordance with standard terminology of OMB Circular A–102. The same change was made throughout the revised regulations.
5. Section 253.1(e) is revised to change "term of the agreement" to "award period" to maintain consistent terminology.
6. Section 253.2(b) is revised to add "living" to the description of plants and animals to clarify the requirement that the resource must be living when harvested in order to qualify under the Act for inclusion in the apportionment computation.
7. Section 253.2(d) is revised by changing the meaning of "developing a new commercial fishery" to "activities designed to assist the commercial fishing industry by developing and evaluating methods for the harvest, utilization, and conservation of commercial fisheries resources not commonly utilized." The original meaning "establishing a commercial fisheries resource not common to or being utilized in a State" is deleted as ambiguous and unnecessarily restricting development to State territorial waters.
8. Section 253.2(e) is revised by adding "or compensation for economic loss suffered by any segment of the fishing industry as a result of a resource disaster." This is not new policy, but has not previously been included in the regulations.
9. Section 253.3(c)(2) is revised by changing "Federal Aid for Fisheries Handbook" to "Grant-in-Aid Handbook" in accordance with the new handbook title.
10. Section 253.3(f) is revised by deletion. The requirement is included by reference in the proposed Section 253.6, "Assurances."
11. Section 253.4(b)(1) is revised by deletion of "After such publication, project proposals for restoration of commercial fisheries resources affected by a resource disaster will be given preference over other project proposals with respect to the use of funds obtained under subsection 4(b) of the Act" as this requirement is adequately covered in Section 4(b) of the Act.
12. Section 253.4(b)(2) and (b)(3) are deleted to reduce ambiguity and replaced with "(2) After such publication, Federal funds may be used for 100 percent of the cost of restoration of commercial fisheries resources if all the funds are obtained from appropriations authorized under subsection 4(b) of the Act."
13. Section 253.4(c) is revised by changing "development of a new commercial fisheries resource within the State" to "purpose of developing a new commercial fishery" for consistency and to remove the restriction of development to State territorial waters.
14. Section 253.4(c)(2) is revised by deletion and replacement with "The Secretary may finance up to 100 percent of the cost of developing a new commercial fishery" to conform with terminology used in other sections.
15. Section 253.6 on water pollution control is deleted on the basis that is is unnecessary to specifically require States to conform to State laws regarding pollution of water or to conform to State water quality standards.
16. A new section, 253.6 on "Assurances," is proposed to incorporate, by reference, all applicable Federal laws, regulations, and requirements now specified in the standard application for Federal assistance.

It is the policy of the Department of Commerce and the National Oceanic and Atmospheric Administration whenever practicable to afford the public an opportunity to participate in the rulemaking process. Therefore, interested persons may submit written comments, suggestions, or objections to the Director, National Marine Fisheries Service, Washington, D.C. 20235, no later than July 30, 1973.

ROBERT M. WHITE,
*Administrator, National Oceanic and Atmospheric Administration.*

Sec.
253.1 Definitions.
253.2 Interpretation of the authorization.
253.3 General provisions.
253.4 Use of funds.
253.5 Environment.
253.6 Assurances.

AUTHORITY: Sec. 8, Commercial Fisheries Research and Development Act of 1964, 78 Stat. 197 (16 U.S.C. 779a–779f), as modified by Reorganization Plan No. 4 of 1970, effective October 3, 1970 (35 FR 15627).

### § 253.1 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

(a) *Secretary.* The Secretary of Commerce or his authorized representatives.

(b) *Act.* The Commercial Fisheries Research and Development Act of 1964, Public Law 88–309, 78 Stat. 197, as amended by Public Law 90–551, 82 Stat. 957, and Public Law 92–590, 86 Stat. 1303 (16 U.S.C. 779 et seq.).

(c) *Grantee.* A State agency participating in a grant-in-aid award with the Secretary.

(d) *Application.* A description of work to be accomplished, including objectives, results expected, procedures, cost, location, and time required for completion, and such other information as may be required by the Secretary.

(e) *Grant-in-aid award.* A written agreement for research and development activities to be carried on as provided by the Act and these regulations. Such award shall set forth the terms and conditions binding upon the grantee and the Secretary, including the objectives, procedures, costs, the award period, and such other provisions as may be appropriate.

(f) *Aquatic plants and animals.* All animals and plants growing or living in or upon water, including finfish, shellfish, and other marine invertebrates, fur seals, whales and other marine mammals, frogs, turtles, and algae.

(g) *Commercial fisheries resources.* Any aquatic plant or animal available or potentially available for harvesting with the primary intent of commercial use as either raw or manufactured products.

### § 253.2 Interpretation of the authorization.

The terms used in the Act to describe the authorization to the Secretary for program and apportionment purposes are construed to be limited to the meanings ascribed in this section.

(a) *Research and development.* The words "research and development" mean program of work, including construction and acquisition, designed to acquire knowledge of commercial fisheries resources and their environment, and to develop and apply methods and techniques to enhance such commercial fisheries resources including their harvest, conservation, and utilization.

(b) *Raw fish harvested by domestic commercial fishermen and received within a State.* The words "raw fish harvested by domestic commercial fishermen and received within a State" mean living aquatic plants and animals harvested by individuals, associations, partnerships or corporations resident in and authorized to do business in any State and engaged in harvesting of commercial fisheries resources or the processing and manufacturing of products therefrom. Aquatic plants and animals are received within a State when transferred from a catcher vessel within the jurisdiction of a State or permanently removed from a fish production facility.

(c) *Manufactured and processed fishery merchandise.* The words "manufactured and processed fishery merchandise" mean commercial fisheries resources or parts thereof after undergoing a change(s) contributing to or achieving a condition of readiness for sale.

(d) *Developing a new commercial fishery.* The words "developing a new commercial fishery" mean activities designed to assist the commercial fishing industry by developing and evaluating methods for the harvest, utilization, and conservation of commercial fisheries resources not commonly utilized.

(e) *Commercial fishery failure due to a resource disaster arising from natural or undetermined causes.* The words "commercial fishery failure due to a resource disaster arising from natural or undetermined causes" mean a serious disruption of a commercial fisheries resource affecting present or future productivity. It does not include inability to sell raw fish or manufactured and processed fishery merchandise or compensation for economic loss suffered by any segment of the fishing industry as the result of a resource disaster.

(f) *State.* The word "State" means the several States of the United States, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.

**§ 253.3 General provisions.**

(a) *Designation of State agency.* The Governor of each State shall notify the Secretary which agency of the State government is authorized under its laws to regulate commercial fisheries and is designated to submit applications and to enter into grant-in-aid awards. An official of such agency shall certify as to the official(s) authorized in accordance with State law to commit the State to participation under the Act, to sign project documents, and to receive payments. The Secretary shall be advised promptly of any changes made in such authorizations.

(b) *Application.* (1) An application for Federal assistance shall be submitted for each proposed project for approval by the Secretary. An approved application shall not be binding upon the parties until incorporated in a grant-in-aid award.

(2) Applications utilizing an allocation of State funds additional to amounts previously allocated by the State for commercial fishery research and development activities shall be preferred over applications utilizing an allocation of State funds which does not involve an increase of State funds dedicated to commercial fishery research and development programs. No application which involves a reduction of State funds previously dedicated to commercial fishery research and development will be approved.

(c) *Grant-in-aid award.* (1) After the Secretary has approved an application, activities to be undertaken by the grantee and the obligation of Federal funds shall be evidenced by a grant-in-aid award executed by the grantee and the Secretary. Such awards may be amended by mutual consent of the parties.

(2) The grant-in-aid award shall contain applicable provisions as required by Federal law and regulations. These provisions are identified in the Grant-in-Aid Handbook, NOAA Handbook No. 22, the most recent version of which may be obtained from the Director, National Marine Fisheries Service.

(d) *Prosecution of work.* (1) The prosecution of work by the grantee shall be performed in a manner acceptable to the Secretary. Unsatisfactory performance shall be cause for the Secretary to withhold payments. Grant-in-aid awards may be terminated or suspended upon determination by the Secretary that satisfactory progress has not been maintained.

(2) All work shall be performed in accordance with applicable State laws except when such laws are in conflict with Federal laws or regulations, in which case such Federal law or regulations shall prevail.

(e) *Economy and efficiency of operation.* No grant-in-aid award shall be executed until the grantee has shown to the satisfaction of the Secretary that appropriate and adequate means shall be employed to achieve economy and efficiency, including the avoidance of undesirable duplication, in the completion of a project.

**§ 253.4 Use of funds.**

(a) *Apportionment of subsection 4(a) funds.* On July 1 of each year, or as soon thereafter as practicable, the Secretary shall notify respective States of the amount of funds authorized under subsection 4(a) of the Act and apportioned to each State under subsection 5(a) of the Act. Funds apportioned to a State in any fiscal year shall remain available to it for obligation until the end of the succeeding fiscal year and, if unobligated at that time, such funds shall be returned to the Treasury of the United States.

(b) *Use of authorized funds for commercial fisheries resource disaster.* (1) The Secretary shall cause to be published in the FEDERAL REGISTER a notice that a commercial fisheries resource disaster exists at the time such a finding is made.

(2) After such publication, Federal funds may be used for 100 percent of the cost of restoration of commercial fisheries resources if all the funds are obtained from appropriations authorized under subsection 4(b) of the Act.

(c) *Use of funds for developing a new commercial fishery.* (1) Applications related to the development of a new commercial fishery may be approved only after the Secretary determines that such applications will reasonably accomplish the purpose of developing a new commercial fishery.

(2) The Secretary may finance up to 100 percent of the cost of developing a new commercial fishery.

**§ 253.5 Environment.**

Projects shall be performed in such manner as to be consistent with the policies set forth in the National Environmental Policy Act of 1969 (83 Stat. 852).

**§ 253.6 Assurances.**

The State must assure and certify that it will comply with all applicable Federal laws, regulations, and requirements as they relate to the application, acceptance, and use of Federal funds for projects under the Act in accordance with OMB Circular A-102.

[FR Doc.73-12987 Filed 6-27-73;8:45 am]

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## Office of the Secretary

## [ 15 CFR Part 9 ]

## VOLUNTARY LABELING PROGRAM FOR MAJOR HOUSEHOLD APPLIANCES TO EFFECT ENERGY CONSERVATION

### Notice of Extension of Time for Filing Comments

On June 5, 1973, there was published in the FEDERAL REGISTER (38 FR 14756), a notice of proposed procedures for a voluntary labeling program for major household appliances in order to promote energy conservation.

Interested persons were afforded 30 days from the date of publication within which to submit written comments or suggestions to the Assistant Secretary for Science and Technology relative to the proposed procedures, including whether those household appliances within the scope of the program pursuant to § 9.3 are appropriate for consideration at this time.

Following publication of the above notice, several requests for an extension of the time for filing comments have been received due to the complexity of the subject areas. As the Department of Commerce is concerned that it receive appropriate responses representing the considered views and recommendations of interested persons, the period of time for filing comments or suggestions in the instant proceedings is hereby extended until August 6, 1973.

Issued June 25, 1973.

BETSY ANCKER-JOHNSON,
*Assistant Secretary,*
*for Science and Technology.*

[FR Doc.73-13090 Filed 6-27-73;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Social and Rehabilitation Service

### [ 45 CFR, Part 205 ]

### GENERAL ADMINISTRATION; PUBLIC ASSISTANCE PROGRAM

### Proposed Cost Allocation

*Correction*

In FR Doc. 73-11983, appearing at page 15738 for the issue for Friday, June 15, 1973, the comment date which appears in the third line of the first column on page 15739 should be "July 16, 1973".

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### [ 14 CFR Part 73 ]

[Airspace Docket No. 73-EA-36]

### RESTRICTED AREA

### Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would delete Boston ARTC Center as controlling agency for the Camp Drum, N.Y., Restricted Area, R-5201 and establish Watertown Flight Service Station as the successor controlling agency.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

Recent reviews of the utilization of joint-use Restricted Area, R-5201, reveal that there have been insufficient IFR operations by nonparticipating aircraft to justify continued designation of the Boston ARTC Center as the controlling agency for R-5201. Also, administrative and operations workloads that are imposed on both the current controlling and using agencies do not result in benefits to these agencies and nonparticipating IFR aircraft operators.

The loss of altitudes below FL 240 during the times of activation of R-5201 has had little or no effect on air traffic control operations on overlying Jet Route 595 since this route has low activity and a major portion of aircraft operations are conducted at higher altitudes. These conditions are expected to continue.

Although there have been virtually no requests for nonparticipating VFR aircraft operations in R-5201, it is the FAA policy that restricted airspace should be available for use by all civil and military aviation when restricted areas are not required to contain the activity for which they were designated. Accordingly, the Watertown Flight Service Station, due to its proximity to R-5201 and communications' capabilities, would be designated as the controlling agency for R-5201 if this proposal is adopted.

In consideration of the foregoing, the FAA proposes the airspace action as hereinafter set forth.

In § 73.52 (38 FR 662), Restricted Area R-5201, Camp Drum, N.Y. would be amended as follows: Change controlling agency from "Federal Aviation Administration, Boston ARTC Center" to "Federal Aviation Administration, Watertown, New York, Flight Service Station."

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

Issued in Washington, D.C., on June 20, 1973.

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

[FR Doc.73-13003 Filed 6-27-73;8:45 am]

### [ 14 CFR Part 91 ]

[Docket No. 12918; Notice No. 73-20]

### RADIO EQUIPMENT FOR OVERWATER OPERATIONS

### Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Subpart D of Part 91 of the Federal Aviation Regulations to permit persons subject to that subpart to operate an airplane in overwater operations with one HF transmitter and one HF receiver rather than dual HF communications equipment, under certain circumstances.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before August 27, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 91.191(a) provides, in pertinent part, that no person may take off an airplane for a flight over water more than 30 minutes flying time or 100 nautical miles from the nearest shoreline unless it has at least certain specified operable radio communication and navigational equipment appropriate to the facilities to be used and able to transmit to, and receive from, any place on the route, at least one surface facility. The equipment specified includes two transmitters and two independent receivers for communications.

The FAA recognizes that the present requirements of § 91.191(a) with respect to redundancy of HF radio equipment may impose an undue burden on the operators of aircraft that must have such equipment installed to achieve compliance. We also believe that VHF facilities are so extensive today on all ocean routes, and the gaps in VHF coverage so small, as to make the likelihood of an HF equipment failure occurring during the absence of VHF coverage very remote.

Accordingly, the FAA believes the present regulation may be amended, without adversely affecting safety, to permit an airplane to be taken off for a flight over water more than 30 minutes flying time or 100 nautical miles from the nearest shoreline with only one (instead of two) operable HF transmitters and only one (instead of two independent) operable HF receiver for communication, if the airplane has two operable VHF receivers and two operable VHF transmitters for communications.

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

In consideration of the foregoing, it is proposed to amend § 91.191 of the Federal Aviation Regulations: By amending the lead-in portion of paragraph (a), and by adding a new paragraph (d), to read as follows:

**§ 91.191 Radio equipment for overwater operations.**

(a) Except as provided in paragraphs (c) and (d) of this section, * * *

* * * * *

(d) Notwithstanding the provisions of paragraph (a) of this section, when both VHF and HF communications equipment are required for the route and the airplane has two VHF transmitters and two VHF receivers for communications, only one HF transmitter and one HF receiver is required for communications.

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

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

[FR Doc.73-13002 Filed 6-27-73;8:45 am]

## ATOMIC ENERGY COMMISSION

### [ 10 CFR, Part 20 ]

### STANDARDS FOR PROTECTION AGAINST RADIATION

#### Personnel Monitoring Reports

On December 19, 1968, the Atomic Energy Commission published amendments to 10 CFR, part 20 of its regulations, incorporating requirements regarding annual reports by licensees of personnel monitoring information in connection with those licensed activities defined in § 20.407(a) and reports by such licensees of exposure information obtained during employment or work assignment at the licensee's facility upon termination thereof (§ 20.408). The requirements of § 20.407 apply to four categories of licensees and involve annual reporting of (1) either the total number of individuals for whom personnel monitoring was required under specified sections of the regulations, or the total number of individuals for whom personnel monitoring was provided during the calendar year; and (2) the personnel monitoring information recorded for each individual for whom such monitoring was required, if the recorded annual total exceeds the applicable quarterly limit, and identification of the individual involved. When an individual terminates employment with a licensee in one of the specified categories or completes a work assignment in such a licensee's facility, the licensee is required by § 20.408 to report to the individual and the AEC, the recorded information regarding the individual's exposure to radiation and radioactive material during the period of employment or work assignment in the licensee's facility.

The provisions of § 20.407(b)(2) require reporting, for adults, of recorded whole body exposures that exceed 1.25 rems per year. The data do not, because of this exposure level cutoff on reported information, permit meaningful estimation of the total exposures to all workers (man-rems) within these categories of licensed operations. If additional data were available indicating the distribution of individual exposures, without identifying particular individuals, a better evaluation of current occupational exposure experience would be possible.

This proposed amendment to § 20.407 would delete the present requirement for annual reporting of personnel monitoring information for particular identified individuals. It would require instead that these categories of licensees submit an annual statistical summary report of the personnel monitoring information recorded during the preceding calendar year for the population of individuals for whom personnel monitoring was provided under § 20.202(a), 10 CFR, part 20, or § 34.33(a), 10 CFR, part 34. Data would be reported as the number of individuals whose estimated annual exposure is in each of several exposure ranges.

This proposed amendment would not change requirements regarding the provision of personnel monitoring equipment to individuals in restricted areas, or the individual personnel monitoring information to be recorded by a licensee.

Since the Commission's radiation records repository began operation, a substantial body of data on recorded exposures of identified individuals has been accumulated, both under the requirements of § 20.407 and under the termination report requirements of § 20.408. Although the proposed amendment to § 20.407 would no longer require annual reporting of individual personnel monitoring information, data on individuals would continue to be received by the repository under the requirements of § 20.408. These reports would continue to provide personnel monitoring information for both short-term employees, so-called transient workers, and long-term employees.

The Commission recognizes the limitations of monitoring devices and the possible differences between data obtained from routine monitoring programs and the actual doses received by radiation workers. However, it has every reason to believe that adequate personnel monitoring measurements sufficiently characterize the radiation environment in which the individual works to provide an adequate basis for radiation protection evaluation purposes. It is not the intent of the proposed amendment to acquire increased sensitivity or accuracy of monitoring devices. Rather, the Commission desires to obtain an annual summary of the data actually being recorded by these categories of licensees on form AEC–5, or equivalent, pursuant to § 20.401.

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 amendment to 10 CFR, part 20 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 August 13, 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.

1. In 10 CFR, part 20, § 30.407 is amended to read as follows:

**§ 20.407 Personnel exposure and monitoring reports.**

(a) This section applies to each person licensed by the Commission to:

(1) Operate a nuclear reactor designed to produce electrical or heat energy pursuant to § 50.21(b) or § 50.22 of this chapter of a testing facility as defined in § 50.2(r) of this chapter;

(2) Possess or use byproduct material for purposes of radiography pursuant to parts 30 and 34 of this chapter;

(3) Possess or use at any one time, for purposes of fuel processing fabrication, or reprocessing, special nuclear material in a quantity exceeding 5,000 grams of contained uranium-235, uranium-233, or plutonium or any combination thereof pursuant to part 70 of this chapter; or

(4) Possess or use at any one time, for processing or manufacturing for distribution pursuant to part 30, 32, or 33 of this chapter, byproduct material in quantities exceeding any one of the following quantities:

| Radionuclide: [1] | *Quantity in curies* |
|---|---|
| Cesium-137 | 1 |
| Cobalt-60 | 1 |
| Gold-198 | 100 |
| Iodine-131 | 1 |
| Iridium-192 | 10 |
| Krypton-85 | 1,000 |
| Promethium-147 | 10 |
| Technetium-99m | 1,000 |

[1] The Commission may require, as a license condition, or by rule, regulation or order pursuant to § 20.502, reports from licensees who are licensed to use radionuclides not on this list, in quantities sufficient to cause comparable radiation levels.

(b) Each person described in paragraph (a) of this section shall, within the first quarter of each calendar year, submit to the Director of Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, a statistical summary report of the personnel monitoring information recorded by the licensee pursuant to § 20.401 during the preceding calendar year, stating the total number of individuals for whom personnel monitoring was provided under § 20.202(a) or § 34.33(a) of this chapter, and the number of individuals whose recorded annual whole body exposure was in each of the following estimated exposure ranges:

| Estimated whole body exposure range (Rems)[1]: | *Number of individuals in each range* |
|---|---|
| Less than 0.1 | |
| 0.1 to 0.25 | |
| 0.25 to 0.5 | |
| 0.5 to 0.75 | |
| 0.75 to 1 | |
| 1 to 2 | |
| 2 to 3 | |
| 3 to 4 | |
| 4 to 5 | |
| 5 to 6 | |
| 6 to 7 | |
| 7 to 8 | |
| 8 to 9 | |
| 9 to 10 | |
| 10 to 11 | |
| 11 to 12 | |
| 12+ | |

[1] Individual values exactly equal to the values separating exposure ranges shall be reported in the higher range.

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

Dated at Germantown, Md., this 20th day of June 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
*Acting Secretary of the Commission.*

[FR Doc.73-12814 Filed 6-27-73;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Part 73 ]

[Docket No. 19571; FCC 73-680]

### STEREOPHONIC FM BROADCASTING

#### Transmission of Pilot Subcarrier; Restriction; Termination of Rulemaking

*Report and order.* In the matter of amendment of Part 73 of the Commission's rules and regulations to restrict transmission of the stereophonic pilot subcarrier by FM stations during periods of monophonic program transmission. Docket No. 19571.

1. In a notice of proposed rulemaking in this proceeding, adopted August 9, 1972 (37 FR 20184) (FCC 72-721) the Commission proposed an amendment to § 73.297 of its rules and regulations, which, with respect to those FM broadcast stations equipped for stereophonic broadcasting would prohibit transmission of the pilot subcarrier by such stations for continuous periods of operation with monophonic program material in excess of five minutes. It was suggested that interspersed segments of monophonic material, such as voice announcements, presented no problem, whereas long periods of monophonic programming in the stereo transmission mode could be misleading to the listener, and constituted less than full use of the broadcaster's facilities, since the coverage of the station, with monophonic programming, is reduced to that obtainable with stereo transmission.

2. As extended by our order of September 19, 1972, the deadlines for filing comments and reply comments in this proceeding were October 13, 1972, and October 24, 1972, respectively. Thirty-nine parties filed timely comments. PSA Broadcasting, Inc., and California Broadcasters Association filed late comments accompanied by petitions requesting their acceptance. Their petitions are granted and the comments have been considered in arriving at this decision. While the filings of Nassau Broadcasting Company and Harvard Radio Broadcasting Company, Inc., were also tardy, in this particular instance their acceptance and consideration have been feasible without the introduction of additional delay in the progress of the proceeding. One reply comment was filed.

3. The parties who filed comments and reply comments are as follows:

Peninsula Broadcasting Corp. (KPEN(FM))
Cosmopolitan Broadcasting Corp. (WHBI)
Southern Broadcasting Co.
222 Corporation (WCKW)
WCLV
FM Broadcasting Corp. (WHLI-FM)
Wake Forest University (WFDD-FM)
Rice County Broadcasting Co., Inc. (KLOQ)
The Pueblo Stereo Broadcasting Corp. (KVMN-FM)
WMRY Radio
Paul F. Burns
Carter Publications, Inc. (WBAP-FM)
National Association of Broadcasters (NAB)
Manhattan Broadcasting Co., Inc. (KMKP)
Metromedia, Inc.
Charlottesville Broadcasting Corp. (WQMC)
University of Missouri
Columbia Broadcasting System, Inc. (CBS)
Lunde Corp. (KLFM)
Temple University (WRTI(FM))
National Public Radio (NPR)
Carroll County Broadcasting Corp. (WTTR-FM)
Brown Broadcasting Service, Inc. (WBRU (FM))
Charles River Broadcasting Co. (WCRB(FM))
Pacific and Southern Co., Inc.
Iowa State University of Science and Technology (WOI-FM)
National Association of FM Broadcasters (NAFMB)
National Broadcasting Co., Inc. (NBC)
VIP Broadcasting Corp. (WVIP-FM)
Multimedia, Inc. and Newhouse Broadcasting Corp.
Texas Coast Broadcasters, Inc. (KQUE/KAYD)
Rust Communications Group, Inc.
WTFM, Inc.
Chronicle Broadcasting Co. (KRON-FM)
Wometco Skyway Broadcasting Co. (WLOS-FM)
Darrell K. Burns
Great Northern Broadcasting System, Inc. (WLDR(FM))
Broadcast-Plaza, Inc. (WTIC-FM)
Fetzer Broadcasting Co. (WJFM(FM))
Nassau Broadcasting Co.
PSA Broadcasting, Inc.
Harvard Radio Broadcasting Co., Inc. (WHRB-FM)
California Broadcasters Association
Nationwide Communications, Inc. (WNCI (FM)) (Reply Comment)

All comments have been fully considered in arriving at a decision in this proceeding.

#### Summary of Comments

4. With a very few exceptions, the parties are opposed to the adoption of the rule, amended as proposed. A number would find it acceptable if the period of permissible monophonic programming in the stereo mode were extended—suggested periods are ten minutes, fifteen minutes, or one-half hour—or if the restriction were applied only with respect to musical programs. It is contended that the five minute limitation on monophonic programming in the stereo transmission mode is insufficient to accommodate many of the[1] monophonic (usually speech) program segments normally included in the broadcast of stations whose programming is predominantly stereophonic, and that inadequate flexibility is afforded for unscheduled programs such as special newscasts. There were several suggestions that, in lieu of a rule in the form proposed, we require an announcement periodically that certain of the programs or selections broadcast over the preceding period were in monophonic sound.

5. Generally, however, the consensus is that the rule is not only unnecessary, but its implementation would create annoyance and dissatisfaction on the part of the listener outweighing any benefit he might obtain from the identification of monophonic programming and impose a burden on the broadcaster so substantial that, in net effect, it will tend to discourage the news, public affairs, and other non-entertainment programming which the Commission has found to be in the public interest, or, alternatively, to engender undesirable operating practices.

6. The rule is held to be unnecessary because listeners are sufficiently sophisticated that they do not expect speech, which is the obvious and predominant source of monophonic programming, "in stereo", even though transmitted and received in the stereo mode. It is maintained that there has been a complete absence of listener complaints to the many stations which adhere to this practice. On the other hand, listeners do object when stations change intermittently between stereophonic and monophonic transmission. It is pointed out that each time the station reverts to monophonic transmission, at least with many stereo generators, an undesirable increase in the volume of the received program results. Of more serious consequence, is the effect on the many receivers which can be switched to operate in a "stereo only" mode. These receivers, when operated in this manner, will reject any monophonic signal. Thus, each time a stereo station changes to monophonic transmission, such a receiver, tuned to this station is muted. Not only can this be highly annoying to the listener and detrimental to the station, whose transmissions will be rejected, but, some of the parties contend, on occasion may be dangerous—for instance, listeners may fail to receive an urgent weather warning.

7. The burden on the station operator in complying with such a rule, it is claimed, is substantial. He is already charged with the responsibility of monitoring various operating parameters, and is usually engaged in programming duties of various kinds, and must remember to switch between stereo and monophonic operation at the proper times. He may forget to switch to mono, when required, thus subjecting the station to Commission sanction, or he may fail to restore stereo transmission when the program material is stereophonic. The switching itself may involve difficulties if the station is automated or operated by remote control. Furthermore, the operator may have difficulty in determining which of various selections included in program material prerecorded by others are stereophonic.

8. In the latter connection, National Public Radio is of the opinion that before the Commission can equitably and intelligently undertake to enforce a rule such as it has proposed, it will be necessary for it to define in the rules just what is

[1] The pilot subcarrier is transmitted, of course, only when the station is switched for stereophonic transmission. In the review of the comments and in the subsequent discussion it is found convenient to compare operation in the "stereophonic transmission mode" with operation in the "monophonic transmission mode", rather than to consider conditions with the pilot subcarrier "on" or "off".

meant by stereophonic programming—noting the availability and use of program material originally monophonically recorded, which has been rerecorded with revereberation, frequency separation and phase shift techniques to produce pseudo-stereo effects.

9. It is suggested that some broadcasters might find compliance with such a rule so onerous that they would seek to mitigate its impact by increasing the percentage of stereo programming at the expense of news and public affairs programs, which are almost entirely talk programs, and are accordingly, monophonic. This may be true particularly of public service programs such as church services which are obtained "live" by remote pickup. These programs, although they might be susceptible to stereophonic transmission, are relayed to the station monophonically for reasons of convenience and economy. Alternatively, at least with respect to locally produced programs of this nature, they might seek technical compliance with the rule by, for instance, using two microphones, for a single announcer and feeding the output of each into the left and right channel inputs, respectively. This expedient is held to be undesirable on two counts—received in stereo a movement of the speaker's head toward one or the other microphone causes an annoying shift in his apparent position at the receiving location and, when the program is received monophonically, partial phase cancellation occurs which can reduce the intelligibility of the program material.

10. Finally, it is contended that the more extensive coverage which the station sacrifices when it provides monophonic programming in the stereo mode as compared to monophonic transmission is not an important consideration. The gain during monophonic transmission is apparent only in fringe areas, and the better service to listeners in these areas is not reliable, since it deteriorates each time the station reverts to its predominantly stereo mode of operation.

### Discussion and Decision

11. The informal policy which the Commission established a number of years ago concerning the transmission of stereo pilot subcarrier during periods of monophonic programming, which we have sought to formalize by the rule amendment proposed in this proceeding, when viewed in the light of the rather comprehensive exposition of the present operating practices and problems of FM stereo broadcasting presented in the comments herein, must be considered as an unnecessarily restrictive means for reaching our principal objective—to preclude extensive periods of monophonic programming in the stereo transmission mode by a station without adequate notice to the listener that the programming is in fact monophonic.

12. We are persuaded to this view, even though we are of the opinion that a number of adverse effects cited by the parties as eventuating should the rule be adopted would not, in fact, be as severe as they predict. For instance, the most frequently mentioned impediment to its effective implementation is the use by the general public of many receivers which may be operated in a "stereo only" mode. When utilized in this mode, such a receiver delivers no sound if tuned to a monophonic transmission. Accordingly, if a station programming and transmitting normally in stereo were required to change to monophonic transmission for each period of monophonic programming a receiver tuned to its signal would be periodically muted—obviously an undesirable situation both for the listener and for the station. However, it should be noted that the "stereo only" mode of operation is offered as an additional feature on the more elaborate receivers. All of these receivers, it is believed, are capable of operating in the normal stereo mode, in which each station's programs are reproduced whether its transmissions are stereophonic or monophonic. Should it become the universal and required practice for all stereo stations to utilize monophonic transmission during periods of monophonic programming, we believe that listeners would soon learn that they must avoid the "stereo only" settings of their receivers if they wished to receive uninterrupted service from each FM station.

13. Also, we are convinced that the operating problems which are cited as burdening the station licensee could be alleviated through the employment of comparatively simple systems for automatic or semi-automatic stereo/mono switching, should the need arise.[2]

14. Therefore, we are not convinced that the effects of the rule which has been proposed would be so burdensome and otherwise undesirable as to lessen substantially the incentive and capability of the broadcaster to present the kinds of programs, such as public affairs and news usually monophonic in nature, whose broadcast we have held to be in the public interest. Nevertheless, while we believe the parties in the interest of vigorous advocacy, may have over emphasized the problems which adoption of the rule would engender, their presentations have caused us to review the basic premises on which the rule was formulated, and to question whether there are positive benefits to be gained through its implementation are sufficient to outweigh such limitations on the broadcaster and may be imposed.

15. Assuming that the comments received are from parties who are a representative cross section of FM licensees whose stations are equipped for stereophonic transmission, the picture presented is of a group who value and promote their stations as "stereo" stations, and who utilize stereo program material to the extent that it is available. Thus, a high percentage of all musical programming is stereophonic; monophonic recordings (usually of an earlier era) are employed only when stereo versions are not available, and the airing of the monophonic material will provide listeners with a kind of musical fare they might otherwise be unable to enjoy. Speech, which includes newscasts, sports, and many public affairs programs, is, by its very nature, monophonic, and attempts to simulate stereophonic effects have been found to destroy its realism, or sometimes adversely affect its intelligibility. It is the practice of the majority of stereo stations, except for extended periods of monophonic programming, to broadcast all programs in the stereophonic transmission mode, not only because it is more convenient for them to do so, but, more importantly, because experience had demonstrated that this is the kind of operation which is most acceptable to the average listener. Many others, however, revert to monophonic transmission when monophonic programming is utilized for extended periods of time. It is the consensus that the frequent changing between monophonic and stereophonic transmission modes in accordance with the nature of the program material would cause far more audience dissatisfaction than is occasioned by present modes of operation. We will accept this evaluation of the situation, and, accordingly, will not adopt the rule, as proposed.

16. There remains the question of whether sufficient public benefit would accrue to justify the adoption of a modified rule intended to require monophonic transmission during continuous monophonic programming extending over considerable periods of time, such as a half hour, or more. After full consideration of the matter in the light of the comments received, we have concluded that this approach should be rejected. While we have adverted to the greater useful coverage of a station when operating in the monophonic mode, we recognize that, in practice, the gain is quite small, if it is assumed that, regardless of the mode of transmission, the receivers of listeners in fringe areas will be switched manually or automatically to receive the station's signals in the monophonic reception mode, in which the signal to noise ratio is optimum. Weighed against the comparatively small increase in coverage achieved through monophonic transmission (which, as the comments point out, would, in any event, be realized only intermittently, and could not be regarded as reliable service) is the possibility that some broadcasters, rather than reverting to monophonic operation for periods of nominally monophonic programming, may be encouraged to adopt various expedients to produce pseudo-stereo effects,

[2] Such a system, of course, could not be expected to differentiate between monophonic or stereophonic program material where the nature of the material was not obvious. However, as many of those commenting note, musical programming is predominantly stereo, while voice transmissions are almost entirely monophonic. A gross differentiation on this basis by automatic means, should easily be possible. Manual switching would become necessary only for extended periods of monophonic musical programming, or for those occasional talk programs (such as round table discussions) which would benefit from a stereophonic presentation.

a procedure which, while it might, on occasion, produce acceptable results, seems to us to be generally undesirable. In this connection, we recognize that, as the comments suggest, any rule of the nature proposed, if it is to be enforced effectively and equitably, must be supported by other rules specifically defining monophonic and stereophonic programming. We do not reject this task as being unduly difficult; rather, we feel that our rules can do without the resulting complication.

17. While, therefore, we believe that good operating practice normally would dictate operation in the monophonic transmission mode for extended periods of monophonic programming, we will rely on each licensee to choose the mode of operation which its experience indicates will be the more acceptable to its listening audience. Thus, we will not establish a specific restriction on transmission of the stereophonic pilot subcarrier during periods of monophonic programming.

18. Accordingly, neither the amendment of the rules, proposed in this proceeding, nor any modification thereof, will be adopted.

19. *It is ordered*, That this proceeding is terminated.

Adopted: June 21, 1973.

Released: June 25, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[FR Doc.73-13053 Filed 6-27-73;8:45 am]

## FEDERAL HOME LOAN BANK BOARD

[No. 73-853]

### [ 12 CFR Parts 541, 545 ]

### FEDERAL SAVINGS AND LOAN SYSTEM

### Variable Interest Rate Mortgage Loans; Termination of Rulemaking Proceeding

JUNE 20, 1973.

The Federal Home Loan Bank Board by Document No. 72-893, dated July 28, 1972, proposed to amend Parts 541 and 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 541, 545) for the purpose of authorizing Federal savings and loan associations to make installment loans evidenced by loan contracts containing variable interest rate provisions. Notice of such proposed rule making was duly published in the FEDERAL REGISTER on August 11, 1972 (37 FR 16201), and interested persons were invited to submit written data, views and arguments as to whether it should be adopted, rejected or modified by September 11, 1972. This period for written comment was subsequently extended to October 16, 1972 (37 FR 18571).

The Board received a substantial volume of written comments from interested persons urging the Board to reject the proposal. The Board also received requests from members of Congress to delay final action on the proposal until such time as Congress could hold public hearings on it. The Board agreed to those requests.

In view of the fact that there has been a considerable lapse of time since the proposal was published and in view of the fact that congressional hearings on the proposal have not been scheduled, the Board considers it desirable to withdraw the proposal from consideration. In the event that the Board desires to reconsider the proposal at a later date, it will do so only after again publishing a notice of proposed rule making in the FEDERAL REGISTER for a public comment period of not less than 30 days, and participating in any congressional hearings on the proposal.

Accordingly, the Board hereby withdraws from consideration the amendments relating to variable interest rate mortgage loans proposed by said Document No. 72-893.

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

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
*Assistant Secretary.*

[FR Doc.73-13030 Filed 6-27-73;8:45 am]

[1] Commissioner H. Rex Lee concurring in the result; Commissioner Hooks absent.

# Notices

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

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

### GERMANIUM POINT CONTACT DIODES FROM JAPAN

#### Antidumping; Determination of Sales at Less Than Fair Value

Information was received on August 21, 1972, that germanium point contact diodes from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Assistant Secretary of the Treasury was published in the FEDERAL REGISTER of March 28, 1973 (38 FR 8072). The notice excluded germanium point contact diodes produced by Tokyo Shibaura Electric Co., Ltd. (Toshiba), of Tokyo, Japan, from the withholding. The exclusion was based on an examination of 100 percent of Toshiba's export sales during the period under consideration which revealed that the home market price of its merchandise was lower than the purchase price of such or similar merchandise in every instance. Toshiba is likewise excluded from this determination for the same reason.

I hereby determine that, for the reasons stated below, germanium point contact diodes from Japan are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

*Statement of reasons on which this determination is based.* The information currently before the Bureau of Customs indicates that the proper basis of comparison for fair value purposes is between purchase price and home market price of such or similar merchandise.

Purchase price was calculated on the basis of the f.o.b. or f.o.r. Japan price, with deductions, where applicable, for included inland freight and shipping charges.

Home market price was calculated on the basis of the weighted-average delivered customer's premises price with adjustments for differences in packing and credit costs and a deduction for inland freight, where applicable.

Using the above criteria, purchase price was found to be lower than the adjusted home market price of such or similar merchandise.

The United States Tariff Commission is being advised of this determination.

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] BRENT F. MOODY,
*Assistant Secretary of the Treasury.*

[FR Doc.73-13258 Filed 6-27-73;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Serial No. A 7315]

### ARIZONA

#### Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, Department of the Interior, has filed an application, Serial Number A 7315 for the withdrawal of United States mineral rights underlying approximately 8,453.74 acres of patented land from appropriation under the mining and mineral leasing laws, except leasing for oil and gas, and for the withdrawal of 716.77 acres of natural resource lands from all forms of appropriation under the public land laws including the mining and mineral leasing laws, except leasing for oil and gas. The natural resource lands involved will continue to be administered for other multiple resources, consistent with the proposed use of the applicant and best interest of the public.

The Bureau of Reclamation desires these lands to be used for right-of-way material sites, and side drainage control for the Salt-Gila and Tucson Aqueducts of the Central Arizona Project.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Arizona 85025.

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

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The surface rights of the following described lands are patented with a mineral reservation to the United States:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 1 N., R. 8 E.,
Sec. 31, lot 1, and SE¼NW¼.
T. 4 S., R. 9 E.,
Sec. 10, NE¼ and SE¼SW¼;
Sec. 22, NE¼NE¼, W½NE¼, NE¼SW¼, and SW¼SW¼;
Sec. 23, E½E½NE¼.
T. 5 S., R. 10 E.,
Sec. 5, lots 3 and 4, and SW¼NW¼;
Sec. 6, lots 6 and 7, E½SW¼, N½SE¼, and SW¼SE¼.
T. 6 S., R. 9 E.,
Sec. 4, lots 3, 5, 6 and 12.
T. 6 S., R. 10 E.,
Sec. 31, lots 1 and 2, E½, E½NW¼, and NE¼SW¼.
T. 7 S., R. 10 E.,
Sec. 4, SW¼NW¼, and SW¼;
Sec. 9, W½ and W½SE¼;
Sec. 15, SW¼NW¼, W½SW¼, and SE¼SW¼;
Sec. 21, E½;
Sec. 22, W½.
T. 8 S., R. 10 E.,
Sec. 10, lots 2, 3, and 4, SW¼NE¼ and S½NW¼;
Sec. 27, NE¼, E½NW¼, SW¼NW¼, N½SW¼ and NE¼SE¼;
Sec. 34, lots 3 and 4, NE¼, W½NE¼NW¼, SE¼NW¼, NE¼SW¼, and N½SE¼;
Sec. 35, lot 1, W½NW¼, and NW¼SW¼.
T. 10 S., R. 11 E.,
Sec. 31, lots 3 to 22, inclusive;
Sec. 33, lot 20;
Sec. 34, lots 9 to 20, inclusive;
Sec. 35, lots 1 to 20, inclusive.
T. 11 S., R. 11 E.,
Sec. 8, NE¼ and NE¼SE¼.
T. 12 S., R. 12 E.,
Sec. 10, S½NE¼, S½NW¼, and SE¼;
Sec. 11, SW¼;
Sec. 14, N½ and SE¼;
Sec. 15, N½NE¼ and SE¼NE¼;
Sec. 23, NE¼, N½SE¼, and SE¼SE¼;
Sec. 24, W½;
Sec. 25, NE¼, NE¼NW¼, and N½SE¼.
T. 12 S., R. 13 E.,
Sec. 30, lots 3 and 4, E½SW¼.

The above area aggregates approximately 8,453.74 acres.

The following described lands are natural resource lands (surface and minerals):

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 10 S., R. 11 E.,
Sec. 33, lots 5 to 19, inclusive;
Sec. 34, lots 5, 6, 7, and 8.

The above area aggregates approximately 716.77 acres.

Total aggregation of the lands described above is approximately 9,170.51 acres in Pinal and Pima Counties.

Dated: June 22, 1973.

JOE T. FALLINI,
*State Director.*

[FR Doc.73-13009 Filed 6-27-73;8:45 am]

### CALIFORNIA

#### Filing of State Protraction Diagram

JUNE 21, 1973.

Notice is hereby given that effective August 6, 1973, the following protraction diagram, approved April 18, 1973, is officially filed and of record in the California State Office, Bureau of Land Management, Sacramento, California. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM 173
(REVISED)

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 47 N., R. 2 E.,
Secs. 1, 2 and 3;
Sec. 4, E½SE¼;
Sec. 9, E½NE¼;
Sec. 10, N½, N½S½, SE¼SW¼, S½SE¼;
Sec. 11 to 14 inclusive;
Sec. 15, E½, E½W½;
Sec. 22, NE¼, NE¼NW¼, E½SE¼;
Sec. 23 and 24;
Sec. 25, excluding surveyed portions;
Sec. 26.
T. 48 N., R. 2 E.,
Sec. 14, SW¼SE¼, SW¼;
Sec. 15 to 22 inclusive;
Sec. 23, SE¼NE¼, W½E½, W½, E½SE¼;
Sec. 24, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 25, W½NE¼, SE¼NE¼, W½, SE¼;
Sec. 26 and 27;
Sec. 28, N½N½, S½NE¼, E½SE¼;
Sec. 29, N½N½, SW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 30, excluding surveyed portions;
Sec. 31, NE¼, E½NW¼, excluding surveyed portions, N½SE¼;
Sec. 32, W½NW¼, NW¼SW¼.
T. 47 N., R. 3 E.,
Sec. 5, NW¼NW¼, S½NW¼, SW¼, W½SE¼;
Sec. 6 and 7;
Sec. 8, W½NE¼, NW¼, S½;
Sec. 17 and 18;
Sec. 19 and 20, excluding surveyed portions.
T. 48 N., R. 3 E.,
Sec. 30, W½SW¼, SE¼SW¼;
Sec. 31, W½NE¼, SE¼NE¼, W½, SE¼;
Sec. 32, W½SW¼, SE¼SW¼.
T. 47 N., R. 4 E.,
Sec. 9, NE¼NE¼, S½NE¼, SE¼;
Sec. 10, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 11, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 14, W½;
Sec. 15;
Sec. 16, E½E½, W½NE¼.

Copies of this diagram are for sale at two dollars ($2.00) each by the Survey Records Office, Bureau of Land Management, Room E–2807, Federal Office Building, 2800 Cottage Way, Sacramento, California.

[SEAL] ELEANOR K. WILKINSON,
*Chief, Branch of Records and Data Management.*

[FR Doc.73–12985 Filed 6–27–73;8:45 am]

## CALIFORNIA

### Filing of State Protraction Diagram

JUNE 21, 1973.

Notice is hereby given that effective August 6, 1973, the following protraction diagram, approved April 18, 1973, is officially filed and of record in the California State Office, Bureau of Land Management, Sacramento, California. In accordance with Title 43, Code of Federal Regulations, the protraction will become the basic record for describing the land for all authorized purposes at and after 10 am of the above date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM 146
SAN CLEMENTE ISLAND

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 15 S., R. 14 W.,
Secs. 30 to 32 inclusive.
T. 16 S., R. 14 W.,
Sec. 6.
T. 14 S., R. 15 W.,
Secs. 31 and 32.
T. 15 S., R. 15 W.,
Secs. 4 to 10 inclusive,
Secs. 14 to 36 inclusive.
T. 16 S., R. 15 W.,
Secs. 1 to 5 inclusive,
Sec. 9.
T. 13 S., R. 16 W.,
Sec. 19,
Secs. 29 to 32 inclusive.
T. 14 S., R. 16 W.,
Secs. 4 to 10 inclusive,
Secs. 15 to 18 inclusive,
Secs. 20 to 23 inclusive,
Secs. 25 to 29 inclusive,
Secs. 32 to 36 inclusive.
T. 15 S., R. 16 W.,
Secs. 1 to 4 inclusive,
Secs. 10 to 15 inclusive,
Secs. 23 to 25 inclusive.
T. 13 S., R. 17 W.,
Secs. 13 to 15 inclusive,
Secs. 22 to 26 inclusive.
Sec. 36.
T. 14 S., R. 17 W.,
Sec. 1.

Copies of this diagram are for sale at two dollars ($2.00) each by the Survey Records Office, Bureau of Land Management, Room E–2807, Federal Office Building, 2800 Cottage Way, Sacramento, California.

[SEAL] ELEANOR K. WILKINSON,
*Chief, Branch of Records and Data Management.*

[FR Doc.73–12986 Filed 6–27–73;8:45 am]

## CALIFORNIA

### Filing of State Protraction Diagram

JUNE 20, 1973.

Notice is hereby given that effective July 31, 1973 the following protraction diagram, approved April 18, 1973, is officially filed and of record in the California State Office, Bureau of Land Management, Sacramento, California. In accordance with Title 43, Code of Federal Regulations, the protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM 81
(REVISED)

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 22 N., R. 1 E.,
Sec. 19, NW¼, S½;
Secs. 30 to 33 inclusive;
Sec. 34, NW¼, S½.
T. 22 N., R. 3 E.,
Secs. 1 to 36 inclusive.
T. 22½ N., R. 3 E.,
Secs. 19 to 36 inclusive.
T. 23 N., R. 1 E.,
Secs. 1 to 36 inclusive.
T. 23 N., R. 2 E.,
Secs. 1 to 15 inclusive,
Secs. 17 to 35 inclusive.
T. 23 N., R. 3 E.,
Secs. 1 to 36 inclusive.

Copies of this diagram are for sale at two dollars ($2.00) each by the Survey Records Office, Bureau of Land Management, room E–2807, Federal Office Building, 2800 Cottage Way, Sacramento, California.

[SEAL] ELEANOR K. WILKINSON,
*Chief, Branch of Records and Data Management.*

[FR Doc.73–13010 Filed 6–27–73;8:45 am]

[S 4721]

## CALIFORNIA

### Order Providing for Opening of National Resource Lands

JUNE 22, 1973.

In exchange of lands made under the provisions of Section 8 of the Act of June 28, 1934, as amended (48 Stat. 1272; 43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 10 N., R. SW.,
Sec. 3, E½SE¼SE¼SW¼.

The area aggregates 5 acres.

The lands are located in Sonoma County, California, and have values for wildlife habitat and recreation.

The mineral rights in the lands were reserved and are not affected by this order.

The lands shall be open to operation of the public land laws generally at 10 am on August 1, 1973, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Federal Building, Room E–2841, 2800 Cottage Way, Sacramento, California 95825.

WALTER F. HOLMES,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc.73–13028 Filed 6–27–73;8:45 am]

## Office of the Secretary

[Int Des 73–36]

### MANN ROAD PROPERTY ACQUISITION AND DEVELOPMENT

### Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed Mann Road Property acquisition and development project and invites written comments within forty-five (45) days of this notice. Comments from interested members of the public should be addressed to Regional

Director, Lake Central Region, Bureau of Outdoor Recreation, 3853 Research Park Drive, Ann Arbor, Michigan 48104.

The environmental statement considers the acquisiiton and development of approximately 167 acres of land located in Marion County seven miles southwest of Indianapolis, Indiana, along the White River. Acquisition and development will be by the Department of Parks and Recreation, City of Indianapolis, for open space and outdoor recreation purposes. The project consists of three units to be developed in phases, including a community park, expansion of an existing golf course, and a motorcycle park. The motorcycle park will be the first public park of its kind in the State of Indiana. The project will serve the entire Indianapolis metropolitan area as well as adjacent areas.

Copies are available for inspection at the following locations:

Bureau of Outdoor Recreation, Lake Central Region, 3853 Research Park Drive, Ann Arbor, Michigan 48104
Bureau of Outdoor Recreation, Division of State Programs, Department of the Interior, Washington, D.C. 20240
State Clearinghouse, Office of the Governor, 206 State House, Indianapolis, Indiana 46204
Regional Clearinghouse, Department of Metropolitan Development, Division of Planning and Zoning, 2041 City-County Building, Indianapolis, Indiana 46204

Copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the statement number above.

Dated: June 21, 1973.

JOHN M. SEIDL,
*Deputy Assistant Secretary of the Interior.*

[FR Doc.73-13001 Filed 6-27-73;8:45 am]

[Int Fes 73-30]

## PROPOSED LITTLE BLUE TRACE ACQUISITION

### Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Little Blue Trace Acquisition project. Notice of Availability of the draft environmental statement inviting comments for a 45-day period was announced in the FEDERAL REGISTER on January 30, 1973. (DES 73-2).

The environmental statement considers the acquisition of approximately 1,384 acres of land along the Little Blue River in Jackson County, Missouri. Acquisition will be by the Jackson County Park Department and will preserve a greenbelt along the river for public open space and recreation purposes, in addition to being a shaper of future urban growth in the Little Blue Valley. The project will serve the entire Kansas City metropolitan area.

Copies are available for inspection at the following locations:

Bureau of Outdoor Recreation, Lake Central Regional Office, 3853 Research Park Drive, Ann Arbor, Michigan 48104
Bureau of Outdoor Recreation, Division of State Programs, Department of the Interior, Washington, D.C. 20240
State Clearinghouse, Department of Community Affairs, 505 Missouri Boulevard, Jefferson City, Missouri 65101
Mid-America Regional Council, 20 West 9th Street, Third Floor, Kansas City, Missouri 64105

Copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the statement number above.

Dated: June 21, 1973.

JOHN M. SEIDL,
*Deputy Assistant Secretary of the Interior.*

[FR Doc.73-13000 Filed 6-27-73;8:45 am]

[Int Fes 73-31]

## PROPOSED NATIONAL FISHERY RESEARCH LABORATORY

### Notice of Availability of Final 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 final environmental statement for the relocation and expansion of the Bureau of Sport Fisheries and Wildlife's Fish Control Laboratory—to be known as the National Fishery Research Laboratory, La Crosse, Wisconsin—on a 61-acre site in the town of Campbell, La Crosse County, Wisconsin. The National Fishery Research Laboratory will do research in laboratories and ponds leading to the development of safe and effective chemical, biological, physical, and integrated controls for fish and sea lamprey.

Copies of the final statement are available for inspection at the following locations:

Fish Control Laboratories
Bureau of Sport Fisheries and Wildlife
P.O. Box 862
La Crosse, Wisconsin 54601
Bureau of Sport Fisheries and Wildlife
Federal Building
Fort Snelling
Twin Cities, Minnesota 55111
Bureau of Sport Fisheries and Wildlife
Office of Environmental Quality
Department of the Interior
Room 2246
18th and C Streets, NW.
Washington, D.C. 20240

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

Dated: June 21, 1973.

JOHN M. SEIDL,
*Deputy Assistant Secretary of the Interior.*

[FR Doc.73-12999 Filed 6-27-73;8:45 am]

## INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

### FREEMAN COAL MINING CO. AND ROCHESTER AND PITTSBURG COAL CO.

### Applications for Renewal Permits and 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. 20170, Freeman Coal Mining Company, Orient #6 Mine, USBM ID No. 11 00599 0, Waltonville, Illinois
Section ID No. 001 (Main East off Main North)
Section ID No. 023 (Main north)
Section ID No. 017 (Main South)
Section ID No. 038 (5 West off Main South)
Section ID No. 042 (4 East off MS)
Section ID No. 040 (6 West off MS)
Section ID No. 044 (7 West off MS)
Section ID No. 039 (14 South off ME)
Section ID No. 034 (7 South off ME)
Section ID No. 035 (6 South off ME)
Section ID No. 043 (16 South off ME)
Section ID No. 045 (18 North off ME)

(2) ICP Docket No. 20243, Rochester & Pittsburgh Coal Company, Emilie No. 1 & Mine, USBM ID No. 36 00821 0, Indiana, Pennsylvania
Section ID No. 001-0 (1 Left Mains)
Section ID No. 011-0 (3 South 1 Left)
Section ID No. 013-0 (2 Left Mains)
Section ID No. 019-0 (5 Butt 1 Left)
Section ID No. 022-0 (4 Butt 2 Left)
Section ID No. 025-0 (6 Butt 1 Left)
Section ID No. 027-0 (6 Butt 2 Left)
Section ID No. 028-0 (6 Butt 2 Left)
Section ID No. 029-0 (7 Butt 2 Left)

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
*Chairman, Interim Compliance Panel.*

JUNE 25, 1973.

[FR Doc.73-13006 Filed 6-27-73;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### HUMANELY SLAUGHTERED LIVESTOCK

### Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 391.1, the lists (38 FR 5124, 7822, and 13760) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as indicated in the following table listing species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

ESTABLISHMENTS SLAUGHTERING HUMANELY

| Name of establishment | Est. No. | Cattle | Calves | Sheep | Goats | Swine | Equines |
|---|---|---|---|---|---|---|---|
| Columbus Slaughtering & Processing | 6271 | (*) | | (*) | | (*) | |
| Smith-Wilson Meat Products, Inc. | E7766 | | | | | | (*) |
| Plainfield Packing Company | E8861 | | | | | | (*) |
| George's Meat Market | 9620 | | (*) | | | (*) | |
| New Establishments Reported: 4. | | | | | | | |
| Frosty Morn Meats, Inc. | 731 | (*) | (*) | | | | |
| Roland Packing Company | 6563 | | | (*) | | | |
| University of Kentucky—Meat Laboratory | 8013 | | | (*) | | (*) | |
| Species Added: 5. | | | | | | | |

Done at Washington, D.C., on June 22, 1973.

G. H. WISE,
*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc.73-12937 Filed 6-27-73;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[Docket No. FDC-D-641; NDA No. 16-865]

### EDISON PHARMACEUTICAL CO., INC.

### Notice of Opportunity for Hearing

On May 19, 1969, a new drug application (NDA 16-865) for the drug Co-Thyro-Bal was submitted by Edison Pharmaceutical Co., Inc., New York, N.Y., 10022. Co-Thyro-Bal is a lyophilized injectable for intravenous or intramuscular injection to be reconstituted with 3-5 cc of sterile water or normal saline. The active ingredients are sodium levothyroxine and cyanocobalamin (Vitamin $B_{12}$). Co-Thyro-Bal is indicated for the treatment of hypercholesterolemia in euthyroid patients with or without organic heart disease; for treatment of hypothyroidism with or without cardiac disease; and for patients who become thyrotoxic with other types of thyroid medication. The application was reviewed and found not approvable because the information presented was inadequate under section 505(b)(1)-(6) of the Federal Food, Drug, and Cosmetic Act. By letter dated December 1, 1969, the applicant was notified of this determination, the reasons therefore, and that the application was closed.

In June, 1972, pursuant to the suggestion in the opinion of the United States Court of Appeals for the District of Columbia, in Israel v. Baxter Laboratories, Inc., 466 F.2d 272 (C.A.D.C., 1972), the applicant requested that NDA 16-865 be re-activated and again reviewed. No additional data was submitted by the applicant.

After review by personnel unconnected with any previous review of any new drug application for Co-Thyro-Bal, NDA 16-865 was again found not approvable because the information presented is inadequate under section 505(b)(1)-(6) of the Act, 21 U.S.C. 355(b)(1)-(6), and the regulations promulgated pursuant to that section, 21 CFR 130.4. By letter dated January 26, 1973, the applicant was notified of this determination, the reasons therefore, and that the application was closed.

On February 15, 1973, the applicant requested an opportunity to file NDA 16-865 over protest, pursuant to 21 CFR 130.5(d). The application was subsequently re-evaluated by personnel unconnected with any previous review of any new drug application for Co-Thyro-Bal, and again found to be not approvable. By letter dated March 16, 1973, the applicant was notified of this determination.

Therefore, notice is given to the Edison Pharmaceutical Company, Inc., and any other interested person that the Commissioner of Food and Drugs proposes to issue an order refusing approval of new drug application 16-865 for the drug Co-Thyro-Bal, for the following reasons and upon the following grounds:

I. 21 U.S.C. 355(b)(1)-(6) sets forth what shall be submitted as part of a new drug application. The Commissioner proposes to issue an order refusing approval of NDA 16-865 in that the application fails to contain the information and data required by the statute, 21 U.S.C. 355(b) and by the form set forth in 21 CFR 130.4(c), as follows:

A. (1) The application fails to include sodium hydroxide under components and composition as required by 21 U.S.C. 355(b)(2) and (3); and (2) The application fails to include the components and composition of the diluent that is claimed to be packaged with the drug, as required by 21 U.S.C. 355(b)(2) and (3).

B. The Application fails to contain a full description of the methods, facilities, and controls used in manufacturing and packaging the drug as required by 21 U.S.C. 355(b)(4) and by 21 CFR 130.4(c), par. 8(i), (j), (k), (l) and (m) of the New Drug Application form.

C. 21 U.S.C. 355(b)(5) and 21 CFR 130.4(c), par. 9 of the New Drug Application form, require that samples of the drug be submitted. Applicant submitted no samples.

D. 21 U.S.C. 355(b)(6) requires that the applicant submit specimens of the labeling proposed to be used for such drug. The applicant submitted no labeling identifying the diluent.

II. The Commissioner further proposes to issue an order further refusing to approve new drug application 16-865 for the drug Co-Thyro-Bal on the grounds that such application is incomplete and inadequate in that:

A. The reports of investigation included with the application do not include adequate tests by all methods deemed reasonably applicable to show whether or not such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling, within the meaning of 21 U.S.C. 355(d)(1), in that:

(1) 21 U.S.C. 355(b)(1) states that full reports of investigations which have been made to show whether or not such drug is safe for use must be submitted with a new drug application. 21 CFR 130.4, par. 10(a) of the New Drug Application form provides that an application may be refused unless it contains full reports of adequate preclinical tests by all methods reasonably applicable to a determination of safety of the drug under the conditions of use suggested in the proposed labeling. The new drug application 16-865 for the drug Co-Thyro-Bal includes only one acute test in the male mouse. This test was inadequate in that:

(a) It was not specified whether the single component thyroxine and the combination of thyroxine and Vitamin $B_{12}$ were tested separately in the same vehicle (the diluent) as that used in Co-Thyro-Bal.

(b) Only one species was investigated. A total of three species, including a nonrodent, should be tested. Appraisal of the Safety of Chemicals in Foods, Drugs, and Cosmetics (Association of Food and Drug Officials of the United States 1959), p. 17. Paget, Methods in Toxicology (F. A. Davis, Philadelphia, 1970), Chapter III "Measurement of Acute Toxicity".

(c) Because of the possibility of a delayed effect, for either the hormone or the vitamin, the observation period of 72 hours is too brief; it should be extended to 14 days, which is the minimum observation period. Appraisal of the Safety of Chemicals in Foods, Drugs, and Cosmetics (Association of Food and Drug Officials of the United States 1959), p. 20. Paget, Methods in Toxicology

(F. A. Davis, Philadelphia, 1970), Chapter III "Measurement of Acute Toxicity".

(2) 21 CFR 130.4, par. 12(a) of the New Drug Application form provides that an application may be refused unless it contains full reports of adequate tests by all methods reasonably applicable to show whether or not the drug is safe for use as suggested in the labeling. The sponsor submitted five clinical studies based on the administration of Co-Thyro-Bal by five doctors in their own practices. All the studies involved concomitant use of oral thyroid and vitamin preparations in varying dosages. Not one of these five studies conforms to the principles set forth in 21 CFR 130.12(a)(5)(ii) defining an adequate and well-controlled clinical investigation within the meaning of 21 U.S.C. 355(d). Not one of these studies was controlled by the use of double-blind or randomization techniques. Because none of these studies were adequately controlled, neither the clinical nor the statistical significance of the reported results can be evaluated. Consequently, the data submitted do not substantiate the safety of Co-Thyro-Bal for the claimed indications of hypercholesterolemia and/or hypothyroidism nor does this data validate the safety of the dosage and its mode of administration for these same indications.

(3) There are no adequate and well-controlled studies establishing that each drug in this combination makes a contribution to the claimed effects of Co-Thyro-Bal or establishing that Co-Thyro-Bal is safe and effective for a significant patient population requiring such concurrent therapy.

B. The results of tests included in the application do not show that the drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling, within the meaning of 21 U.S.C. 355(d)(2) in that the clinical studies submitted were not adequate and well-controlled and therefore neither the clinical nor the statistical significance of the reported results can be evaluated. For this reason, the results do not substantiate the safety of the dosage and its mode of administration for the claimed indications of hypercholesterolemia and/or hypothyroidism.

C. The methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to preserve its identity, strength, quality, and purity, within the meaning of 21 U.S.C. 355(d)(3), in that:

(1) The application fails to include a description of the storage facilities of the applicant and a signed statement from Jason Laboratories and South Mountain Laboratories, Inc., fully describing, directly or by reference, the methods, facilities, and controls used in their part of the operations as required by 21 U.S.C. 355(b)(4) and by 21 CFR 130.4(c), par. 8(a), (b), (c), and (d) of the New Drug Application form.

(2) The application does not meet the requirements of 21 U.S.C. 355(b)(4) and 21 CFR 130.4(c), Par. 8(f) of the New Drug Application form, because it fails to contain a clear statement as to the actual suppliers of cyanocobalamin and sodium levothyroxine, and the specifications supplied by Glaxo Laboratories, Ltd. for these materials differ from those in the United States Pharmacopeia, 18th Revision (USP XVIII), pp. 153, 642, as well as from the prior revision, USP XVII, pp. 156, 622.

(3) The application fails to include adequate specifications for acceptance for each lot of the raw materials cyanocobalamin and sodium levothyroxine to assure their identity, strength, quality, and purity as required by 21 U.S.C. 355(b)(4) and 21 CFR 130.4(c), par. 8(d) of the New Drug Application form.

(4) The application fails to include full specifications for acceptance of each lot of the raw materials gelatin and sodium hydroxide. Specifications and tests for the raw materials calcium gluconate, methylparaben, and propylparaben do not include all of those in the applicable USP monographs: Calcium gluconate, USP XVII p. 92, USP XVIII p. 91; methylparaben, USP XVII p. 397, USP XVIII p. 430; propylparaben, USP XVII p. 537, USP XVIII p. 561. Adequate tests and specifications are required by 21 U.S.C. 355(b)(4) and 21 CFR 130.4(c), par. 8(d) of the New Drug Application form.

(5) Tests and specifications for the water for injection used in the manufacture of the drug are inadequate and do not include all of those in the USP monograph (USP XVII, p. 753; USP XVIII, p. 777) as required by 21 U.S.C. 355(b)(4) and 21 CFR 130.4(c), par. 8(d) of the New Drug Application form.

(6) The application fails to include a description of the sampling methods for all raw materials as required by 21 U.S.C. 355(b)(4) and 21 CFR 130.4(c), par. 8(d) of the New Drug Application form.

(7) The application does not specify which of the outside laboratories does the testing of the raw materials sodium hydroxide, gelatin, methylparaben, propylparaben, and water for injection as required by 21 U.S.C. 355(b)(4) and 21 CFR 130.4(c), par. 8(f) of the New Drug Application form.

(8) The application fails to include adequate specifications and laboratory test procedures to assure that the finished drug product conforms to appropriate standards of identity, strength, quality, and purity as required by 21 U.S.C. 355(b)(4) and 21 CFR 130.4(c), par. 8(n) of the New Drug Application form. A detailed description of the collection of samples was not included. The acceptance specifications for sodium levothyroxine do not conform to the ranges specified in USP XVII, p. 622, and USP XVIII, p. 642, in that they provide for use of material with a range of purity lesser than the range specified in the USP, and are therefore outside the acceptable ranges of purity. The assay method for sodium levothyroxine does not include the use of a blank determination so that the amount of iodine occurring in the environment and reagents can be subtracted from the amount found in the test sample, to given a true value. Acceptance specifications and a test method for weight variation were not provided.

(9) The application fails to contain the manufacturing controls information required by 21 U.S.C. 355(b)(4) and 21 CFR 130.4(c), par. 8 of the New Drug Application form for the diluent supposedly packaged with the drug.

(10) The application fails to contain a complete description of, and adequate data derived from, studies of the stability of the drug in support of the proposed expiration date as required by 21 U.S.C. 355(b)(4) and 21 CFR 130.4(c), par. 8(p) of the New Drug Application form. The application does not include stability information on the finished drug to assure that calcium gluconate and the preservatives will be effective for the expiration period proposed and it fails to include a description of the physical stability of the drug. Storage conditions, storage time, and initial assay results are not given for the two lots referred to under "Shelf Life". For sodium levothyroxine only one assay is reported for lot 6103 and none for lot 6276. The result of the assay for lot 6103 was 1.76 mg./vial or 88.2% of the labeled amount. This calculates to a label claim of 2 mg./vial. The composition given on the labeling calls for 0.5 mg./vial. It appears that the composition of lot 6103 is different than currently proposed in the New Drug Application for Co-Thyro-Bal and any results obtained on that lot are therefore not applicable to the drug which is the object of this new drug application. Furthermore, the result was obtained by a modification of the USP XVI method for sodium levothyroxine tablets. This procedure by itself is not acceptable for a stability determination, since it determines total iodine and would not necessarily detect decomposition of the hormone. The application does not state which of the USP XVII methods was used by Torigian Laboratories, Inc. for the "analysis for Vitamin $B_{12}$" reported in the application.

D. Upon the basis of information submitted as part of the application and upon the basis of other information that is available with respect to such drug, there is insufficient information to determine whether such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling, within the meaning of 21 U.S.C. 355(d)(4). Because the five clinical studies submitted were not adequate and well-controlled studies within the meaning of 21 U.S.C. 355(b)(6) and 21 CFR 130.12(a)(5)(ii), neither the clinical nor the statistical significance of the reported results can be evaluated. Therefore there is insufficient information to determine whether such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling.

E. Evaluated on the basis of information submitted and other information that is available with respect to the drug,

there is a lack of substantial evidence within the meaning of 21 U.S.C. 355(d) 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 proposed labeling as follows:

(1) 21 CFR 130.12(a)(5)(ii) sets forth the principles of an adequate and well-controlled clinical investigation within the meaning of the statute, and there is a total lack of scientific approach towards establishing the efficacy of Co-Thyro-Bal, as evidenced by a failure to conform with the principles set forth in 21 CFR 130.12(a)(5)(ii), in that:

(a) There are no well-controlled studies using blind and double-blind crossover and randomization techniques or any other kind of control specified in 21 CFR 130.12(a)(5)(ii), so that neither the clinical nor statistical significance of the reported results can be evaluated.

(b) Diagnostic criteria for patient selection were not clear, and included various chronic disease conditions.

(c) The patients received concomitant oral thyroid and vitamin preparations in varying dosage (Oxytropin, Lipotropin) throughout the investigation.

(d) Claims for clinical efficacy were related to relief of subjective symptoms, such as nervousness and weakness, which are difficult to evaluate by quantitative objective criteria.

(e) In view of known changes in cholesterol levels of up to 25 percent in association with variables such as diet, stress, and season, the data submitted regarding effects of Co-Thyro-Bal on cholesterol levels cannot be evaluated in the absence of controls.

(f) Rapid advances in the fields of lipid and thyroid metabolism in the past decade have resulted in more precise laboratory techniques for clinical diagnosis and evaluation of drug effects than those relied on in the reported investigations.

(2) Because the studies submitted cannot as a result of the serious deficiencies stated above be considered in any way "adequate and well-controlled" within the meaning of the statute and applicable regulations, the data submitted do not substantiate the effectiveness of Co-Thyro-Bal for the claimed indications of hypercholesterolemia and/or hypothyroidism. No data have been submitted to validate either the need for the drug under the stated circumstances or the effectiveness of the dosage and its mode of administration for these same indications.

(3) Available data are inadequate to justify the recommended high dose of 500–800 mcg. of Vitamin $B_{12}$, in view of the fact that the U.S. Recommended Daily Allowance for adults is 6 micrograms. 21 CFR 125.1(b) published in the FEDERAL REGISTER of January 19, 1973 (38 FR 2149)). When doses of 100 to 1000 mcg. are administered, 50 to 98 percent is excreted in the urine within 48 hours. Goodman & Gilman, The Pharmacological Basis of Therapeutics, p. 1425 (4th Ed., 1970).

(4) Further, the numerous listed deficiencies in chemical and manufacturing controls information which have characterized both the IND and NDA submissions cast further doubt on the reliability and significance of the reported clinical trials.

(5) There are no adequate and well-controlled studies establishing that each drug in this combination makes a contribution to the claimed effects of Co-Thyro-Bal or establishing that Co-Thyro-Bal is safe and effective for a significant patient population requiring such concurrent therapy.

(6) Adequate scientifically valid support has not been submitted for the rationale for the use of cyanacobalamin in this preparation for the stated indication of lowering serum cholesterol with this agent or agents.

F. Based on a fair evaluation of all material facts, the proposed labeling is false and misleading within the meaning of 21 U.S.C. 355(d)(6), as follows:

(1) The applicant has submitted only incomplete draft labeling. No labeling was submitted identifying the diluent. An application will not ordinarily be approved prior to the submission of the final printed label and labeling of the drug as required by 21 U.S.C. 355(b)(6) and 21 CFR 130.4(c), par. 4 of the New Drug Application form. Because of the incomplete nature of the labeling submitted, the Commissioner's comments are limited to a preliminary review; additional deficiencies may exist.

(2) The label does not contain the statement, "Caution: Federal law prohibits dispensing without prescription" as required by 21 U.S.C. 353(b)(1)(B), 353(b)(4), 352(f)(1) and 21 CFR 1.106(b)(2)(i).

(3) On the label, sodium hydroxide is neither declared quantitatively nor is its effect, to adjust pH, stated as required by 21 U.S.C. 352(f)(1) and 21 CFR 1.106(b)(2)(v)(c).

(4) The quantitative ingredient statement is not placed in direct conjunction with the proprietary name as required by 21 CFR 1.104(h)(1).

(5) The label does not state the route of administration or the recommended or usual dosage as required by 21 U.S.C. 352(f)(1) and 21 CFR 1.106(b)(2)(ii)(iii).

(6) The package insert does not state the date of issuance as required by 21 CFR 1.106(b)(5), does not indicate the location of the expiration date as required by 21 CFR 130.4(c), paragraph 8(p) of the New Drug Application form, and does not give the Zip Code with the address as required by 21 CFR 1.102b(d).

(7) In the package insert section on "Packaging", it is stated that "Co-Thyro-Bal is made in single dose ampules." This is in conflict with the manufacturing directions which call for stoppered multiple dose vials. It is also stated that ampules of diluent are included in the package, but the manufacturing information submitted fails to show that a diluent is packaged with the drug vials.

(8) Because of the deficiencies respecting stability as set forth above, the package insert section on "Shelf Life" cannot be properly evaluated.

Therefore, on the basis of the foregoing findings, the Commissioner proposes to issue an order refusing to approve NDA 16–865 for Co-Thyro-Bal.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant and any other interested person an opportunity for a hearing to show why new drug application 16–865 should be approved.

On or before July 30, 1973 the applicant and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of the applicant or any other interested person to file a written appearance of election within said 30 days will constitute an election by him not to avail himself of the opportunity for a hearing.

In lieu of a request for a hearing, the applicant may file with the Hearing Clerk (address given above) on or before July 30, 1973, a notice to withdraw the application pursuant to 21 CFR 130.8 or an amendment to the application pursuant to 21 CFR 130.7. Since any amendment would be substantive, the unamended application would be considered as withdrawn and the amended application would be considered resubmitted on the date on which the amendment is received.

If the applicant does not elect to avail himself of the opportunity to withdraw or amend the application, or if the applicant or any other interested person does not elect to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order refusing to approve the application.

If the applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before (July 30, 1973), a written appearance requesting the hearing, giving the reasons why approval of the new drug application should not be refused, together with a well-organized and full factual analysis of the data he is prepared to show in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data in the application and data submitted by the applicant or any other interested person, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes

refusal of approval of the application, the Commissioner will enter an order of refusal making findings and conclusions on such data.

If, upon the request of the new drug applicant or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

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

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

Dated: June 20, 1973.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[FR Doc.73-12767 Filed 6-27-73;8:45 am]

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## Health Services and Mental Health Administration

## HEALTH CARE FACILITIES SERVICE

### Notice of Proposed Revision of General Standards of Construction and Equipment for Hospital and Medical Facilities

Notice is hereby given that the "General Standards of Construction and Equipment for Hospital and Medical Facilities" (DHEW Publication No. (HSM) 73-4014) (formerly PHS Publication No. 930-A-7, revised February, 1969) is proposed for revision by the Administrator, Health Services and Mental Health Administration, with the approval of the Secretary of Health, Education, and Welfare. These standards are issued in accordance with section 603(b) of the Public Health Service Act, 42 U.S.C. 291c(b), and are incorporated by reference in 42 CFR 53.101(a).

The proposed revision includes the following changes:

1. The title has been changed from "General Standards of Construction and Equipment for Hospital and Medical Facilities" to "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities".

2. Requirements pertaining to the preparation of plans, specifications, site surveys, subsoil investigations, and cost estimates have been deleted, since these are covered in the technical manual issued by the Facilities Engineering and Construction Agency of the Department of Health, Education, and Welfare.

3. Emphasis has been directed to functional and performance requirements which promote good medical practices. Provision has been made to permit a waiver by the Secretary of specific requirements to permit innovations and improvements in design or construction techniques.

4. Special design requirements for the handicapped have been highlighted, in accordance with Public Law 90-480, 42 U.S.C. §§ 4151 et seq., relating to access to public buildings by handicapped persons.

5. In keeping with the DHEW position on maintaining conformity in requirements of departmental programs, construction and sprinkler standards have been revised in accordance with the Life Safety Code, NFPA Standard 101.

6. Specific detailed requirements have been outlined for intensive care (medical, surgical, or coronary) units in general hospitals.

7. Acceptable limits of sharing (common use) of services by surgical and obstetrical suites have been indicated. (Sharing of services in other areas is permitted if this does not affect patient care.)

8. A separate section dealing with the requirements for freestanding outpatient facilities has been developed.

9. The requirements for rehabilitation facilities have been reorganized, simplified, and consolidated into one section.

10. Requirements for the use of safe glazing products have been added in order to minimize hazard due to accidental breakage by pedestrian traffic.

11. Requirements relating to the amount of smoke generated by building insulation and interior finishes during a fire situation have been added.

12. Requirements to minimize hazards to occupants as a result of natural disasters such as earthquakes, hurricanes, or floods have been added. This includes a need for a self-sufficient emergency communication system.

13. Ventilation requirements for various hospital areas have been changed.

14. Requirements for oxygen systems and vacuum systems have been expanded and clarified.

15. Electrical installation requirements have been added in order to provide safety for electrically sensitive patients.

16. Various editorial and minor technical changes have been made.

Requests for copies of the proposed document containing such revisions should be directed to the Health Care Facilities Service, Health Services and Mental Health Administration, Department of Health, Education, and Welfare, room 9-45, 5600 Fishers Lane, Rockville, Md. 20852, Phone 301-443-2276.

Prior to adoption of the proposed revision, consideration will be given to any written comments, suggestions, or objections thereto which are submitted to the above address on or before August 13, 1973. Comments received will be available for public inspection at the above address from 8:30 a.m. to 5 p.m. on regular business days.

Dated April 23, 1973.

FREDERICK L. STONE,
*Acting Administrator, Health Services and Mental Health Administration.*

Approved June 18, 1973.

CASPAR W. WEINBERGER,
*Secretary.*

[FR Doc.73-12714 Filed 6-27-73;8:45 am]

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## Office of Human Development

## ADMINISTRATION ON AGING

### Evaluation Standards for Programs and Projects

Under section 207(b) of the Older Americans Act of 1965, as amended by the Older Americans Comprehensive Services Amendments of 1973 (PL 93-29), the Secretary of Health, Education, and Welfare must develop and publish general standards to be used in evaluating the programs and projects assisted under section 308 or Title IV of the Act. Such standards must be published before grants or contracts are made.

The standards set forth below are the implementation of this requirement. They apply to the following programs:

Model Projects Program (Section 308)
Training Programs (Title IV, Part A)
Research and Demonstration Projects (Title IV, Part B)
Multidisciplinary Centers of Gerontology (Title IV, Part C)

The standards will be used by the Administration on Aging in making grants and contracts under these programs; and are effective immediately.

The standards will be revised in light of experience and public comment, and interested persons are requested to address comments, criticisms, and suggestions regarding the standards to the Commissioner on Aging, Room 3089, Mary E. Switzer Building, 330 C Street, S.W., Washington, D.C. 20201. Such comments should be sent in time to reach the Commissioner's office within 60 days of the date of publication of this notice.

1. *Purposes of the standards.* These criteria are published to inform potential grantees and contractors of the standards which will be used to evaluate the programs and projects assisted under the following programs:

Model Projects Program (Section 308)
Training Programs (Title IV, Part A)
Research and Demonstration Projects, (Title IV, Part B)
Multidisciplinary Centers of Gerontology (Title IV, Part C)

The criteria will be used by the Administration on Aging (AoA), and it is recommended that they be employed by

States and communities in evaluating these projects and programs. Specifically, they will be the basis for national evaluations conducted under section 207(g) of the Older Americans Act.

Not all criteria will be used to evaluate each program or project. However, at least some of the criteria will be applicable to every project funded under the programs listed above.

Individual projects and programs will be evaluated as part of the overall effort under the Older Americans Act to improve the condition of the elderly. Individual projects and programs will be evaluated for the level of their contribution to the goals of the Older Americans Act.

2. *Criteria relating to all covered programs.*— (a) *Output goals.* Each project or program must have approved output goals for its own operations. Output goals state the expected results of the program, such as number of individuals trained, meals served, or specific elements of new and improved knowledge. Criteria relating to output goals are discussed under paragraph 3, Program efficiency.

(b) *Impact goals.* Impact goals will be developed by AoA for each program funded under the Act. These goals state the expected effects of outputs, e.g., improved health or nutrition for the elderly, more individuals working in programs for the elderly or more effective planning. Impact goals are discussed under paragraph 4, Program effectiveness.

3. *Program efficiency.* Program efficiency will be measured by the extent to which project output goals are met, and by the comparative costs for meeting comparable goals. Specifically, projects and programs will be evaluated against the following criteria:

(a) The extent to which the grantee or contractor meets or exceeds the output goals established by the program or project.

(b) The extent to which the cost of a program or project is consonant with its level of output when compared to other methods of achieving similar goals.

4. *Program effectiveness.* Measures of program effectiveness concern the extent to which the specific programs and projects will help to meet national goals and objectives. The effectiveness criteria are based on the purposes stated in Title I of the Older Americans Act, as amended and Title I of the Older Americans Comprehensive Services Amendments of 1973. Specifically, projects and programs will be evaluated against the following criteria:

(a) The extent to which the program or project contributes to the development or capability of comprehensive programs which approach a full range of health, education, and social services to older citizens who need them.

(b) The extent to which the program or project increases national and local capability to give full and special consideration to older citizens with special needs in the planning, development and operation of service delivery programs.

(c) The extent to which the program or project improves capacity for priority setting to insure the delivery of services to citizens with the greatest economic and social needs until such services are available to all elderly.

(d) The extent to which the program or project helps lead to the coordinated delivery of a full range of services to older citizens including, where applicable, meaningful employment opportunities for many individuals including older persons, young persons and volunteers from the community.

(e) The extent to which the program or project develops or provides resources and techniques for insuring that the planning and operation of comprehensive programs will be undertaken as a partnership of older citizens, community agencies, State and local governments and other members of the community with appropriate assistance from the Federal Government.

5. *Criteria for model projects program.* Each model project will be evaluated against the following criteria:

(a) The extent to which the project strengthens State, regional (intra-State), metropolitan area, county, city or community capacity for planning and coordinating programs.

(b) The extent to which the project suggests and develops innovations and improvements in programs, institutional practices, laws, and regulations which will improve the status of the elderly.

(c) The extent to which the project broadens the base of human and material resources invested by the community in activities which aid the elderly.

(d) The extent to which the project organizes or influences the organization of services needed by the elderly so that they will be more effectively delivered and more easily available.

(e) The extent to which the project or program increases the capability of service providers to meet specific needs, such as: transportation, housing, continuing education, preretirement planning and the needs of the physically and mentally impaired.

6. *Criteria for training.* The criteria for the success of the training programs supported under Title IV of the Older Americans Act are based upon the goals for the program described in sections 401, 403, and 404 of the Act. Specifically, training programs will be measured against the followipg criteria:

(a) The extent to which the program contributes to the provision of a broad range of quality training and retraining opportunities responsive to changing needs of programs in the field of aging.

(b) The extent to which the program attracts additional people into the field of aging.

(c) The extent to which the program helps to make personnel training programs more responsive to the need for trained personnel in the field of aging.

(d) The extent to which the program results in educational institutions at all levels providing increased training opportunities in the field of aging.

7. *Criteria for research and development projects.* The criteria for evaluating research and development grants and contracts concern both the quality and relevance of a research, development or demonstration project and the degree of utilization of the project's results. Specifically, R&D projects will be measured against the following criteria:

(a) The extent to which the project generates information on the current patterns and conditions of living of older persons and on their effect on wholesome and meaningful living for such persons.

(b) The extent to which the project develops or demonstrates new approaches, techniques, and methods which hold promise of a substantial contribution toward wholesome and meaningful lives for older persons.

(c) The extent to which the project develops or demonstrates approaches, methods and techniques for achieving or improving coordination of community services for older persons.

(d) The extent to which the project evaluates approaches, techniques and methods which may assist older persons to enjoy wholesome and meaningful lives and to contribute to the strength and welfare of the United States.

(e) The extent to which findings can be used to improve projects and programs by researchers, individuals conducting demonstrations, and those operating projects and programs to serve the elderly.

(f) The extent to which the results of R&D projects can be used for improved planning, decision making and policy making in programs for the elderly.

(g) The extent to which research and demonstration projects use standardized methods for collecting both cost data and estimates of physical and mental conditions so as to permit comparisons among projects and with other findings.

8. Criteria for multidisciplinary centers of gerontology. Multidisciplinary centers of gerontology will be evaluated against the same criteria for R&D and training activities as independent programs and projects. (See paragraphs 6 and 7). In addition, the centers will be measured against the following criteria:

(a) The extent to which the center performs the full range of activities described in section 421 of the Act.

(b) The extent to which the center increases the use of information on aging in the teaching of biological, behavioral, and social sciences at colleges or universities.

(c) The extent to which the center provides useful consultation to public and voluntary organizations with respect to the needs of older people and in planning and developing services for the elderly.

(d) The extent to which the center creates opportunities for innovative, multidisciplinary efforts in teaching, re-

search, and demonstration projects with respect to aging.

Effective date: June 28, 1973.

Dated: June 25, 1973.

FRANK CARLUCCI,
*Acting Secretary.*

[FR Doc.73-13043 Filed 6-27-73;8:45 am]

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## Office of the Secretary

## OFFICE OF GENERAL COUNSEL

### Statement of Organization, Functions, and Delegations of Authority

The statement of organization, functions, and delegations of authority of the Department, chapters 2-300, 2-310 and 2-320 thereof entitled "Office of the General Counsel", "Immediate Office of the General Counsel", and "Divisions in the Office of the General Counsel" respectively, are hereby revised to combine the three chapters into a new chapter 1S entitled "Office of the General Counsel"; to reflect the change in the name of three Divisions to "Food and Drug Division", "Public Health Division", and "Human Resources Division"; and to reflect the present duties of the various divisions of the Office of the General Counsel. The new chapter reads as follows:

Sec. 1S-00 *Mission.* The General Counsel, as special advisor to the Secretary on legal matters, is responsible for providing all legal services and advice to the Secretary, Under Secretary, and all subordinate organizational components of the Department in connection with the operations and administration of the Department.

Sec. 1S-10 *Organization.* The Office of the General Counsel, under the supervision of a General Counsel, consists of:

1. The General Counsel
2. Immediate Office of the General Counsel
3. Ten Regional Attorneys [see Chapter 1S-80]
4. Divisions in the Office of the General Counsel

Sec. 1S-12 *The General Counsel.*

A. The General Counsel is directly responsible to the Secretary.

B. In the event of the General Counsel's absence or disability, or in the event of a vacancy in the position of General Counsel, the Deputy General Counsel acts for him.

C. In the event of the absence or disability of both the General Counsel and his Deputy, or in the event of vacancies in both positions a designated Assistant General Counsel acts for him.

D. Each division is under the general supervision of the General Counsel and the Deputy General Counsel and the immediate supervision of an Assistant General Counsel and Deputy Assistant General Counsel.

Sec. 1S-14 *Immediate Office of the General Counsel.*

A. The Immediate Office of the General Counsel shall consist of:

1. General Counsel
2. Deputy General Counsel
3. Special Assistant to the General Counsel
4. Executive Assistant to the General Counsel

Sec. 1S-15 *Ten Regional Attorneys.* [see chapter 1S-80].

Sec. 1S-18 *Divisions in the Office of the General Counsel.*

A. The Divisions in the Office of the General Counsel are:

Business and Administrative Law Division
Civil Rights Division
Education Division
Food and Drug Division
Legislation Division
Public Health Division
Human Resources Division
Social Security Division

Sec. 1S-20 *Functions.* The General Counsel is authorized to promulgate such directives, in accordance with established procedures, as are necessary to carry out the responsibilities assigned. The Office of the General Counsel is responsible for:

1. Furnishing all legal services and advice to the Secretary, Under Secretary, and all offices, branches, or units of the Department in connection with the operations and administration of the Department.

2. Furnishing legal services and advice on such other matters as may be submitted by the Secretary, the Under Secretary, and any other person authorized by the Secretary to request such service or advice.

3. Representing the Department in all litigation when such direct representation is authorized by law, and in other cases making and supervising contacts with attorneys responsible for the conduct of such litigation.

4. Performing all liaison functions in connection with legal matters involving the Department, and formulating or reviewing requests for formal opinions or rulings by the Attorney General and the Comptroller General.

5. Drafting all proposals for legislation originating in the Department and reviewing all proposed legislation submitted to the Department or to any operating agency of the Department for comment preparing reports and letters to congressional committees, the Office of Management and Budget, and others on proposed legislation; prescribing procedures to govern the routing and review, within the Department, of material relating to proposed Federal legislation.

6. Performing liaison functions with the Office of the Federal Register, National Archives and Records Service.

7. Generally supervising all legal activities of the Department and its operating agencies and directing the activities of the legal staff in the field.

Section 1S-21 *Immediate Office of the General Counsel.*

A. The General Counsel:

1. Is responsible to and serves as Special Advisor to the Secretary on legal matters in connection with the administration of the Department.

2. Exercises general direction and supervision over all legal activities carried on by the Department.

B. The Deputy General Counsel assists the General Counsel in the carrying out of his responsibilities and performs such duties as the General Counsel prescribes.

C. The Assistants to the General Counsel assist the General Counsel and the Deputy General Counsel in carrying out their professional and managerial responsibilities.

Sec. 1S-22 *Divisions in the Office of the General Counsel.*

A. The Divisions in the Office of the General Counsel have the following responsibilities:

1. *Business and Administrative Law Division.* The Business and Administrative Law Division shall be responsible for:

a. Legal services on business management activities and administrative operations throughout the Department, including procurement, contracting, personnel, patents, copyrights, budget, appropriations, employment, compensation, travel, and claims by and against the Department.

b. Legal services for the Department's surplus property, civil defense, and security programs.

c. Liaison with the Comptroller General.

d. Legal services under the National Environmental Policy Act.

e. Liaison with the Department of Justice on administration of the Freedom of Information Act.

f. Counseling employees who request advice on or interpretation of standards of conduct.

2. *Civil Rights Division.* The Civil Rights Division shall provide legal services for the Office for Civil Rights.

3. *Education Division.* The Education Division shall provide legal services for programs administered by the Office of the Assistant Secretary for Education, the Office of Education and the National Institute of Education.

4. *Food and Drug Division.* The Food and Drug Division shall provide legal services for programs administered by the Food and Drug Administration.

5. *Legislation Division.* The Legislation Division shall be responsible for:

a. Drafting all proposed legislation originating in the Department, reviewing specifications for such proposed legislation, and reviewing all proposed legislation submitted to the Department or to any constituent unit of the Department for comment.

b. Preparing or reviewing reports and letters to Congressional Committees, the Office of Management and Budget, and others on proposed legislation.

c. Reviewing proposed testimony of Department officials before Congressional Committees relating to pending or proposed legislation.

d. Acting as Department liaison with the Office of Management and Budget on legislative matters.

e. Prescribing procedures to govern the routing and review, within the Department, of material relating to proposed Federal legislation.

6. *Public Health Division.* The Public Health Division shall provide legal services for programs administered by the Assistant Secretary for Health, the National Institutes of Health, and the Health Services and Mental Health Administration of the Public Health Service.

7. *Human Resources Division.* The Human Resources Division shall provide legal services for programs administered by the Social and Rehabilitation Service and by the Office of Human Development.

8. *Social Security Division.* The Social Security Division shall provide legal services for programs administered by the Social Security Administration.

Sec. 1S–30 *Department Claims Officer.*

A. The Assistant General Counsel, Business and Administrative Law Division, or, in his absence or inability to act, the Deputy Assistant General Counsel, Business and Administration Law Division, is designated Department Claims Officer and is authorized:

1. As the designee of the Secretary for the purpose, to perform the duties and exercise the authority vested in him by

(a) the Federal Tort Claims Act (28 U.S.C. 2671–2680) as amended and section 233(a)–(f) of the Emergency Health Personnel Act of 1970 (42 U.S.C. 233(a)–(f)).

(b) the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 240–243) as amended.

(c) the Federal Claims Collection Act of 1966 (31 U.S.C. 951–953) as amended, except with respect to erroneous payments under Titles II and XVIII of the Social Security Act.

(d) 5 U.S.C. 5584 authorizing waiver, in certain cases, of claims arising out of erroneous payments of pay to employees of the agency.

The authority to adjudicate claims arising under the statutes enumerated above has been redelegated to the Chief, Litigation and Claims Branch, Business and Administrative Law Division, by the Department Claims Officer.

2. To formulate, prescribe and issue rules, regulations, procedures and instructions for investigating, collecting evidence, reporting, processing, and otherwise handling throughout the Department, claims and situations out of which claims or suits may arise under the Statutes, and situations of the character contemplated by any law out of which claims or suits by the Government for damage to Government property may arise.

3. To arrange for the maintenance and control of the necessary files and records of such claims and situations.

4. To generally direct and coordinate the activities of the operating agencies and offices of the Department in carrying out the provisions of this section.

B. Any notice or writing, required by 28 U.S.C. 2675(b) to be served on the Department or on an operating agency or office, may be served on the Department Claims Officer.

C. The Department Claims Officer shall, as often as he deems proper but not less than once a year, submit to the Secretary a report of his activities pursuant to this section. Such report or reports shall include all of the data required by the Statutes to be reported by the Secretary to the Congress and may also include any accident trends, practices, procedures, or other circumstances, including the operation of safety programs, as evidenced by situations and claims which come to his attention in the performance of his duties and which may indicate the need for administrative action.

Sec. 1S–35 *Department Patent Officer.* The Assistant General Counsel, Business and Administrative Law Division is designated Department Patent Officer and is responsible for:

1. Patent Administration

a. Issuing patent administration procedures and recommending regulations for issuance by the Secretary.

b. Receiving reports of inventions by employees and holders of Department grants, fellowships, and contracts.

c. Issuing licenses to applicants under patent applications and patents owned by the Government as represented by the Department and accepting licenses issued to the Government as represented by the Department.

d. Maintaining records and documents incident to patent administration.

2. Legal Services

a. Rendering legal interpretations with respect to all patent matters within the Department.

b. Making patent determinations within the framework of existing law, regulations and policy.

c. Providing legal advice on patent matters to the Assistant Secretary for Health.

d. Furnishing legal counsel to the Department Patent Board.

e. Providing other legal services, such as conducting patent searches, filing and prosecuting patent applications, and drafting legal documents such as assignments and licenses incident to patent administration for which the Department has responsibility.

f. Maintaining liaison with other Federal departments and the public on legal matters in the administration of the Department's patent responsibilities.

Sec. 1S–40 *Delegation by the Secretary of Authority under Public Law 87–693 for Recovery of the Cost of Hospital and Medical Care and Treatment Furnished by the United States.* Pursuant to the authority contained in the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) as amended, and in accordance with the regulations of the Attorney General (28 CFR Part 43), the General Counsel is authorized, in connection with any claim for the recovery of the reasonable value of hospital and medical care and treatment furnished by this Department to (1) accept the full amount of a claim and execute a release therefor, (2) compromise or settle and execute a release of any claim, not in excess of $20,000, which the United States has for the reasonable value of such care or treatment, or (3) waive and in this connection release any claim, not in excess of $20,000, in whole or in part, either for the convenience of the Government, or if he determines that collection would result in undue hardship upon the person who suffered the injury or disease for which care and treatment were furnished, and (4) with the prior approval of the Department of Justice, compromise, settle, or waive any claim in excess of $20,000 and execute a release therefor.

Sec. 1S–41 *Redelegation by the General Counsel.* The authorities delegated to the General Counsel by Section 1S–40 have been redelegated to the Assistant General Counsel, Business and Administrative Law Division, and to the Chief, Litigation and Claims Branch.

Sec. 1S–42 *Redelegations by the Assistant General Counsel, Business and Administrative Law Division.* The authorities delegated to the Assistant General Counsel, Business and Administrative Law Division by section 1S–42 have been redelegated to the Regional Attorneys in each of the ten Regional Offices of this Department, with respect to claims for the recovery of the reasonable value of hospital and medical care and treatment furnished by this Department in the amount of $2,500.00 or less which have not been referred to the Department of Justivce for further action.

Dated: June 15, 1973.

S. H. CLARKE,
*Acting Assistant Secretary for Administration and Management.*

[FR Doc.73–13013 Filed 6–27–73;8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of Assistant Secretary for Housing Management

[Docket No. D–73–236]

### REGIONAL ADMINISTRATOR, PHILADELPHIA REGIONAL OFFICE, REGION III, ET AL.

### Redelegation of Authority With Respect to Major Disaster Relief

Section A. *Authority redelegated.* The Regional Administrator and the Deputy Regional Administrator, Philadelphia Regional Office, Region III; and the Director and the Deputy Director, HUD Scranton Special Recovery Office; pursuant to Public Law 91–606 (42 U.S.C. 4401), Executive Order 11575, and regulations of Office of Emergency Preparedness codified in 32 CFR Parts 1709 and 1710, as amended by 36 FR 1329, January 29, 1971, and as assigned by the Director of the Office of Emergency Preparedness, each is:

1. Authorized to utilize or lend the equipment, supplies, facilities, personnel and other resources of the Department in major disaster areas as provided by law and directed by the Director of OEP.

2. Designated a contracting officer and authorized to enter into and administer procurement contracts within major disaster areas under his jurisdiction, including the sale of emergency housing acquired pursuant thereto to occupants,

and to make related determinations except determinations under section 302 (c)(11), (12), and (13) of the Federal Property and Administrative Services Act (41 U.S.C. 252(c)(11), (12), and (13)), with respect to major disaster relief functions of the Department and as assigned by the Director, Office of Emergency Preparedness.

Sec. B. *Authority to redelegate.* The Regional Administrator and the Deputy Regional Administrator, Philadelphia Regional Office, Region III, and the Director and the Deputy Director, HUD Scranton Special Recovery Office, each is authorized to redelegate to employees of the Department any of the authority set forth in section A, 2.

Sec. C. *Authority excepted.* There is excepted from the authority redelegated in section A the power and authority to:

1. Establish the rate of interest on Federal loans and advances.

2. Issue notes or other obligations for purchase by the Secretary of the Treasury.

3. Sue and be sued.

4. Issue rules and regulations.

5. Exercise the powers and authorities under section 402(a) and under section 402(c) (1–7) of the Housing Act of 1950 (12 U.S.C. 1749(a) and 1749(c) (1)–(7)).

Sec. D. *Exercise of delegated authority.* The delegation of authority made under section A shall not be construed to modify or otherwise affect the administrative and supervisory powers of the Regional Administrator to whom a delegate is responsible. (Secretary's delegation of authority published at 37 FR 3376, Feb. 15, 1972)

*Effective date.* This redelegation of authority shall become effective July 1, 1973.

H. R. CRAWFORD,
*Assistant Secretary for Housing Management.*

[FR Doc.73-13019 Filed 6-27-73;8:45 am]

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### Office of the Secretary

[Docket No. D-73-235]

### DIRECTOR AND DEPUTY DIRECTOR, HUD SCRANTON SPECIAL RECOVERY OFFICE

#### Delegation of Authority

Section A. *Authority delegated.* The Director and Deputy Director of the HUD Special Recovery Office, Scranton, Pa., each is authorized to exercise the power and authority of the Secretary of Housing and Urban Development now or hereafter redelegated to each Director of a HUD Area Office, with respect to disaster recovery responsibilities.

Sec. B. *Authority to redelegate.* The Regional Administrator and the Deputy Regional Administrator, Region III (Philadelphia), and the Director and Deputy Director, HUD Scranton Special Recovery Office, each is authorized to redelegate to employees of such Office any of the authority redelegated in section A.

Sec. C. *Exercise of delegated authority.* The delegation of authority made under section A shall not be construed to modify or otherwise affect the administrative and supervisory powers of the Regional Administrator to whom a delegate is responsible.

Sec. D. *Supersedure.* The redelegation of authority to the Director and Deputy Director, Community Development Disaster Recovery Office, Scranton, Pa., published January 24, 1973 (38 FR 2344), is hereby superseded.

(Sec. 7(d) of the Department of HUD Act; 42 U.S.C. 3535(d).)

*Effective date.* This delegation of authority is effective July 1, 1973.

JAMES T. LYNN,
*Secretary of Housing and Urban Development.*

[FR Doc.73-13018 Filed 6-27-73;8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### FLORIDA

#### Notice of Proposed Action Plan

The Florida Department of Transportation has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed action plan as required by policy and procedure memorandum 90-4 issued on September 21, 1972. The action plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed action plan is available for public review at the following locations:

1. Florida Department of Transportation
   Haydon Burns Building
   65 Suwannee Street
   Tallahassee, Florida 32304
2. Florida Division, FHWA
   Ackerman Building
   223 North College Avenue
   Tallahassee, Florida 32301
3. FHWA Regional Office
   Office of Environment and Design
   1720 Peachtree Rd., N.W., Rm. 208
   Atlanta, Georgia 30309
4. U.S. Department of Transportation
   Federal Highway Administration
   Environmental Development Division
   Nassif Building, Room 3246
   400 7th Street S.W.
   Washington, D.C. 20590

Comments from interested groups and the public on the proposed action plan are invited. Comments should be sent to the FHWA Regional Office shown above before July 16, 1973.

Issued on June 21, 1973.

NORBERT T. TIEMANN,
*Federal Highway Administrator.*

[FR Doc.73-12983 Filed 6-27-73;8:45 am]

### PENNSYLVANIA

#### Notice of Proposed Action Plan

The Pennsylvania Department of Transportation has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed action plan as required by Policy and Procedure Memorandum 90-4 issued on September 21, 1972. The action plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed action plan is available for public review at the following locations:

1. Pennsylvania State Library, Education Building
   Government Publications Section
   Attention: Mrs. Florence Steigerwalt
   Corner of Walnut Street and Commonwealth Avenue
   Harrisburg, Pennsylvania 17120
2. Pennsylvania Department of Transportation Library
   Transportation and Safety Building, Room 1213
   Corner of North Street and Commonwealth Avenue
   Harrisburg, Pennsylvania 17120
   (Note: Office closed noon to 1 p.m.)
3. Engineering District 1-0
   1140 Liberty Street
   Franklin on T.R. 322 & 8 & 62
   Post Office Box No. 711
   Franklin, Pennsylvania 16323
4. Engineering District 2-0
   1 Mile East of Clearfield on T.R. 322
   Post Office Box 342
   Clearfield, Pennsylvania 16830
5. Engineering District 3-0
   715 Jordan Avenue
   East End of Montoursville off T.R. 220
   Post Office Box 218
   Montoursville, Pennsylvania 17754
6. Engineering District 4-0
   1.3 Miles Northeast of Dunmore on O'Neill Highway
   Post Office Box 111
   Scranton, Pennsylvania 18501
7. Engineering District 5-0
   1713-14 Lehigh Street
   Post Office Box 1379
   Allentown, Pennsylvania 18105
8. Engineering District 6-0
   1 Mile East of Wayne, Pennsylvania off T.R. 30,
   Turn North 1 Block at Intersection of T.R. 30 and Radnor-Chester Road
   200 Radnor-Chester Road
   St. David's, Pennsylvania 19087
9. Engineering District 8-0
   21st and Herr Streets, Harrisburg on T.R. 22 By-Pass
   21st and Herr Streets
   Harrisburg, Pennsylvania 17120
10. Engineering District 9-0
    North Juniata Street, West End of Hollidaysburg off T.R. 22
    Post Office Box 31
    Hollidaysburg, Pennsylvania 16648
11. Engineering District 10-0
    2 Miles Southwest of Indiana on T.R. 286
    Post Office Box 429
    Indiana, Pennsylvania 15701

12. Engineering District 11–0
0.3 Miles Southwest of Pittsburgh
Greentree Exit of the Penn-Lincoln Parkway
Building No. 4, Parkway Center
875 Greentree Road
Pittsburgh, Pennsylvania 15220
13. Engineering District 12–0
North Gallatin Avenue Extension 1.5 Mile North of Uniontown on old T.R. 119
Post Office Box 459
Uniontown, Pennsylvania 15401
14. Erie County Metropolitan Planning Commission
Court House
606 West Second Street
Erie, Pennsylvania 16507
15. Cambria County Planning Commission
Court House Annex
Ebensburg, Pennsylvania 15931
16. Johnstown Community Development Office
Public Safety Building, Fifth Floor
Johnstown, Pennsylvania 15900
17. Blair County Planning Commission
Highland Hall
Court House Annex
Hollidaysburg, Pennsylvania 16648
18. Luzerne County Planning Commission
Court House
Wilkes-Barre, Pennsylvania 18701
19. Lackawanna County Planning Commission
310 Jefferson Avenue
Scranton, Pennsylvania 18501
20. Lancaster County Planning Commission
900 East King Street
Lancaster, Pennsylvania 17602
21. York County Planning Commission
220 South Duke Street
York, Pennsylvania 17403
22. Berks County Planning Commission
Court House
Reading, Pennsylvania 19601
23. Joint Planning Commission
Lehigh-Northampton Counties
Terminal Building
ABE Airport
Post Office Box 2087
Lehigh Valley, Pennsylvania 18001
24. Lycoming County Planning Commission
48 West 3rd Street
Williamsport, Pennsylvania 17701
25. Delaware Valley Regional Planning Commission
Penn Towers Building, Third Floor
1819 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103
26. Southwestern Pennsylvania Regional Planning Commission
564 Forbes Avenue
Pittsburgh, Pennsylvania 15219
27. Tri-County Regional Planning Commission
2001 North Front Street
Harrisburg, Pennsylvania 17110
28. U.S. Department of Transportation
Federal Highway Administration
Pennsylvania Division
228 Walnut Street
Harrisburg, Pennsylvania 17108
29. U.S. Department of Transportation
Federal Highway Administration
Region 3
George H. Fallon Federal Building
Room 1615, 31 Hopkins Plaza
Baltimore, Maryland 21201
30. U.S. Department of Transportation
Federal Highway Administration
Environmental Development Division
Nassif Building, Room 3246
400 7th Street, S.W.
Washington, D.C. 20590

Comments from interested groups and the public on the proposed action plan are invited. Comments should be sent to the FHWA Regional Office shown above before July 16, 1973.

Issued on June 21, 1973.

NORBERT T. TIEMANN,
*Federal Highway Administrator.*

[FR Doc.73-12984 Filed 6-27-73;8:45 am]

## AMERICAN REVOLUTION BICENTENNIAL COMMISSION

### HORIZONS '76 COMMITTEE

#### Notice of Meeting

JULY 9, 1973.

Notice is hereby given, pursuant to Executive Order 11671, that the following American Revolution Bicentennial Commission Horizons '76 Committee meeting will be held on July 9, 1973:

HORIZONS '76 COMMITTEE

The Horizons '76 Program Committee will hold an open meeting on July 9, 1973 following the meeting of the American Revolution Bicentennial Full Commission meeting in the Conference Room, Third Floor, 1522 K Street, N.W., Washington, D.C.

The Committee membership is composed of eleven Commission members with a special interest in Horizons and the Chairman of the Horizons Advisory Panel. The agenda items to be discussed are:

—Status Reports on Call for Achievement and the National Action Guide
—Department of Transportation presentation of Medical Emergency Communications Coordination Assessment (MECCA)
—Discussion of:
Fort Lincoln Bicentennial Plaza Competition
National Center for Voluntary Action proposal "Eradication of Communicable Diseases"
American Association of Nurserymen's proposal "Green Survival"
Reports of other projects

Dated June 21, 1973.

HUGH A. HALL,
*Acting Director, American Revolution Bicentennial Commission.*

[FR Doc.73-13029 Filed 6-27-73;8:45 am]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-336]

### CONNECTICUT LIGHT & POWER CO. ET. AL.

#### Order for Evidentiary Hearing

JUNE 22, 1973.

The Atomic Energy Commission, by a notice of hearing dated March 14, 1973 and published in the FEDERAL REGISTER on March 20, 1973 at volume 38, page 7351, gave notice that a hearing would be held, at a time and place to be established by an atomic safety and licensing board, to consider the application of the applicants Connecticut Light & Power Co., Hartford Electric Light Co., Western Massachusetts Electric Co., and Millstone Point Co., concerning the pressurized water reactor identified as Millstone Nuclear Power Station, Unit 2, located at the Millstone Nuclear Power Station in the town of Waterford, Connecticut.

The notice of hearing directed that the atomic safety and licensing board will, without conducting a de novo evaluation of the application, determine whether the environmental review conducted by the Commission's regulatory staff pursuant to Appendix D of 10 CFR Part 50 has been adequate. The board will also, in accordance with section A.11 of Appendix D to 10 CFR Part 50, (a) determine whether the requirements of section 102(2)(c) and (D) of NEPA* and Appendix D to 10 CFR Part 50 of the Commission's regulations have been complied with in this proceeding; (b) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view toward determining the appropriate action to be taken; and (c) determine, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, whether the construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values.

It is hereby ordered, That the initial session of the evidentiary hearing in this proceeding shall convene at 10 am local time on August 7, 1973, at the Complex Meeting Room, Public Works Complex, 1000 Hartford Road, Waterford, Connecticut 06385.

Any person who may request the opportunity to make a limited appearance will be afforded an opportunity to state his 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; and
7. Closing matters.

Dated this 22nd day of June, 1973 at Washington, D.C.

THE ATOMIC SAFETY AND LICENSING BOARD,
SIDNEY G. KINGSLEY,
*Chairman.*

[FR Doc. 73-13016 Filed 6-27-73;8:45 am]

### REGULATORY GUIDES

#### Notice of Issuance and Availability

The Atomic Energy Commission has issued three new and two revised guides in its regulatory guide series. This series has been 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

*National Environmental Policy Act of 1969.

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.

The new guides are in Division 1, "Power Reactor Guides." Regulatory guide 1.55, "Concrete Placement in Category I Structures," describes acceptable bases for implementing the Commission's requirements with regard to the placement of concrete in Category I structures. Regulatory guide 1.56, "Maintenance of Water Purity in Boiling Water Reactors," describes an acceptable method for complying with the Commission's regulations with regard to minimizing the probability of corrosion-induced failure of the reactor coolant pressure boundary in boiling water reactors by maintaining acceptable purity levels in the reactor coolant and with regard to maintaining acceptable instrumentation for determining the condition of the reactor coolant and coolant purification systems. Regulatory guide 1.57, "Design Limits and Loading Combinations for Metal Primary Reactor Containment System Components," delineates acceptable design limits and appropriate combinations of loadings associated with normal operation, postulated accident and specified seismic events for the design of components of metal primary reactor containment systems.

The revised guides, also in Division 1, are regulatory guide 1.17 (Rev. 1), "Protection of Nuclear Power Plants Against Industrial Sabotage," and regulatory guide 1.31 (Rev. 1), "Control of Stainless Steel Welding." Regulatory guide 1.17 describes physical security criteria that are generally acceptable for the protection of nuclear power plants against industrial sabotage. Regulatory guide 1.31 describes an acceptable method of implementing the Commission's requirement with regard to control of welding when fabricating and joining austenitic stainless steel components and systems.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of issued guides 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. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

*Availability of Electric Power Sources
*Requirements for Instrumentation to Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors
*Shared Emergency and Shutdown Power Systems at Multi-Unit Sites
*Physical Independence of Safety Related Electric Systems
*Isolating Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary
*Assumptions for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors
*Assumptions for Evaluating a Control Rod Drop Accident for Boiling Water Reactors
*Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Power Plants
*Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake
*Design Basis Floods for Nuclear Power Plants
*Design Phase Quality Assurance Requirements for Nuclear Power Plants
*Qualification Tests of Electric Valve Operators for Use in Nuclear Power Plants
*Fire Protection Criteria for Nuclear Power Plants
*Protective Coatings for Nuclear Reactor Containment Facilities
*Additional Material Requirements for Bolting
*Inservice Surveillance of Grouted Prestressing Tendons
*Design Response Spectra for Seismic Design of Nuclear Power Plants
*Seismic Input Motion to Uncoupled Structural Model
*Primary Reactor Containment (Concrete) Design and Analysis
*Preservice Testing of In-Situ Components
*Installation of Over-Pressure Devices
*Nondestructive Examination of Tubular Products
*Category I Structural Foundations
*Manual Initiation of Protective Actions
*Electric Penetration Assemblies in Nuclear Power Plant Containment Structures
*Qualifications of Inspection, Examination, and Testing Personnel for Nuclear Power Plants
*Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems
*Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel
*Damping Values for Seismic Design of Nuclear Power Plants
*Fracture Toughness Requirements for Vessels Under Overstress Conditions
*Applicability of Nickel-base Alloys and High Alloy Steels
*Material Limitations for Component Supports
*Protection Against Postulated Events and Accidents Outside of Containment
*Design Basis for Tornadoes for Nuclear Power Plants
*Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants

(5 U.S.C. 552(a))

Dated at Bethesda, Maryland this 21st day of June, 1973.

THE ATOMIC ENERGY COMMISSION,
LESTER ROGERS,
*Director of Regulatory Standards.*

[FR Doc.73-13044 Filed 6-27-73;8:45 am]

## CIVIL AERONAUTICS BOARD

[Dockets Nos. 25571, 25601; Order 73-6-100]

### EL AL ISRAEL AIRLINES, LTD.

**Order of Investigation and Suspension**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of June, 1973.

By a tariff filed on May 16, 1973, marked to become effective June 16, 1973, El Al Israel Airlines, Limited (El Al) revised its cargo charter rates between New York and London by establishing a rate of $9,500 for the charter of a Boeing 707/320c. This rate is proposed to be available only for transportation commencing midnight Monday through midnight Tuesday. For transportation commencing on other days the previously established rates of $11,000 from London and $11,500 from New York will continue to apply.

A complaint against El Al's proposal has been filed by Seaboard World Airlines, Inc. (Seaboard). The complainant states that the proposed cargo charter rate of $9,500 is clearly unreasonable and unjustly discriminatory and therefore should be suspended as unlawful.[1]

In support of its complaint, Seaboard alleges that the proposed $9,500—rate equals $2.75 per mile and represents a drastic reduction in cargo charter rates in the largest North Atlantic cargo charter market; the establishment of such a low rate runs counter to the trend in increasing cargo charter rates as a result of increased costs, and the effect of El Al's tariff will be to destroy whatever efforts other carriers have made to correct what has been a chaotic and highly unprofitable situation. Seaboard contends that the existing El Al charter rates of $11,500 eastbound and $11,000 westbound are already the lowest rates in the market. The proposed rate equals $2.75 per mile which Seaboard alleges contrasts markedly with a rate of $3.60 per mile for Seaboard, Pan American and TWA.

Upon consideration of the tariff and the complaint the Board finds that the rate at issue filed by El Al may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial and should be suspended pending investigation.

The rates filed by El Al for the charter of a Boeing 707 all-cargo aircraft are 14 to 17 percent below El Al's existing charter-rate levels which are applicable on other days of the week and which

[1] On June 6, 1973, Pan American filed a similar complaint which we are herein considering.

themselves are lower than the three major carriers providing all-cargo service with similar aircraft.[1] Further, the proposed rate of $2.75 per plane mile is only $.43 per mile greater than the experienced direct operating costs for similar equipment[2] in all-cargo configuration and this differential is insufficient to cover indirect operating costs let alone make a contribution to net profit. The proponent has advanced no reason for the reduced rate and in view of the competitive situation in the market concerned, El Al's filing may well have an adverse competitive impact.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 801, and 1002, thereof,

*It is ordered*, That:

1. An investigation be instituted to determine whether the rates and provisions on 3rd Revised Page 30 of C.A.B. No. 1 (EL AL Israel National Airlines Company Ltd., Series), issued by El Al Israel Airlines Limited, and rules, regulations, and practices affecting such rates and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to take appropriate action to prevent the use of such rates and provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the rates and provisions on 3rd Revised Page 30 of C.A.B. No. 1 (EL AL Israel National Airlines Company Ltd., Series), issued by El Al Israel Airlines Limited are suspended and their use deferred from June 26, 1973, to and including June 25, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President[3] and shall become effective on June 25, 1973;

4. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order be served upon El Al Israel Airlines Limited, Seaboard World Airways, Inc., and Pan American World Airways, Inc. which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.73-13061 Filed 6-27-73;8:45 am]

[1] TWA, PAA, and BOAC have tariffs on file reflecting rates from $3.50 to $3.90 per mile for U.S.-originating charters and from $3.25 to $3.90 per mile for London-originating charters.

[2] Aircraft Operating Cost and Performance Report for Fiscal Years 1971 and 1972, C.A.B. March 1973.

[3] This order was submitted to the President on June 13, 1973.

[Docket No. 25280; Order 73-6-88]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Relating to Cargo Rates

Issued under delegated authority June 21, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement was adopted for expedited July 1, 1973 effectiveness at the Worldwide Cargo Traffic Conference held in June 1973 at Mexico City, and would amend various resolutions governing the carriage of international air cargo within the area comprised of Europe/Africa/Middle East.

The bulk of the amendments involve specific commodity rates between Europe and the Middle East which, by their own terms, are not combinable for the construction of through rates to/from the United States and therefore do not affect air transportation within the meaning of the Act. The agreement would also specify a new general cargo rate between Oporto and Paris; since general cargo rates are combinable with rates to/from the United States, that portion of the agreement, which does not involve an increase, has indirect application in air transportation as defined by the Act.

Pursuant to authority duly delegated by the Board in the Boards Regulations 14 CFR 385.14:

1. It is not found that the following resolutions, which are incorporated in the agreement as indicated and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

| Agreement CAB 23731 | IATA No. | Title | Application |
|---|---|---|---|
| R-1 | 022m | TC2 Special Rules for Sales of Cargo Air Transportation (Amending) | 2 |
| R-4 | 552 I | TC2 General Cargo Rates (Amending) | 2 |

2. It is not found that the following resolutions, which are incorporated in the agreement as indicated, affect air transportation within the meaning of the Act:

| Agreement CAB 23731 | IATA No. | Title | Application |
|---|---|---|---|
| R-2 | 200d | Transportation of Human Eyes and Dehydrated Corneas (New) | 2 |
| R-3 | 200e | Transportation of Human Eyes and Dehydrated Corneas (New) | 2 |
| R-5 | 590 I | Specific Commodity Rates Board (Amending) | 2 |

*Accordingly, it is ordered*, That:

1. Those portions of Agreement C.A.B. 23731 set forth in finding paragraph 1 above be and hereby are approved; and

2. Jurisdiction is disclaimed with respect to those portions of Agreement C.A.B. 23731 set forth in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.73-13062 Filed 6-27-73;8:45 am]

## CIVIL SERVICE COMMISSION

### FEDERAL EMPLOYEES PAY COUNCIL

#### Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council met at 1:30PM on Monday, June 25, 1973, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council would not be open to the public.

For the President's Agent.

FRANK S. MELLOR,
*Advisory Committee Management Officer for the President's Agent.*

[FR Doc.73-13047 Filed 6-27-73;8:45 am]

### FEDERAL PREVAILING RATE ADVISORY COMMITTEE

#### Notice of Meetings

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

Monday, July 9, 1973
Thursday, July 12, 1973
Monday, July 16, 1973
Thursday, July 19, 1973
Monday, July 23, 1973
Thursday, July 26, 1973

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

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Public Law 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public under a determination to do so, made under the provisions of section 10(d) of Public Law 92-463.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C.

DAVID T. ROADLEY,
*Chairman, Federal Prevailing Rate Advisory Committee.*

[FR Doc.73-13017 Filed 6-27-73;8:45 am]

## COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

### PROCUREMENT LIST 1973

#### Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1973, March 12, 1973 (38 FR 6742).

COMMODITIES

CLASS 6515

Bag, Tube, Feeding
6515-481-2049

CLASS 6530

Enema Administration Set
6530-117-8991

CLASS 8440

Legging, Men's, Cotton, White
8440-261-4260
8440-261-4261
8440-261-4262
8440-261-4247
8440-261-4248
8440-261-4249
8440-261-4250
8440-261-4251
8440-261-4252

Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the committee.

CHARLES W. FLETCHER,
*Executive Director.*

[FR Doc.73-12989 Filed 6-27-73;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

### CABLE TV EEO COMPLAINT REPORT

#### Extension of Time for Filing

JUNE 22, 1973.

Cable television system operators have been granted an extension of time, until August 31, 1973, in which to file annual EEO Complaint Reports regarding the period January 1 through December 31, 1972.

The extension was granted to facilitate filing of the Complaint Report together with the Annual Employment Report (Form 395) or its alternative (Form 395-N) which are due on or before August 31.

Cable operators are reminded that—

No FCC printed form is used for the Complaint Report. A statement on the employer's own stationery will suffice.

An EEO Complaint Report must be filed by every cable television employment unit, regardless of how few persons work for it.

The Complaint Report, even if brief, should be on a separate sheet of paper—not combined with information on the same page relating to the employment unit's EEO Program Statement or Employment Report.

The Complaint Report should name the communities served by, and systems comprising, the employment unit which is the subject of the report.

The Complaint Report should be dated, and certified and signed by (1) the cable system operator, if an individual; (2) an officer of the company, if a corporation or association; or (3) by an attorney for the operator in case of the latter's physical disability or absence from the continental United States.

The texts of the applicable Commission rule and a sample complaint statement follow:

*Text of rule.* Section 76.311(d)(1) of the Commission's rules states: "All operators of cable television systems shall submit an annual report to the Commission no later than May 31 of each year indicating whether any complaints regarding violations by the operator of equal employment provisions of Federal, State, territorial, or local law have been filed during the preceding calendar year before any body having competent jurisdiction. (i) The report shall state with respect to each such complaint: The parties involved, the date filed, the courts or agencies before which the matter has been heard, the appropriate file number (if any), and the respective disposition or current status of the complaint (ii) Any cable operator who has filed such information with the Equal Employment Opportunity Commission need not do so with the Federal Communications Commission, if such pervious filing is indicated.

*Sample complaint report statement.* If no such complaints were filed with respect to the operating employment unit during calendar year 1972, its Report may consist of just the following: (1) A list of the communities served by, and systems comprising, the employment unit. (2) The following brief statement: "I certify that, to the best of my knowledge, information, and belief, no complaints regarding violations of equal employment provisions of Federal, State, territorial, or local law by this cable television employment unit were filed during 1972 before any body having competent jurisdiction." (3) The signer's name (printed), signature, and title. (4) The date of signing.

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

[FR Doc.73-13050 Filed 6-27-73;8:45 am]

[Supp. No. 1]

### CANADA-U.S.A. TV AGREEMENT

#### Amendment of Table A

JUNE 20, 1973.

(To the Table of Canadian Television Channel Allocations Within 250 Miles of the Canada-U.S.A. Border, Dated March 21, 1973, as Revised to January 20, 1973)

Pursuant to exchange of correspondence between the Department of Communications of Canada and the Federal Communications Commission, Table A of the Canadian-U.S.A. Television Agreement of 1952 has been amended as follows:

| City | Channel No. | |
|---|---|---|
| | Delete | Add |
| Creston, British Columbia | | 5 L/13 |
| Natal, British Columbia | | 11 L/13 |
| Summerside, Prince Edward Island | 8+ | |
| Charlottetown, Prince Edward Island | | 8+ |
| Ste. Agathe, Quebec | 56+ | |
| Ste. Adele, Quebec | | 56+ |

*L/12* Limitation to protect CJOC-TV-3, Burmis, Alberta, and 790 watts maximum ERP and 2000 feet EHAAT.

*L/13* Limitation to protect CBUAT, Trail, B.C.

Further amendments to Table A will be issued as public notices in the form of numbered supplements or recapitulated lists.

Copies of the basic Table of Allocations may be obtained from Information Planning Associates, Inc., 310 Maple

Drive, Rockville, Maryland 20850 (telephone 340-0250, area code 301)

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
*Secretary.*

[FR Doc.73-13051 Filed 6-27-73;8:45 am]

## FEDERAL RESERVE SYSTEM

### BANK HOLDING COMPANIES

#### Possible Delay in the Processing of Applications To Engage in Insurance Agency Activities

Notice is hereby given to prospective bank holding company applicants that if a substantive objection is received with respect to an application to engage, de novo or by acquisition of a going concern, in insurance agency activities, action on the application by the Board of Governors of the Federal Reserve System is likely to be delayed until the Board has acted on those insurance agency applications on which hearings have been ordered and are in progress.

The Board has granted requests for hearings on certain applications to engage in insurance agency activities pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843 (c)(8)) and §§ 225.4(b)(1) and (2) of the Board's regulation Y (12 CFR 225.4 (b)(1) and (2)). As new applications will involve generally the same issues as those presented in one or more of the applications on which the Board has ordered hearings, neither additional hearings nor outright approval or denial of the new applications would appear to be desirable at this time.

Accordingly, notice is hereby given to prospective applicants proposing to engage in insurance agency activities pursuant to section 4(c)(8) of the Bank Holding Company Act, that such proposals hereafter submitted and as to which a substantive objection is filed, will in most instances be held in abeyance and not processed pending resolution of those applications on which the Board has ordered hearings.

It is anticipated that applications to engage in credit life and disability insurance and mortgage redemption insurance, as well as any application involving a community of less than 5,000 persons, may not be objected to in the future. Absent substantive objections, such cases will be duly processed in the normal manner.

Board of Governors of the Federal Reserve System, June 19, 1973.

[SEAL] TYNAN SMITH,
*Secretary of the Board.*

[FR Doc.73-12993 Filed 6-27-73;8:45 am]

### CENTRAN BANCSHARES CORPORATION

#### Order Approving Acquisition of Major Finance Corporation

Centran Bancshares Corporation, Cleveland, Ohio, 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 (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y, to acquire all of the voting shares of Major Finance Corporation, Silver Spring, Maryland ("Major"), a consumer finance holding company which engages through its subsidiaries in the activities of making, acquiring, and servicing consumer finance loans, purchasing consumer installment sales contracts, and acting as agent in the sale of credit life, accident and health insurance in connection with such loans. Such activities have been determined by the Board to be closely related to 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 11134). The time for filing comments has expired, and none has been timely received.

Applicant controls five banks with aggregate deposits of $1.3 billion representing about 5.4 percent of the total deposits of commercial banks in Ohio.[1] Applicant's proposed nonbanking subsidiary, Peoples Investment Company,[2] is engaged principally in consumer finance activities in the States of Kentucky, Tennessee, and Ohio.

Major operates as a consumer finance holding company, with its eight subsidiaries operating out of six offices located in the Washington, D. C. SMSA (the relevant geographic market); three in Silver Spring, Maryland; and one each in Springfiled, Arlington, and Alexandria, Virginia. As of December 31, 1972, Major had $8.5 million in instalment receivables, which figure includes $2.1 million in purchased instalment sales contracts. As of year-end 1972, Major had consolidated assets of $8.1 million. Applicant's proposed nonbanking subsidiary is not engaged in any activities in the areas where Major's offices are located and originates no business in Maryland or Virginia. No competition exists, therefore, between Applicant's proposed finance company subsidiary and Major. The loan activities in Maryland and Virginia of Applicant's banking subsidiaries are relatively insignificant and Major apparently derives no business from the service areas of Applicant's banking subsidiaries. Therefore, no meaningful competition exists between such subsidiaries and Major.

Applicant appears to have the resource and managerial capability to enter the market served by Major through formation of its own consumer loan company. However, there are numerous active competitors in the market served by Major, including a number of consumer loan companies with regional or national affiliations; in addition, the many potential entrants and the relative ease of entry into the consumer finance business diminishes possible adverse effects that consummation of the proposed acquisition might have on potential competition. The Board concludes that consummation of the proposed acquisition would have no significant adverse effects on existing or potential competition in any relevant area. Furthermore, due to the limited nature of Major's insurance activities, it does not appear that Applicant's acquisition of the insurance agency business of Major would have any adverse effect on either existing or potential competition.

It is anticipated that Major's affiliation with Applicant, by providing access to the greater financial resources of Applicant, will enable Major to compete more effectively with other consumer finance lenders in the areas in which it operates. Moreover, Applicant states that the operating efficiencies and lower cost of funds resulting from consummation of the proposal would permit Major to offer increased services at lower prices. There is no evidence in the record indicating that consummation of the proposed acquisition would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound bank practices, or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the appliation is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective June 20, 1973.

[SEAL] TYNAN SMITH,
*Secretary of the Board.*

[FR Doc.73-12992 Filed 6-27-73;8:45 am]

[1] All banking data are as of June 30, 1972.

[2] Acquisition approved by Board Order effective May 24, 1973 (38 Federal Register 14427).

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

### FIRST FLORIDA BANCORPORATION

#### Order Approving Acquisition of Bank

First Florida Bancorporation, Tampa, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of United National Bank, Cocoa Beach, Florida ("Cocoa Beach Bank"). The name of Applicant will be changed to

United First Florida Banks, Inc., Tampa, Florida, upon consummation of the Board approved section 3(a)(5) merger between First Florida Bancorporation and United Bancshares of Florida, Inc., Miami, Florida.[1]

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 33 banks with aggregate deposits of $1.2 billion, representing 6.0 percent of the total deposits of commercial banks in Florida, and is the fifth largest banking organization in the State. (All banking data are as of December 31, 1972, and reflect holding company formations and acquisitions approved through April 30, 1973.) The acquisition of Cocoa Beach Bank ($16 million deposits) would increase Applicant's share of Florida deposits by approximately eight-tenths of one percentage point, and its ranking among State banking organizations would not change.

Cocoa Beach Bank and Merritt Island Bank, Merrit Island, Florida (deposits of $10 million) comprise the Dolan banking group. Cocoa Beach Bank is the fifth largest of the seven banks, representing six banking organizations which serve the Central Brevard County banking market. Cocoa Beach Bank holds 10 percent of total market deposits whereas the largest and second largest banks hold 32 and 19 percent, respectively, of total market deposits.

Applicant has no present subsidiary banks in the Central Brevard market, and its closest subsidiary is located 19 miles southwest of Cocoa Beach Bank. Two other subsidiaries located in Brevard County are 25 and 30 miles, respectively, from Cocoa Beach Bank. A review of the accounts of Cocoa Beach Bank and Applicant's subsidiaries reveal that, with the exception of installment loans, the subsidiary banks derive only a nominal amount of business from Cocoa Beach Bank's service area. In view of the wide separation between the banks and State laws restricting branching, it does not appear that significant future competition would be eliminated by consummation of the proposal. Furthermore, the proposed acquisition would have a procompetitive effect on area competition by terminating the affiliation of Cocoa Beach Bank and Merritt Island Bank and thus create an additional competitor in the market.[2]

The financial and managerial resources and prospects of Applicant, its subsidiaries, and Cocoa Beach Bank are satisfactory in view of Applicant's plans to increase capital in its subsidiary banks, and banking factors are consistent with approval of the application. The banking needs of the area are satisfactorily served at the present time. Although Applicant indicates that no new services will be introduced at the Cocoa Beach Bank, it proposes to assist the bank in developing new loans, in management recruiting and development, investment services, international sevices, and business development. Considerations relating to the convenience and needs of the area to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By the order of the Board of Governors,[3] effective June 20, 1973.

[SEAL] TYNAN SMITH,
*Secretary of the Board.*

[FR Doc.73-12991 Filed 6-27-73;8:45 am]

## FIRST UNITED BANCORPORATION, INC.

### Order Approving Acquisition of Bank

First United Bancorporation, Inc., Fort Worth, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of First State Bank of Odessa, Odessa, Texas ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the seventh largest multibank holding company in Texas, controls five banks with aggregate deposits of $607 million,[1] representing approximately 2 percent of total commercial bank deposits in the State. The acquisition of Bank (approximately $25 million in deposits) would increase Applicant's share of deposits in the State by 0.1 percent and would not result in a significant increase in the concentration of banking resources in the State.

Bank, the third largest bank in Odessa and the sixth largest of nine banks in the Midland-Odessa banking market (approximated by Ector and Midland counties), accounts for 5.6 percent of commercial bank deposits in the market.

All of Applicant's present subsidiary banks are located in the Fort Worth banking market (approximated by the Fort Worth RMA), some 320 miles from Odessa. There is no meaningful present competition between any of Applicant's subsidiary banks and Bank. In view of the distances involved and Texas' restrictive branching law, there appears to be little likelihood for the development of any significant amount of future competition between these institutions. Although Applicant could enter the market de novo or through the acquisition of a smaller bank, Applicant's acquisition of Bank is not regarded as having a substantially adverse effect on competition because consummation of the transaction would not result in Applicant's gaining a dominant share of the market's banking resources due to the presence in the market of a number of larger banks as well as other large bank holding companies. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Bank, and of Applicant and its present subsidiary banks, are regarded as satisfactory. Considerations relating to the banking factors are consistent with approval of the application. Affiliation with Applicant will enable Bank to improve and expand its services, especially trust services and services to the petroleum and chemical industries around Odessa. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

[1] 1973 *Bulletin* 183.

[2] In this connection the Board has determined that Cocoa Beach Bank and Merritt Island Bank are located in adjacent communities within the meaning of section 8 of the Clayton Act and, therefore, after consummation of the proposal, interlocking directorships and personnel relationships would be prohibited.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

[1] All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved through May 31, 1973.

By order of the Board of Governors,[2] effective June 20, 1973.

[SEAL] TYNAN SMITH,
*Secretary of the Board.*

[FR Doc.73-12994 Filed 6-27-73;8:45 am]

## GREATER JERSEY BANCORP.

### Order Approving Acquisition of Bank

Greater Jersey Bancorp., Clifton, New Jersey, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of Provident Bank of New Jersey, Willingboro, New Jersey ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the seventh largest banking organization in New Jersey, controls one bank with deposits of $565 million representing 3.2 per cent of the total deposits held by all commercial banks in the State. (All banking data are as of June 30, 1972.) Acquisition of Bank (deposits of $37.7 million) would increase Applicant's share of State-wide deposits by only .2 percentage points, which is not regarded as a significant increase in concentration of banking resources in the State.

All four of Bank's offices are located in Willingboro. Bank is the 26th largest of 72 banks in the Third Banking District of New Jersey and the 12th largest of 28 banks operating in the Camden banking market, controlling 0.8 percent and 1.5 percent of District and market deposits, respectively. Applicant's banking subsidiary operates 29 branch offices in the First Banking District, and the closest of these offices to Bank is approximately 60 miles away. In view of, among other things, the distances involved and the nature of the banking business conducted by each, there is no significant existing competition between Bank and Applicant's banking subsidiary; nor is significant competition between the two likely to develop in the future. The unlikelihood that Applicant would attempt to enter the Camden banking market through establishment of a new bank and the relatively small share of market deposits held by Bank also lead to the conclusion that consummation of the proposal would not eliminate significant potential competition. Moreover, affiliation with Applicant may enable Bank to become a more effective competitor in its market area, where four of the State's major multibank organizations already operate banking subsidiaries. The Board concludes that consummation of the proposal will have no significant adverse effects on competition.

The financial condition, management, and prospects of Applicant, its subsidiary bank and Bank are regarded as generally satisfactory and consistent with approval of the application. Through affiliation with Applicant, Bank should be able to offer new and improved services, such as trust, international banking, data processing, and municipal financing services. Considerations relating to the convenience and needs of the communities to be served are also regarded as consistent with approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[1] effective June 20, 1973.

[SEAL] TYNAN SMITH,
*Secretary of the Board.*

[FR Doc.73-12996 Filed 6-27-73;8:45 am]

## GREATER JERSEY BANCORP.

### Order Approving Acquisition of New Jersey Mortgage and Title Company

Greater Jersey Bancorp., Clifton, New Jersey, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's regulation Y, to acquire all of the voting shares of the successor by merger to New Jersey Mortgage and Title Company, Passaic, New Jersey ("Company"), a company engaged in servicing mortgages for the account of others. Applicant states that upon consummation of the proposed acquisition Applicant intends to expand the activities of Company to include making second mortgage loans and loans on unimproved real estate. The activities engaged in and proposed to be engaged in by Company have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 3627). The time for filing comments and views has expired, and none has been timely received.

Applicant controls one bank (New Jersey Bank, N.A., Clifton, New Jersey, deposits of $568 million) and is the seventh largest banking organization in New Jersey, controlling 3.2 percent of deposits of commercial banks in the State. Applicant's bank subsidiary operates 29 branch offices and is the fifth largest of 89 banks in the First Banking District of New Jersey, controlling approximately 6 percent of deposits of commercial banks in that district. (All banking data are as of September 30, 1972).[1] Applicant's bank subsidiary is engaged in mortgage servicing and as of July 31, 1972, serviced for its own account a mortgage loan portfolio of $164 million, plus a nominal amount for outside investors. Applicant's existing nonbank subsidiary engages in the leasing of personal property and equipment.

Company (total assets of $379,000) operates a single office in Passaic, New Jersey, and is engaged exclusively in servicing mortgage loans for the account of others (Company ceased originating mortgage loans in 1970). As of June 30, 1972, Company's mortgage loan servicing portfolio totaled $1.5 million.

Since Company and Applicant's bank subsidiary are both engaged in mortgage servicing in the Mid-Atlantic mortgage servicing market,[2] some direct competition between these companies in this activity would be eliminated by consummation of the proposed acquisition. However, in view of the large number of financial institutions, including national and local mortgage lenders competing in this area, and the high volume of mortgage servicing activities conducted in this market, the amount of competition that would be eliminated is not significant. In addition, because of the small size and limited activities of Company, the amount of potential competition that would be foreclosed in any relevant market is not considered significant.[3] Moreover, the proposed expansion of the services now offered by Company, to include the origination of second mortgage loans and loans on unimproved real estate should have a procompetitive effect in the northern New Jersey area, by enabling Company, as a subsidiary of Applicant, to become an additional supplier for both types of loans. The Board concludes that the competitive considerations are consistent with approval of the application.

Applicant's financial condition and

[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns.

[1] Applicant has filed an application with the Board to acquire the Provident Bank of New Jersey, Willingsboro, New Jersey (deposits of $38 million). In addition, on March 9, 1973, Applicant received approval from the Comptroller of the Currency to acquire by merger with Applicant's bank subsidiary, National Bank of Palisades Park, Palisades Park, New Jersey (deposits of $17.5 million).

[2] The relevant market for the mortgage servicing activities of Applicant's bank subsidiary and Company appears to encompass at least the States of New Jersey, Pennsylvania, and Delaware.

[3] Applicant's banking subsidiary is not now and cannot in the future be considered an active participant in the business of originating second mortgage loans inasmuch as federal banking law restricts the circumstances in which national banks may make loans secured by second mortgages on real property. (See 1972 Federal Reserve BULLETIN 597-98).

managerial resources are satisfactory. Company's financial condition is satisfactory and it is expected that consummation of the proposal herein will enable Company to draw on the resources of Applicant for the additional expertise required to provide the expanded services proposed by Applicant. The projected increase in second mortgage loans and loans on unimproved real estate that is likely to result from consummation of the proposed acquisition should benefit the residents in the communities served by both Applicant and Company.

There is no evidence in the record indicating that consummation of the proposed acquisition would result in undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[1] effective June 20, 1973.

[SEAL] TYNAN SMITH,
*Secretary of the Board.*

[FR Doc.73-12995 Filed 6-27-73;8:45 am]

## GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg., Temporary Reg. F-183]

### SECRETARY OF DEFENSE

#### Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a telecommunications services rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the New Mexico State Corporation Commission in a proceeding involving the filing of tariffs by Mountain States Telephone and Telegraph Company for a telecommunications services rate increase.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JUNE 21, 1973.

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

[FR Doc.73-13014 Filed 6-27-73;8:45 am]

## NATIONAL COMMUNICATIONS SYSTEM

### SYNCHRONOUS HIGH SPEED DATA SIGNALING RATES BETWEEN DATA TERMINAL EQUIPMENT AND DATA COMMUNICATION EQUIPMENT

#### Joint Federal Telecommunication Standard and Federal Information Processing Standard

The Administrator of the General Services Administration (GSA) is responsible, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On 14 August 1972, the National Communications System (NCS)[1] was designated by the Administrator, GSA, as the responsible agent for the development of telecommunication standards for NCS interoperability and the computer-communication interface.

The Secretary of Commerce is authorized, under the provisions of Public Law 89-306, to make appropriate recommendations to the President relating to the establishment of uniform Federal automatic data processing standards.

This proposed standard, when approved, will be the first of a series of standards falling within the area of mutual responsibility of the National Communications System and the National Bureau of Standards (NBS) as defined in the appendix to FIPS PUB 23[2] and to NCS Circular 175-1.[3]

The proposed Federal standard, which is responsive to requirements specified by various government agencies, was developed by a subcommittee of the Federal Telecommunication Standards Committee (FTSC) and approved as adequate for formal coordination by both the FTSC and the NBS. It specifies the synchronous high speed signaling rates to be used between data terminal and data communication equipment. Related standards efforts which were considered in the development of this standard include a proposed standard developed by the American National Standards Institute (Subcommittee X3S3) and two draft CCITT recommendations, G732 and G733.

Prior to the submission of the final endorsement of this proposal to the Department of Commerce (DOC); Office of Telecommunications Policy (OTP), Executive Office of the President; and the General Services Administration (GSA), it is essential to assure that proper consideration is given the needs and views of manufacturers, the public, and state and local governments. The purpose of this notice is to solicit such views. Interested parties may submit comments to the Office of the Manager, National Communications System, ATTN: NCS-TS, Washington, D. C. 20305, within 60 days after publication of this notice in the FEDERAL REGISTER.

GORDON T. GOULD, Jr.,
*Lieutenant General, USAF Manager.*

20 JUNE, 1973.

JOINT FEDERAL TELECOMMUNICATION STANDARD AND FEDERAL INFORMATION PROCESSING STANDARD PUBLICATION (DATE _____)

ANNOUNCING THE STANDARD FOR SYNCHRONOUS HIGH SPEED DATA SIGNALING RATES BETWEEN DATA TERMINAL EQUIPMENT AND DATA COMMUNICATION EQUIPMENT

NAME OF STANDARD: Synchronous High Speed Data Signaling Rates Between Data Terminal Equipment and Data Communication Equipment

CATEGORY OF STANDARD:

a. Federal Telecommunication Standards Program—System Standard.

b. Federal Information Processing Standards—Hardware Standard, Transmission.

EXPLANATION: This joint Federal Telecommunication Standard/Federal Information Processing Standard specifies a series of standard signaling rates to be employed at the interface between data terminal equipment and data communications equipment in data communication systems which utilize synchronous data signaling rates higher than those commonly used in analog voice bandwidth channels (see figure 1). It is expected that future revisions of this standard may identity additional selected standard rates as more experience is gained with high data rate transmission systems.

APPROVING AUTHORITY:

a. As a Federal Telecommunication Standard: concurred in by the Office of Telecommunications Policy, approved by the General Services Administration.

b. As a Federal Information Processing Standard: Department of Commerce.

MAINTENANCE AGENCY: Office of the Manager, National Communications System.

CROSS INDEX:

a. Proposed American National Standard ANSI X3.36-( ) Synchronous High Speed Data Signaling Rates Between Data Terminal Equipment and Data Communications Equipment dated January 30, 1973.

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[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

[1] DoD Directive 5100.41 "Arrangements for Discharge of Executive Agent Responsibilities for the NCS"—filed as part of original document.

[2] Filed as part of original. Copies available from U.S. Government Printing Office, Washington, D.C. 20402 (order by SD Catalog No. C13.52:23).

[3] Filed as part of original. Copies available from Office of Manager, NCS, Washington, D.C. 20305.

b. FIPS PUB 22, Synchronous Signaling Rates Between Data Terminal and Data Communication Equipment (specifies rates up to 9600 bit/s).

c. American National Standard ANSI X3.1–1969, Synchronous Signaling Rates for Data Transmission (specifies rates up to 9600 bit/s).

APPLICABILITY: This standard is applicable to data terminal and data processing equipment employed with synchronous data communication equipment which are designed to operate on binary encoded information over wideband communication channels (greater than the nominal 4kHz bandwidth). It shall be used by all Federal agencies. This Federal standard is not intended to hasten the obsolescence of equipment currently existing in the Federal inventory; it is applicable to the planning, design and procurement of all new data communication systems.

IMPLEMENTATION SCHEDULE: All data terminal or data processing equipment and related data communication equipment to be employed, with wideband communication channels ordered on or after the date of this standard must be in conformance with this standard unless a waiver has been obtained in accordance with the procedure described below. Exceptions to this standard are made in the following cases:

a. For equipment installed or on order prior to the date of this FTS/FIPS PUB.

b. Where procurement actions are into the solicitation phase (i.e., Request for Proposals or Invitation for Bids have been issued) on the date of FTS/FIPS PUB.

WAIVERS: Authority to grant waivers to this standard is vested in the Administrator, GSA. Requests for waivers, together with their justification, should be submitted to the Manager, National Communications System, NCS-TS, Washington, D.C. 20305 for technical processing and forwarding to GSA through the Office of Telecommunications Policy. Waivers will be granted only when long range government-wide benefits can be demonstrated.

SPECIFICATION: The signaling rates used for data exchange above 9600 bits per second shall be selected integral multiples of 8000 bits per second.

a. The selected data signaling rates shall be:

| | |
|---|---|
| 16 kbit/s | 64 kbit/s |
| 32 kbit/s | 1.344 Mbit/s |
| 48 kbit/s | 1.544 Mbit/s |
| 56 kbit/s | |

b. The rates specified are nominal; the bit rate tolerance shall be consistent with the operational environment in which applied to ensure maintenance of end-to-end synchronism. Network timing tolerances are to be prescribed in other Federal standards dealing with signal quality and synchronization.

QUALIFICATIONS: None.

WHERE TO OBTAIN COPIES OF THE SPECIFICATIONS OF THE STANDARD: Federal Government activities should obtain copies from established sources within each agency. Where there is no established source, purchase orders should be submitted to the General Services Administration, Specifications Activity, Printed Materials Supply Division, Building 197, Washington Navy Yard Annex, Washington, D.C. 20407. Refer to Joint Federal Telecommunication Standard No. ------, Federal Information Processing Standard No. ------

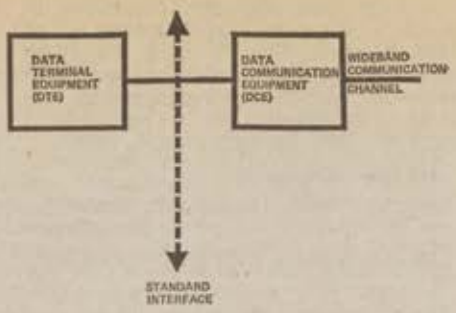


FIGURE 1. STANDARD INTERFACE BETWEEN DATA TERMINAL EQUIPMENT AND DATA COMMUNICATION EQUIPMENT FOR SYNCHRONOUS HIGH SPEED DATA SIGNALLING RATES

[FR Doc.73-12884 Filed 6-27-73;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

### ACCURATE CALCULATOR CORP.

**Order Suspending Trading**

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Accurate Calculator Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 24, 1973 through July 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-12976 Filed 6-27-73;8:45 am]

[File 500-1]

### BBI, INC.

**Order Suspending Trading**

JUNE 22, 1973.

The common stock, $0.10 par value, of BBI, Inc. being traded on the American Stock Exchange and the PBW Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 23, 1973 through July 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-12969 Filed 6-27-73;8:45 am]

[File No. 500-1]

### BENEFICIAL LABORATORIES, INC.

**Order Suspending Trading**

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, units and all other securities of Beneficial Laboratories, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 23, 1973 through July 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-12980 Filed 6-27-73;8:45 am]

[File No. 500-1]

### COASTAL STATES GAS CORP.

**Order Suspending Trading**

JUNE 22, 1973.

The common stock, $.33⅓ par value; $1.19 cumulative convertible preferred Series A, $.33⅓ par value; and $1.83 cumulative convertible preferred Series B, $.33⅓ par value of Coastal States Gas Corporation being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Coastal States Gas Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for

the period from June 25, 1973 through July 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-12970 Filed 6-27-73;8:45 am]

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[File No. 500-1]

## FIRST LEISURE CORP.

### Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value and all other securities of First Leisure Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 25, 1973 through July 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-12972 Filed 6-27-73;8:45 am]

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[File No. 500-1]

## ORECRAFT, INC.

### Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.04 par value, and all other securities of Orecraft, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 24, 1973 through July 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-12975 Filed 6-27-73;8:45 am]

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[File No. 500-1]

## PELOREX CORP.

### Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Pelorex Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 25, 1973 through July 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-12971 Filed 6-27-73;8:45 am]

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[File No. 500-1]

## PHOTON, INC.

### Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1.00 par value and all other securities of Photon, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 24, 1973 through July 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-12974 Filed 6-27-73;8:45 am]

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[File No. 500-1]

## PROOF LOCK INTERNATIONAL CORP.

### Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Proof Lock International Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 23, 1973 through July 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-12979 Filed 6-27-73;8:45 am]

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[File No. 500-1]

## TEXTURED PRODUCTS, INC.

### Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value and all other securities of Textured Products, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 24, 1973 through July 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-12973 Filed 6-27-73;8:45 am]

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[File No. 500-1]

## TRIEX INTERNATIONAL CORP.

### Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 23, 1973 through July 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-12978 Filed 6-27-73;8:45 am]

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[File No. 500-1]

## U. S. FINANCIAL INC.

### Order Suspending Trading

JUNE 22, 1973.

The common stock, $2.50 par value, of U. S. Financial Incorporated being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U. S. Financial Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 23, 1973 through July 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-12977 Filed 6-27-73;8:45 am]

## COST OF LIVING COUNCIL

### FOOD INDUSTRY ADVISORY COMMITTEE

#### Change in Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the meetings of the Food Industry Advisory Committee to be held, as previously announced, on July 2 and July 3, 1973 in Chicago, will instead be held on those dates at 2000 M street, NW., Washington, D.C. and that the meeting on July 2 will be open to the public.

The meeting on July 2, which will be open to the public, will be held at the Cost of Living Council offices, Room 2105 (Auditorium), 2000 M Street, NW., beginning at 9 am. The agenda will consist of presentations on methods for effectively limiting food price increases and for making the transition from the freeze period to Phase IV, by representatives of the following groups:

9:00 am National Association of Food Chains
9:30 am Grocery Manufacturers of America
10:00 am National Canners Association
10:30 am American Meat Institute
11:00 am Consumer Counsel, Economic Policy
11:30 am American Farm Bureau Federation
1:30 pm National Association Wholesale Grocers Association
2:00 pm United Fresh Fruit & Vegetable Association
2:30 pm International Brotherhood of Teamsters

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Only members of the Committee, and its staff, may question the witnesses. Due to space limitations, it is possible that there will not be enough seating. Persons will be admitted on a first-come-first-served basis.

While no unscheduled oral presentations will be entertained, anyone may submit a written statement by mailing it to Michael Caughlin, Room 8014, 2000 M Street, NW., Washington, D.C., 20508.

Any statements received by Monday, July 2, will be made available to the Committee before it adjourns on July 3. Any statement over three pages in length should be submitted in twenty copies.

Since the meeting on July 3 will consider sensitive policy issues and possible governmental actions in connection therewith, I have determined that the meeting will fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on June 27, 1973.

HENRY H. PERRITT, Jr.,
*Executive Secretary,*
*Cost of Living Council.*

[FR Doc.73-13322 Filed 6-27-73;12:08 pm]

## INTERSTATE COMMERCE COMMISSION

[Notice 286]

### ASSIGNMENT OF HEARINGS

JUNE 25, 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-F-11749, Allegheny Freight Lines, Inc.—Purchase—Murl E. Twigg, Dba Twigg Transfer & General Hauling, now assigned July 9, 1973, at Washington, D.C., postponed to July 30, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.73-13056 Filed 6-27-73;8:45 am]

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[No. 35851]

### COURIER EXPRESS CORP.

#### Relief From Certain Filing Requirements

JUNE 22, 1973.

Notice is hereby given that on June 11, 1973, Courier Express Corporation filed a petition for relief from certain filing requirements of section 218(a) of the Interstate Commerce Act. In lieu of filing schedules of its actual rates and charges, petitioner seeks either an exemption from filing or, in the alternative, authorization to file schedules of its minimum rates and charges.

Petitioner alleges that it is a contract carrier providing courier service for banks and banking institutions and that its operations are virtually identical to the courier carriers who were granted relief from the filing requirements of section 218(a) in Armored Carrier Corp. Petition for Relief, Section 218(a), 303 I.C.C. 781 (1958) and Relief from Certain Filing Requirements of Section 218 (a) Petition of Bankers Dispatch Corporation, (not printed), decided March 6, 1972.

Any person interested in the matter which is the subject of the petition and who wishes to participate actively in any further proceedings herein shall notify this Commission, by filing with the Office of Proceedings, Room 5342, 12th Street and Constitution Avenue, N. W., Washington, D.C., 20423, on or before July 30, 1973, an original and one copy of a statement of his intention to participate. Thereafter, the nature of further proceedings herein, if any, will be designated. The petition and statements of intent to participate, if any, will be available for public inspection at the offices of the Commission during regular business hours.

A copy of this notice will be served upon the petitioner, and notice of the filing of the petition will be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., 20423, and by delivering a copy to the Director, Office of the Federal Register for publication in the FEDERAL REGISTER.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc. 73-13054 Filed 6-27-73;8:45 am]

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### FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 25, 1973

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42705—*Crushed Stone from, to and Between Points in Illinois, Southwestern and Western Territories.* Filed by Southwestern Freight Bureau, Agent, (No. B-419), for interested rail carriers. Rates on crushed stone, in bulk, in bags, in carloads, as described in the application, between points in Arkansas, Kansas, Missouri, Nebraska and Oklahoma; also from Alden, Ft. Dodge, Iowa, Quincy and Valmeyer, Illinois, to points in Arkansas, Kansas, Missouri and Oklahoma.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 188 to Southwestern Freight Bureau, Agent, tariff 162-X, I.C.C. No. 4797. Rates are published to become effective on August 1, 1973.

FSA No. 42706—*Joint Water-Rail Container Rates—Knutsen Line.* Filed by Knutsen Line, (No. 1), for itself and interested rail carriers. Rates on general commodities, from ports in Japan and Korea, to rail stations and water carrier terminals on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

FSA No. 42707—*Joint Water-Rail Container Rates—Barber Lines.* Filed by Barber Lines, (No. 1), for itself and interested rail carriers. Rates on general commodities, from ports in Japan and Korea, to rail stations and water carrier terminals on the U. S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

FSA No. 42708—*Joint Water-Rail Container Rates—Transportacion Maritima Mexicana, S.A.* Filed by Transportacion Maritima Mexicana, S. A., (No. 1), for itself and interested rail carriers. Rates on general commodities, from ports in Japan and Korea, to rail stations and water carrier terminals on the U. S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

FSA No. 42709—*Joint Water-Rail Container Rates—Zim Container Service.* Filed by Zim Container Service, (No. 2), for itself and interested rail carriers. Rates on general commodities, from ports in Japan and Korea, to rail stations and water carrier terminals on the U. S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13057 Filed 6-27-73;8:45 am]

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[Ex Parte 297]

## FREIGHT RATES

### Order Instituting Investigation

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 15th day of June, 1973.

Pursuant to section 5a of the Interstate Commerce Act, the Commission has approved numerous agreements between and among groups of common carriers by rail, motor, or water, and of freight forwarders, relating to procedures for the joint consideration, initiation, or establishment of rates, fares, classifications, divisions, allowances, or charges, and rules and regulations pertaining thereto, when such agreements are shown to be in furtherance of the national transportation policy.

The approval of such agreements accord the carrier member relief from the operation of the antitrust laws with respect to the making of and the carrying out of the approved agreement. In effect, section 5a sanctions concerted ratemaking, with the ratemaking organization being the legal entity through which the carrier members engage in joint or collective ratemaking. The Commission has not prescribed any particular form of agreement and each agreement may be tailored to meet the needs of the particular carrier group and their shippers, subject to certain statutory prohibitions and standards established by the Commission on a case-by-case basis.

In response to the orders of investigation in the pending Ex Parte No. 270, Investigation of Railroad Freight Rate Structure, and from other sources, inquiries and criticisms have been received by the Commission suggesting that the terms and structure of the agreements and the operation of various ratemaking organizations in implementing the agreements are not in furtherance of the national transportation policy as required by the act.

Upon consideration of the foregoing matters, because of the unique immunity which carrier members of these ratemaking organizations possess, and because, as noted in Western Traffic Assn.—Agreement, 276 I.C.C. 183, 190, "the shipping public has relied heavily on the functioning of the rate—bureau method for the protection of its own interests * * *," and other good cause appearing therefor.

*It is ordered*, That an investigation be, and it is hereby, instituted under Parts I, II, III, and IV of the Interstate Commerce Act, and more particularly under sections 5a and 12(1) thereof, 49 U.S.C. 5b and 12(1) (and the equivalent sections of Parts II, III, and IV of the act, and of U.S.C.), to inquire into the activities of ratemaking organizations operating pursuant to approved section 5a agreements for the purpose of determining whether we should require any of those agreements to be amended in any respect.

*It is further ordered*, That the investigation shall include, but not be limited to, the following areas of inquiry to determine whether:

1. Rate bureaus assist or hamper the making of appropriate rates.

2. Changes in procedures would foster actions more favorable to bureau members, shippers, and the general public.

3. The right of independent action adversely affects the rate structure.

4. A system should be established by the Commission to monitor public hearings before rate bureaus.

5. Formal minutes or verbatim transcripts should be required of rate committee proceedings.

6. Copies of correspondence and documents concerning all rate bureau meetings should be filed with the Commission; and whether Commission representatives might attend all such meetings.

7. A uniform system of accounts should be promulgated for rate bureaus.

8. Rate bureaus should be prohibited from furnishing any services, including technical and professional services to another rate bureau or any other nonmember.

9. A rate bureau may invest in another commercial business, whether related or unrelated to its primary function of processing and publishing rates and related matters for member carriers.

10. Rate bureaus should be prohibited from acquiring other rate bureaus without Commission approval.

11. Rate bureaus should be profit-making enterprises.

12. A carrier member of a Bureau, which carrier is affiliated in any way with a shipper, may serve on the bureau's board of directors, general rate committee, or any other committee which has an effect, either directly or indirectly, on the ratemaking function of the bureau.

13. A maximum period should be prescribed for the processing of proposals to final disposition.

14. Public notice of proposals should identify the proponent carrier.

15. Rate bureaus should be prohibited from broadening the territorial or commodity scope of an individual rate proposals without public notice.

16. Rail rate bureaus should provide shortened special procedures governing the processing of proposals directly related to the filing of special docket applications with the Commission, informally seeking authority to award reparations on past shipments.

17. Handling of section 22 quotations by rate bureaus should be prohibited entirely or, in the alternative, whether rate bureaus should be limited to notifying the membership of a quotation adopted by a member carrier independently or jointly with another carrier.

18. General rate increase proposals should be required to be placed on the rate bureaus' dockets and made subject to public hearings, prior to filing with the Commission.

19. The Commission should obtain and publish reports of the deliberations within the industry concerning the matter of general increases.

20. The various motor rate bureaus should join in seeking general rate increases, instead of filing on an individual bureau basis.

21. In the alternative to "20", the railroads should be required to substantiate general increases on a regional basis.

22. Rate bureaus should be prohibited from protesting independent action proposals.

23. A rate bureau should be limited on protesting independent-action proposals to instances in which the proposed rate is less than long-term variable cost.

24. Rate bureaus should be prohibited from protesting or in any other way discouraging independent action proposals.

25. Rate Bureaus should be prohibited from discouraging members from publishing individual tariffs.

26. Immunity should continue to be extended to agreements which permit discussions, etc., with respect to proposals of single-line movements.

27. Immunity from antitrust laws should be continued.

28. Additional legislation is necessary and should be sought to better effect the goals for which section 5a was enacted.

*It is further ordered*, That all carrier members of ratemaking organizations which operate pursuant to agreements approved by the Commission under section 5a of the act be, and they are hereby, made respondents in this proceeding.

*It is further ordered*, That respondents shall timely advise this Commission of the identity, including addresses, of the individuals representing respondents.

*It is further ordered*, That the Commission's Bureau of Enforcement be, and it is hereby, authorized and directed to participate in these proceedings.

*It is further ordered*, That no oral hearing be scheduled for receiving testimony in this proceeding unless a need should later appear, but that respondents or any other interested persons may participate in this proceeding by submitting for consideration initial written

statements of facts, views, and arguments, and statements in reply thereto.

*It is further ordered*, That respondents and interested persons intending to participate in these proceedings by submitting initial and/or reply statements, or otherwise, shall notify this Commission, by filing with the Commission's Office of Proceedings, Room 5342, Washington, D. C. 20423 on or before July 30, 1973, an original and one copy of a statement of intention to participate.

*It is further ordered*, That inasmuch as the Commission desires wherever possible (a) to conserve time, (b) to avoid unnecessary expense to the parties, and (c) the service of pleadings by parties in proceedings of this type only upon those who intend to take an active part in these proceedings, the statement of intention to participate shall include a detailed specification of the extent of such person's interest, including (1) whether such interest extends merely to receiving Commission releases in these proceedings, (2) whether he genuinely wishes to participate by receiving or filing initial and/or reply statements, (3) if he so desires to participate as described in "(2)", whether he will consolidate or is capable of consolidating his interests with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need to be served, such consolidation of interests being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be issued in these proceedings; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in these proceedings and upon whom copies of all statements must be filed; and that at the time of service of this service list the Commission will fix the time for filing and serving statements under the modified procedure.

*It is further ordered*, That while this proceeding does not currently appear to be a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, statements filed by parties participating in these proceedings shall indicate the presence or absence of any effect of the recommendations made therein to this Commission on the quality of the human environment. Cf. Implementation-Natl. Environmental Policy Act, 1969, 340 I.C.C. 431 (1972).

*And it is further ordered*, That a copy of this order be served upon all carrier respondents to this proceeding through the respective ratemaking organizations which operate pursuant to agreements approved by the Commission under section 5a of the act; that a copy be mailed to the Public Utility Commission or Board, or similar regulatory body of each State having jurisdiction over the rates and practices of rail, motor, and water carriers, and freight forwarders; that a copy be posted in the Office of the Secretary, Interstate Commerce Commission; and that a copy be delivered to the Director, Division of the Federal Register as notice to all interested parties.

Written material or suggestions later submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D. C. 20423 during regular business hours in room 1221.

By the Commission.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.73-13055 Filed 6-27-73;8:45 am]

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[Notice 50]

## MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JUNE 22, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by special rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed on or before July 30. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 2230 (sub-No. 17), filed April 26, 1973. Applicant: MACK'S TRANSPORT SERVICE, INC., 1215 North 17th, Lincoln, Nebr. 68501. Applicant's representative: Earl Stewart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers), in secondary movements, in truckaway service, between Omaha, Nebr., and points in South Dakota (except Lawrence, Custer, Meade, Pennington, Butte, and Fall River Counties, S. Dak.) Restriction: Service is restricted against traffic having had an immediately prior movement by rail from the plantsite of the Ford Motor Co.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Lincoln, Nebr.

No. MC 4405 (sub-No. 504), filed May 25, 1973. Applicant: DEALERS TRANSIT, INC., 2200 East 170th Street, P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building panels*, from the plantsite of Star Manufacturing Co., at or near Oklahoma City, Okla., to points in the United States east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, and Louisiana.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 11207 (sub-No. 332), filed May 17, 1973. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

[1] Copies of special rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

routes, transporting: *Plywood and particle board*, from the plantsite and facilities of Louisiana-Pacific Corp. at or near Urania, La., to points in Alabama, Florida, and Georgia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 19227 (sub-No. 189), filed May 8, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron and plastic pipes, pipe fittings, watermain fittings, watermeter boxes, valve boxes, manhole covers, frames, including parts and accessories, thereof*, from the plantsite of Western Foundry located at or near Tyler, Tex., to points in Washington, Oregon, California, Nevada, Idaho, Arizona, New Mexico, Oklahoma, Iowa, Kansas, Minnesota, Missouri, Arkansas, Louisiana, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Tennessee, Alabama, Mississippi, Colorado, Utah, Montana, and Nebraska.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 19227 (sub-No. 190), filed May 21, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. F. Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bronze propellers and accessories; machinery, equipment and parts* used in the manufacture, assembly, and servicing of propellers, between Pascagoula, Miss., on the one hand, and, on othe other, points in the United States (except Alaska and Hawaii), restricted to traffic between the named origin, on the one hand, and, on the other, the named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 20861 (sub-No. 4), filed May 21, 1973. Applicant: FROZEN FOOD DELIVERY SERVICE, INC., 300 West Street, Berlin, Mass. 01503. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit juice concentrates*, from Taunton and Southborough, Mass., to points in Maine, restricted to a transportation service to be performed under a contract or continuing contract with Newton Foods, Inc.; and (2) *frozen fruits and vegetables*, from Taunton and Southborough, Mass., to points in Connecticut, Rhode Island, and New Hampshire, restricted to a transportation service to be performed under a contract or continuing contract with Newton Acres, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 26739 (sub-No. 76), filed May 14, 1973. Applicant: CROUCH BROS., INC., P.O. Box 1059, St. Joseph, Mo. 64502. Applicant's representative: R. A. Dombrowski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, mineral wool products, insulating material and insulated air duct*, from Kansas City, Kans., to points in North Dakota, South Dakota, Wisconsin, and Minnesota.

NOTE.—Applicant states that the requested authority can be tacked at Kansas City, Kans., to provide service from Topeka, Kans., via Kansas City, Kans., to points in North Dakota, South Dakota, Wisconsin, and Minnesota with its sub 59. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 27817 (sub-No. 107), filed May 7, 1973. Applicant: H. C. GABLER, INC., rural delivery No. 3, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and canning materials and supplies*, between Fairport, Hamlin, Holley, and Williamson, N.Y., on the one hand, and, on the other, Aspers, Pa., restricted to the transportation of traffic moving between the points specified above.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 28551 (sub-No. 3), filed May 17, 1973. Applicant: GENERAL CARTAGE CO., a corporation, 1511 Pearl Street, Waukesha, Wis. 53186. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in cargo vans or containers, and *empty cargo vans* and *containers*, between points in Milwaukee, Waukesha, Jefferson, Ozaukee, Racine, Walworth, and Washington Counties, Wis., restricted to traffic having a prior or subsequent movement by rail or water.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 29120 (sub-No. 157), filed May 14, 1973. Applicant: ALL-AMERICAN, INC., 900 West Delaware, P.O. Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: Michael J. Ogborn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and forest products* (except wood chips and commodities in bulk), *pressure treated poles, pressure treated posts, and pressure treated lumber*, from points in Lawrence, Meade, and Pennington Counties, S. Dak., Crook and Weston Counties, Wyo., and Park County, Mont., to points in Colorado, North Dakota, South Dakota, Nebraska, Kansas Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, and Ohio.

NOTE.—Common control was approved in No. MC-F-11285. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls or Rapid City, S. Dak.

No. MC 29886 (sub-No. 294), filed May 7, 1973. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Power cranes;* (2) *tractors* (except truck tractor); (3) *self-propelled articles* weighing 15,000 pounds or more; (4) *construction and earth moving machinery and equipment;* and (5) *related machinery tools, parts and supplies* moving in connection with the commodities described in (1), (2), (3), and (4) above, from Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Manassas, and Virginia Beach, Va.; points in Isle of Wight, Namsemond, Surry, and York Counties, Va.; Baltimore and White Marsh, Md., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, West Virginia, and Wisconsin.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 35320 (sub-No. 137), filed May 4, 1973. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, Tex. 79405. Applicant's representative: Chandler L. van Orman, 704 Southern Building, 15th and H Streets NW., Washington, D.C. 20005. 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, ammunition and component parts of ammunition, however classified, household goods as defined by the Commission, commodities in bulk, sand, livestock, gravel, coal and those requiring special equipment), between Memphis, Tenn., and Dallas, Tex.: From Memphis over U.S. Highway 70 (also Interstate Highway 40) to the junction of U.S. Highway 70 and U.S. Highway 67 at Little Rock, Ark., thence over U.S. Highway 67 (also over Interstate Highway

30) to Dallas, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's presently authorized routes, restricted to the handling of traffic originating at, destined to, or interlined at Memphis, Tenn., and its commercial zone.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52460 (sub-No. 121), filed April 12, 1973. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antique automobiles, racing automobiles, show cars and special interest motor vehicles*, between points in the United States (except Alaska and Hawaii); and (2) *caustic potash (KOH)*, liquid, in bulk, in tank vehicles, from Tulsa, Okla., and points on the Arkansas and Verdigris Rivers in Oklahoma, to Borger, Tex.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla., or Dallas, Tex.

No. MC 52704 (sub-No. 102), filed May 21, 1973. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer H, Lafayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, suite 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or bottled foodstuffs*, from the plantsite of Bruce Foods, Corp., Wilson, N.C., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 52709 (sub-No. 321), filed April 18, 1973. Applicant: RINGSBY TRUCK LINES, INC., 5773 South Prince Street, P.O. Box 192, Littleton, Colo. 80120. Applicant's representative: J. Maurice Andren, P.O. Box 1631, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment), (1) between Rock Island, Ill., and junction U.S. Highways 24 and 36 (near Hannibal, Mo.): From Rock Island, Ill., over U.S. Highway 67 to junction U.S. Highway 24 near Rushville, thence over U.S. Highway 24 to junction with U.S. Highway 36, serving no intermediate points and serving the junction of U.S. Highways 24 and 36 for purposes of joinder only, as an alternate route for operating convenience only; (2) between Rock Island, Ill., and St. Louis, Mo.: From Rock Island, Ill., over U.S. Highway 67 to St. Louis, Mo., and return over the same route, as an alternate route for operating convenience only; (3) between Davenport, Iowa, and junction U.S. Highway 30 and Iowa Highway 130: From Davenport over Iowa Highway 130 to junction U.S. Highway 30 and return over the same route, serving the junction for purposes of joinder only, as an alternate route for operating convenience only; (4) between junction Interstate Highway 35 and U.S. Highway 30 and Sioux City, Iowa: From junction Interstate Highway 35 and U.S. Highway 30 over Interstate Highway 35 to junction U.S. Highway 20, thence over U.S. Highway 20 to Sioux City, Iowa, and return over the same route, serving the junction for purposes of joinder only, as an alternate route for operating convenience only; (5) between Macomb, Ill., and Lincoln, Nebr.: From Macomb, Ill., over U.S. Highway 136 to Auburn, Nebr., thence over U.S. Highways 73, 75 to Nebraska City, Nebr., thence over Nebraska Highway 2 to Lincoln, Nebr., and return over the same route, serving Macomb, Ill., for purposes of joinder only, as an alternate route for operating convenience only; and (6) between Lincoln, Nebr., and Fremont, Nebr.: From Lincoln, Nebr., over U.S. Highway 77 to Fremont, Nebr., and return over the same route, as an alternate route for operating convenience only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 55778 (sub-No. 19), filed May 25, 1973. Applicant: MOTOR DISPATCH, INC., 2559 South Archer Avenue, Chicago, Ill. 60608. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irresentative: Edward G. Bazelon, 39 regular routes, transporting: *Building and construction materials and supplies* (except in bulk), from the plantsite and warehouse facilities of the Celotex Corp. at or near Wilmington, Ill., to points in Illinois, Indiana, Wisconsin, Michigan, Ohio, Iowa, Missouri, Kentucky, Nebraska, and Minnesota.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 55898 (sub-No. 50), filed May 11, 1973. Applicant: DECATO BROS., INC., Heater Road, Lebanon, N.H. 03766. Applicant's representative: David M. Marshall, 135 State Street, suite 200, Springfield, Mass. 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 points in Sullivan and Grafton Counties, N.H., and Windsor County, Vt., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Boston, Mass.

No. MC 56679 (sub-No. 74), filed May 18, 1973. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical household appliances*, from Tacoma, Wash., and Portland, Oreg., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or New York, N.Y.

No. MC 59488 (sub-No. 39), filed May 10, 1973. Applicant: SOUTHWESTERN TRANSPORTATION COMPANY, a corporation, 7600 South Central Expressway, Dallas, Tex. 75216. Applicant's representative: Lloyd M. Roach, 1517 West Front Street, Tyler, Tex. 75701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), serving Highland Industrial Development Park (sometimes called "East Camden Industrial Park") located in Calhoun and Ouachita Counties, Ark., as an off-route point in connection with applicant's regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Dallas, Tex.

No. MC 59680 (sub-No. 208), filed May 7, 1973. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, P.O. Box 5689, Dallas, Tex. 75222. Applicant's representative: Oscar P. Peck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Elkhart, Ind., as an off-route point in connection with applicant's presently authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Elkhart or South Bend, Ind., or Chicago, Ill.

No. MC 60580 (sub-No. 29) (correction), filed April 17, 1973, published in the FEDERAL REGISTER issue of May 31, 1973, and republished, as corrected, this issue. Applicant: MAISLIN TRANSPORT

CORP., 1314 Irving Street, Allentown, Pa. 18103. Applicant's representative: Charles Ephraim, 1250 Connecticut Avenue NW., suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), regular routes: (A)(1) Between New York, N.Y., and Watertown, N.Y., serving the intermediate points of Binghamton and Syracuse, N.Y.: From New York via the Holland Tunnel to Jersey City, N.J., thence over U.S. Highway 1 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to the New Jersey-New York State line, thence over New York Highway 17 to Binghamton, N.Y., thence over U.S. Highway 11 via Syracuse, N.Y., to Watertown, and return over the same route; (2) Between the junction of New Jersey Highway 17 and U.S. Highway 46, and Binghamton, N.Y., over an alternate route for operating convenience only, in connection with carrier's regular-route operation authorized above, serving no intermediate points and with service at the junction of New Jersey Highway 17 and U.S. Highway 46 for purpose of joinder only: From the junction of New Jersey Highway 17 and U.S. Highway 46 over U.S. Highway 46 via Dover and Hackettstown, N.J., to the New Jersey-Pennsylvania State line, thence over U.S. Highway 611 via Stroudsburg and Tobyhanna, Pa., to Scranton, Pa.

Thence over U.S. Highway 11 via New Milford, Pa., to Binghamton, and return over the same route; (3) between Syracuse, N.Y., and Rochester, N.Y., as an alternate route for operating convenience only, in connection with carrier's regular-route operation, serving no intermediate points and with service at Syracuse and Rochester, N.Y., for the purpose of joinder only: from Syracuse over New York Highway 5 to junction New York Highway 31B, thence over New York Highway 31B to junction New York Highway 31, thence over New York Highway 31 to Rochester, N.Y., and return over the same route; (4) between Buffalo, N.Y., and Rochester, N.Y., over an alternate route, for operating convenience only, in connection with carrier's regular-route operation, serving no intermediate points and with service at Buffalo and Rochester, N.Y., for the purpose of joinder only: from Buffalo over New York Highway 5 to Batavia, N.Y., thence over New York Highway 33 to Rochester, N.Y., and return over the same route. (B)(1) *General commodities* (except those of unusual value, high explosives, household goods as defined by the Commission, commodities requiring special equipment, and commodities in bulk); irregular route: (a) between points in New Jersey and New York within 25 miles of the City Hall, New York, N.Y.; (b) between ponts in New Jersey and New York within 25 miles of the City Hall, New York, N.Y., on the one hand, and, on the other Oyster Bay, Ossining, and Peekskill, N.Y.; and (2) *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 Buffalo, N.Y., on the one hand, and, on the other, those ports of entry on the United States-Canada boundary line located at Buffalo and Lewiston, N.Y.

Restriction: The service authorized in (2) above is restricted to the transportation of traffic originating at, or destined to, points in Canada.

NOTE.—The purposes of this republication are: (1) To properly indicate route (A)(3) above; and (2) to clarify applicant's intention to tack. The requested authority is presently held by Maislin Transport, Ltd., the parent corporation of Maislin Transport Corp. Upon grant of the authority requested herein Maislin Transport, Ltd. will offer for cancellation all duplicating authority. This application is filed in furtherance of the Commission's order in No. MC-F-11555, and the matters herein are directly related to those involved in No. MC-F-11855, published in the FEDERAL REGISTER issue of May 9, 1973. Applicant states that the requested authority will be tacked with its existing authority at all common points. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61403 (sub-No. 219), filed May 18, 1973. Applicant: THE MASON AND DIXON TANK LINES, INC., Highway 11-W, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, suite 1201, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Peoria, Ill., to points in Georgia, Alabama, Louisiana, New York, Oklahoma, North Carolina, and South Carolina.

NOTE.—Common control was approved by the Commission in No. MC-F-6347. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 61403 (sub-No. 220), filed June 4, 1973. Applicant: THE MASON AND DIXON TANK LINES, INC., Highway 11-W, Kingport, Tenn. 37662. Applicant's representative: W. C. Mitchell, suite 1201, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plantsite and facilities of Union Carbide Corp., at or near Taft (St. Charles Parish), La., to points in the United States (except Alaska, Hawaii, Indiana, Iowa, Kentucky, North Carolina, South Carolina, Tennessee (on and east of U.S. Highway 27), and Texas), restricted to traffic originating at the plantsite and facilities of Union Carbide Corp., and destined to the above-indicated destinations.

NOTE.—Common control was approved by the Commission in No. MC-F-6347. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 64932 (sub-No. 515), filed May 16, 1973. Applicant: ROGERS CARTAGE CO., a corporation, 10735 South Cicero Avenue, Oaklawn, Ill. 60453. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from St. Louis, Mo., to points in Arkansas, Illinois, Kansas, Kentucky, Louisiana, Nebraska, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 73165 (sub-No. 325), filed May 29, 1973. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brass, bronze, or copper pipe and tubing, fittings, rods and castings;* (2) *brass, bronze, or copper scrap;* and (3) *brass, bronze, or copper castings, cathodes, fittings and rods*, between the facilities of Mueller Brass Co. at or near Fulton, Miss., on the one hand, and, on the other, points in Alabama, Virginia, Florida, North Carolina, South Carolina, Tennessee, Louisiana, Texas, Arkansas, Missouri, Georgia, Kansas, Oklahoma, Colorado, and Michigan.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 78040 (sub-No. 8) (correction), filed October 16, 1972, published in the FEDERAL REGISTER issue of June 14, 1973, and republished as corrected this issue. Applicant: BOYD TRANSFER CO., a corporation, 4600 E. Fayette Street,

Baltimore, Md. 21224. Applicant's representative: William J. Augello, 103 Fort Salonga Road, Northport, N.Y. 11768.

NOTE.—The purpose of this republication is to correct the filing date of this application to October 16, 1972, in lieu of February 16, 1972, which was in error. The rest of the notice remains as previously published.

No. MC 78228 (sub-No. 40), filed May 24, 1973. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, from the plantsites of H. K. Porter Co., Inc., at Wellsville, Irondale, and Hammondsville, Ohio, to points in Illinois, Indiana, Kentucky, New York, Pennsylvania, and West Virginia.

NOTE.—Common control may be involved. Applicant states it could tack with its base certificate at the plantsites and thus provide a through service from Ohio and authorized territories in New York, Pennsylvania, and West Virginia, to the destination States but that it has no present intention of tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 87720 (sub-No. 142), filed May 14, 1973. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic materials and products* (other than bulk), and *materials, supplies, and equipment* used in connection therewith (other than bulk) between East Rutherford, Rockaway, N.J., Upper Newton Falls, Mass., and New York, N.Y., on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia, under contract with Tenneco, Inc.; and (2) *calcium carbonite*, from Adams, Mass., to Arlington Heights, Ill., under contract with Tenneco, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 87720 (sub-No. 143), filed May 21, 1973. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products and materials, supplies, and equipment*, between Phoenix, Ariz., and Sparks, Nev., on the one hand, and, on the other, points in California, Oregon, Washington, Arizona, Nevada, and New Mexico, under contract with Dart Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94201 (sub-No. 111), filed December 19, 1972. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, Ala. 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic or iron fittings, connections, valves, hydrants and gaskets*, from the plantsite and storage facilities of Central Foundry Co. at or near Hol , Ala., to points in Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 95540 (sub-No. 875), filed May 16, 1973. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive NE., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy confectionery and related items, also premiums and advertising materials* when moved with above shipments, from Freehold, N.J., to points in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Tennessee.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 95540 (sub-No. 876), filed May 16, 1973. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive NE., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pottstown, Pa., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Tennessee.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 95540 (sub-No. 877), filed May 3?, 1973. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive NE., Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks, P.O. Box 1636, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from South Edmeston, N.Y., to points in Florida, Georgia, North Carolina, and South Carolina.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 103051 (sub-No. 278), filed May 14, 1973. Applicant: FLEET TRANSPORT CO., INC., 934 44th Avenue North, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except Petro Chemicals), in bulk, in tank vehicles, from Doraville and Macon, Ga., to points in Florida.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 106398 (sub-No. 662), filed May 7, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building panels, building sections, and materials, and supplies* used in the installation thereof, from the plantsite of Research & Manufacturing Corp., in Tulsa, Okla., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; (2) *materials and supplies* used in the manufacture of the commodities named in (1) above, from points in the United States (except Alaska and Hawaii), to the plantsite named in (1) above; (3) *exterior wall or roof coating*, from the plantsite of Coating Laboratories in Tulsa, Okla., to points in the United States (except Alaska and Hawaii); and (4) *materials and supplies* used in the manufacture of the commodities named in (3) above, from points in the United States (except Alaska and Hawaii) to the plantsite named in (3) above, restricted in (1) and (2) above to traffic originating at the plantsite of Research & Manufacturing

Corp., and in (3) and (4) above to the plantsite of Coating Laboratories.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 106603 (sub-No. 129), filed May 21, 1973. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products* (except in bulk), from Paris, Tenn., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Chicago, Ill.

No. MC 106958 (sub-No. 4), filed May 8, 1973. Applicant: KUPPER BROS., INC., P.O. Box 191, South Amboy, N.J. 08879. Applicant's representative: Morton E. Kiel, 140 Cedar street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copperas*, in bulk, in dump trucks, from Sayreville Township, N.J., to points in Connecticut, New York, and Pennsylvania (except points located within 100 miles of Sayreville Township), and points in Maryland, Delaware, Virginia, Rhode Island, Massachusetts, and the District of Columbia, under contract with NL Industries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 107403 (sub-No. 847), filed May 11, 1973. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of Owens-Corning Fiberglas Corp. at or near Valparaiso, Ind., to points in Alabama, Georgia, Indiana, Illinois, Kentucky, Michigan, Ohio, Pennsylvania, North Carolina, South Carolina, and Texas.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (sub-No. 852), filed May 10, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), in vehicles equipped with mechanical refrigeration, from Pana, Ill., to points in Georgia and Florida.

NOTE.—Common control may be involved. Also dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109515 (sub-No. 12), filed May 21, 1973. Applicant: OZELLA HARRINGTON P.O. Box 604, Benson Ariz. 85602. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prilled ammonium nitrate*, from Curtiss, Ariz., to Marion, Ill., under contract with Apache Powder Co.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tucson or Phoenix, Ariz.

No. MC 109689 (sub-No. 248), filed April 27, 1973. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, in bulk, from points in Duchesne County, Utah, to points in Arizona, Colorado, Idaho, Nevada, and Wyoming; (2) *sodium bicarbonate*, from Rock Springs, Wyo., to points in Arizona, California, Oregon, Washington, and Texas; and (3) *tallow*, in bulk, from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Washington, Oregon, California, Nevada, Arizona, New Mexico, Utah, Idaho, Colorado, Wyoming, Montana, Nebraska, North Dakota, South Dakota, Texas, Kansas, and Oklahoma.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 109847 (sub-No. 15), filed April 26, 1973. Applicant: BOSS-LINCO LINES, INC., suite 450, 1 West Genesee Street, Buffalo, N.Y. 14240. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, commodities requiring special equipment and household goods as defined by the Commission), serving Middleville and Newport, N.Y., as off-route points in connection with applicant's regular route operations, between Perth Amboy, N.J., and Syracuse, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Syracuse or Albany, N.Y.

No. MC 109914 (sub-No. 28), filed May 4, 1973. Applicant: DUNDEE TRUCK LINE, INC., 6006 Stickney Avenue, Toledo, Ohio 43612. Applicant's representative: Robert D. Schuler, One Woodward Avenue, suite 1700, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plantsite and facilities of Ford Motor Co. at Romeo, Mich. (Macomb County), as an off-route point in connection with carrier's otherwise authorized regular-route operations to and from Detroit, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 110525 (sub-No. 1056), filed May 18, 1973. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in New Jersey, to points in Maine, New Hamsphire, and Vermont.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 110525 (sub-No. 1057), filed May 21, 1973. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains, and varnishes*, in bulk, in tank vehicles, from Schenectady, N.Y., to New Haven, Conn.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing auhority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 111103 (sub-No. 41) (amendment), filed December 22, 1972, published in the FEDERAL REGISTER issue of February 8, 1973, and republished, as corrected, this issue. Applicant: PROTECTIVE MOTOR SERVICE CO., INC., 12415 South Swanson Street, Philadelphia, Pa. 19148. Applicant's representatives: John M. Delaney, 2 Nevada Drive, Lake Success, N.Y. 11040, and Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precious metals, metal articles, foreign coin, jewelry, articles of unusual value and materials* used in the production of these commodities, between Franklin Center, Pa., on the one hand, and, on the other, Greenfield and Attleboro, Mass.; Farmingdale and Hauppauge, N.Y.; Meriden, Conn.; and Providence, R.I., under a continuing contract or contracts, with the Franklin Mint, Franklin Center, Pa.

NOTE.—The purpose of this republication is to indicate that applicant seeks to perform operations under contract with the Franklin Mint, Franklin Center, Pa., in lieu of the General Services Administration which applicant had indicated in initial filing. Common control may be involved. Applicant presently holds a motor common carrier certificate in No. MC 133698 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 111545 (sub-No. 185), filed May 16, 1973. Applicant: HOME TRANSPORTATION CO., INC., 1425 Franklin Road, Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels); (2) *equipment* designed for use in conjunction with tractors; (3) *agricultural, industrial and construction machinery and equipment*; (4) *attachments* for commodities described in (1) through (3) above; (5) *internal combustion engines*; (6) *parts* of commodities described in (1) through (5) above, in mixed loads with such commodities; and (7) *materials, equipment, and supplies* used in the manufacture of the commodities described in (1) through (6) above (except commodities in bulk), (A) from the facilities of J. I. Case Co. in Bettendorf and Burlington, Iowa, and Racine, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; and (B) between the plantsites, warehouses, dealer locations, distributor locations, and customer locations of J. I. Case Co. located in those destination States named in (A) above.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 111729 (sub-No. 387), filed May 4, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20423. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radiopharmaceuticals, radioactive drugs, and medical isotopes*, in packages not to exceed 45 pounds, (a) between Oklahoma City, Okla., on the one hand, and, on the other, points in Kansas and Missouri; and (b) between Dallas, Tex., on the one hand, and, on the other, points in Texas restricted to traffic having an immediately prior or subsequent movement by air, and (2) *business papers, records, audit and accounting media of all kinds; proofs, cuts, copy, artwork, advertising posters, stationery samples, and other related printed matter*, (a) between Easton, Pa., on the one hand, and, on the other, points in New York, N.Y.; Trenton, N.J.; Baltimore, Md., and Washington, D.C.; and (b) between Easton, Pa., and Philadelphia, Pa., restricted to traffic having a prior or subsequent movement by air.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs, therefore dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111848 (sub-No. 4), filed May 1, 1973. Applicant: FLOYD E. HUBBARD, JR., an individual, P.O. Box 242, East Main Road, North East, Pa. 16428. Applicant's representative: William J. Hirsch, suite 444, 35 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Engines* (except aircraft and missile engines), *pumps, compressors, and parts thereof*, transported separately or in connection therewith, between points in Cattaragus County, N.Y., and Erie and McKean Counties, Pa., on the one hand, and, on the other, points in Alabama, Kentucky, Minnesota, Missouri, Tennessee, West Virginia, and Wisconsin, under a continuing contract with Dresser Industries, Inc.; and (2) *Engine parts*, between Olean, N.Y., on the one hand, and, on the other, points in Alabama, Arizona, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Mexico, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin under a contract with Van Der Horst Corporation of America.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 112822 (sub-No. 274), filed May 21, 1973. Applicant: BRAY LINES INCORPORATED, 1401 North Little, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: J. R. Gardner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and matches*, from Fullerton, Hayward, Oakdale, and Davis, Calif., to points in Idaho, Oregon, and Washington.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 112989 (sub-No. 31), filed May 14, 1973. Applicant: WEST COAST TRUCK LINES, INC., P.O. Box 668, Coos Bay, Oreg. 97420. Applicant's representative: Jerry R. Woods, 620 Blue Cross Building, Portland, Oreg. 97201. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Gypsum products* consisting of lath, sheathing, wallboard, and *plaster* in sacks, and *materials and supplies* used in the installation thereof, and moving therewith, from Sigurd, Utah, to points in Oregon.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 113267 (sub-No. 305), filed May 25, 1973. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3385 Airways Boulevard, suite 115, Memphis, Tenn. 38116. Applicant's representative: Lawrence A. Fisher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co., Shreveport, La., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Texas.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at Shreveport, La., to serve points in Texas, but states it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113678 (sub-No. 496), filed May 17, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo.

80022. Applicant's representative: Richard A. Peterson, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquettes, charcoal, fireplace logs, and related items* such as lighter fluid, wood chips, barbeque grill base, from Husky Industries, Inc., plant at or near Dickinson, N. Dak., to points in Colorado, Idaho, Montana, Oregon, and Washington.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 113678 (sub-No. 498), filed May 17, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Rich Products Corp., at or near Appleton, Wis., to points in Missouri, Tennessee, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, North Dakota, South Dakota, Iowa, Nebraska, Minnesota, Colorado, Wyoming, Montana, Oregon, Washington, Utah, California, Nevada, Arizona, New Mexico, Oklahoma, Texas, and Kansas.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Denver, Colo.

No. MC 113855 (sub-No. 277), filed May 16, 1973. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55091. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels); (2) *equipment designed for use with tractors;* (3) *agricultural, industrial, and construction machinery and equipment;* (4) *such merchandise* as is dealt in by lawn and garden dealers (except chemicals and commodities in bulk); (5) *trailers* designed for transportation of the above described commodities (except those trailers designed to be drawn by passenger automobiles); (6) *attachments* for the above described commodities; (7) *internal combustion engines;* and (8) *accessories, parts, and supplies* used in the manufacture, repair, and assembly of (1) through (7) above, from the plants, warehouse sites and storage facilities of Sperry Rand Corp., New Holland Division located at Belleville, Mountville, and New Holland, Pa., to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points in territories which can be served through tacking. Persons interested in tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113855 (sub-No. 278), filed May 18, 1973. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bedframes, or fifth wheels; (2) *agricultural, industrial and construction machinery and equipment;* (3) *attachments;* (4) *engines;* (5) *equipment* designed to be used with the above-described commodities; (6) *materials, supplies, and equipment* used or useful in the manufacture and distribution of the above-named commodities (except commodities in bulk) *and parts and castings*, from Charles City, Iowa, to points in California, Arizona, Nevada, Utah, Oregon, Washington, Idaho, Montana, Wyoming, Colorado, New Mexico, North Dakota, and those in that part of Minnesota located on and north of U.S. Highway 2; and (7) *materials, supplies, and equipment* used or useful in the manufacture of distribution of the above-named commodities (except commodities in bulk) and *parts and castings*, from points in the destination States named above, to Charles City, Iowa, restricted in (1) through (6) above to traffic originating at the facilities of White Farm Equipment Co., and in (7) above, to traffic destined to the facilities of White Farm Equipment Co.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114019 (sub-No. 247), filed May 29, 1973. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Hazelton, Pa., to points in Connecticut, Delaware, Kentucky, Massachusetts, Maryland, New Jersey, New York, North Carolina, Ohio, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 114273 (sub-No. 141), filed May 17, 1973. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, suite 315, Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron castings*, from South Haven, Mich., to Jefferson and Webster City, Iowa.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114457 (sub-No. 148), filed May 6, 1973. Applicant: DART TRANSIT CO., a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles*, from Little Falls and Clearwater, Minn., and Hudson, Wis., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, restricted in (1) and (2) above against commodities in bulk.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 114457 (sub-No. 149), filed May 17, 1973. Applicant: DART TRANSIT CO., a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen meats, and nonedible foods*, when moving in vehicles equipped with mechanical refrigeration, from Bettendorf, Iowa, to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Indiana, Michigan, Ohio, and Kentucky, restricted to shipments originating at the Terminal Ice and Cold Storage at or near Bettendorf, Iowa.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 114608 (sub-No. 27), filed May 21, 1973. Applicant: CAPITAL EXPRESS, INC., 1239 Randolph Avenue, Grand Rapids, Mich. 49507. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities*, as are dealt in or distributed by Gibson Products Corp.; and (2) *machinery parts, materials, and supplies* used in the manufacture thereof (except those in bulk, in tank vehicles, and commodities which because of size or weight require the use of special equipment, between Greenville and Belding, Mich., on the one hand, and, on the other, points in Michigan, Ohio, Indiana, and Illinois, under contract with Gibson Products Corp.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich., or Chicago, Ill.

No. MC 115162 (sub-No. 276), filed May 21, 1973. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in Lawrence County, Miss., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Oklahoma, Kansas, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or New Orleans, La.

No. MC 115215 (sub-No. 20), filed May 11, 1973. Applicant: NEW TRUCK LINES, INC., P.O. Box 639, Highway 27 South, Perry, Fla. 32347. Applicant's reresentative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board, particle board, and plywood, accessories, materials, and supplies used in the sale and installation thereof* from points in Calhoun County, Fla., to points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas (including the District of Columbia); and (2) *materials, supplies, and accessories used in the manufacture and installation of the commodities* in (1) above from the destination points named in (1) above to the plant and warehouse sites of Abitibi Corp. in Calhoun County, Fla., the authority sought in (1) and (2) above is to be restricted against the transportation of commodities in bulk.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Tallahassee, Fla.

No. MC 115311 (sub-No. 151), filed May 21, 1973. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Social Circle, Ga., to points in Alabama, Tennessee, Mississippi, South Carolina, North Carolina, Kentucky, and Florida.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115331 (sub-No. 340), (correction), filed January 29, 1973, published in the FEDERAL REGISTER issue of March 15, 1973, and republished, as corrected, this issue. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed supplement, medicated feeding compounds; feed, animal or poultry; conditioning powders, regulators or tonics; drugs or medicines; weed killing compounds; agricultural insecticide or fungicide; toilet preparations; dip, animal or poultry; and bags and paper;* from Clinton, Indianapolis, and Lafayette, Ind., to points in Alabama, Arkansas, Indiana, Illinois, Iowa, Kansas, Kentucky, Michigan, Mississippi, Missouri, Minnesota, Nebraska, Tennessee, Texas, and Wisconsin.

NOTE.—The purpose of this republication is to indicate Indianapolis, Ind., as an origin point, which was inadvertently omitted in the previous publication. Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Indianapolis, Ind.

No. MC 115826 (sub-No. 249), filed April 27, 1973. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado National Bank, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen meat, and nonedible foods*, when moving in vehicles equipped with mechanical refrigeration, from Bettendorf, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, restricted to shipments from the Terminal Ice & Cold Storage facilities at or near Bettendorf, Iowa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Bettendorf, Iowa.

No. MC 116073 (sub-No. 264), filed May 21, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete or in sections, mounted on wheeled undercarriages with hitchball connectors, (1) from the facilities of Skyline Corp. near Lancaster, Wis., to points in Wisconsin, Illinois, Iowa, Minnesota, North Dakota, South Dakota, and Michigan; and (2) from Portage, Wis., to points in Illinois, Iowa, Minnesota, Michigan, Indiana, North Dakota, and South Dakota.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 117686 (sub-No. 141), filed May 14, 1973. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach, 309 Badgerow Building, Sioux City, Iowa 51101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and frozen potato products*, from Grand Forks, N. Dak., to points in Alabama, Arizona, Arkansas, California, Florida, Nevada, New Mexico, Oregon, and Washington.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fargo N. Dak., Omaha, Nebr., Minneapolis, Minn., or Washington, D.C.

No. MC 117815 (sub-No. 209), filed May 16, 1973. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, Ninth Floor, Hubbell Building, Des Moines, Iowa, 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and advertising and premiums*, when moving with foodstuffs, from Coloma, Mich., to points in Illinois (except Chicago), and points in Iowa on and east of U.S. Highway 69, restricted to shipments originating at the warehouse and storage facilities of the Michigan Fruit Canners, Inc., and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 117823 (sub-No. 45), filed April 12, 1973. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 1915 South Eighth West, Salt Lake City, Utah 84104. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in mechanically refrigerated vehicles, from Gustine, Calif., to points in Nevada, Idaho, Montana, and Wyoming.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with is existing authority. Applicant presently holds authority to transport cream and cream substitutes

over the same territory as requested above. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Oakland, Calif.

No. MC 118431 (sub-No. 9), filed May 29, 1973. Applicant: DENVER SOUTHWEST EXPRESS, INC., 605 South 14th Street, Lincoln, Nebr. 68501. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wire, cable, power cords, and reels*, between points in Arkansas, California, Florida, Illinois, Indiana, Massachusetts, Missouri, Nebraska, New Jersey, Pennsylvania, South Carolina, Texas, Vermont, and Virginia, and (2) *wire, cable, and scouring pads*, from Brandon, Miss., to points in the United States (except Alaska, Hawaii, and Mississippi), under continuing contract or contracts with General Cable Corp. Restriction: Restricted to traffic originating at or destined to the plant-sites and facilities utilized by General Cable Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 118431 (sub-No. 10), filed May 29, 1973. Applicant: DENVER SOUTHWEST EXPRESS, INC., 605 South 14th Street, Lincoln, Nebr. 68501. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Arkansas, under a continuing contract with American Home Products Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 118431 (sub-No. 11), filed May 29, 1973. Applicant: DENVER SOUTHWEST EXPRESS, INC., 60 South 14th Street, Lincoln, Nebr. 68501. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine, champagne, and vermouth*, from Hammondsport, N.Y., to points in Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska (except Omaha), Nevada, New Mexico, North Dakota, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming, under continuing contract or contracts with Taylor Wine Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Rochester or Syracuse, N.Y.

No. MC 118739 (sub-No. 9), filed May 11, 1973. Applicant: FRITZ TRUCKING, INC., Clara City, Minn. 56222. Applicant's representative: F. H. Kroeger, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by whole sale and retail dry goods and variety store business houses, from Clara City, Minn., to points in Michigan and Missouri; and (2) *returned shipments* of such merchandise, from points in Michigan and Missouri to Clara City, Minn., under contract with VSC, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119767 (sub-No. 301), filed May 17, 1973. Applicant: BEAVER TRANSPORT CO., a corporation, P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen meats, and nonedible foods*, when moving in vehicles equipped with mechanical refrigeration, from Bettendorf, Iowa, to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, restricted to shipments originating at Terminal Ice & Cold Storage at or near Bettendorf, Iowa.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (sub-No. 257), filed May 21, 1973. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Box L, Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and composition board*, between points in California, on the one hand, and, on the other, points in the United States (except Hawaii).

NOTE.—Applicant holds contract carrier authority under MC 126970 and subs, therefore dual operations may be involved. Common control may also be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 119789 (sub-No. 160), filed May 29, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned mushrooms*, from Kelton, Kennett Square, and Nottingham, Pa., to points in Colorado.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Dallas, Tex.

No. MC 120504 (sub-No. 2), filed April 6, 1973. Applicant: TILLMAN TRANSFER, INC., 746 East 22d Street, Fremont, Nebr. 68025. Applicant's representative: Einar Viren, 904 City National Bank, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) *General commodities* (except those requiring special equipment), regular routes: Between Fremont and Lincoln, Nebr.; from Fremont over U.S. Highway 77 to junction Nebraska Highway 109, thence over U.S. Highway 77/Nebraska Highway 109 to Fremont, serving all intermediate points and the off-route points of Mead and Cedar Bluffs, Nebr.; (2) *furniture and household goods*, irregular routes: (a) Between points within a 10-mile radius of Fremont, Nebr.; and (b) between points within a 10-mile radius of Fremont, on the one hand, and, on the other, points in Nebraska (the 10-mile radius of Freemont does not include any incorporated town or village except Fremont).

NOTE.—Applicant states that the requested authority can be tacked at Fremont, Nebr., with its existing authority. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The purpose of this application is to convert applicant's certificate of registration into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 120646 (sub-No. 13), filed May 23, 1973. Applicant: BRADLEY FREIGHT LINES, INC., P.O. Box 5875, Asheville, N.C. 28803. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps and accessories, including but not limited to globes, reflectors, lamp shades, wall placques, lighting fixtures, lamp stands, chandeliers, ceramic and procelain figurines, ash trays, pictures, paintings, smoking stands; furniture; materials and supplies* useful in the manufacture, installation, and shipping of the above commodities; between Asheville, Black Mountain, Conover, Drexel, Hickory, High Point, Lenoir, Mocksville, Morganton, Marion, Newton, Rutherfordton, Shelby, Taylorsville, and Whittier, N.C., on the one hand, and, on the other, points in Arkansas, Connecticut, the District of Columbia, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Michigan, Missouri, Mississippi, Minnesota, New Hampshire, New York, New Jersey, North Carolina, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—Applicant states that tacking possibilities exist with its sub-No. 5, at points in North Carolina, but indicates that it has no present intentions to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary,

applicant requests it be held at Asheville or Charlotte, N.C.

No. MC 123640 (sub-No. 10), filed May 4, 1973. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maunee Avenue, Fort Wayne, Ind. 46803. Applicant's representative: Irving Klein, 280 Broadway, New York, N.Y. 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold and dealt in by wholesale hardware houses, between Cape Girardeau, Mo., on the one hand, and, on the other, those points in Texas in a territory beginning at the Texas-Oklahoma State boundary line and extending southerly along Interstate Highway 35 to its intersection with Interstate 35W at Denton, Tex., thence along Interstate Highway 35W to its intersection with Interstate Highway 35, thence along Interstate Highway 30 to its intersection with U.S. Highway 84, thence easterly along U.S. Highway 84 to the Texas-Louisiana State boundary line, under a continuing contract with Hardware Wholesalers, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123685 (sub-No. 17) (amendment), filed April 23, 1973, published in the FEDERAL REGISTER issue June 7, 1973, and republished as amended, this issue. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, Ohio 44646. Applicant's representative: James Muldoon, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ferro alloys*, from Graham, W. Va., and Cambridge, Ohio, to points in Indiana, Illinois, Kentucky, Michigan, Ohio, Pennsylvania, West Virginia, and Virginia; (2) *materials, including ferro alloys and supplies* used in the production of ferro alloys, from the above-named destination States to Graham, W. Va., and Cambridge, Ohio; and (3) *ferro alloys*, from Kingwood, W. Va., to points in Indiana, Illinois, Kentucky, Michigan, Ohio, Pennsylvania, and Virginia.

NOTE.—The purpose of this republication is (a) to reflect that the commodities described in (2) above pertain to those used in the production of ferro alloys; and (b) to add part 3 to the authority originally requested. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 124078 (sub-No. 551), filed May 14, 1973. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives*, in bulk, in tank vehicles, from Nicholasville, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE.—Common control was approved by the Commission in Nos. MC-F-9737 and MC-F-10468. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 124309 (sub-No. 10), filed May 17, 1973. Applicant: ALPHIE J. BOUSLEY, Box 61A, Route 3, Armstrong Creek, Wis. 54103. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and plywood*, from points in Washington, Oregon, California, Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, and Maine, to Chicago, Ill., under a continuing contract with Rayner Co. of Chicago, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 124505 (sub-No. 15), filed May 7, 1973. Applicant: EUGENE TRIPP, 4624 South Avenue West, Missoula, Mont. 59801. Applicant's representative: Jeremy G. Thane, Savings Center Building, Missoula, Mont. 59801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising matter* when moving in the same vehicle, from Seattle, Wash., to points in California, and *empty containers* for recycling, from points in California to Seattle, Wash., under contract with Carling Brewing Co., and Rainier Brewing Co., Inc., Seattle, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle or Tacoma, Wash.

No. MC 124957 (sub-No. 7), filed May 16, 1973. Applicant: KENNETH KOHLS, P.O. Box 442, Mankato, Minn. 56001. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, Minn. 55415. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pedestals, concrete manholes, concrete manhole extension sections, and concrete collars*, from Winnebago, Minn., to points in Iowa, Nebraska, North Dakota, South Dakota, and Wisconsin, under contract with Elmore Concrete Products Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 125760 (sub-No. 9), filed April 18, 1973. Applicant: GLENN W. MEANS, 1597 Pittsburgh Road, Franklin, Pa. 16323. Applicant's representative: Frederick L. Kiger, 7823 Mount Carmel Road, Verona, Pa. 15147. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and fruit juices*, in vehicles equipped with mechanical refrigeration, between Farmdale, Youngstown, and Cleveland, Ohio, on the one hand, and, on the other, points in Pennsylvania on and west of a line beginning at a point on U.S. Highway 219 at the New York-Pennsylvania State line, thence southward along U.S. Highway 219 to junction U.S. Highway 56, thence eastward along U.S. Highway 56 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line.

NOTE.—Applicant states that the requested authority can be tacked only for completion of partial loads originating at Cleveland or Youngstown, Ohio. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, Pittsburgh, Pa., or Washington, D.C.

No. MC 126102 (sub-No. 18), filed May 9, 1973. Applicant: ANDERSON MOTOR LINES, INC., 86 Washington Street, Plainville, Mass. 02762. Applicant's representative: Robert G. Parks, 306 Dartmouth Street, Boston, Mass. 02116. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toys and games*, (1) from Pawtucket, R.I., to points in the United States (except Alaska and Hawaii); (2) from Shelbyville, Tenn., to Pawtucket, R.I.; and (3) from Seattle, Wash. to Pawtucket R.I., under contract with Hasbro Industries, Inc.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 126539 (sub-No. 14), filed May 24, 1973. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Foodstuffs, frozen meats, and nonedible foods*, when moving in vehicles equipped with mechanical refrigeration, from Bettendorf, Iowa, to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin, restricted to shipments originating at the Terminal Ice & Cold Storage located at or near Bettendorf, Iowa.

NOTE.—Applicant holds contract carrier authority under MC 129135 and sub-No. 2, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 126539 (sub-No. 15), filed May 29, 1973. Applicant: KATUIN BROS., INC., 102 Terminal Street, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Liquid animal feed and animal feed supplements* in bulk, from the plantsite and storage facilities of Land O'Lakes, Inc., at Dubuque, Iowa, to points in Illinois, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—Applicant also holds contract carrier authority under MC 129135 and subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 126625 (sub-Nos. 11, 12, and 13) (republication—territorial clarification), filed November 29, December 18, and December 27, 1972, respectively, and previously published in the FEDERAL REGISTER issues of January 26, February 8, and February 15, 1973, respectively, and collectively republished this issue. Applicant: MURPHY SURF-AIR TRUCKING CO., INC., Bluegrass Airport, Lexington, Ky. 40504. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) In sub-No. 11, between points in Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, and Branch County Memorial Airport at or near Coldwater, Mich., with no tacking; (2) in sub-No. 12, between points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, the District of Columbia, and Branch County Memorial Airport at or near Coldwater, Mich., with tacking at points in Ohio, Kentucky, and West Virginia; and (3) in sub-No. 13, between points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, North Carolina, South Carolina, Wisconsin, and Branch County Memorial Airport at or near Coldwater, Mich., with tacking at points in Kentucky, and Coldwater, Mich.; restricted in (1), (2), and (3) above to the transportation of shipments having a prior or subsequent movement by air.

NOTE.—The purpose of this republication is to clarify applicant's territorial description by indicating that in each of the above-referenced applications, applicant seeks nonradial movements. Traffic may be picked up at any named points or combination of points and delivered to any named point or combination of points in the States named as well as the Branch County Memorial Airport at or near Coldwater, Mich. Traffic need not necessarily move from or to the Branch County Memorial Airport. In combination, the above-referenced applications (a) seek authority to transport general commodities between points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except Tennessee), and (b) may be tacked at commonly named points to provide a service as described in (a) immediately above. If a hearing is deemed necessary, applicant requests it be held at Lexington or Louisville, Ky.

No. MC 127337 (sub-No. 9), filed May 11, 1973. Applicant: CHET'S TRANSPORT, INC., Charlotte, Maine 04666. Applicant's representative: James E. Wilson, 425 13th Street NW., suite 1032, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, from Boston, Mass., and Kearny, N.J., to ports of entry on the United States-Canada boundary line, located at or near Houlton, Calais, Vanceboro, and Portland, Maine.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 127505 (sub-No. 55), filed April 30, 1973. Applicant: RALPH H. BOELK, doing business as BOELK TRUCK LINES, Route 2, Mendota, Ill. 61342. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, mineral wool products, insulating material, and insulated air duct*, from Kansas City, Kans., to points in Minnesota and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128866 (sub-No. 47), filed May 18, 1973. Applicant: B & B TRUCKING, INC., P.O. Box 128, Cherry Hill, N.J. 08034. Applicant's representative: J. Michael Farrell, 1815 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from the facilities of the Kitchens of Sara Lee, Inc., at New Hampton, Iowa, to the facilities of the Kitchens of Sara Lee, Inc., at Deerfield, Ill., and the warehouses of Kitchens of Sara Lee, Inc., Chicago, Ill., and (2) from the facilities of the Kitchens of Sara Lee, Inc., at Deerfield, Ill., and the warehouses of the Kitchens of Sara Lee, Inc., at Chicago, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, under contract with Kitchens of Sara Lee, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 129660 (sub-No. 5), filed May 8, 1973. Applicant: MALLETTE BROS. TRUCK LINE, INC., Route 2, Box 243, Gautier, Miss. 39553. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles*, from the plantsites and/or warehouse facilities of Southern Metal Service, Inc., located at or near Gulfport, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas, restricted to traffic destined to points in the above-named States; and (2) *ferrous scrap*, from points in Mississippi, to Gulfport, Miss., restricted to traffic originating in Mississippi and having a subsequent movement by rail or water.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson or Gulfport, Miss.

No. MC 129675 (sub-No. 3) (amendment), filed April 13, 1973, published in the FEDERAL REGISTER issue of May 24, 1973, and republished as amended, this issue. Applicant: CHEESE EXPRESS, INC., 4500 West 90th Street Terrace, Shawnee Mission, Kans. 66207. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, (a) as defined in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766; and (b) the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time, from Ord, Nebr., to points in Nebraska, Colorado, Wyoming, New Mexico, Missouri (except Springfield and Neosho), Oklahoma, Texas, Iowa, Illinois, Arizona, California, Kansas, and Provo, Utah, and (2) *materials, supplies, and equipment* used in in the manufacture of (1) above, on return, under a continuing contract with Ord Cheese Plant, a division of Tescott Cheese, Inc., of Ord, Nebr.

NOTE.—The purpose of this republication is to eliminate the restriction in (1) above "except that no service is authorized within Kansas and Missouri." The rest of the application remains as previously published. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 129729 (sub-No. 4), filed May 29, 1973. Applicant: FRANCIS J. BEAROFF, INC. (Swedeland Road), P.O. Box 195, King of Prussia, Pa. 19406. Applicant's representative: Raymond A. Thistle, Jr., suite 1012, 4 Penn Center Plaza, Philadelphia, Pa. 19103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys* (except in bulk, in dump vehicles), from Camden, N.J., to Swedeland, Pa., and Claymont, Del.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 133566 (sub-No. 24), filed May 23, 1973. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 676, Logansport, Ind. 46947. Applicant's representative: William L. Slover, 1224 17th Street NW., Washington, D.C.

20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from Presque Isle, Caribou, and Washburn, Maine, to points in New York, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Missouri, Kentucky, Tennessee, West Virginia, Arkansas, Virginia, and Maryland.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Wayne, Ind., or Washington, D.C.

No. MC 133684 (sub-No. 10), filed May 7, 1973. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, Wash. 98422. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt liquors and advertising material* in connection therewith, from Tacoma, Wash., to points in California.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 133689 (sub-No. 29), filed May 17, 1973. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., P.O. Box 2667, New Brighton, Minn. 55112. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes, potato products, and potato byproducts* (except commodities in bulk) from Grand Forks, N. Dak., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, West Virginia, Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Missouri, Iowa, Minnesota, Kansas, Nebraska, and South Dakota.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133796 (sub-No. 17), filed May 24, 1973. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Notions and novelties*, from points in Kings County, Wash., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the Western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada; and (2) *materials and supplies* used in the manufacture of notions and novelties, from the destination points named in (1) above, to points in Kings County, Wash.

NOTE.—Applicant holds contract carrier authority under MC 129239, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 134307 (sub-No. 3), filed May 15, 1973. Applicant: GREAT ATLANTIC CORP., 165 Spring Street, Lewiston, Maine 04240. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to Lewiston, Maine, under a continuing contract or contracts with Maine Banana Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Portland, Maine.

No. MC 134922 (sub-No. 46), filed May 21, 1973. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mushrooms*, from Kennett Square, Pa., to points in Illinois, Minnesota, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Little Rock, Ark.

No. MC 135183 (sub-No. 5), filed May 18, 1973. Applicant: KERR CONTRACT CARRIAGE, INC., Route No. 4, Salem, Mo. 65560. Applicant's representative: B. W. La Tourette, Jr., 611 Olive Street, suite 1850, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquettes, hickory chips, lighter fluid, and barbeque grills*, from the plantsite of Floyd Charcoal Co., near Salem, Mo., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Michigan, Mississippi, Ohio, Oklahoma, Wisconsin, Pennsylvania, Texas, Virginia, and Tennessee (except Memphis, Tenn.).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 135633 (sub-No. 5), filed May 21, 1973. Applicant: NATIONWIDE AUTO TRANSPORTERS, INC., 2175 Lemoine Avenue, Fort Lee, N.J. 07024. Applicant's representative: Mel P. Booker, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buses and automotive vehicles*, from points in Allen County, Ohio, to points in the United States, including Alaska and Hawaii.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135797 (sub-No. 9), filed May 23, 1973. Applicant: J. B. HUNT TRANSPORT, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed supplements*, from the plantsite of Pfizer, Inc., at Lee's Summit, Mo., to points in the United States (except Alaska, Hawaii, and Missouri).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Atlanta, Ga.

No. MC 136408 (sub-No. 8), filed May 21, 1973. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and plastics* (except in bulk, in tank vehicles), from Wallingford, Conn., and Linden, N.J., to points in Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, and Missouri, under contract with American Cyanamid Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 136848 (sub-No. 5), filed May 14, 1973. Applicant: JAMES BRUCE LEE AND STANLEY LEE, a partnership, doing business as LEE CONTRACT CARRIERS, Old Route 66, P.O. Box 48, Pontiac, Ill. 61764. Applicant's representative: Edward F. Stanula, 77 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel plate or sheet*, from Gary, Ind., to the plantsite and warehouse facilities of Pittsburgh-International Corp. at or near Fairbury, Ill., under contract with Pittsburgh-International Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or Chicago, Ill.

No. MC 138204 (sub-No. 2), filed May 7, 1973. Applicant: GAYLON BRYAN, doing business as BRYAN'S TRUCKING, Route 3, Austin Road, Hereford, Tex. 79045. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. 79101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Eddy County, N. Mex., to points in Deaf Smith, Parmer, Castro, Randall, and Potter Counties, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex.

No. MC 138247 (sub-No. 1), filed April 23, 1973. Applicant: CHARLES H. WILLIAMS TRUCKING CO., INC., R.F.D. No. 1, Oakfield, Tenn. 38362. Applicant's representative: Charles H.

Williams, Sr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material, and supplies*, including tools, used in the construction and maintenance of telephone systems and communications, between Jackson, Tenn., and points in Benton, Carroll, Chester, Crockett, Decatur, Dyer, Fayette, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Wayne, and Weakley Counties, Tenn., under contract with Western Electric Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, or Memphis, Tenn.

No. MC 138367 (sub-No. 2), filed May 8, 1973. Applicant: TMI TRANSPORT CORP., P.O. Box 1075, Dickinson, N. Dak. 58601. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New institutional furniture*, from Dickinson, N. Dak., to points in the United States (except Alaska and Hawaii), *and materials and supplies* used in the manufacturing of new institutional furniture on return; and (2) *such merchandise* as is dealt in by farm supply stores, from Dayton, Cincinnati, Coshocton, Youngstown, Canton, and Byesville, Ohio; St. Charles, Elmhurst, and Rockford, Ill.; Lewiston, Mont.; Denver, Colo.; Neenah, Wis.; Grand Rapids, St. Joseph, Detroit, Kalamazoo, and Fruitport, Mich.; St. Louis and Kansas City, Mo.; Wallingford and New Britain, Conn.; Kansas City, Kans.; Lebanon, Pennsylvania, and Fremont, Nebr.; Fort Madison, Iowa; South Bend and Jasper, Ind.; Wytheville, Va.; and points in New York, to Dickinson, N. Dak., under a continuing contract with TMI Distributing, a division of TMI Systems Design Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or St. Paul, Minn.

No. MC 138459 (sub-No. 1), filed May 18, 1973. Applicant: GEORGES ED. CHOQUETTE, 355, rue St. Paul, St. Pie de Bagot, Quebec, Canada. Applicant's representative: J. P. Vermette, 250 Napoleon-Provost Street, Repentigny, Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soya bean meal*, in bulk, in dump vehicles, (1) from Rouses Point, N.Y., to points on the international boundary line between the United States-Canada located at or near Rouses Point, N.Y.; and (2) from Swanton, Vt., to points on the international boundary line between the United States and Canada located at or near Higate Springs, Vt., restricted to traffic in foreign commerce destined to points in the Province of Quebec, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y., or Washington, D.C.

No. MC 138460 (sub-No. 1), filed April 16, 1973. Applicant: PARK CITIES VAN LINES, INC., 11282 Indian Trails, Dallas, Tex. 75229. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, restricted to traffic having a prior or subsequent movement in containers and further restricted to pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between Dallas and Grand Prairie, Tex., on the one hand, and, on the other, points in Anderson, Collin, Cooke, Dallas, Denton, Delta, Cherokee, Ellis, Fannin, Freestone, Henderson, Grayson, Hunt, Kaufman, Johnson, Lamar, Navarro, Rockwall, Rains, Smith, Tarrant, Van Zandt, Wise, and Wood Counties, Tex.

NOTE.—If a hearing is deemed necessary, applicant requesta it be held at Dallas or Fort Worth, Tex.

No. MC 138557 (sub-No. 3), filed May 18, 1973. Applicant: WALT KEITH TRUCKING, INC., Route No. 1, P.O. Box 30, Rushville, Mo. 64484. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite or World Wide Meats at or near Denison, Iowa, to points in the United States in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, and Texas, under a continuing contract, or contracts, with World Wide Meats of Denison, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kanssa City, Mo.

No. MC 138601, filed March 30, 1973. Applicant: PABLO CABRERA & JUAN A. RAMOS, a partnership, doing business as MUDANZAS LA HABANERA, 2444 West North Avenue, Chicago, Ill. 60647. Applicant's representative: Juan A. Ramos, 2316 West North Avenue, Chicago, Ill. 60647. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Used household goods*, between Chicago, Ill., and Key West, Fla.: From Chicago over Interstate Highway 93 to junction Interstate Highway 65, thence over Interstate Highway 65 to junction Interstate Highway 24 at Nashville Tenn., thence over Interstate Highway 24 to Interstate Highway 59 near Whiteside, Ga., thence over Interstate Highway 59 to junction Interstate Highway 75 at Chattanooga, Tenn., thence over Interstate Highway 75 to junction Floridas Turnpike near Wildwood, Fla., thence over Floridas Turnpike to junction U.S. Highway 1 near Miami, Fla., thence over U.S. Highway 1 to Key West, serving no intermediate or off-route points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138635 (sub-No. 3), filed May 24, 1973. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, N.C. 28052. Applicant's representative: John R. Sims, Jr., 1707 H Street NW., suite 600, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile machinery, textile machinery parts, and textile machinery tools*, from points in Gaston County, N.C., to points in California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 138658 (sub-No. 1), filed May 11, 1973. Applicant: CROSS TRANSPORTATION, INC., 100 Factory Street, Lewis, Kans. 67552. 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: (1) *Hydraulic cylinders, fittings, adapters, valves, pumps and motors; and hydraulic coupling equipment;* from the plantsite and/or storage facilities of Cross Manufacturing, Inc., located at or near Lewis, Hays, Pratt, and Kinsley, Kans., and Lamar, Colo., to points in Alabama, Arkansas, California, Colorado Connecticut Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Provo, Utah; (2) *steel tubes, bars, and plates, and raw castings*, from points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, Utah, and Texas, to the plantsite and/or storage facilities of Cross Manufacturing, Inc., located at or near, Lewis, Hays, Pratt, and Kinsley, Kans., and Lamar, Colo.; and (3) *hydraulic cylinders, fittings, adapters, valves, pumps and motors; hydraulic coupling equipment, steel tubes, bars and plates, and raw castings*, between the plantsite and/or storage facilities of Cross Manufacturing, Inc., located at or near Lamar, Colo., under contract with Cross Manufacturing, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 138681 (correction), filed April 30, 1973, published in the FEDERAL REGISTER issue June 1, 1973, and republished, as corrected, this issue. Applicant: MARVIN TANNER TRUCKING CO., INC., 165 North Clay Street, Louisville, Ky. 40202. Applicant's representative: George M. Catlett, 703 706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular

routes, transporting: *Animal feed and animal feed ingredients*, between Louisville, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Missouri, Ohio, Tennessee, and Kentucky, under a contract with Henry Fruechtenicht, Co., Inc.

NOTE.—The purpose of this republication is to substitute animal feed ingredients in lieu of animal ingredients which was erroneously omitted in the previous notice. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 138716 (sub-No. 1), filed May 21, 1973. Applicant: DIRECT TRANSFER CO., INC., 1 Hackensack Avenue, South Kearny, N.J. 07032. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, between points in Pennsylvania, New Jersey, and New York, on the one hand, and, on the other, points in Georgia and Florida, under contract with Lionel Leisure, Inc.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138721, filed April 16, 1973. Applicant: CAR-LIN TRANSPORT, INC., 122 Chestnut, Box 33, Monee, Ill. 60449. Applicant's representative: C. D. Kasson, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in group II and group III of appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, between the plantsite of Triem Steel & Processing, Inc., at Chicago Heights, Ill., on the one hand, and, on the other, points in Indiana, located in and north of Vigo, Clay, Putman, Morgan, Johnson, Shelby, Hancock, Henry, and Wayne Counties; those in Illinois located in and north of Monroe, St. Clair, Madison, Bond, Montgomery, Shelby, Cumberland, and Clark Counties; and those in Wisconsin located in and south of La Crosse, Monroe, Juneau, Adams, Waushara, Winnebago, Outagamie, Brown, and Kewaunee Counties, under contract with Triem Steel & Processing, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138776, filed May 22, 1973. Applicant: SCOTT DANIEL, INC., c/o Irving Lowe, 270 East Kilbourn Avenue, Milwaukee, Wis. 53202. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Gibbon and Hastings, Nebr., Menominee, Mich., and Milwaukee, Wis., to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract, or contracts, with Peck Meat Packing Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 138777, filed May 17, 1973. Applicant: FETZ INC., 2784 Woodwin Road, Doraville, Ga. 30340. Applicant's representative: Guy H. Postell, suite 713, 3384 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Doraville and Macon, Ga., to points in Florida, restricted against the transportation of petrochemicals from Doraville, Ga., to points in Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 138778, filed May 14, 1973. Applicant: IMPERIAL TRUCKING CO., a corporation, Route 1, Box 70, McMinnville, Oreg. 97128. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer*, in kegs, bottles, and cans, from Los Angeles, Calif., to St. Helens, Astoria, and McMinnville, Oreg., with *empties* on return; (2) *wine*, in bottles, (a) from San Jose, Calif., to Astoria and McMinnville, Oreg., (b) from Ripon, Calif., to Hillsboro and Astoria, Oreg., and (c) from Modesto, Calif., to McMinnville, Oreg.; and (3) *malt liquor*, in bottles and cans, from the plant and warehouse site of Blitz-Weinhard Co. in Portland, Oreg., to distributors of Blitz-Weinhard Co. in Hayward, San Carlos, Compton, and San Diego, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Los Angeles, Calif.

No. MC 138782, filed May 14, 1973. Applicant: CLYDE T. FLETCHER, doing business as Kentucky T.O.F.C. DELIVERY SERVICE, 511 Hopkinsville Street, Princeton, Ky. 42445. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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) including the transportation of freight in containers and empty containers, (1) between Paducah, Ky., on the one hand, and, on the other, points in McCracken, Marshall, Hickman, Fulton, Graves, Ballard, Carlisle, and Calloway Counties, Ky.; (2) between Princeton, Ky., on the one hand, and, on the other, points in Caldwell, Crittenden, Livingston, Webster, Hopkins, Christian, Trigg, Muhlenberg and Lyon Counties, Ky.; and (3) between Fulton, Ky., on the one hand, and, on the other, points in Fulton, Graves, Hickman, Carlisle, McCracken, and Ballard Counties, Ky.; restricted in (1) through (3) above to traffic having a prior or subsequent movement by rail.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville or Paducah, Ky.

No. MC 138784, filed May 14, 1973. Applicant: DeWAYNE MARLEY, doing business as PIKE TRUCK LINE, P.O. Box 72, Lineville, Iowa 50147. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Mercer, South Lineville, and Cainesville, Mo., and Des Moines, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Joseph or Kansas City, Mo.

No. MC 138785, filed May 11, 1973. Applicant: THE CLEE CORP., doing business as CENTRAL VAN & STORAGE, 715 J Street, San Diego, Calif. 92101. Applicant's representative: George R. La Bissoniere, suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission, restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of a pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, or decontainerization of such traffic, between points in San Diego, Imperial, Riverside, Orange, and Los Angeles Counties, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Diego or Los Angeles, Calif.

No. MC 138789 (amendment), filed March 9, 1973, previously published in the FEDERAL REGISTER issue of April 19, 1973, as No. MC 135592 (sub-No. 3), and republished, as amended, this issue. Applicant: U & R EXPRESS, INC., P.O. Box 2369, White City, Oreg. 97501. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, from points in Lane, Linn, Clackamas, Multnomah, Tillamook, Yamhill, and Marion Counties, Oreg., to points in Cowlitz and Clark Counties, Wash., under a continuing contract with Publishers Paper Co.

NOTE.—Applicant holds motor common carrier authority in No. MC–135592 (sub-No. 2), therefore dual operations may be involved although applicant indicates it does not seek to provide a common carrier service for Publishers Paper Co. The purpose of this republication is to indicate that applicant seeks to perform operations as a con-

tract carrier for Publishers Paper Co., in lieu of common carriage as was previously published. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

MOTOR CARRIER OF PASSENGERS

No. MC 118832 (sub-No. 7), filed April 16, 1973. Applicant: WESTOURS MOTOR COACHES, INC., 900 IBM Building, Seattle, Wash. 98101. Applicant's representative: A. T. Wendells, 3933 Seattle-First National Bank Building, Seattle, Wash. 98154. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, regular route: (A) Between the junction of Alaska Highways 2 and 5, and Dawson, Yukon Territory: From the junction of Alaska Highways 2 and 5 at Tetlin Junction, Alaska, to the Alaska Yukon border, thence over Alaska Highway 5 to junction unnumbered Alaska Highway to the Alaska/Yukon border enroute to Dawson, Yukon Territory, and return over the same route; (B) irregular routes: (1) Between Seattle, Wash., on the one hand, and, on the other, ports of entry on the United States-Canada boundary line located in Washington, Idaho, and Montana, restricted to traffic originating at or destined to points in Alaska; (2) between points in Alaska, on the one hand, and, on the other, ports of entry on the Alaska/Yukon border and extending via ports of entry on the United States-Canada boundary line to points in the United States (including Alaska but excluding Hawaii).

NOTE.—Applicant states that if the requested authority sought herein is granted, it will furnish alternate routes between Seattle and the Canadian border to connect with its Seattle-Alaska service under MC 118832 subs 2 and 4, at Dawson Creek, Yukon Territory. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Anchorage, Alaska.

No. MC 118848 (sub-No. 16), filed April 27, 1973. Applicant: DOMENICO BUS SERVICE, INC., 75 New Hook Access Road, Bayonne, N.J. 07102. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between the borough of Brooklyn, N.Y., and Newark Airport, Newark, N.J., serving all intermediate points in the boroughs of Brooklyn and Richmond, N.Y.: From the junction of 92d Street and 4th Avenue in the borough of Brooklyn, N.Y., over 92d Street to the Verrazano-Narrows Bridge, thence over the Verrazano-Narrows Bridge to Narrows Road North, in the borough of Richmond, N.Y., thence over Narrows Road North to junction with Staten Island Expressway, thence over the Staten Island Expressway to the Slosson Avenue exit, thence over exit roads to junction of Slosson Avenue and North Gannon Avenue, thence over North Gannon Avenue to access roads to the Staten Island Expressway, thence over the Staten Island Expressway to the South Avenue exit, thence over exit roads to junction with Goethals Road North, thence over Goethals Road North to the Goethals Bridge, thence over the Goethals Bridge to access roads in Elizabeth, N.J., to New Jersey Turnpike Interchange No. 13, thence over the New Jersey Turnpike to interchange No. 14, thence over interchange exit roads to access roads to Newark Airport, thence over such access roads to Newark Airport and return over the following route:

From Newark Airport over Newark Airport exit roads to interchange access roads to New Jersey Turnpike Interchange No. 14, thence over the New Jersey Turnpike to interchange No. 13, thence over interchange exit roads and Goethals Bridge access roads, in Elizabeth, N.J., to the Goethals Bridge, thence over the Goethals Bridge to the Staten Island Expressway, in the borough of Richmond, N.Y., thence over the Staten Island Expressway to the Richmond Avenue exit, thence over exit roads to junction of Fahy Avenue, thence over Fahy Avenue, to junction with Lamberts Lane, thence over Lamberts Lane to junction with Victory Boulevard, thence over Victory Boulevard to junction with South Gannon Avenue, thence over South Gannon Avenue to access roads to the Staten Island Expressway, thence over the Staten Island Expressway to the Clove Road exit, thence over exit roads to junction with Milford Drive, thence over Milford Drive to junction with Clove Road, thence over Clove Road to junction with Narrows Road South, thence over Narrows Road South to the Verrazano-Narrows Bridge, thence over the Verrazano-Narrows Bridge to 92d Street, in the borough of Brooklyn, N.Y., thence over 92d Street to junction with 4th Avenue.

NOTE.—Applicant holds contract carrier authority under MC 125330 sub 5, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held in Richmond, N.Y.

No. MC 128505 (sub-No. 1), filed April 11, 1973. Applicant: FRED C. DE NURE TOURS, LTD., 77 Russell Street West, Lindsay, Ontario, 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: *Passengers and their baggage* in the same vehicles with passengers in special operations in round trip sightseeing and pleasure tours, beginning and ending at the ports of entry on the international boundary line between the United States and Canada, and extending to points in the United States including Alaska but excluding Hawaii.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 136541 (sub-No. 1), filed April 2, 1973. Applicant: SCENIC RAILWAYS, INC., doing business as CUMBRES & TOLTEC SCENIC RAILROAD, P.O. Box 789, Chama, N. Mex. 87520. Applicant's representative: Fritz Baur (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, between Antonito, Colo., and Chama, N. Mex.: From Antonito over Colorado Highway 17 and thence over New Mexico Highway 17 to Chama, N. Mex., and return over the same route.

NOTE.—Applicant is also the operator of the Cumbres & Toltec Scenic Railroad. If a hearing is deemed necessary, applicant requests it be held at Santa Fe or Albuquerque, N. Mex., or Denver, Colo.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-12930 Filed 6-27-73;8:45 am]

[Notice 84]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 21, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 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 (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 11207 (Sub-No. 333 TA) filed June 12, 1973 Applicant: DEATON, INC. 317 Avenue "W" P.O. Box 938 Birmingham, Ala. 35201 Applicant's representative: C. N. Knox (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from the plantsite and warehouse facilities of the Celotex Corporation located at Memphis, Tenn., to points in Alabama, Florida, Georgia, North Carolina and South Carolina, for 180 days. SUPPORTING SHIPPER: The Celotex Corporation, 1500 North Dale Mabry Highway, Tampa, Fla.

33607. SEND PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814—2121 Building, Birmingham, Ala. 35203.

No. MC 29120 (Sub-No. 158 TA) filed June 4, 1973. Applicant: ALL-AMERICAN, INC. 900 West Delaware P.O. Box 769 (Box zip 57101) Sioux Falls, S. Dak. 57104. Applicant's representative: Michael J. Ogborn (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses* as described in Sections A, B, C, and D of Appendix I to the report in *Descriptions in Motor Carriers Certificates* 61 M.C.C. 209 and 766, (except commodities in bulk), from Waterloo and Columbus Junction, Iowa, to points in Michigan, Ohio, Kentucky, and Indiana, for 180 days. RESTRICTION: Restricted to traffic originating at the plantsites and storage facilities of Rath Packing Co. at or near the named origins and destined to the named destination areas. SUPPORTING SHIPPER: Rath Packing Company, Sycamore & Elm Streets, Waterloo, Iowa 50703. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 42487 (Sub-No. 810 TA) filed June 12, 1973. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE 175 Linfield Drive Menlo Park, Calif. 94025. Applicant's representative: Eugene T. Liipfert Suite 1100 1660 L Street, N.W. Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Atlanta, Ga. and Chambersburg, Pa., as an alternate route for operating convenience only, with joinder to carrier's existing regular-route authorities permitted at Atlanta and Chambersburg: From Atlanta over Interstate Highway 85 to Lexington, N.C., thence over U.S. Highway 52 to its junction with Interstate Highway 40 at Winston-Salem, N.C., thence over Interstate Highway 40 to its junction with U.S. Highway 158 at or near Winston-Salem, thence over U.S. Highway 158 to its junction with U.S. Highway 220, thence over U.S. Highway 220 to Roanoke, Va., thence over U.S. Highway 220 (Interstate Highway 581) to its junction with Interstate Highway 81, thence over Interstate Highway 81 to Chambersburg, and return over the same route, and (2) between Winston-Salem, N.C. and Chambersburg, Pa., as an alternate route for operating convenience only, with joinder to carrier's existing regular-route authorities permitted at Winston-Salem and Chambersburg: From Winston-Salem over Interstate Highway 40 to its junction with U.S. Highway 158 at or near Winston-Salem, thence over U.S. Highway 158 to its junction with U.S. Highway 220, thence over U.S. Highway 220 to Roanoke, Va., thence over U.S. Highway 220 (Interstate Highway 581) to its junction with Interstate Highway 81, thence over Interstate Highway 81 to Chambersburg, and return over the same route, for 180 days.

Note: Applicant intends to tack the proposed Atlanta-Chambersburg authority with its existing authority in Docket No. MC 42487 (Sub-No. 744) at Atlanta, and with its existing authority in Docket No. MC 42487 (Sub-No. 578) at Chambersburg. Applicant intends to tack the proposed Winston-Salem-Chambersburg authority with its existing authority in Docket No. MC 42487 (Sub-No. 744) at Winston-Salem, and with its existing authority in Docket No. MC 42487 (Sub-No. 578) at Chambersburg. Applicant also proposes to interline traffic moving over the proposed route, as may be necessary, with its present connecting carriers at authorized interline points throughout the United States as provided in tariffs on file with the Interstate Commerce Commission. SUPPORTING SHIPPERS: Mr. V. J. Graziano, V.P.—Equipment and Purchasing, Consolidated Freightways, 175 Linfield Drive, Menlo Park, Calif. 94025; Mr. V. R. Oldenburg, Commerce Supervisor, Consolidated Freightways, 7101 So. Cicero Avenue, P.O. Box 5138, Chicago, Ill. 60680; and Mr. Bernard G. Janisch, Assistant Director of Transportation, Consolidated Freightways, 175 Linfield Drive, Menlo Park, Calif. 94025. SEND PROTESTS TO: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 98017 (Sub-No. 3 TA) filed June 12, 1973 Applicant: SHAY'S SERVICE, INC. North Main Street Dansville, N. Y. 14437 Applicant's representative: Herbert M. Canter Room 315, 201 E. Jefferson St. Syracuse, N. Y. 13202 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* with usual exceptions, serving all points in Wyoming County, N. Y. as off-route points in connection with applicant's presently authorized service and beyond by interline at Buffalo, Rochester, Elmira, Olean and Dansville, N. Y., for 180 days. Note: Applicant does intend to tack or join with MC-98017 (Sub-No. 2); and interline at Buffalo, Rochester, Elmira, Olean and Dansville, N. Y. SUPPORTING SHIPPER: Markin Tubing, Inc., Route 19, Wyoming, N. Y.; W. W. Griffith Oil Co., Inc., R. F. D. No. 2, Wyoming, N. Y. 14591; W. G. Handyside Store, Inc., Wyoming, N. Y. 14591; T. W. Emlet & Sons, Inc., Varysburg, N. Y.; Emlet's Maple Products, Varysburg, N. Y.; Doug Campbell Chev-Olds, Inc., 36 Main Street, Attica, N. Y. 14011; Timm's Hardware, 10 Main Street, Attica, N. Y. 14011; and Warren's Hardware and Electric, R.F.D. 1, Gainesville, N. Y. 14066. SEND PROTESTS TO: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Blvd., West, Syracuse, N. Y. 13202.

No. MC 107496 (sub-No. 894 TA) filed June 13, 1973 Applicant: RUAN TRANSPORT CORPORATION Third at Keosauqua Way P. O. Box 855 (Box zip 50304) Des Moines, Iowa 50309 Applicant's representative: E. Check (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles, from Minneapolis, Minn., to Fargo, N. Dak., for 150 days. SUPPORTING SHIPPER: ADM Milling Co., P. O. Box 7007, Shawnee Mission Kans. 66207. SEND PROTESTS TO: Herbert W. Allen Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 895 TA) filed June 13, 1973 Applicant: RUAN TRANSPORT CORPORATION Third at Keosauqua Way P. O. Box 855 (Box zip 50304) Des Moines, Iowa 50309 Applicant's representative: E. Check (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed and feed supplements*, in bulk, in tank vehicles, from Dubuque, Iowa, to points in Wisconsin, Minnesota, Illinois, Nebraska, North Dakota, and South Dakota, for 150 days. SUPPORTING SHIPPER: Land O'Lakes, Inc., 2827—8th Avenue South, Fort Dodge, Iowa 50501. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 896 TA) filed June 13, 1973 Applicant: RUAN TRANSPORT CORPORATION Third at Keosauqua Way P.O. Box 855 (Box zip 50304) Des Moines, Iowa 50309 Applicant's representative: E. Check (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixed acid*, in bulk, in rubber lined tank vehicles, from Milwaukee, Wis., to Skokie, Oakbrook, and Calumet City, Ill., for 150 days. SUPPORTING SHIPPER: Hercules Incorporated, 814 Commerce Drive, Oak Brook, Ill. 60521. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 111812 (sub-No. 493 TA) filed June 11, 1973 Applicant: MIDWEST COAST TRANSPORT, INC. 900 West Delaware P.O. Box 1233 Sioux Falls, S. Dak. 57101 Applicant's representative: Ralph H. Jinks (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61

M.C.C. 209 and 766, from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in California, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia and Wisconsin, for 180 days. RESTRICTION: Restricted to traffic originating at the named origins. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., 630 Amarillo Bldg., Amarillo, Tex. 79101, N. L. Cummins, Vice-President-Physical Distribution. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 369, Federal Building, Pierre, S. Dak. 57501.

No. 112520 (sub-No. 271 TA) filed June 13, 1973. Applicant: McKENZIE TANK LINES, INC. New Quincy Road P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alkyd resins, paint material and paint plasticizers*, in bulk, in tank vehicles, from points in Columbia County, Fla., to points in Alabama, Georgia, North Carolina and South Carolina, for 180 days. SUPPORTING SHIPPER: Cargill, Inc., Chemical Products Division, Cargill Building, Minneapolis, Minn. 55402. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 112963 (sub-No. 41 TA) filed June 12, 1973. Applicant: ROY BROS., INC. 764 Boston Road Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead oxide*, in bulk, in tank vehicles, from Middletown, N.Y., to Bennington, Vt.; Middletown, Del.; and Reading, Pa., for 180 days. SUPPORTING SHIPPER: Revere Smelting & Refining, Rd. No. 2, Ballard Road, Middletown, N.Y. SEND PROTESTS TO: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., 5th Floor, Boston, Mass. 02114.

No. MC 114457 (Sub-No. 151 TA) filed June 13, 1973 Applicant: DART TRANSIT COMPANY 780 N. Prior Avenue St. Paul, Minn. 55104 Applicant's representative: Alan D. Swenson (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefinished cabinets*, in cartons, from Jasper, Ind., to points in Minnesota, North Dakota, South Dakota, Nebraska and Iowa, for 180 days. SUPPORTING SHIPPER: Kitchen Center Supply, Inc., 219 S. Main St., Minneapolis, Minn. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg., 110 So. 4th Street, Minneapolis, Minn. 55401.

No. MC 115092 (Sub-No. 26 TA) filed June 11, 1973 Applicant: WEISS TRUCKING, INC. P. O. Box 0 Vernal, Utah 84078 Applicant's representative: Thomas M. Zarr 900 Walker Bank Bldg. Salt Lake City, Utah 84110 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Missouri Beef Packers, Inc. at or near Boise, Idaho, to points in Arizona, California, Colorado, Illinois, Indiana, Nevada, Oregon, Texas, Utah, Washington and Wisconsin, for 180 days. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., P. O. Box 70, Downtown Station, Amarillo, Tex. 79105 (N. L. Cummins, Vice President-Physical Distribution). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building 125 South State Street, Salt Lake City, Utah 84111.

No. MC 116077 (Sub-No. 343 TA) filed June 11, 1973 Applicant: ROBERTSON TANK LINES, INC. 200 West Loop South suite 1800 Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sulphate*, liquid, in bulk, in tank vehicles, from the American Cyanamid Facilities at Ferguson, Miss., to Baytown, Groves, Beaumont, Orange, Dallas, Diboll, Sheldon, Herty, Houston, Smiths Bluff, and Nederland, Tex., for 180 days. SUPPORTING SHIPPER: American Cyanamid Company, Industrial Chemicals and Plastics Division, Wayne, N.J. 07470. SEND PROTESTS TO: John F. Mensing, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 8610 Federal Bldg., 515 Rusk Ave., Houston, Tex. 77002.

No. MC 123233 (Sub-No. 44 TA) filed June 11, 1973 Applicant: PROVOST CARTAGE INC. 7887—2nd Avenue Ville d'Anjou 437, P.Q., Canada, Applicant's representative: J. P. Vermette (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice*, in bulk, in tank vehicles, from Westfield, N.Y. to the ports of entry on the International Boundary line between the United States and Canada located at or near Trout River and Champlain, N.Y., for 180 days. RESTRICTION: Restricted to traffic moving in foreign commerce destined to Canada. SUPPORTING SHIPPER: Growers Co-op. Grape Juice Co., Inc., 112 N. Portage, Westfield, N.Y. 14787. SEND PROTESTS TO: District Supervisor Norman T. Fowlkes, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 123233 (Sub-No. 45 TA) filed June 12, 1973. Applicant: PROVOST CARTAGE INC. 7887—2nd Avenue Ville d'Anjou 437, P.Q., Canada Applicant's representative: J. P. Vermette (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from the port of entry on the International Boundary line between the United States and Canada located at or near Rooseveltown, N. Y., to Massena, N. Y., for 180 days. RESTRICTION: Restricted to traffic in foreign commerce originating in Ontario, Canada. SUPPORTING SHIPPER: Canadian Industries Limited, 630 Dorchester Boulevard West, P.O. Box 10, Montreal 101, Quebec, Canada. SEND PROTESTS TO: District Supervisor Norman T. Fowlkes, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 126305 (Sub-No. 51 TA) filed June 12, 1973 Applicant: BOYD BROTHERS TRANSPORTATION CO., INC. Route 1 Clayton, Ala. 36016 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N. J. 07306 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass spheres*, in bags, from Brownwood, Tex., to Lima, Bowling Green, Raveena, New Philadelphia, Marietta, Lebanon, Newark, Sidney, Delaware, Chillicothe, Ashland, Warrensville Heights, Ohio; and Stockbridge, Northboro, Rowley, Bridgewater, Orleans, South Boston and Bourne, Mass., for 180 days. SUPPORTING SHIPPER: Potters Industries, Inc., Industrial Road, Carlstadt, N. J. 07072. SEND PROTESTS TO: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814–2121 Bldg., Birmingham, Ala. 35203.

No. MC 126402 (Sub-No. 13 TA) filed June 13, 1973. Applicant: JACK WALKER TRUCKING SERVICE, INC., 844 Loudon Avenue, Lexington, Ky. 40508. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising materials*, and *empty malt beverage containers* on return, from Columbus, Ohio, to Lexington, Ky., for 180 days. SUPPORTING SHIPPER: John W. Maurer, President, Bennie Robinson, Inc., West Third and Hickory Streets, Lexington, Ky. 40508. SEND PROTESTS TO: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 134927 (Sub-No. 2 TA) filed June 11, 1973. Applicant: LLOYD D. MITCHELL doing business as MITCHELL'S TRANSFER, P. O. Box 296, Highway 2 and 52 Bypass, Minot,

N. Dak. 58701. Applicant's representative: Harris P. Kenner, P. O. Box 36, Minot, N. Dak. 58701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except commodities in bulk) and *coal*, from Minot, N. Dak., over U.S. Highway 52 to the junction of U.S. Highway 52 and North Dakota State Highway 5 near Lignite, N. Dak., thence west over North Dakota Highway 5 to the Montana State line, thence return over North Dakota Highway 5 and U.S. Highway 85 to the East Junction of U.S. Highway 85 to Junction North Dakota Highway 50 and County Road to Junction U.S. Highway 52, thence south over U.S. Highway 52 to Minot, serving the intermediate and off-route points of Lignite, Colgan, Ambrose, Columbus, Larson, Noonan, Crosby, Fortuna, Appam, Alamo, Corinth, Wildrose, Hamlet, McGregor, Battleview, Powers Lake and Minot, for 180 days. NOTE: Applicant intends to interline with other carriers at Minot, N. Dak. RESTRICTION: Restricted against service to points on U.S. Highway 52, except Minot, N. Dak. 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: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P. O Box 2340, Fargo, N. Dak. 58102.

No. MC 136640 (Sub-No. 3 TA) filed June 13, 1973. Applicant: R. ALLEN TRANSPORT, P. O. Box 117, Pocomoke City, Md. 21851. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N. Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods*, from Hallwood, Va., to Butte, Billings, Missoula and Great Falls, Mont.; San Francisco, Calif.; Portland, Oreg.; and Seattle, Wash., for 180 days. SUPPORTING SHIPPER: John W. Taylor Packing Co., Inc., Hallwood, Va. 23359. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street & Constitution Avenue, N.W., Washington, D. C. 20423.

No. MC 138815 TA filed June 12, 1973 Applicant: MERCHANTS DELIVERY, INC. 411 Monroe Street Nashville, Tenn. 37208 Applicant's representative: Frank D. Hall 3384 Peachtree Road, N.E. Atlanta, Ga. 30326 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment and supplies*, sold, used or distributed by a manufacturer of cosmetics, from Nashville, Tenn., to Stewart, Macon, Montgomery, Robertson, Sumner, Trousdale, Smith, Wilson, Humphreys, Dickson, Cheatham, Davidson, Cannon, Rutherford, Williamson, Hickman, Perry, Decatur, Wayne, Lawrence, Giles, Maury, Marshall, Lincoln, Bedford, Coffee, Franklin, Lewis, Moore and Houston Counties, Tenn., for 180 days. SUPPORTING SHIPPER: Avon Products, Inc., 2200 Cotillion Drive, Atlanta, Ga. 30302. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803–1808 West End Building, Nashville, Tenn. 37203.

By The Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13059 Filed 6-27-73;8:45 am]

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[Notice No. 85]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 22, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 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 (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 11207 (Sub-No. 334 TA) filed June 14, 1973 Applicant: DEATON, INC. 317 Avenue "W" P. O. Box 938 Birmingham, Ala. 35201 Applicant's representative: C. N. Knox (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building boards, and parts, materials, and accessories incidental to the transportation and installation thereof*, from Greenville, Miss., to Memphis, Tenn., and points in its commercial zone, for 180 days. SUPPORTING SHIPPER: United States Gypsum Company, Industrial and Specialty Products, 101 South Wacker Drive, Chicago, Ill. 60606. SEND PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814—2121 Building, Birmingham, Ala. 35203.

No. MC 107496 (Sub-No. 897 TA) filed June 15, 1973 Applicant: RUAN TRANSPORT CORPORATION Third St. and Keosauqua Way P. O. Box 855 (Box zip 50304) Des Moines, Iowa 50309 Applicant's representative: E. Check (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portland cement*, in bulk, in tank vehicles, from Iola, Kans., to Springfield, Mo.; Fayetteville, Ark.; and Tulsa, Broken Arrow, Sand Spring, Pryor, Claremore, and Muskogee, Okla., for 150 days. SUPPORTING SHIPPER: General Portland, Inc., P. O. Box 324, Dallas, Tex. 75221. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 109689 (Sub-No. 249 TA) filed June 13, 1973 Applicant: W. S. HATCH CO. Off: 643 South 800 West Woods Cross, Utah 84087 and Mail: P. O. Box 1825 Salt Lake City, Utah 84110 Applicant's representative: Lloyd N. Jones (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, from the facilities of Missouri Beef Packers, Inc. at or near Boise, Idaho, to points in Washington, Oregon, California, Nevada, Arizona, New Mexico, Utah, Idaho, Colorado, Wyoming, Montana, Nebraska, North Dakota, Texas, Kansas and Oklahoma, for 180 days. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., 630 Amarillo Bldg., Amarillo, Tex. 79101 (Mr. N. L. Cummins—Vice President, Physical Distribution). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84111.

No. MC 112822 (Sub-No. 275 TA) filed June 14, 1973. Applicant: BRAY LINES INCORPORATED P.O. Box 1191 1401 No. Little Cushing, Okla. 74023 Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming, for 180 days. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., N. L. Cummins, Vice-President, 630 Amarillo Bldg., Amarillo, Tex. 79101. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Bldg., 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 112963 (Sub-No. 42 TA) filed June 11, 1973 Applicant: ROY BROS., INC. 764 Boston Road Pinehurst, Mass. 01866 Applicant's representative: Leonard E. Murphy (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zircon sand*, in bulk, in tank vehicles, from Braintree, Mass., to Bow, N.H., for 180 days. SUPPORTING SHIPPER: Humphreys Corporation, Dow Road, Bow, N.H. SEND PROTESTS TO: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., 5th Floor, Boston, Mass. 02114.

No. MC 113908 (Sub-No. 273 TA) filed June 11, 1973 Applicant: ERICKSON TRANSPORT CORPORATION 2105 East Dale Street P.O. Box 3180 Glenstone Station Springfield, Mo. 65804 Applicant's representative: B. B. Whitehead (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water*, in bulk, in tank and hopper type vehicles, from Hot Springs National Park, Ark., to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Music Mountain Mineral Water Co., #1 Music Mountain Road, Hot Springs National Park, Ark. 71901. SEND PROTESTS TO: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 113908 (Sub-No. 274 TA) filed June 15, 1973 Applicant: ERICKSON TRANSPORT CORPORATION 2105 East Dale Street P. O. Box 3180 Glenstone Station Springfield, Mo. 65804 Applicant's representative: B. B. Whitehead (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine and wine products*, in bulk, in tank and hopper-type vehicles, from Altus, Ark., to St. Louis, Mo.; Paw Paw, Mich.; Canandaigua, N. Y.; Atlanta, Ga.; Patrick, S. C.; Petersburg, Va.; and Jackson, Miss., for 180 days. SUPPORTING SHIPPER: Wiederkehr Wine Cellars, Inc., Altus, Ark. 72821. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 113678 (Sub-No. 499 TA) filed June 14, 1973 Applicant: CURTIS, INC. Off: 4810 Pontiac Street Commerce City, Colo. 80022 and Mail: P. O. Box 16004 Stockyards Station Denver, Colo. 80216 Applicant's representative: Richard A. Peterson P. O. Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from San Francisco, Calif., to Denver and Colorado Springs, Colo., for 180 days. SUPPORTING SHIPPER: U-Jin Enterprises, Inc., 1250 Folsom Street, San Francisco, Calif. 94103. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114301 (Sub-No. 78 TA) filed June 14, 1973 Applicant: DELAWARE EXPRESS CO. a Corporation P. O. Box 97 Elkton, Md. 21921 Applicant's representative: Chester A. Zyblut, 1522 K St., N.W. Washington, D.C. 20005 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduits, moldings, valves, fittings, sidings, compounds, joint sealer, bonding cement and accessories and materials* used in the installation thereof, except commodities in bulk, from the plant site of Certain-Teed Products Corp. near Hagerstown, Md., to points in Maryland, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Tennessee, Michigan and Indiana, for 180 days. SUPPORTING SHIPPER: Mr. Thomas F. McGrath, General Traffic Manager, Certain-Teed Products Corporation, 750 E. Swedesford Road, Valley Forge, Pa. 19482. SEND PROTESTS TO: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 114965 (Sub-No. 50 TA) filed June 15, 1973 Applicant: CYRUS TRUCK LINE, INC. RFD #1, P. O. Box 327 Iola, Kans. 66749. Applicant's representative: Charles H. Apt. Box 328 Iola, Kans. 66749 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *No. 2 Diesel Fuel*, from Kansas City Power & Light, Northeast Station, First & Park, Kansas City, Mo. and Amoco Refinery, Sugar Creek, Mo., to Kansas City Power & Light, LaCygne Station, at or near LaCygne, Kans., for 180 days. SUPPORTING SHIPPER: Kansas City Power & Light Company, P. O. Box 679, Kansas City, Mo. 64141. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 117119 (Sub-No. 477 TA) filed June 14, 1973 Applicant: WILLIS SHAW FROZEN EXPRESS, INC. P. O. Box 188, Elm Springs, Ark. 72728 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk) and (except hides), from the facilities of Missouri Beef Packers, Inc. at or near Boise, Idaho, to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, New Jersey, Michigan, Mississippi, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia and West Virginia, restricted to traffic originating at the named origins, for 180 days. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., 630 Amarillo Bldg., Amarillo, Tex. 79101. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 124673 (Sub-No. 18 TA) filed June 15, 1973 Applicant: FEED TRANSPORTS, INC. P. O. Box 2167 Pullman Rd. Amarillo, Tex. 79105 Applicant's representative: Gail Johnson (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feed ingredients*, in bulk, in hopper bottom trailers, from points in Harris County, Tex., to points in Curry County, N. Mex., for 180 days. Note: Applicant intends to tack with MC 124673. SUPPORTING SHIPPERS: Wilbur-Ellis Company, P. O. Box 427, Clovis, N. Mex. 88101; Worley Mills, Inc., P. O. Box 1448, Clovis, N. Mex. 88101; and El Rancho Milling Co., P. O. Box 703, Clovis, N. Mex. 88101. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 134405 (Sub-No. 11 TA) filed June 15, 1973 Applicant: BACON TRANSPORT COMPANY a Corporation P. O. Box 1134 Ardmore, Okla. 73401 Applicant's representative: Wilburn L. Williamson 280 National Foundation Life Bldg. 3535 N. W. 58th Street Oklahoma City, Okla. 73112 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt*, in bulk, in tank vehicles, from Sheerin, Tex., to points in Kansas, for 180 days. SUPPORTING SHIPPER: Riffe Petroleum Company, Homer Riffe, 1700 Philtower Bldg., Tulsa, Okla. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 240-Old Post Office Building, 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 134721 (Sub-No. 4 TA) filed June 14, 1973 Applicant: GEORGE M. DZIAK doing business as DZIAK PRODUCE CO. W. 1201 Ide Avenue Spokane, Wash. 99201 Applicant's representative: Donald A. Ericson 708 Old National Bank Bldg. Spokane, Wash. 99201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard and pulpboard*, corrugated and non-corrugated; and *boxes, fiberboard and pulpboard*, corrugated and non-corrugated, (A) from the plant site of Boise Cascade Corp. at or near Wallula, Wash. and (B) from Spokane Industrial Park, Spokane, Wash., to points in Beaverhead and Gallatin Counties, Mont., for 180 days. SUPPORTING SHIPPER: Boise Cascade Corporation. P. O. Box 7747, Boise, Idaho 83707. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash. 98104.

No. MC 136407 (Sub-No. 2 TA) filed June 15, 1973 Applicant: COORS TRANSPORTATION COMPANY 5101 York Street Denver Colo. 80216 Applicant's representative: Leslie R. Kehl Suite 1600 Lincoln Center Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, (a) from Stockton, Calif., to Denver, Colo.; Chappell and Superior, Nebr. and (b) from Chappell and Superior, Nebr., to Denver; and (2) *Standardized milk*, in mixed loads with cheese, from Lemoore and Stockton, Calif., to Denver, Colo.; Chappell and Superior, Nebr., for 180 days. RESTRICTION: Restricted to the transportation in vehicles equipped with mechanical refrigeration. SUPPORTING SHIPPER: Leprino Cheese Co., 1830 West 38th Street, Denver, Colo. 80211. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Bldg., Denver, Colo.

No. MC 136716 (Sub-No. 1 TA) filed May 29, 1973. Applicant: BARRY, INCORPORATED, 1417 5th Street, Oakland, Calif. 94607. Applicant's representative: Richard C. Alexander, 412 Empire Bldg., 710 N. Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment and supplies* used or distributed by a manufacturer of cosmetics, (except in bulk, in tank vehicles), from Milwaukee, Wis., to points in that part of Wisconsin on and north, east and south of a line beginning at the Illinois-Wisconsin state line, thence over Wisconsin Highway 69 to Madison, Wis., thence over U.S. Highway 51 to Junction U.S. Highway 51 and Wisconsin Highway 29, thence over Wisconsin Highway 29 to Lake Michigan, for 180 days. SUPPORTING SHIPPER: Avon Products, Inc., 6901 Golf Road, Morton Grove, Ill. 60053 (Dennis Shaw, Transportation 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 13827 (sub-No. 1 TA) filed June 15, 1973 Applicant: METRO HEAVY HAULING, INC. 20848 77th Avenue Kent, Wash. 98031 and Mlg: P.O. Box 88824 (Box zip 98188) Tukwila Branch Seattle, Wash. Applicant's representative: George R. LaBissoniere Suite 101, 130 Andover Park E. Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and contractors machinery*, between points in Oregon; Washington; Elmore County, Idaho; Deer Lodge, Silver Bow, Jefferson and Cascade Counties, Mont., for 180 days. SUPPORTING SHIPPER: L. B. Foster Co., 2427 Port of Tacoma Road, Tacoma, Wash. 98421. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash. 98104.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13060 Filed 6-27-73;8:45 am]

[EX PARTE No. MC-43]

## WESTERN LINES, INC. AND J. M. FOSTER

### Lease and Interchange of Vehicles by Motor Carriers

It apearing, that a petition has been filed by Western Lines, Inc., (Certificate MC-119908 and ten subs) and J. M. Foster, (Certificate MC-134050 Sub 2) under temporary common control for waiver of paragraph (c) of § 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057), concerning equipment leased between petitioners;

It further appearing, that petitioners cooperatively and jointly apply the same standards of inspection and maintenance to equipment in accordance with the safety regulations of the U.S. Department of Transportation;

It further appearing, that the U.S. Department of Transportation reports that the safety records of petitioners are somewhat less than satisfactory but do not appear to warrant a negative recommendation and offers no objection to granting the petition;

*It is ordered*, That waiver of the requirements of paragraph (c) of § 1057.4, be, and it is hereby granted, provided that the equipment is inspected on the day it is to be leased and found to meet the requirements of the safety regulations of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control.

By the Commission, Motor Carrier Leasing Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13058 Filed 6-27-73;8:45 am]

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PART II

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Office of Education

■

## FINANCIAL ASSISTANCE TO MEET THE SPECIAL EDUCATIONAL NEEDS OF EDUCATIONALLY DEPRIVED CHILDREN

### Comparability of Services

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 116—FINANCIAL ASSISTANCE TO MEET THE SPECIAL EDUCATIONAL NEEDS OF EDUCATIONALLY DEPRIVED CHILDREN

Miscellaneous Amendments

Notice of proposed rulemaking was published in the FEDERAL REGISTER on March 21, 1973, (38 FR 7438), setting forth certain requirements and provisions for determining the comparability of services provided in project areas with State and local funds by local educational agencies receiving financial assistance under Title I of the Elementary and Secondary Education Act. Comments both formal and informal that were received with respect to the proposed rules have been reviewed and, in light of those comments and further study of the probable impact of the proposed rules, certain changes have been made as indicated below.

SUMMARY OF CHANGES

1. The substance of the second sentence in paragraph (c)(3) of the notice of proposed rulemaking has been placed in a new subparagraph (7) under paragraph (b). The purpose of this change is to put all of the data requirements in paragraph (b). Instructional equipment has been eliminated from the items on which cost data would have to be secured in the event that the local educational agency fails to meet the criteria with respect to its instructional staff ratios and its annual expenditures per child for instructional salaries. Expenditures for instructional equipment under most school accounting systems are considered capital expenditure or replacement expenditures and not instructional expenditures. Moreover, such equipment is available for use over a substantial period of time and, therefore, cannot be appropriately aggregated with expenditures over a one or two year period for materials and supplies. The new subparagraph has also been reworded so that the data on expenditures for materials and supplies, including textbooks and library resources, will include such expenditures not only for the current year but also expenditures for materials and supplies on hand that were purchased in preceding years.

2. In the last part of paragraph (b) the date for reports required for fiscal 1973 has been changed from a date not later than April 15, as specified by the Commissioner, to a date no later than May 31, as specified by the State educational agency. The date by which the local educational agency shall report to the State educational agency has been changed to June 30 for fiscal 1973 data. The dates for fiscal 1974 have not been changed and will, as previously indicated, be specified by the Commissioner.

3. The notice of proposed rulemaking did not include a standard for determining the comparability of local educational agencies with respect to their expenditures for textbooks, library resources and other instructional materials and supplies. Consequently, it was necessary to insert a standard which now appears in paragraph (c)(3). That paragraph now requires that for those local educational agencies that are required to report such expenditures, those expenditures per child as specified in paragraph (b)(7), shall be not less than 95 percent of such expenditure per child in all other public schools in the applicant's district.

4. Further consideration was given to the need for actually, determining whether or not certain local educational agencies are maintaining comparability during period when migratory children of migratory agricultural workers are residing in the districts of those agencies. As a result, a new paragraph (d) has been inserted authorizing the Commissioner to establish dates for special reports for those local educational agencies in whose school districts substantial numbers of migratory children of migratory agricultural workers temporarily reside. The dates selected will be within periods when such school districts experience their peak enrollments of migratory children.

5. A modification has been made to paragraph (f) concerning the grouping of schools by corresponding grade levels which permits schools serving nine or more grade levels above kindergarten to be considered as a separate group apart from the applicant agency's elementary, intermediate or junior high, and high schools for the purpose of determining comparability.

6. A provision has been added in new paragraph (g) excluding special education classes from comparability determinations. However, local educational agencies will be required to provide services with State and local funds to handicapped children in project areas that are comparable to the services provided for such children in attendance areas not designated for projects.

7. A provision has been added which indicates that documents and worksheets upon which a local educational agency bases its comparability report will be available to the public in accordance with current public information regulations contained in 45 CFR 116.17(n).

SUMMARY OF COMMENTS

A review of the comments received on the notice of proposed rule making indicated:

1. Considerable support for and few objections to the single ratio of children to instructional staff.

2. A number of objections to the provisions requiring the collection of data and determinations of comparability on expenditures for instructional materials and supplies and instructional equipment with particular objections to the inclusion of instructional equipment.

In response to these objections changes have been made as described above in paragraph 1 under "Summary of Changes". The requirement was not eliminated because such action was considered to be contrary to congressional intent.

3. Considerable support for the use of current data.

4. Numerous requests for the exclusion of data based on enrollment, staffing and expenditures for special education classes.

These comments emphasized that special education classes by their nature require smaller pupil-staff ratios, and, if included in the over-all comparability determination, would unfairly distort the comparisons between schools with such classes and those without. In response to these comments a new provision has been added as described above in paragraph 6 under "Summary of Changes".

5. Requests for another grouping by grade levels for schools containing both elementary and secondary grades.

The basis for this request was the fact that such schools, combining as they do both the lower grades and the higher grades (where larger per pupil expenditures are required than in the lower grades), would be more fairly compared to each other within a separate category. A provision effectuating this proposed change has been added in paragraph (f).

6. Objections to the comparison of schools with widely varying enrollments since smaller schools normally require smaller staff ratios and, hence, are likely to have higher expenditures per pupil.

It has been pointed out in this connection that in some cases State requirements dictate different staff-pupil ratios depending on school size. The present regulation contains a provision for the separate comparison of schools enrolling 100 students or less. However, those who commented stated that this exception does not go far enough. This problem is presently under consideration. No change has been made at this time; it is believed that before a new rule is published further study and additional data are required as to the effect of the principle of economies of scale and of wide disparities in school size on staffing and expenditure patterns.

7. Objections to the requirement for reporting payments for length of service (longevity) since such payments are not included in determining comparability.

The regulation retains the requirement that the amounts of instructional personnel salaries attributed to longevity be reported. Such data are needed in order that the Commissioner may assess the impact of the exclusion of payments for longevity on comparability determinations.

8. Requests that the State educational agency rather than the Commissioner set the dates for the collection of data and that local educational agencies be permitted to present data for an entire reporting period including the specified date rather than just for that date.

The regulation retains the requirement that beginning with fiscal year 1974 the Commissioner rather than the State educational agencies will set dates for the collection of data. This provision will enable the Commissioner to coordinate the reporting cycles for comparability reports with the reporting cycles for other data pertinent to education to be secured by the Office of Education or the Department. An appropriate change with respect to the presentation of data for a

regular school reporting period is included in paragraph (b).

9. Requests that the 5 percent variance for each of the criteria be increased and that a full-time equivalent clause similar to the one in the previous regulations be included.

The 5 percent variance has been retained because such variance is in keeping with recent court decisions involving equity of resource allocation among schools, and is intended to strike a reasonable balance in establishing a standard for the administration of the comparability requirement. The full-time equivalent clause contained in the previous regulation is no longer considered necessary now that the three separate criteria for instructional staff have been replaced by a single criterion, namely, the ratio of children enrolled to all instructional staff.

10. Objections to application of the regulations to fiscal year 1973; corresponding recommendations that the deadlines for data collection and reporting be postponed until fiscal year 1974.

Section 141(a)(3)(C) of the governing statute (20 U.S.C. 241(e)(a)(3)(C)) requires the submission of comparability reports on or before July 1 of each year and precludes approval of an application for a Title I project in the absence of a satisfactory comparability report.

11. Several objections to the use of point-in-time data and corresponding recommendations for the continued use of historical data. The requirement that data be secured as of a point-in-time in the current year has been retained because it is considered to be more accurate and up-to-date. When the reporting cycle is fully operative such data will be necessary to insure that the required corrective action is taken in the current year.

12. Recommendations that State and local compensatory funds be excluded from comparability determinations.

The adoption of such recommendations is precluded by the governing statute which requires a determination that State and local funds are being used to provide services in project areas that are comparable to those in non-project areas and makes no exception concerning State and local funds for compensatory education.

13. Recommendations that, instead of comparing staff and expenditure ratios for each Title I project school with the ratios for all non-Title I schools, the averages for all Title I schools as a group should be compared with the averages for non-Title I schools. This suggestion was rejected because its adoption would permit substantial understaffing and underfunding of individual Title I schools.

After consideration of the above summarized comments, Part 116 of Title 45 of the Code of Federal Regulations is hereby amended as set forth below.

*Effective date.* Since these regulations were published in the FEDERAL REGISTER on March 21, 1973, in substantially the form set forth below as a notice of proposed rulemaking, these regulations shall be effective June 28, 1973.

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

Dated: June 11, 1973.

JOHN OTTINA,
*Acting U.S. Commissioner of Education.*

Approved: June 21, 1973.

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

Section 116.26 is revised to read as follows:

**§ 116.26 Comparability of services.**

(a) A State educational agency shall not approve an application of a local educational agency for a grant under section 141(a) of the Act, or make payments of title I funds under a previously approved application of such agency, unless that local educational agency has demonstrated, in accordance with paragraph (c) of this section, that services provided with State and local funds in title I project areas are at least comparable to the services being provided with State and local funds in schools serving attendance areas not designated as title I project areas. Such approval shall not be given unless the local educational agency also provides the assurances and the additional information required by paragraph (e) of this section with respect to the maintenance of comparability. For the purpose of this section, State and local funds include those funds used in the determination of fiscal effort in accordance with § 116.45.

(b) The State educational agency shall require each local educational agency, except as provided in paragraph (i) of this section, to submit a report in such form as the Commissioner will prescribe, containing the information required by the State educational agency to make the determinations specified in paragraph (c) of this section. Such report shall include the following data for each public school, unless such school is exempted by paragraph (h) of this section, serving a project area and, on a combined basis, for all other schools of corresponding grade levels (as grouped in accordance with paragraph (e) of this section):

(1) The number of children enrolled,

(2) The full-time equivalent number of certified and noncertified instructional staff members, who are paid with State or local funds regularly assigned to such public school or schools,

(3) The total portion of salaries for such instructional staff members which is based on length of service (longevity),

(4) The total amount of State and local funds being expended on an annual basis for salaries for such instructional staff members less the amount of such salaries based on length of service (longevity),

(5) The number of enrolled children as reported under subparagraph (1) of this paragraph per instructional staff member as reported under subparagraph (2) of this paragraph,

(6) The amount expended per enrolled child for salaries for instructional staff as reported under paragraph (b)(4) of this section, and

(7) In the case of a local educational agency which fails to meet the requirements of paragraph (c)(1) or (2) of this section, a report showing the amount expended and to be expended in total and per child for textbooks, library resources, and other instructional materials and supplies, as defined in § 117.1(i) of this chapter, (including the amount expended in previous years for all such items) that have been or will be made available for use in the current fiscal year.

The data required by this paragraph shall be as of a date not later than May 31 for fiscal year 1973, as specified by the State educational agency and not later than November 1 for fiscal year 1974 and succeeding fiscal years, as specified by the Commissioner. The local educational agency with the approval of the State educational agency and the Commissioner may, however, submit data based on averages for a definite regular school reporting period which includes the date specified by the State educational agency or the Commissioner as the case may be. The report required by this paragraph shall be filed with the State educational agency not later than June 30 of fiscal year 1973 and not later than December 1 of each succeeding fiscal year. All data reported to the State educational agency in accordance with this paragraph shall be as of the same date. The term "instructional staff members" as used in this section means staff members who render direct and personal services which are in the nature of teaching or the improvement of the teaching-learning situation. The term includes teachers, principals, consultants, or supervisors of instruction, librarians, and guidance and psychological personnel; it also includes aides or other paraprofessional personnel employed to assist such instructional staff members in providing such services.

(c) The services being provided by the local educational agency with State and local funds in a title I project area shall be deemed to be comparable to the services being provided with such funds in areas not being served under said title I upon the determination by the State educational agency that for schools serving corresponding grade levels;

(1) The number of children enrolled per instructional staff member, reported in accordance with paragraph (b)(5) of this section, for each public school serving a title I project area is not more than 105 percent of the average number of children per instructional staff member in all other public schools in the applicant's district;

(2) The annual expenditure per child, determined in accordance with paragraph (b)(6) of this section, in each public school serving a title I project area is not less than 95 percent of such expenditure per child in all other public schools in the applicant's district;

(3) For those local educational agencies required to report under paragraph (b)(7) of this section, the expenditure per child for textbooks, library resources, and other instructional materials and

supplies, determined in accordance with that paragraph, in each public school serving a title I project area is not less than 95 percent of such expenditure per child in all other public schools in the applicant's district.

If any school serving a title I project area is determined not to be comparable under this paragraph, no further payments of title I funds shall be made to the local educational agency until that agency has taken the action required by paragraph (k)(1) of this section to overcome such lack of comparability.

(d) For the purpose of this section the Commissioner may designate those local educational agencies which enroll substantial numbers of migratory children of migratory agricultural workers from which a State educational agency shall secure special reports. Each such report shall be in the form prescribed in paragraph (b) and the data provided shall be as of the date prescribed by the Commissioner. Such date will be selected on the basis of the best available information indicating when the highest concentration of migratory children of migratory agricultural workers in the local educational agency's district is most likely to occur. The Commissioner will also designate the date such a special report shall be submitted to the State educational agency and by that agency to him (which date shall be no earlier than sixty days after publication of this rule in the FEDERAL REGISTER in the case of the fiscal year ending June 30, 1974). The State educational agency shall determine on the basis of such special report whether the local educational agency is providing comparable services in project areas in accordance with paragraph (c) and shall take such action as may be required by that paragraph.

(e) On or before July 1, 1973, and July 1 of each succeeding year each local educational agency shall file with the State educational agency:

(1) An assurance that the comparability of services previously demonstrated with respect to title I project areas in accordance with paragraph (c) of this section will be maintained in all such areas, including areas serving migratory children of migratory agricultural workers, that will be designated as title I project areas for the fiscal year beginning that July 1, and

(2) Data on schools serving attendance areas, if any, that will be designated for title I projects for the fiscal year beginning that July 1 but were not designated for such projects in the preceding fiscal year. Such data shall show either that such schools would have been comparable during the preceding fiscal year if those areas had been designated for projects or will, as the result of specific action by the local educational agency, be comparable during the fiscal year beginning that July 1, and

(3) An assurance that the amount of textbooks, library resources, and other instructional materials and supplies (as defined in § 117.1(i) of this chapter) actually available per child for use in each school serving a title I project area will be, for that fiscal year, at least comparable to the amount available per child during such fiscal year in all other public schools in the applicant's district.

(f) For purposes of this section a local educational agency shall group its schools by corresponding grade levels not to exceed three such groups (generally designated as elementary, intermediate or junior high school, and high school or secondary) for all the schools in the agency's district. A school serving grades in two or three such groups shall be included in that group with which it has the greatest number of grades in common. Where the number of grades in common are equal between two or more groups, the school shall be included in the lower grade division. For example, a local educational agency might have the following grade span organization: K–6 (elementary), 7–9 (junior high), and 10–12 (senior high). In addition, the local educational agency might have an intermediate school serving grades 5–8. Since this intermediate school has two grades in common with the elementary division (grades 5 and 6) and two grades in common with the junior high division (grades 7 and 8), it would be included in the lower grade division (elementary) for determining comparability. However, schools serving nine or more grade levels above kindergarten may be considered as a separate group which may, if necessary, constitute a fourth group.

(g) In cases where handicapped children (as defined in § 121.2 of this chapter) or children with specific learning disabilities (as defined in § 121.2 of this chapter) are enrolled in separate special education classes, all those children and the teachers and other instructional staff members who serve them shall not be considered by the local educational agency in determining the comparability of services provided in project areas. Where such special education classes are provided, State and local funds must be used to provide services to handicapped children residing in project areas which are comparable to such services provided to similarly handicapped children residing in nonproject areas.

(h) A school with an enrollment of 100 children or less (as of the date or dates the data required by paragraph (b) of this section are collected) shall not be included for purposes of this section unless the local educational agency operates schools of such size and corresponding grade levels both for areas to be served and areas not to be served under title I of the Act, in which event such schools shall be considered as a separate group.

(i) The requirements of this section are not applicable to a local educational agency which is operating only one school serving children at the grade levels at which services under said title I are to be provided or which has designated the whole of the school district as a project area in accordance with § 116.17(d).

(j) Local educational agencies required to report under this section shall maintain, by individual schools (1) appropriate resource records, including records of children's enrollment, the total expenditure for salary and the amount thereof based solely on longevity for each full-time instructional staff member and the prorated total salary less the amount thereof based solely on longevity for each part-time instructional staff member; (2) worksheets showing the total number of full-time instructional staff members, and the total amount of State and local funds being expended for salaries for such full-time and part-time staff members less the total amount of such salaries based solely on longevity; and (3) appropriate records documenting the amount expended per pupil for textbooks, library resources, and other instructional materials and supplies actually available during the current school year. Such records and worksheets, demonstrating the maintenance of comparability for the entire school year, shall be filed, indexed, and maintained in such a manner that they may be readily reviewed by appropriate local, State, and Federal authorities and shall be retained in accordance with applicable record retention requirements. All such records and worksheets shall be available to the public in accordance with the provisions of § 116.17(n).

(k) By January 1 of each year the State educational agency shall submit to the Commissioner in such form as he will prescribe a copy of the comparability report for each local educational agency in the State which he has determined to be in a national sample of such agencies for that year. The State educational agency shall also submit to the Commissioner by January 1 of each year a report identifying each local educational agency that failed to meet the comparability requirement of paragraph (c) of this section on the date specified under paragraph (b) or (d) of this section and indicating for each such agency either (1) that such local educational agency has allocated or reallocated sufficient additional resources to title I project areas so as to come into compliance with such requirements and has filed a revised comparability report reflecting such compliance or (2) that the State educational agency is withholding the payment of title I funds to the noncomplying local educational agency. A copy of each revised comparability report in such form as the Commissioner will prescribe shall be included with the State educational agency's report to be submitted by January 1. Not later than March 31, the State educational agency shall report to the Commissioner whether any noncomplying local educational agencies have come into compliance, and if so, the State educational agency shall include revised comparibility reports for such local educational agencies reflecting such compliance. If local educational agencies remain out of compliance as of that date, their applications shall be finally disapproved by the State educational agency (subject to the right to a prior hearing as provided in § 116.34(c) of this part); and the entitlements of such agencies shall be made available for reallocation to complying local educational agencies in the State in accordance with the procedures set forth in § 116.9.

(20 U.S.C. 241(e)(a)(3))

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PART III

# ENVIRONMENTAL PROTECTION AGENCY

■

## Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines

### Miscellaneous Amendments

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

## PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

### Miscellaneous Amendments

On January 15, 1972 (37 FR 669) various amendments to the motor vehicle regulations were published. These amendments were integrated into the full regulations in the recodification and compilation of November 15, 1972 (37 FR 24250). The need for a number of technical amendments has been identified. These amendments, and corrections to the November 15, 1972 recompilation, are set forth in this publication and are described in the table below.

The amendments have been incorporated into the appropriate subparts in accordance with their applicability to light duty vehicles or to heavy duty engines. Those provisions which have applicability to more than one type of vehicle or engine, or which are applicable to more than one model year, are repeated in each applicable subpart for each model year. Those sections of each subpart applicable to the 1973 model year have not been repeated herein but may be found at 37 FR 24250 (November 15, 1972). For the first time, regulations applicable to 1974 model year light duty vehicles are printed in full.

The Agency finds that good cause exists for omitting as unnecessary and impracticable a notice of proposed rule making, public rule making procedure and postponement of effective date in the issuance of these amendments, in that (1) they are designed to correct and clarify the regulations; (2) to the extent substantive revisions are made they are of minor regulatory impact and, for the most part, reflect existing operating procedures; and (3) considerations of lead time for the 1975 model year dictate immediate promulgation.

EXPLANATION OF TECHNICAL AMENDMENT CHANGES

| Section | Change | Reason |
|---|---|---|
| 1. § 85.001 | remove exemption for vehicles with engine displacement less than 50 cubic inches. | error in 11/15/72 recompilation; exemption had only been applicable through the 1972 model year. |
| 2. § 85.002(a)(21) | revise "zero mile" definition to include limitation on engine operation. | clarifies that the adjustment period prior to the zero mile test may not include excessive break-in of the engine. |
| 3. § 85.002(a)(26) and (a)(27), § 85.702 (a)(18) and (a)(19), § 85.8(a)(23) and (a)(24), and § 85.902(a)(23) and (a)(24). | add definition of scheduled and unscheduled maintenance. | clarifies meaning and application of these terms. |
| 4. § 85.074-1(a)(ii) | remove the ".0" from the "39.0 grams per vehicle mile" standard for carbon monoxide. | since the data calculation procedure for determining compliance with emission standards requires a rounding off to two significant figures the ".0" is unnecessary. |
| 5. § 85.074-2(a) § 85.075-2(a) § 85.774-2(a) § 85.874-2(a) § 85.974-2(a); | require the manufacturers to update applications for certification as necessary. | though manufacturers are responsible for updating their applications and have, in fact, been doing so, there has been no specific requirement in the regulations. |

EXPLANATION OF TECHNICAL AMENDMENT CHANGES—Continued

| Section | Change | Reason |
|---|---|---|
| 6. § 85.074-5(g)(1), § 85.075-5(g)(1). | 1) remove requirement that weight of optional items must always be included in vehicle curb weight computation, 2) require that weight of optional items be included only on the vehicles on which the option will be available, and 3) clarify that, in the case of mutually exclusive options, only the weight of the heavier option will be included in vehicle curb weight computation. | 1) in those cases where the option will not be on a majority of the vehicles in the family, it may not be desirable to include the weight of the option, 2) it is contrary to the policy of representativeness of test vehicles to require a vehicle to be equipped with an option not available on the vehicle in the field, and 3) the policy of representativeness also obviates the practicality of adding weights of two mutually exclusive options. |
| 7. §85.074-5(g)(2), §85.075-5(g)(2). | 1) remove requirement that optional items must always be installed on the vehicle, 2) require options to be installed only on vehicles on which the option will be available, and 3) list examples of items expected to affect emissions. | 1) in those cases where the option will not be on a majority of the vehicles in the family, it may not be desirable to require the installation of the item on the test vehicle, 2) it is contrary to the policy of the representativeness of test vehicles to require a vehicle to be equipped with an option not available on the vehicle in the field, and 3) examples given to clarify intent of the paragraph. |
| 8. §85.074-5(g)(3), §85.075-5(g)(3). | add provision that optional items which affect emissions but which are expected to be equipped on less than 33 percent of production vehicles need not, unless specifically required by EPA, be installed on test vehicles. | helps to assure that vehicles represent a majority of the production vehicles certified under the engine family. |
| 9. §85.074-6(a)(1), §85.774-6(a)(1), §85.874-6(a)(1), §85.974-6(a)(1). | require scheduled maintenance on test vehicles to be included in maintenance instructions to the ultimate purchaser. | clarify the originally intended relationship between maintenance on test vehicles and that contained in maintenance instructions to the ultimate purchaser. |
| 10. §85.074-6(a)(1)(i). | change equivalent rated horsepower per cubic inch of displacement from 1.20 to .8. | reflects 1971 industry change in method of rating horsepower. |
| 11. §85.074-6(b), §85.774-6(b), §85.874-6(b), §85.974-6(b). | 1) provide the Administrator flexibility to waive before and/or after tests for vehicle maintenance.<br>2) define term "immediately" as used in submitting test data. | 1) allows the Administrator to waive before and/or after tests when testing may cause damage to the vehicle or when test results would not be likely to provide evidence that the test vehicle should be disqualified 2) calrify how soon after a test that test data must be submitted to the Administrator. |
| 12. § 85.075-7 | 1)* require vehicles t accumulate mileage at a measured curb weight within 100 pounds of the estimated curb weight, 2) provide procedures for certifying a vehicle at the next higher inertia weight. | 1) assures similarity of actual test vehicle to that described in the application, 2) give manufacturer certification flexibility for vehicles whose loaded weight approaches the limits specified in the regulation. |
| 13. § 85.074-7(d)(1), § 85.075-7(d)(1). | 1) require manufacturer to provide Administrator an explanation of voiding emission tests, 2) provide for the Administrator to judge appropriateness of voiding a test, 3) require consistent number of tests at each test point, up to three tests and 4) define term "immediately" as used in submitting test data. | 1) provide basis for determining whether a test was properly voided, 2) clarify Administrator's authority to determine whether test was properly voided, 3) specify in the regulations that manufacturers may conduct multiple tests to give better statistical assurance of validity of test results and 4) clarify how soon after a test that test data must be submitted to the Administrator. |

Footnotes at end of table.

EXPLANATION OF TECHNICAL AMENDMENT CHANGES—Continued

| Section | Change | Reason |
|---|---|---|
| 14. § 85.074-7(d)(2), § 85.075-7(d)(2). | specify precision and method of rounding off test results. | provide information on method to calculate deterioration factor and compliance with emission standard. |
| 15. § 85.074-9(d), § 85.075-9(d), § 85.774-9(d), § 85.874-9(d), § 85.974-9(d). | qualify the requirement for all emission control systems to be functioning to provide for system malfunction or component failure and specify that any maintenance performed must be in accordance with the regulations. | recognize that vehicles whose emission control systems are malfunctioning are not out of compliance with the regulations, so long as maintenance is performed in accordance with the regulations. |
| 16. § 85.074-11(b)(1), § 85.075-11(b)(1). | specify that any maintenance performed to correct leaks must be done in accordance with the regulations. | clarify the scope of the maintenance provisions of the regulations. |
| 17. § 85.074-12(c), § 85.075-12(c). | clarify that the test vehicle may be used to set dynamometer horsepower if necessary. | simplify test procedure by avoiding necessity to use a dummy vehicle to set dynamometer horsepower. |
| 18. § 85.074-13(a)(4), § 85.075-13(a)(4). | clarify that the heating of the fuel in the tank should be at a constant rate of change of temperature with respect to time. | correction to reflect method intended by regulation. |
| 19. § 85.074-15(a), § 85.075-15(a). | specify that all accessories are to be turned off when the vehicle is started. | clarify that accessories must be off when the vehicle is started. |
| 20. § 85.074-15(e)(3), § 85.075-15(e)(3). | clarify that air conditioning need be equiped only on those vehicles which are intended to be offered with air conditioning in production. | make consistent with revision of § 85.074-5 (g)(1) and § 85.075-5(g)(1). |
| 21. § 85.074-15(g), § 85.075-15(g). | 1) specify that emission samples may not be taken during practice runs and 2) specify that practice runs may be used to make sampling system adjustment, such as those to assure proper back pressure. | 1) prohibit abuse of practice run procedures. 2) assure proper performance of equipment. |
| 22. § 85.074-15(i), § 85.075-15(j). | specify that changes to dynamometer horsepower settings must be made within 1 hour of the test. | insure that horsepower settings are accurate. |
| 23. § 85.074-19(b)(1), § 85.075-19(b)(1). | remove required "kick-down" time when not specified in owners manual. | conform to recommendations in owners manual. |
| 24. § 85.074-19(b)(2), § 85.075-19(b)(2). | remove required choke operation when not specified in owners manual. | conform to recommendations in owners manual. |
| 25. § 85.074-19(c), § 85.075-19(c). | remove "more" use of choke and throttle.... | make consistent with (b)(1) and (b)(2) above, since no throttle or choke may be used under those provisions. |
| 26. § 85.074-20(b), §85.075-20(b). | add provision that use of other types of constant volume samplers may be used with the advance approval of the Administrator. | provide flexibility in choice of testing equipment. |
| 27. § 85.074-20(b)(2), § 85.076-20(b)(2). | change static pressure variation limit to ± 5 inches of water unless manufacturer requests a tighter tolerance. | change reflects recognition that closer measurement is unnecessary for most vehicles; if manufacturer requests closer measurement under section 8, EPA will agree to it. |

EXPLANATION OF TECHNICAL AMENDMENT CHANGES—Continued

| Section | Change | Reason |
|---|---|---|
| 28. § 85.074-20(b)(5), § 85.075-20(b)(5). | provide for use of flow calibration techniques approved in advance by the Administrator. | allow flexibility in use of flow calibration technique. |
| 29. Figures A74-1, A75-1. | remove Optional Continuous Sampling Line. | prevent use of certification tests for diagnostic purposes. |
| 30. Figure A74-2..... | replace diagram with one appearing in 7/2/71 FEDERAL REGISTER. | wrong diagram appeared in 11/15/72 recompilation. |
| 31. § 85.074-20(b)(9), § 85.075-20(b)(9). | remove reference to Optional Continuous Sampling Line. | prevent use of certification tests for diagnostic purposes. |
| 32. § 85.074-22(f), § 85.075-22(f). | 1) add requirement for listing estimated curb weight; 2) change language for description of fuel system. | 1) estimated curb weight is needed to set proper inertia and horsepower; 2) fuel system language changed to include nonconventional carburetted engines. |
| 33. § 85.074-22(h), § 85.075-22(h). | provide for use of a reference to a test cell number in lieu of repetitious recording of pertinent instrument information. | provides means to dispense with repetitious recording of pertinent instrument information. |
| 34. § 85.074-22(j), § 85.075-22(j). | remove requirement to record temperature of the air in front of the radiator. | information has been determined to be unnecessary. |
| 35. § 85.074-22(l), § 85.075-22(l). | remove requirement to record temperature continuously. | recording of the temperature set point is sufficient to provide necessary data. |
| 36. § 85.074-23(a)(3), § 85.075-23(a)(3). | 1) allow for adjustment of electronic gain control 2) remove requirement for analyzer operating range to be calibrated so that analyzed deflection is in upper two-thirds of the scale. | 1) permit adjustment of optional instrumentation 2) requirement has been determined to be unnecessary. |
| 37. § 85.074-23(a)(6), § 85.075-23(a)(6). | provide new method to determine NOx converter efficiency. | new procedure is easier and less expensive than present procedure. |
| 38. § 85.074-28(c), § 85.075-28(c). | 1) specify that only valid emission data may be used to determine emission control compliance 2) include data from tests conducted in connection with maintenance approved by the Administrator in the determination of emission control compliance, when specified by the Administrator 3) specify method for rounding off numbers. | 1) and 2) clarify what data are used in deterioration factor calculations; 3) adopt ASTM procedure. |
| 39. § 85.074-29(b)(1), § 85.075-29(b)(1). | specify that manufacturer's data will not be used to determine compliance with emission standards at those test points where the Administrator tests the vehicle. | clarify procedure used to calculate compliance with emission standards. |
| 40. § 85.074-29(b)(3), § 85.075-29(b)(3). | specify that the emission data vehicle must be within manufacturer's specifications as indicated in the application for certification to be shown on the vehicle label and provide a means for adjusting the vehicle to such specifications prior to the test. | provide a means for assuring that the emission data vehicle is adjusted to proper specifications prior to running the first emissions test. |

EXPLANATION OF TECHNICAL AMENDMENT CHANGES—Continued

| Section | Change | Reason |
|---|---|---|
| 41. § 85.074-30(a)(2), § 85.075-30(a)(2): | specify the length of the certificate of conformity to be one model year. | clarify that the effectiveness of the certificate of conformity is one model year, not one calendar year. |
| 42. § 85.074-33(a), § 85.075-33(a): | specify that running changes must be approved for parameters listed in paragraph 5(a)(3) and 5(b)(3). | correct error in 11/15/72 recompilation. |
| 43. § 85.075-5(b)(2)..... | removes requirement that if any single displacement control system represents over 70 percent of projected family sales, two emission data vehicles must be selected; permits the Administrator to make such selection if total family sales are high. | provision was discriminatory against manufacturers with an undiversified product line. |
| 44. § 85.075-5(c)(2)..... | delete provision requiring two durability vehicles if a particular engine-system combination is used in only one engine family. | 1) provision was discriminatory against manufacturers with an undiversified product line 2) since data from durability vehicles of the same engine-system combination in different engine families are not compared, the requirement is unnecessary. |
| 45. § 85.075-10(b)..... | specify minimum lead content for mileage accumulation fuel. | reflect average lead levels of commercially available unleaded fuels, allowing for some test variability and lack of tight manufacturer control over specific lead levels. |
| 46. § 85.075-14(b)..... | correct language in paragraph..... | error in 11/15/72 recompilation. |
| 47. § 85.075-24(b)(12).... | specify when to turn engine off..... | provision omitted from 11/15/72 recompilation. |
| 48. § 85.774-9(b)..... | correct introductory description of test procedure. | reflect change in test procedure from concentration measurement to mass emissions measurement. |
| 49. § 85.774-13(b)..... | provide for use of other types of sampling and analytical systems with the advance approval of the Administrator. | provide flexibility in choice of testing equipment. |
| 50. § 85.874-7(e)..... | delete paragraph..... | error in 11/15/72 recompilation; paragraph properly found at § 85.874-9(d). |
| 51. § 85.874-15..... | reinsert paragraph providing for calibration of instruments. | paragraph omitted from 11/15/72 recompilation. |
| 52. § 85.974-7(g)(1), (g)(2), (h). | reinsert paragraphs providing for testing by the Administrator, with some minor editorial changes for clarity. | paragraphs omitted from 11/15/72 recompilation. |

EXPLANATION OF TECHNICAL AMENDMENT CHANGES—Continued

| Section | Change | Reason |
|---|---|---|
| 53. § 85-974-9(d)..... | reinsert paragraph previously found at § 85.974(g). | error in 11/15/72 recompilation. |
| 54. § 85.974-13(a)..... | provide for use of other types of sampling and analytical systems with the advance approval of the Administrator. | provide flexibility in choice of test equipment. |
| 55. § 85.974-16(b)(6)..... | require the test to be rerun if there is more than a 10-minute delay between test modes. | prevent excessive delays between the modes of the diesel engine test procedure since such delays could result in poor test correlativity; time limit is sufficient to correct all but major problems. |
| 56. § 85.974-18(c)..... | replace the interim NOx humidity correction factor with a new factor. | the preamble to the 1974 heavy duty diesel regulations, published on September 8, 1972 (37 FR 18362) announced that the humidity correction factor would be changed as soon as sufficient data was available; this factor has been added to the SAE Recommended Practice No. J-177. |
| 57. § 85.1602(a)(3)(ii).... | add words "vehicle mile"..... | words omitted from 11/15/72 recompilation. |
| 58. Appendix III..... | 1) refinement of the CVS calibration procedure to allow an assessment of the quality of the data 2) Other changes to further define techniques, equipment and tolerances which should be used to achieve satisfactory calibrations 3) A list of possible sources of errors encountered on a tracer gas injection test to help laboratories troubleshoot their systems. | the new procedure displays the CVS calibration data in a form which allows assessment of the quality of the calibration. By this method, important CVS calibration and use parameters can be compared from one laboratory to another. |

* Vehicles which have accumulated mileage prior to the effective data of these regulations are subject to this requirement only after such effective date.

Part 85 of Chapter I, Title 40 of the Code of Federal Regulations as applicable beginning with the 1974 model year is amended as follows, effective upon publication in the FEDERAL REGISTER (6-28-73).

The provisions of this Part 85 issued under sections 202, 206, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-1, 1857f-5, and 1857g(a)).

Date: June 22, 1973.

ROBERT W. FRI,
*Acting Administrator.*

Section 85.001 through 85.075-39 are amended to read as follows:

## Subpart A—Emission Regulations for New Gasoline-Fueled Light Duty Vehicles

### § 85.001 General applicability.

The provisions of this subpart are applicable to new gasoline-fueled light duty motor vehicles, except motorcycles.

### § 85.002 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act:

(1) "Act" means Part A of title II of the Clean Air Act, 42 U.S.C. 1857 f-1 through f-7, as amended by Public Law 91-604.

(2) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(3) "Model year" means the manufacturer's annual production period (as determined by the Administrator) which includes January 1 of such calendar year: *Provided*, That if the manufacturer has no annual production period, the term "model year" shall mean the calendar year.

(4) "Gross vehicle weight" means the manufacturer's gross weight rating for the individual vehicle.

(5) "Light duty vehicle" means any motor vehicle either designed primarily for transportation of property and rated at 6,000 pounds GVW or less or designed primarily for transportation of persons and having a capacity of 12 persons or less.

(6) "Off-road utility vehicle" means a light duty vehicle which incorporates special features for off-road operation such as four-wheel drive.

(7) "Motorcycle" means any light duty vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels (including any tricycle arrangement) in contact with the ground and weighing less than 1,500 pounds.

(8) "Vehicle curb weight" means the actual or the manufacturer's estimated weight of the vehicle in operational status with all standard equipment, and weight of fuel at nominal tank capacity, and the weight of optional equipment computed in accordance with § 85.073-5(g).

(9) "Loaded vehicle weight" means the vehicle curb weight of a light duty vehicle plus 300 pounds.

(10) "System" includes any motor vehicle engine modification which controls or causes the reduction of substances emitted from motor vehicles.

(11) "Engine family" means the basic classification unit of a manufacturer's product line used for the purpose of test fleet selection and determined in accordance with § 85.073-5(a).

(12) "Engine-system combination" means an engine family-exhaust emission control system-fuel evaporative emission control system (where applicable) combination.

(13) "Fuel system" means the combination of fuel tank, fuel pump, fuel lines, and carburetor, or fuel injection components, and includes all fuel system vents and fuel evaporative emission control systems.

(14) "Crankcase emissions" means airborne substances emitted to the atmosphere from any portion of the engine crankcase ventilation or lubrication systems.

(15) "Exhaust emissions" means substances emitted to the atmosphere from any opening downstream from the exhaust port of a motor vehicle engine.

(16) "Fuel evaporative emissions" means vaporized fuel emitted into the atmosphere from the fuel system of a motor vehicle.

(17) "Hot soak loss" means fuel evaporative emissions during the 1-hour hot soak period which begins immediately after the engine is turned off.

(18) "Diurnal breathing loss" means fuel evaporative emissions as a result of the daily range in temperature to which the fuel system is exposed.

(19) "Running loss" means fuel evaporative emissions resulting from an average trip in an urban area or the simulation of such a trip.

(20) "Tank fuel volume" means the volume of fuel in the fuel tank, prescribed to be 40 percent of nominal tank capacity rounded to the nearest whole U.S. gallon.

(21) "Zero (0) miles" means that point after initial engine starting (not to exceed 10 miles of vehicle operation, or one hour of engine operation) at which normal assembly line operations and adjustments are completed.

(22) "Calibrating gas" means a gas of known concentration which is used to establish the response curve of an analyzer.

(23) "Span gas" means a gas of known concentration which is used routinely to set the output level of an analyzer.

(24) "Oxides of nitrogen" means the sum of the nitric oxide and nitrogen dioxide contained in a gas sample as if the nitric oxide were in the form of nitrogen dioxide.

(25) "Useful life" means a period of use of 5 years or 50,000 miles, whichever first occurs.

(26) "Scheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of vehicle components or systems which is performed on a periodic basis to prevent part failure or vehicle malfunction.

(27) "Unscheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of vehicle components or systems which is performed to correct a part failure or vehicle malfunction.

### § 85.003 Abbreviations.

The abbreviations used in this subpart have the following meanings in both capital and lowercase:

Accel.—Acceleration.
ASTM—American Society for Testing and Materials.
C.—Centigrade.
C.f.h.—Cubic feet per hour.
$CO_2$—Carbon dioxide.
CO—Carbon monoxide.
Conc.—Concentration.
C.f.m.—Cubic feet per minute.
Cu. in.—Cubic inch(es).
Decel.—Deceleration.
EP—End point.
Evap.—Evaporated.
F.—Fahrenheit.
Gal.—U.S. gallon(s).
Gm.—Gram(s).
GVW—Gross Vehicle Weight.
HC—Hydrocarbon(s).
Hg—Mercury.
Hi.—High.
HP.—Horsepower.
IBP—Initial boiling point.
ID—Internal diameter.
Lb.—Pound(s).
Lb.-ft.—Pound-feet.
Min.—Minute(s).
Ml.—Milliliter(s).
M.p.h.—Miles per hour.
Mm.—Millimeter(s).
Mv.—Millivolt(s).
$N_2$—Nitrogen.
NO—Nitric oxide.
$NO_2$—Nitrogen dioxide.
$NO_x$—Oxides of nitrogen.
No.—Number.
Pb—Lead.
P.p.m.—Parts per million by volume.
P.s.i.—Pounds per square inch.
P.s.i.g.—Pounds per square inch gauge.
R—Rankine.
R.p.m.—Revolutions per minute.
RVP—Reid vapor pressure.
S.A.E.—Society of Automotive Engineers.
Sec.—Second(s).
Sp.—Speed.
SS—Stainless steel.
TEL—Tetraethyl lead.
TML—Tetramethyl lead.
V.—Volts.
Vs.—Versus.
WOT.—Wide open throttle.
Wt.—Weight.
'—Feet.
"—Inches.
°—Degrees.
%—Percent.

### § 85.004 General standards: increase in emissions; unsafe conditions.

(a)(1) Every new motor vehicle manufactured for sale, sold, offered for sale, introduced or delivered for introduction into commerce, or imported into the United States for sale or resale which is subject to any of the standards prescribed in this subpart shall be covered by a certificate of conformity issued pursuant to sections 85.073-2 through 85.073-4 and 85.073-29 through 85.073-34 of this subpart.

(b) (1) Any system installed on or incorporated in a new motor vehicle to enable such vehicle to conform to standards imposed by this subpart;

(i) shall not in its operation or function cause the emission into the ambient air of any noxious or toxic substance that would not be emitted in the operation of such vehicle without such system, except as specifically permitted by regulation; and

(ii) Shall not in its operation, function, or malfunction result in any unsafe condition endangering the motor vehicle, its occupants, or persons or property in close proximity to the vehicle.

(2) Every manufacturer of new motor vehicles subject to any of the standards imposed by this subpart shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicles in accordance with good engineering practice to ascertain that such test vehicles will meet the requirements of this section for the useful life of the vehicle.

### § 85.005 Hearings on certification.

(a) (1) After granting a request for a hearing under § 85.073-30, the Administrator will designate a Presiding Officer for the hearing.

(2) The General Counsel will represent the Environmental Protection Agency in any hearing under this section.

(3) If a time and place for the hearing have not been fixed by the Administrator under § 85.073-30, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(b) (1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of the notice issued by the Administrator under § 85.073-30, together with any accompanying material, the request for a hearing and the supporting data submitted therewith and all documents relating to the request for certification, including the application for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

(2) The appeal file will be available for inspection by the applicant at the office of the Presiding Officer.

(c) An applicant may appear in person, or may be represented by counsel or by any other duly authorized representative.

(d) (1) The Presiding Officer upon the request of any party, or in his discretion, may arrange for a prehearing conference at a time and place specified by him to consider the following:

(i) Simplification of the issues;

(ii) Stipulations, admissions of fact, and the introduction of documents;

(iii) Limitation of the number of expert witnesses;

(iv) Possibility of agreement disposing of all or any of the issues in dispute;

(v) Such other matters as may aid in the disposition of the hearing, including such additional tests as may be agreed upon by the parties.

(2) The results of the conference shall be reduced to writing by the Presiding Officer and made part of the record.

(e) (1) Hearings shall be conducted by the Presiding Officer in an informal but orderly and expeditious manner. The parties may offer oral or written evidence, subject to the exclusion by the Presiding Officer of irrelevant, immaterial and repetitious evidence.

(2) Witnesses will not be required to testify under oath. However, the Presiding Officer shall call to the attention of witnesses that their statements may be subject to the provisions of title 18 U.S.C. 1001 which imposes penalties for knowingly making false statements or representations, or using false documents in any matter within the jurisdiction of any department or agency of the United States.

(3) Any witness may be examined or cross-examined by the Presiding Officer, the parties, or their representatives.

(4) Hearings shall be reported verbatim. Copies of transcripts of proceedings may be purchased by the applicant from the reporter.

(5) All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a showing satisfactory to the Presiding Officer of their authenticity, relevancy, and materiality, be received in evidence and shall constitute a part of the record.

(6) Oral argument may be permitted in the discretion of the Presiding Officer and shall be reported as part of the record unless otherwise ordered by him.

(f) (1) The Presiding Officer shall make an initial decision which shall include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law, or discretion presented on the record. The findings, conclusions, and written decision shall be provided to the parties and made a part of the record. The initial decision

shall become the decision of the Administrator without further proceedings unless there is an appeal to the Administrator or motion for review by the Administrator within 20 days of the date the initial decision was filed.

(2) On appeal from or review of the initial decision the Administrator shall have all the powers which he would have in making the initial decision including the discretion to require or allow briefs, oral argument, the taking of additional evidence or the remanding to the Presiding Officer for additional proceedings. The decision by the Administrator shall include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law, or discretion presented on the appeal or considered in the review.

**§ 85.006 Maintenance of records; submittal of information; right of entry.**

(a) The manufacturer of any new motor vehicle subject to any of the standards prescribed in this subpart shall establish and maintain the following adequately organized and indexed records:

(1) Identification and description of all vehicles for which testing is required under this subpart.

(2) A description of all emission control systems which are installed on or incorporated in each vehicle.

(3) A description of the procedures used to test such vehicles.

(4) Test data on each emission data vehicle which will show its emissions at 0 and 4,000 miles.

(5) Test data on each durability vehicle which will show the performance of the systems installed on or incorporated in the vehicle during extended mileage as well as a record of all pertinent maintenance performed on the vehicle.

(b) The manufacturer of any new motor vehicle subject to any of the standards prescribed in this subpart shall submit to the Administrator at the time of issuance by the manufacturer copies of all instructions or explanations regarding the use, repair, adjustment, maintenance, or testing of such vehicle relevant to the control of crankcase, exhaust, or evaporative emissions, issued by the manufacturer for use by other manufacturers, assembly plants, distributors, dealers, and ultimate purchasers: *Provided*, That any material not translated into the English language need not be submitted unless specifically requested by the Administrator.

(c) The manufacturer of any new motor vehicle subject to any of the standards prescribed in this subpart shall permit officers or employees duly designated by the Administrator, upon presenting appropriate credentials and a written notice to the manufacturer:

(1) To enter, at reasonable times, any premises used during the certification procedures for purposes of monitoring tests and mileage accumulation procedures, observing maintenance procedures, and verifying correlation or calibration of test equipment, or

(2) To inspect, at reasonable times, records, files, and papers compiled by such manufacturer in accordance with paragraph (a) of this section.

A separate notice shall be given for each such inspection, but a separate notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness.

**§ 85.074–1 Emission standards for 1974 model year vehicles.**

(a) (1) Exhaust emissions from 1974 model year vehicles shall not exceed:

(i) *Hydrocarbons.* 3.4 grams per vehicle mile.

(ii) *Carbon monoxide.* 39 grams per vehicle mile.

(iii) *Oxides of nitrogen.* 3.0 grams per vehicle mile.

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in § 85.074–9 through 85.074–27 and measured and calculated in accordance with those procedures.

(b) (1) Fuel evaporative emissions shall not exceed:

(i) *Hydrocarbons.* 2.0 grams per test.

(2) The standard set forth in paragraph (b)(1) of this section refers to a composite sample of the fuel evaporative emissions collected under the conditions set forth in § 85.074–9 through 85.074–27 and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any new motor vehicle subject to this subpart.

**§ 85.074–2 Application for certification.**

(a) An application for a certificate of conformity to the regulations applicable to any new motor vehicle shall be made to the Administrator by the manufacturer and shall be kept current and accurate by amendment.

(b) The application shall be in writing, signed by an authorized representative of the manufacturer, and shall include the following:

(1) Identification and description of the vehicles covered by the application and a description of their emission control systems.

(2) Projected U.S. sales data sufficient to enable the Administrator to select a test fleet representative of the vehicles for which certification is requested.

(3) A description of the test equipment and fuel proposed to be used.

(4) A description of the proposed mileage accumulation procedure for durability testing.

(5) A statement of recommended maintenance and procedures necessary to assure that the vehicles covered by a certificate of conformity in operation conform to the regulations, and a description of the program for training of personnel for such maintenance, and the equipment required.

(6) At the option of the manufacturer, the proposed composition of the emission data and durability data test fleet.

**§ 85.074–3 Approval of procedure and equipment; test fleet selections.**

Based upon the information provided in the application for certification, and any other information the Administrator may require, the Administrator will approve or disapprove in whole or in part the mileage accumulation procedure and equipment and fuel proposed by the manufacturer, and notify him in writing of such determination. Where any part of a proposal is disapproved, such notification will specify the reasons for disapproval. The Administrator will select a test fleet in accordance with § 85.074–5.

**§ 85.074–4 Required data.**

The manufacturer shall perform the tests required by the applicable test procedures, and submit to the Administrator the following information:

(a) Durability data on such vehicles tested in accordance with the applicable test procedures of this subpart, and in such numbers as therein specified, which will show the performance of the systems installed on or incorporated in the vehicle for extended mileage, as well as a record of all pertinent maintenance performed on the test vehicles.

(b) Emission data on such vehicles tested in accordance with the applicable emission test procedures of this subpart and in such numbers as therein specified, which will show their emissions after 0 miles and 4,000 miles of operation.

(c) A description of tests performed to ascertain compliance with the general standards in § 85.074–1 and the data derived from such tests.

(d) A statement that the test vehicles with respect to which data are submitted have been tested in accordance with the applicable test procedures, that they meet the requirement of such tests, and that, on the basis of such tests, they conform to the requirements of the regulations in this subpart. If such statements cannot be made with respect to any vehicle tested, the vehicle shall be identified, and all pertinent test data relating thereto shall be supplied.

**§ 85.074–5 Test vehicles.**

(a) (1) The vehicles covered by the application for certification will be divided into groupings of vehicles whose engines are expected to have similar emission characteristics. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(2) To be classed in the same engine family, engines must be identical in all the following respects:

(i) The cylinder bore center to center dimensions.

(ii) The dimension from the centerline of the crankshaft to the centerline of the camshaft.

(iii) The dimension from the centerline of the crankshaft to the top of the cylinder block head face.

(iv) The cylinder block configuration (air-cooled or water-cooled; L–6, 90° V–8, etc.).

(v) The location of intake and exhaust valves and the valve sizes (within a ⅛-inch range on the valve head diameter).

(vi) The method of air aspiration.

(vii) The combustion cycle.

(3) Engines identical in all the respects listed in subparagraph (2) of this paragraph may be further divided into different engine families if the Administrator determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of the following features of each engine:

(i) The bore and stroke.

(ii) The surface to volume ratio of the nominally dimensioned cylinder at the top dead center position.

(iii) The intake manifold induction port size and configuration.

(iv) The exhaust manifold port size and configuration.

(v) The intake and exhaust valve sizes.

(vi) The fuel system.

(vii) The camshaft timing and ignition timing characteristics.

(4) Where engines are of a type which cannot be divided into engine families based upon the criteria listed in subparagraphs (2) and (3) of this paragraph, the Administrator will establish families for those engines based upon the features most related to their emission characteristics.

(b) Emission data vehicles:

(1) Vehicles will be chosen to be operated and tested for emission data based upon the engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(2) Vehicles of each engine family will be divided into engine displacement-exhaust emission control system-evaporative emission control system combinations. A projected sales volume will be established for each combination for the 1974 model year. One vehicle of each combination will be selected in order of decreasing projected sales volume until 70 percent of the projected sales of a manufacturer's total production of vehicles of that engine family is represented, or until a maximum of four vehicles is selected. If any single combination represents over 70 percent, then two vehicles of that combination will be selected. The vehicle selected for each combination will be specified by the Administrator as to transmission type, fuel system and inertia weight class.

(3) The Administrator may select a maximum of four additional vehicles within each engine family based upon features indicating that they may have the highest emission levels of the vehicles in that engine family. In selecting these vehicles, the Administrator will consider such features as the emission control system combination, induction system characteristics, ignition system characteristics, fuel system, rated horsepower, rated torque, compression ratio, inertia weight class, transmission options and axle ratios.

(4) If the vehicles selected in accordance with subparagraphs (2) and (3) of this paragraph do not represent each engine-system combination, then one vehicle of each engine-system combination not represented will be selected by the Administrator. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with the control system combination in the engine family and will be designated by the Administrator as to transmission type, fuel system, and inertia weight class.

(c) Durability data vehicles:

(1) A durability data vehicle will be selected by the Administrator to represent each engine-system combination. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with that control system combination in that engine family and will be designated by the Administrator as to transmission type, fuel system and inertia weight class.

(2) If an exhaust emission control system fuel evaporative emission control system combination is used in only one engine family, an additional vehicle using that combination in that family will be selected so that the durability data fleet shall contain at least two vehicles with each combination. The additional vehicle will be selected in the same manner as vehicles selected under subparagraph (1) of this paragraph.

(3) A manufacturer may elect to operate and test additional vehicles to represent any engine-system combination. The additional vehicles must be of the same engine displacement, transmission type, fuel system and inertia weight class as the vehicle selected for that engine-system combination in accordance with the provisions of subparagraph (1) of this paragraph. Notice of an intent to operate and test additional vehicles shall be given to the Administrator not later than 30 days following notification of the test fleet selection.

(d) For purposes of testing under § 85.074–7(g), the Administrator may require additional emission data vehicles and durability data vehicles identical in all material respects to vehicles selected in accordance with paragraphs (b) and (c) of this section: *Provided*, That the number of vehicles selected shall not increase the size of either the emission data fleet or the durability data fleet by more than 20 percent or one vehicle, whichever is greater.

(e) Any manufacturer whose projected sales of new motor vehicles subject to this subpart for the 1974 model year is less than 2,000 vehicles may request a reduction in the number of test vehicles determined in accordance with the foregoing provisions of this section. The Administrator may agree to such lesser number as he determines would meet the objectives of this procedure.

(f) In lieu of testing an emission data or durability data vehicle selected under paragraph (b) or (c) of this section, and submitting data therefor, a manufacturer may, with the prior written approval of the Administrator, submit data on a similar vehicle for which certification has previously been obtained.

(g) (1) Where it is expected that more than 33 percent of an engine family will be equipped with an optional item, the full estimated weight of that item shall be included, if required by the Administrator, in the curb weight computation for each vehicle available with that option in the engine family. Where it is expected that 33 percent or less of the vehicles in an engine family will be equipped with an item of optional equipment, no weight for that item will be added in computing curb weight. In the case of mutually exclusive options, only the weight of the heavier option will be added in computing curb weight. Optional equipment weighing less than 3 pounds per item need not be considered.

(2) Where it is expected that more than 33 percent of an engine family may be equipped with an item of optional equipment that can reasonably be expected to influence emissions, then such items of optional equipment shall actually be installed, unless specifically excluded by the Administrator, on all emission data and durability vehicles in the engine family on which the option is intended to be offered in production. Optional equipment that can reasonably be expected to influence emissions are the air conditioner, power steering, power brakes, and other items determined by the Administrator.

(3) Optional equipment that can reasonably be expected to influence emissions which is utilized on 33 percent or less of the vehicles in the engine family shall not be installed on any vehicle in that engine family unless specifically required under this section.

**§ 85.074–6 Maintenance.**

(a) (1) Scheduled maintenance on the engine and fuel system of durability vehicles shall be performed only under the following provisions and shall be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser of the motor vehicle:

(i) One major engine tuneup to manufacturer's specifications may be performed at 24,000 miles (±250 miles) of scheduled driving with the following exception. On a vehicle with an engine displacement of 150 cubic inches or less (or a rating of at least 0.8 maximum rated horsepower per cubic inch of displacement), major engine tuneups may be performed at 12,000, 24,000, and 36,000 miles (±250 miles) of scheduled driving. A major engine tuneup shall be restricted to the following:

(*a*) Replace spark plugs.

(*b*) Inspect ignition wiring and replace as required.

(*c*) Replace distributor breaker points and condenser as required.

(*d*) Lubricate distributor cam.

(*e*) Check distributor advance and breaker point dwell angle and adjust as required.

(*f*) Check automatic choke for free operation and correct as required.

(*g*) Adjust carburetor idle speed and mixture.

(h) Adjust drive belt tension on engine accessories.

(i) Adjust valve lash if required.

(j) Check exhaust heat control valve for free operation.

(k) Check engine bolt torque and tighten as required.

(ii) Spark plugs may be changed if a persistent misfire is detected.

(iii) Normal vehicle lubrication services (engine and transmission oil change and oil filter, fuel filter, and air filter servicing) will be allowed at manufacturer's recommended intervals.

(iv) The crankcase emission control system may be serviced at 12,000-mile intervals (±250 miles) of scheduled driving.

(v) The fuel evaporative emission control system may be serviced at 12,000-mile intervals (±250 miles) of scheduled driving.

(vi) Readjustment of the engine choke mechanism or idle settings may be performed only if there is a problem of stalling at stops.

(vii) Leaks in the fuel system, engine lubrication system, and cooling system may be repaired.

(viii) Engine idle speed may be adjusted at the 4,000-mile test point.

(ix) Any other engine or fuel system maintenance or repairs will be allowed only with the advance approval of the Administrator.

(2) Repairs to vehicle components of the durability data vehicle, other than the engine or fuel system, shall be performed only as a result of part failure or vehicle system malfunction.

(3) Allowable maintenance on emission data vehicles shall be limited to the adjustment of engine idle speed at the 4,000-mile test point, except that other maintenance or repairs may be allowed with the advance approval of the Administrator.

(4) Where the Administrator agrees under § 85.074–7 to a mileage accumulation of less than 50,000-miles for durability testing, he may modify the requirements of this paragraph.

(b) Complete emission tests (see §§ 85.074–10 through 85.074–27) are required, unless waived by the Administrator, before and after any vehicle maintenance which may reasonably be expected to affect emisisons. These test data shall be air posted to the Administrator within 24 hours (or delivered within 3 working days) after the tests, along with a complete record of all pertinent maintenance, including a preliminary engineering report of any malfunction diagnosis and the corrective action taken. A complete engineering report shall be delivered or air posted to the administrator within ten working days after the tests. In addition, all test data and maintenance reports shall be compiled and provided to the Administrator in accordance with § 85.074–4.

(c) If the Administrator determines that maintenance or repairs performed have resulted in a substantial change to the engine-system combination, the vehicle shall not be used as a durability data vehicle.

**§ 85.074–7 Mileage accumulation and emission measurements.**

The procedure for mileage accumulation will be the Durability Driving Schedule as specified in Appendix IV to this part. A modified procedure may also be used if approved in advance by the Administrator. Except with the advance approval of the Administrator, all vehicles will accumulate mileage at a measured curb weight which is within 100 pounds of the estimated curb weight. If the loaded vehicle weight is within 100 pounds of being included in the next higher inertia weight class as specified in § 85.074–15(d), the manufacturer may elect to conduct the respective emission tests at the inertia weight corresponding to the higher loaded vehicle weight.

(a) Emission data vehicles: Each emission data vehicle shall be driven 4,000 miles with all emission control systems installed and operating. Emission tests shall be conducted at zero miles and 4,000 miles.

(b) Durability data vehicles: Each durability data vehicle shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objectives of this procedure. Emission measurements from a cold start, taken in accordance with §§ 85.074–20 and 85.074–21, shall be made at the following mileage points: 0, 4,000, 8,000, 12,000, 16,000, 20,000, 24,000, 28,000, 32,000, 36,000, 40,000, 44,000, and 50,000.

(c) All tests required by this subpart to be conducted after 4,000 miles of driving or at any subsequent test point listed in paragraph (b) of this section must be conducted at any accumulated mileage within 250 miles of each of those test points.

(d)(1) The results of each emission test shall be supplied to the Administrator immediately after the test. The manufacturer shall furnish to the Administrator explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer. If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 24 hours (or delivered within 3 working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 85.074–4. Where the Administrator conducts a test on a durability vehicle at a test point, the results of each test will be used in the calculation of the deterioration factor.

(2) The results of all emission tests shall be recorded and reported to the Administrator using three significant figures. These numbers shall be rounded in accordance with the "Rounding Off Method" specified in ASTM E 29–67.

(e) Whenever the manufacturer proposes to operate and test a vehicle which may be used for emission or durability data, he shall provide the zero mile test data to the Administrator and make the vehicle available for such testing under § 85.074–29 as the Administrator may require before beginning to accumulate mileage on the vehicle. Failure to comply with this requirement will invalidate all test data submitted for this vehicle.

(f) Once a manufacturer begins to operate an emission data or durability data vehicle, as indicated by compliance with paragraph (e) of this section, he shall continue to run the vehicle to 4,000 miles or 50,000 miles, respectively, and the data from the vehicle will be used in the calculations under § 85.074–28. Discontinuation of a vehicle shall be allowed only with the written consent of the Administrator.

(g) (1) The Administrator may elect to operate and test any test vehicle during all or any part of the mileage accumulation and testing procedure. In such cases, the manufacturer shall provide the vehicle(s) to the Administrator with all information necessary to conduct this testing.

(2) The test procedures in §§ 85.074–10 through 85.074–27 will be followed by the Administrator. The Administrator will test the vehicles at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(3) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other vehicles of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(h) Emission testing of any type with respect to any certification vehicle other than that specified in this subpart is not allowed except as such testing may be specifically authorized by the Administrator.

**§ 85.074–8 Special test procedures.**

The Administrator may, on the basis of a written application therefor by a manufacturer, prescribe test procedures, other than those set forth in this subpart, for any motor vehicle which he determines is not susceptible to satisfactory testing by the procedures set forth herein.

**§ 85.074–9 Test procedures.**

The procedures described in this and subsequent sections will be the test program to determine the conformity of vehicles with the standards set forth in § 85.074–1.

(a) The test consists of prescribed sequences of fueling, parking, and operating conditions. The exhaust gases generated during vehicle operation are

diluted with air and sampled continuously for subsequent analysis of specific components by prescribed analytical techniques. The fuel evaporative emissions are collected for subsequent weighing during both vehicle parking and operating events. The test applies to vehicles equipped with catalytic or direct-flame afterburners, induction system modifications, or other systems or to uncontrolled vehicles and engines.

(b) The exhaust emission test is designed to determine hydrocarbon, carbon monoxide and oxides of nitrogen mass emissions while simulating an average trip in an urban area of 7.5 miles from a cold start. The test consists of engine startup and vehicle operation on a chassis dynamometer through a specified driving schedule, as described in Appendix I to this part. A proportional part of the diluted exhaust emissions is collected continuously, for subsequent analysis, using a constant volume (variable dilution) sampler.

(c) The fuel evaporative emission test is designed to determine fuel hydrocarbon evaporative emissions to the atmosphere as a consequence of urban driving, and diurnal temperature fluctuations during parking. It is associated with a series of events representative of a motor vehicle's operation, which result in fuel vapor losses directly from the fuel tank and carburetor. Activated carbon traps are employed in collecting the vaporized fuel. The test procedure is specifically aimed at collecting and weighing:

(1) Diurnal breathing losses from the fuel tank and other parts of the fuel system when the fuel tank is subjected to a temperature increase representative of the diurnal range;

(2) Running losses from the fuel tank and carburetor resulting from a simulated trip from a cold start on a chassis dynamometer; and

(3) Hot soak losses from the fuel tank and carburetor which result when the vehicle is parked and the hot engine is turned off.

(d) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle shall be functioning during all procedures in this subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with § 85.074–6.

### § 85.074–10 Gasoline fuel specifications.

(a) Fuel having the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust and evaporative emission testing. Where the Administrator determines that the vehicles represented by a test vehicle will be operated using fuels of a different lead content or octane rating than that prescribed in this paragraph, he may consent in writing to use of a fuel otherwise substantially equivalent to the following specifications but with a different lead content or octane rating.

| Item | ASTM designation | Specifications |
|---|---|---|
| Octane, Research, min | D 1656 | 100 |
| Pb. (organic), gm./U.S. gal | D 526 | 3.1–3.3 |
| Distillation range | D 86 | |
| IPB, ° F | | 75–95 |
| 10 percent point, ° F | | 120–135 |
| 50 percent point, ° F | | 200–230 |
| 90 percent point, ° F | | 300–325 |
| EP, ° F. (max.) | | 415 |
| Sulfur, wt. percent, max | D 1266 | 0.10 |
| Phosphorus, theory | | 0.0 |
| RVP,[1] lb | D 323 | 8.7–9.2 |
| Hydrocarbon composition | D 1319 | |
| Olefins, percent, max | | 10 |
| Aromatics, percent, max | | 35 |
| Saturates | | Remainder |

[1] For testing which is unrelated to fuel evaporative emission control, the specified range is: 8.0–9.2.

(b) Fuel having the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in mileage accumulation. The octane rating of the fuel used shall be in the range recommended by the vehicle or engine manufacturer. The Reid Vapor Pressure of the fuel used shall be characteristic of the seasonal motor fuel. Where the Administrator determines that the vehicles represented by a test vehicle will be operated using fuels of a different lead content than that prescribed in this paragraph, he may consent in writing to use of a fuel otherwise substantially equivalent to the following specifications but with a different lead content.

(c) The specifications of the fuel to be used under paragraph (b) of this section shall be reported in accordance with § 85.074–2(b)(3).

| Item | ASTM Designation | Regular | Premium |
|---|---|---|---|
| Pb. (organic), gm./U.S. gal | D 526 | 2.1–3.2 | 2.1–3.2 |
| Sulfur, wt. percent | D 1266 | 0.02–0.10 | 0.02–0.10 |
| Hydrocarbon composition | D 1319 | | |
| Olefins, percent, max | | 30 | 15 |
| Aromatics, percent, max | | 40 | 40 |
| Saturates | | Remainder | Remainder |

### § 85.074–11 Vehicle and engine preparation (fuel evaporative emissions).

(a) (1) Apply appropriate leak-proof fittings to all fuel system external vents to permit collection of effluent vapors from these vents during the course of the prescribed tests. Since the prescribed test requires the temporary plugging of the inlet pipe to the air cleaner, it will be necessary to install a probe for collecting the normal effluents from this source. Where antisurge/vent filler caps are employed on the fuel tank, plug off the normal vent if it does not conveniently lend itself to the collection of vapors which emanate from it, and introduce a separate vent, with appropriate fitting, on the cap. Where the fuel tank vent line terminus is inaccessible, sever the line at a convenient point near the fuel tank and install the collection system in a closed circuit assembly with the severed ends. All fittings shall terminate in 5/16-inch ID tube sections for ready connection to the collection systems and shall be designed for minimum dead space.

(2) The design and installation of the necessary fittings shall not disturb the normal function of the fuel system components or the normal pressure relationships in the system.

(b) (1) Inspect the fuel system carefully to insure the absence of any leaks to the atmosphere of either liquid or vapor which might affect the accuracy of the test or the performance of the control system. Corrective action, if required, shall be performed in accordance with § 85.074–6 and be reported with the test results under § 85.074–4.

(2) Care should be exercised, in the application of any pressure tests, neither to purge nor load the evaporative emission control system.

(c) Prepare fuel tank for recording the temperature of the prescribed test fuel at its approximate midvolume.

(d) Provide additional fittings and adapters, as required to accommodate a fuel drain at the lowest point possible in the tank as installed on the vehicle.

### § 85.074–12 Vehicle preconditioning (fuel evaporative emissions).

Vehicles to be tested for compliance with the fuel evaporative emissions standard of this subpart shall be preconditioned as follows:

(a) The test vehicle shall be operated under the conditions prescribed for mileage accumulation, § 85.074–7, for 1 hour immediately prior to the operations prescribed below.

(b) The fuel tank shall be drained and specified test fuel (§ 85.074–10(a)) added. The evaporative emission control system or device shall not be abnormally purged or loaded as a result of draining or fueling the tank.

(c) The test vehicle shall be placed on the dynamometer and operated over a simulated trip, according to the applicable requirements and procedures of §§ 85.074–14 through 85.074–19 except that the engine need not be cold when started. The test vehicle may be used to set dynamometer horsepower, if necessary. During this operation the ambient tempearture shall be between 68° F. and 86° F.

(d) The engine and cooling fan shall be stopped upon completion of the dynamometer operation and the vehicle permitted to soak either on or off the dynamometer stand at an ambient temperature between 76° F. and 86° F. for a period of not less than 1 hour prior to the soak period prescribed in § 85.074–13(a)(1).

**§ 85.074–13 Evaporative emission collection procedure.**

The standard test procedure consists of three parts described below which shall be performed in sequence and without any interruption in the test conditions prescribed.

(a) *Diurnal breathing loss test.* (1) The test vehicle shall be allowed to "soak" in an area where the ambient temperature is maintained between 60° F. and 86° F. for a period of not less than 10 hours. (The vehicle preparation requirements of § 85.074–11 may be performed during this period.) It shall then be transferred to a soak area where the ambient temperature is maintained between 76° F. and 86° F. Upon admittance to the 76° F.–86° F. soak area, the prescribed fuel tank thermocouple shall be connected to the recorder and the fuel and ambient temperatures recorded at a chart speed of approximately 12 inches per hour (or equivalent record).

(2) The fuel tank of the prepared test vehicle, preconditioned according to § 85.074–12, shall be drained and recharged with the specified test fuel, § 85.074–10(a), to the prescribed "tank fuel volume," defined in § 85.002. The temperature of the fuel following the charge to the tank shall be 60° F.±2° F. Care should be exercised against abnormal loading of the evaporative emission control system or device as a result of fueling the tank.

(3) Immediately following the fuel charge to the tank, the exhaust pipe(s) and inlet pipe to the air cleaner shall be plugged and the prescribed vapor collection systems installed on all fuel system external vents. Multiple vents may be connected to a single collection trap provided that, where there is more than one external vent on a fuel system distinguishing between carburetor and tank vapors, separate collection systems shall be employed to trap the vapors from the separate sources. Every precaution shall be taken to minimize the lengths of the collection tubing employed and to avoid sharp bends across the entire system.

(4) Artificial means shall be employed to heat the fuel in the tank to 84° F. ±2° F. The prescribed temperature of the fuel shall be achieved over a period of 60 minutes ± 10 minutes at a constant rate of change of temperature with respect to time. After a minimum of 1 hour, following admittance to the 76° F.–86° F. soak area, the vehicle shall be moved onto the dynamometer stand for the subsequent part of the test. The fuel tank thermocouple may be temporarily disconnected to permit moving the test vehicle. Plugs shall be removed from the exhaust pipe(s) and inlet pipe to the air cleaner.

(b) *Running loss test.* (1) The vehicle shall be placed on the dynamometer and the fuel tank thermocouple reconnected. The fuel temperature and the ambient air temperature shall be recorded at a chart speed of approximately 12 inches per hour (or equivalent record).

(2) Where the only external vent(s) is located in the immediate vicinity of the carburetor air horn, such that any "running loss" emissions would be inducted into the engine, there is no requirement to collect any vapor losses during this part of the test and the vapor-loss measurement system shall be temporarily disconnected and clamped.

(3) The vehicle shall be operated on the dynamometer according to the requirements and procedures of § 85.074–14 through § 85.074–24. The engine and fan shall be turned off upon completion of the dynamometer run and the exhaust and air cleaner inlet pipes shall be replugged.

(4) Any vapor collection systems employed during this part of the test shall be left intact for their continued use during the following part. Any part of the vapor collection system disconnected during this phase of the test shall be reconnected for the following phase.

(c) *Hot soak test.* Upon completion of the dynamometer run, the test vehicle shall be permitted to soak with hood down for a period of 1 hour at an ambient temperature between 76° F. and 86° F. This operation completes the test. The traps are disconnected and weighed according to § 84.074–21.

**§ 85.074–14 Dynamometer driving schedule.**

(a) The dynamometer driving schedule to be followed consists of a nonrepetitive series of idle, acceleration, cruise, and deceleration modes of various time sequences and rates. The driving schedule is defined by a smooth transition through the speed vs. time relationships listed in Appendix I. The time sequence begins upon starting the vehicle according to the startup procedure described in § 85.074–19.

(b) The speed tolerance at any given time on the dynamometer driving schedule prescribed in Appendix I or as printed on a driver's aid chart approved by the Administrator is defined by upper and lower limits. The upper limit is 2 m.p.h. higher than the highest point on the trace within 1 second of the given time. The lower limit is 2 m.p.h. lower than the lowest point on the trace within 1 second of the given time. Speed variations greater than the tolerances (such as occur when shifting manual transmission vehicles) are acceptable provided they occur for less than 2 seconds on any one occasion. Speeds lower than those prescribed are acceptable provided the vehicle is operated at maximum available power during such occurrences. Further, speed deviations from those prescribed due to stalling are acceptable provided the provisions of § 85.074–19(f) are adhered to.

**§ 85.074–15 Dynamometer procedure.**

(a) The vehicle shall be tested from a cold start, with all accessories turned off during startup. Engine startup and operation over the driving schedule make a complete test run. Exhaust emissions are diluted with air to a constant volume and a portion is sampled continuously during the entire test run. The complete sample, collected in a bag, is analyzed for hydrocarbon, carbon monoxide, and oxides of nitrogen emissions. A parallel sample of the dilution air is similarly analyzed.

(b) During dynamometer operation, a fixed speed cooling fan shall be positioned so as to direct cooling air to the vehicle in an appropriate manner with the engine compartment cover open. The fan capacity shall normally not exceed 5,300 c.f.m. If, however, the manufacturer can show that during field operation the vehicle receives additional cooling, the fan capacity may be increased or additional fans used if approved in advance by the Administrator. In the case of vehicles with front engine compartments, the fan(s) shall be squarely positioned between 8 and 12 inches in front of the cooling air inlets (grill). In the case of vehicles with rear engine compartments (or if special designs make the above impractical), the cooling fan(s) shall be placed in a position to provide sufficient air to maintain engine cooling.

(c) The vehicle shall be nearly level when tested in order to prevent abnormal fuel distribution.

(d) Flywheels, electrical or other means of simulating inertia as shown in the following table shall be used. If the equivalent inertia specified is not available on the dynamometer being used, the next higher equivalent inertia (not to exceed 250 lbs.) available shall be used.

| Loaded vehicle weight, pounds | Equivalent inertia weight, pounds | Road load power at 50 m.p.h. horsepower |
|---|---|---|
| Up to 1,125 | 1,000 | 5.9 |
| 1,126 to 1,375 | 1,000 | 6.5 |
| 1,376 to 1,625 | 1,500 | 7.1 |
| 1,626 to 1,875 | 1,750 | 7.7 |
| 1,876 to 2,125 | 2,000 | 8.3 |
| 2,126 to 2,375 | 2,250 | 8.8 |
| 2,376 to 2,625 | 2,500 | 9.4 |
| 2,626 to 2,875 | 2,750 | 9.9 |
| 2,876 to 3,250 | 3,000 | 10.3 |
| 3,251 to 3,750 | 3,500 | 11.2 |
| 3,751 to 4,250 | 4,000 | 12.0 |
| 4,251 to 4,750 | 4,500 | 12.7 |
| 4,751 to 5,250 | 5,000 | 13.4 |
| 5,251 to 5,750 | 5,500 | 13.9 |
| 5,751 to above | 5,500 | 14.4 |

(e) Power absorption unit adjustment.

(1) The power absorption unit shall be adjusted to reproduce road load power at 50 m.p.h. true speed. The indicated road load power setting shall take into account the dynamometer friction. The relationship between road load (absorbed) power and indicated road load power for a particular dynamometer shall be determined by the procedure outlined in Appendix II or other suitable means.

(2) The road load power listed in the table above shall be used or the vehicle manufacturer may determine the road load power by the following procedure and request its use:

(i) Measuring the absolute manifold pressure of a representative vehicle, of the same equivalent inertia weight class, when operated on a level road under balanced wind conditions at a true speed of 50 m.p.h., and

(ii) Noting the dynamometer indicated road load horsepower setting required to reproduce that manifold pressure when the same vehicle is operated

on the dynamometer at a true speed of 50 m.p.h. The tests on the road and on the dynamometer shall be performed with the same vehicle ambient absolute pressure (usually barometric), i.e. within ±5 mm. Hg.

(iii) The road load power shall be determined according to the procedure outlined in Appendix II and adjusted according to the following if applicable.

(3) Where it is expected that more than 33 percent of the vehicles in an engine family will be equipped with air conditioning, the road load power listed above or as determined in paragraph (e)(2) of this section shall be increased by 10 percent for testing all test vehicles representing such engine family if those vehicles are intended to be offered with air conditioning in production.

(f) The vehicle speed (m.p.h.) as measured from the dynamometer rolls shall be used for all conditions. A speed vs. time recording, as evidence of dynamometer test validity, shall be supplied on request of the Administrator.

(g) Practice runs over the prescribed driving schedule may be performed at test points, provided an emission sample is not taken, for the purpose of finding the minimum throttle action to maintain the proper speed-time relationship, or to permit sampling system adjustments to comply with § 85.074–20(b)(2).

NOTE: When using two-roll dynamometers a truer speed-time trace may be obtained by minimizing the rocking of the vehicle in the rolls. The rocking of the vehicle changes the tire rolling radius on each roll. The rocking may be minimized by restraining the vehicle horizantally (or nearly so) by using a cable and winch.

(h) The drive wheel tires may be inflated up to 45 p.s.i.g. in order to prevent tire damage. The drive wheel tire pressure shall be reported with the test results.

(i) Changes to dynamometer horsepower settings, if required, shall be made within 1 hour of the exhaust emission measurement test phase. The test vehicle shall not be used to make this adjustment.

**§ 85.074–16 Three-speed manual transmissions.**

(a) All test conditions except as noted shall be run in highest gear.

(b) Cars equipped with free wheeling or overdrive units shall be tested with this unit (free wheeling or overdrive) locked out of operation.

(c) Idle shall be run with transmission in gear and with clutch disengaged (except first idle; see § 85.074–19).

(d) The vehicle shall be driven with minimum throttle movement to maintain the desired speed.

(e) Acceleration modes shall be driven smoothly with the shift speeds as recommended by the manufacturer. If the manufacturer does not recommend shift speeds, the vehicle shall be shifted from first to second gear at 15 m.p.h. and from second to third gear at 25 m.p.h. The operator shall release the accelerator pedal during the shift, and accomplish the shift with minimum closed throttle time. If the vehicle cannot accelerate at the specified rates, the vehicle shall be accelerated at WOT until the vehicle speed reaches the speed at which it should be at that time during the test.

(f) The deceleration modes shall be run with clutch engaged and without shifting gears from the previous mode, using brakes or throttle as necessary to maintain the desired speed. For those modes which decelerate to zero, the clutch shall be depressed when the speed drops below 15 m.p.h., when engine roughness is evident, or when engine stalling is imminent.

(g) Downshifting is allowed at the beginning of or during a power mode if recommended by the manufacturer or if the engine obviously is lugging.

**§ 85.074–17 Four-speed and five-speed manual transmissions.**

(a) Use the same procedure as for three-speed manual transmissions for shifting from first to second gear and from second to third gear. If the manufacturer does not recommend shift speeds, the vehicle shall be shifted from third to fourth gear at 40 m.p.h. Fifth gear may be used at the manufacturer's option.

(b) If transmission ratio in first gear exceeds 5:1, follow the procedure for three- or four-speed manual transmission vehicles as if the first gear did not exist.

**§ 85.074–18 Automatic transmissions.**

(a) All test conditions shall be run with the transmission in "Drive" (highest gear). Automatic stick-shift transmissions may be shifted as manual transmissions at the option of the manufacturer.

(b) Idle modes shall be run with the transmission in "Drive" and the wheels braked (except first idle; see § 85.074–19).

(c) The vehicle shall be driven with minimum throttle movement to maintain the desired speed.

(d) Acceleration modes shall be driven smoothly allowing the tranmission to shift automatically through the normal sequence of gears. If the vehicle cannot accelerate at the specified rates, the vehicle shall be accelerated at WOT until the vehicle speed reaches the speed at which it should be at that time during the driving schedule.

(e) The deceleration modes shall be run in gear using brakes or throttle as necessary to maintain the desired speed.

**§ 85.074–19 Engine starting and restarting.**

(a) The engine shall be started according to the manufacturer's recommended starting procedures. The initial 20-second-idle period shall begin when the engine starts.

(b) Choke operation:

(1) Vehicles equipped with automatic chokes shall be operated according to the instructions which will be included in the manufacturer's operating instructions or owner's manual including choke setting and "kick-down" from cold fast idle. The transmission shall be placed in gear 15 seconds after the engine is started. If necessary, braking may be employed to keep the drive wheels from turning.

(2) Vehicles equipped with manual chokes shall be operated according to the manufacturer's operating instructions or owners manual.

(c) The operator may use the choke, throttle, etc. where necessary to keep the engine running.

(d) If the vehicle does not start after 10 seconds of cranking, cranking shall cease and the reason for failure to start determined. The revolution counter on the constant volume sampler (see § 85.074–24, Dynamometer test runs) shall be turned off and the sample solenoid valves placed in the "dump" position during this diagnostic period. In addition, either the positive displacement pump should be turned off or the exhaust tube disconnected from the tailpipe during the diagnostic period. If failure to start is an operational error, the vehicle shall be rescheduled for testing from a cold start. If failure to start is caused by vehicle malfunction, corrective action of less than 30 minutes duration may be taken and the test continued. The sampling system shall be reactivated at the same time cranking is started. When the engine starts, the driving schedule timing sequence shall begin. If failure to start is caused by vehicle malfunction and the vehicle cannot be started, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken, and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

(e) If the engine "false starts", the operator shall repeat the recommended starting procedure (such as resetting the choke, etc.).

(f) Stalling:

(1) If the engine stalls during an idle period, the engine shall be restarted immediately and the test continued. If the engine cannot be started soon enough to allow the vehicle to follow the next acceleration as prescribed, the driving schedule indicator shall be stopped. When the vehicle restarts, the driving schedule indicator shall be reactivated.

(2) If the engine stalls during some operating mode other than idle, the driving schedule indicator shall be stopped, the vehicle restarted, accelerated to the speed required at that point in the driving schedule and the test continued.

(3) If the vehicle will not restart within 1 minute, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken, and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

**§ 85.074–20 Sampling and analytical system (exhaust emissions).**

(a) *Schematic drawings.* The following figures (Figs. A74–1 and A74–2) are

schematic drawings of the exhaust gas sampling and analytical systems which will be used for testing under the regulations in this part. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems. In particular, the HC and CO instruments may be connected in series instead of in parallel.

(b) *Component description (exhaust gas sampling system).* The following components will be used in the exhaust gas sampling system for testing under the regulations in this subpart. See Figure A74–1. Other types of constant volume samplers may be used if shown to yield equivalent results and if approved in advance by the Administrator.

(1) A dilution air filter assembly consisting of a particulate (paper) filter to remove solid matter from the dilution air and thus increase the life of the charcoal filter; a charcoal filter to reduce and stabilize the background hydrocarbon level; and a second particulate filter to remove charcoal particles from the airstream. The filters shall be of sufficient capacity and the duct which carries the dilution air to the point where the exhaust gas is added shall be of sufficient size so that the pressure at the mixing point is less than 1 inch of water pressure below ambient when the constant volume sampler is operating at its maximum flow rate.

(2) A leak-tight connector and tube to the vehicle tailpipe. The tubing shall be sized and connected in such a manner that the static pressure variations in the vehicle tailpipe(s) remain within ±5 inches of water of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). Sampling systems capable of tolerances to ±1 inch of water will be used by the Administrator upon written request by the manufacturer.

(3) A heating system to preheat the heat exchanger to within ±10° F. of its operating temperature before the test begins.

(4) A heat exchanger capable of limiting the gas mixture temperature variation during the entire test to ±10° F. as measured at a point immediately ahead of the positive displacement pump.

(5) A positive displacement pump to pump the dilute exhaust mixture. The pump capacity (300 to 350 c.f.m. is sufficient for testing most vehicles) shall be large enough to virtually eliminate water condensation in the system. See Appendix III for one flow calibration technique. Other suitable calibration techniques may be used if approved in advance by the Administrator.

(6) Temperature sensor (T1) with an accuracy of ±2° F. to allow continuous recording of the temperatures of the dilute exhaust mixture entering the positive displacement pump (see § 85.074–22 (1)).

(7) Gauge (G1) with an accuracy of ±3 mm. Hg to measure the pressure depression of the dilute exhaust mixture entering the positive displacement pump, relative to atmospheric pressure.

(8) Gauge (G2) with an accuracy of ±3 mm. Hg to measure the pressure increase across the positive displacement pump.

(9) Sample probes (S1 and S2) pointed upstream to collect samples from the dilution airstream and the dilute exhaust mixture.

(10) Filters (F1 and F2) to remove particulate matter from dilution air and dilute exhaust samples.

(11) Pumps (P1 and P2) to pump the dilution air and dilute exhaust into their respective sample collection bags.

(12) Flow control valves (N1 and N2) to regulate flows to sample collection bags, at constant flow rates. The minimum sample flow rate shall be 5 c.f.h.

(13) Flowmeters (FL1 and FL2) to insure, by visual observation, that constant flow rates are maintained throughout the test.

(14) Three-way solenoid valves (V1 and V2) to direct sample streams to either their respective bags or overboard.

(15) Quick-connect leak-tight fittings (C1 and C2), with automatic shutoff on bag side, to attach sample bags to sample system.

(16) Sample collection bags for dilution air and exhaust samples of sufficient capacity so as not to impede sample flow.

(17) A revolution counter to count the revolutions of the positive displacement pump while the test is in progress and samples are being collected.

(c) *Component description (exhaust gas analytical system).* The following components will be used in the exhaust gas analytical system for testing under the regulations in this part. The analytical system provides for the determination of hydrocarbon concentrations by flame ionization detector (FID) analysis, the determination of carbon monoxide concentrations by nondispersive infrared (NDIR) analysis and the determination of oxides of nitrogen concentration by chemiluminescence (C1) analysis in dilute exhaust samples. The chemiluminescence method of analysis requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. See Appendix V. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See Figure A74–2.

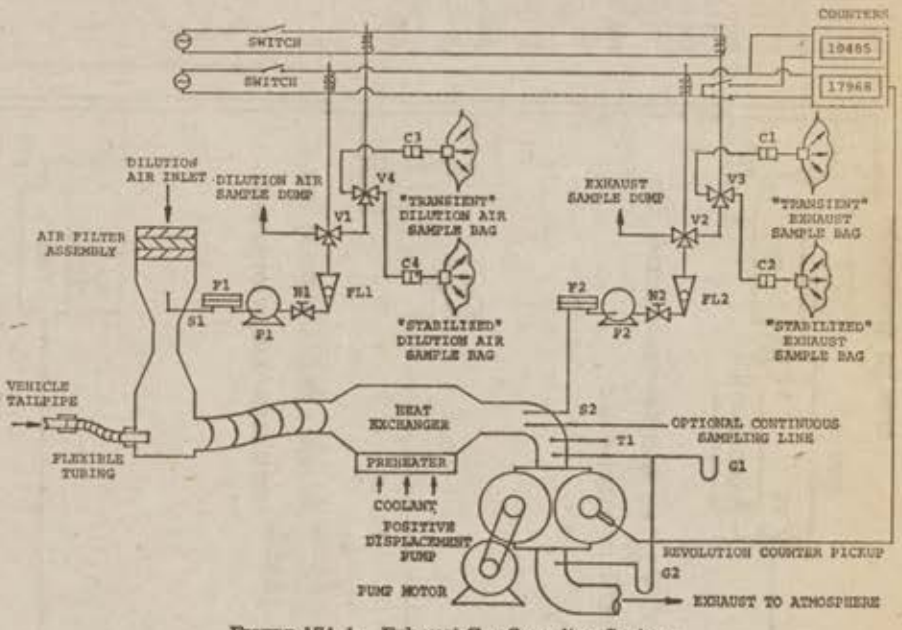



FIGURE A74–1.—Exhaust Gas Sampling System.

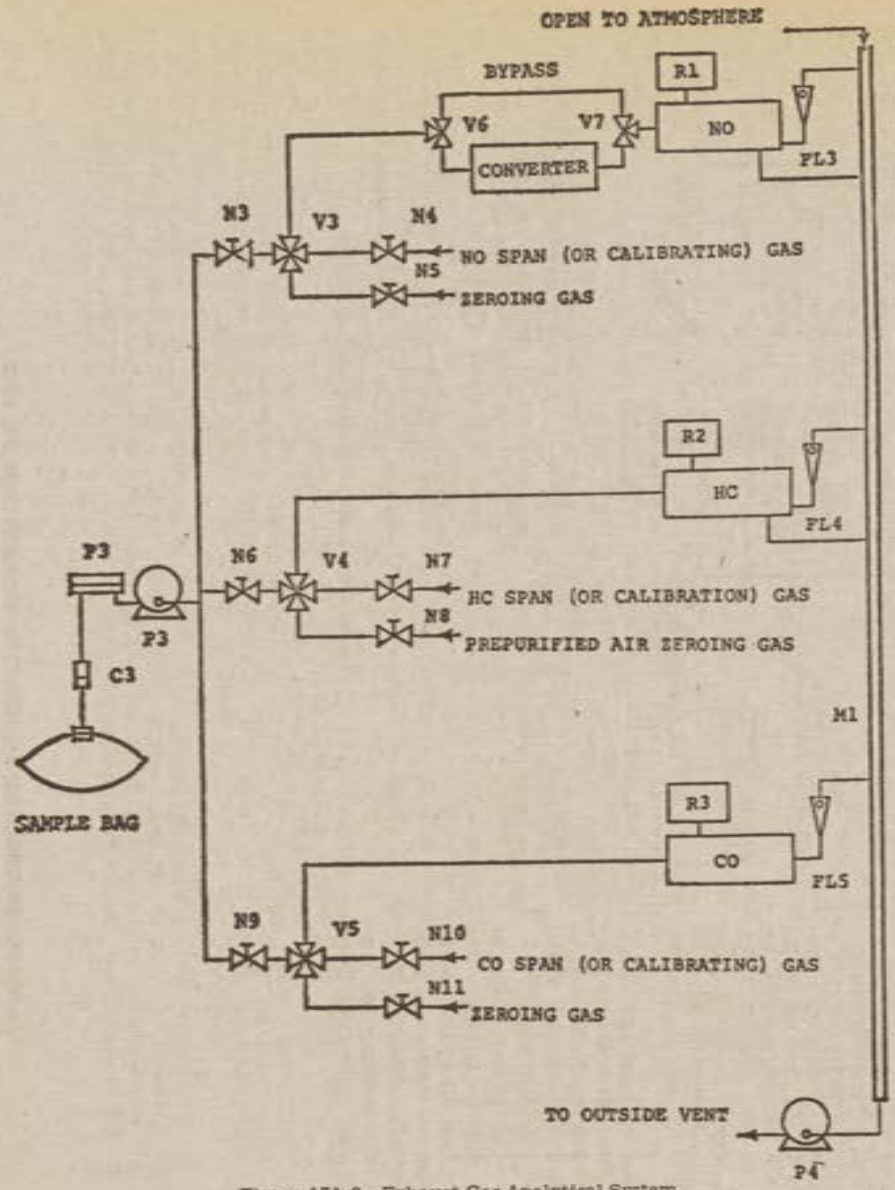



Figure A74-2—Exhaust Gas Analytical System

(1) Quick-connect leak-tight fitting (C3) to attach sample bags to analytical system.

(2) Filter (F3) to remove any residual particulate matter from the collected samples.

(3) Pump (P3) to transfer samples from the sample bags to the analyzers.

(4) Selector valves (V3, V4, and V5) for directing samples, span gases or zeroing gas to the analyzers.

(5) Flow control valves (N3, N4, N5, N6, N7, N8, N9, N10, and N11) to regulate the gas flow rates.

(6) Flowmeters (FL3, FL4, and FL5) to indicate gas flow rates.

(7) Manifold (M1) to collect the expelled gases from the analyzers.

(8) Pump (P4) to transfer expelled gases from the collection manifold to a vent external to the test room (optional).

(9) Analyzers to determine hydrocarbon, carbon monoxide and oxides of nitrogen concentrations.

(10) An oxides of nitrogen converter to convert any $NO_2$ present in the samples to NO before analysis.

(11) Selector valves (V6 and V7) to allow the sample, span, calibrating, or zeroing gases to bypass the converter.

(12) Recorders (R1, R2, and R3) or digital printers to provide permanent records of calibration, spanning and sample measurements; or, in those facilities where computerized data acquisition systems are incorporated, the computer facility printout may be used.

**§ 85.074–21 Sampling and analytical system (fuel evaporative emissions).**

(a) *Schematic drawing.* (1) The following figures (Figures A74–3, A74–4, and A74–5) are flow diagrams of typical evaporative loss collection applications.

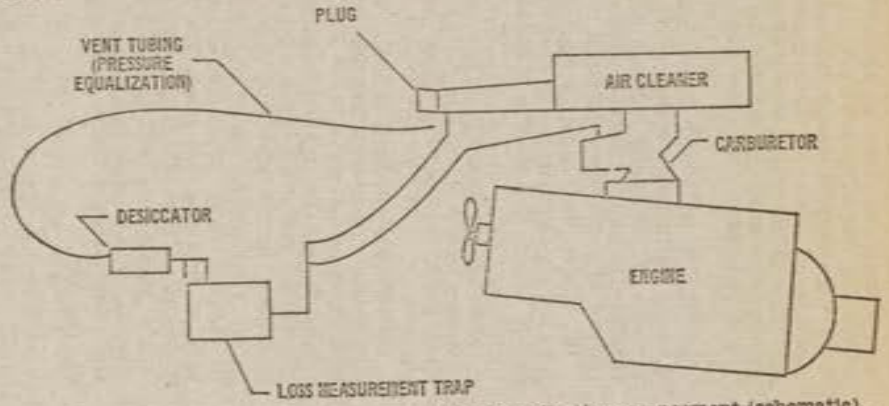



Figure A74–3.—Typical carburetor evaporative loss collection arrangement (schematic).

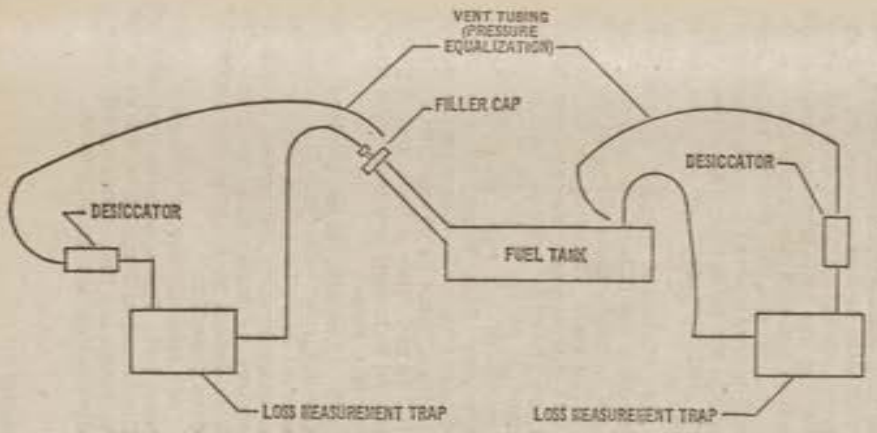



FIGURE A74-4.—Typical fuel tank evaporative loss collection arrangement (schematic).


FIGURE A74-5.—Typical fuel evaporative loss collection arrangement for vehicle equipped with evaporative emission control system (schematic).

(2) Figure A74-3 represents an arrangement for collecting losses which emanate from the carburetor. Figure A74-4 depicts the means for separately collecting the vapors which emanate from the fuel tank vent line and filler cap. Figure A74-5 shows an arrangement for collecting the losses from a closed fuel system, vented to the atmosphere solely though the air cleaner, as might be the case with certain fuel evaporative emission control devices.

(3) Schematic drawings of arrangements to be employed shall be submitted in accordance with § 85.074-2(b)(3).

(b) *Collection equipment.* The following equipment shall be used for this collection of fuel evaporative emissions. (Item quantities are determined by individual test needs.)

(1) *Activated carbon trap.* See Figure A74-6 for specifications of one design; other configurations may be used: *Provided*, That they give demonstrably equivalent results.

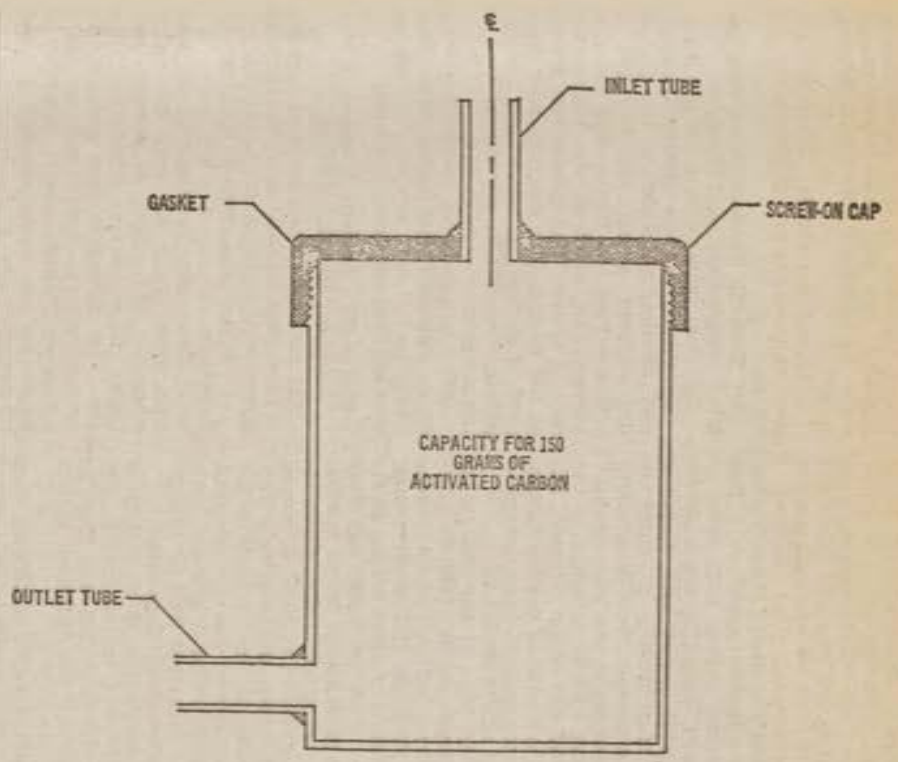



FIGURE A74-6.—Typical activated carbon trap (schematic).

(i) Canister—300±25 ml., cylindrical container having a length to diameter ratio of 1.4±0.1. An inlet tube, 5/16 inch ID and 1 inch long, is sealed into the top of the canister at its geometric center. A similar outlet tube is sealed into the wall ¼ inch from the bottom of the canister. The canister is designed to withstand an air pressure of 2 p.s.i., when sealed, without evidence of leaking when immersed in water for 30 seconds.

(ii) Activated carbon—meeting the following specifications:

| | |
|---|---|
| Surface area, min. ($N_2$ BET method).[1] | 1,000 square meters per gram. |
| Adsorption capacity, min. (carbon tetrachloride). | 60 percent, by weight. |
| Volatile material including adsorbed water vapor. | None. |

| Screen analysis size: | *Percent* |
|---|---|
| Less than 1.4 mm | 0 |
| 1.7-2.4 mm | 90-100 |
| More than 3.0 mm | 0 |

[1] Brunauer, Emmett & Teller; Journal of the American Chemical Society; Vol. 60, p. 309, 1938.

The activated carbon trap is prepared for the test by attaching clamped sections of vinyl tubing to the inlet and outlet tubes of the canister. The canister is then filled with 150±10 gm. hot activated carbon which had previously been oven-dried for 3 hours at 300° F. Loss of carbon through the inlet and outlet tubes is prevented through the use of wire screens of 0.7 mm. mesh or wads of loosely packed glass wool. The canister is closed immediately after filling and the carbon is allowed to cool while the trap is vented through a drying tube via the unclamped outlet arm.

(iii) The trap is sealed and weighed after cooling and the weight, to the nearest 0.1 gram, is inscribed on the canister body. Within 12 hours of the scheduled test, the weight of the trap is checked and if it has changed by more than 0.5 gm., it is redried to constant weight. This redrying operation is performed by passing dry nitrogen, heated to 275° F., through the trap, via the inlet tube, at a rate of 1 liter per minute until checks made at 30-minute intervals do not vary by more than 0.1 percent of the gross weight. The trap and its contents are allowed to cool to room temperature, while vented through a drying tube via the outlet arm, before use.

(2) *Auxiliary collection equipment.* (i) Drying tube—transparent, tubular body ¾ inch ID, 6 inches long, with serrated tips and removable caps.

(ii) Desiccant—indicating variety, 8 mesh. The drying tube is attached to the outlet tube of the collection traps to prevent ambient moisture from entering the trap. It is prepared by filling the empty drying tube with fresh desiccant using loose wad of glass wool to hold the desiccant in place. The desiccant is renewed when three-quarters spent, as indicated by color change.

(iii) Collection tubing—stainless steel or aluminum, 5/16 inch ID, for connecting the collection traps to the fuel system vents.

(iv) Polyvinyl chloride (vinyl) tubing—flexible tubing, 5/16 inch ID, for sealing butt-to-butt joints.

(v) Laboratory tubing—airtight flexible tubing 5/16 inch ID, attached to the outlet end of the drying tubes to equalize collection system pressure.

(vi) Clamps—hosecock, open side, for pinching off flexible tubing.

(c) *Weighing equipment.* The balance and weights used shall be capable of determining the net weight of the activated carbon trap within an accuracy of ±75 mg.

(d) *Temperature measuring equipment.* (1) Temperature recorder—multichannel, variable speed, potentiometric, or substantially equivalent recorder with a temperature range of 50° F. to 100° F. and capable of either simultaneous or sequential recording of the ambient air and fuel temperatures within an accuracy of ±1° F.

(2) Fuel tank thermocouples—iron-constantan (type J) construction.

(3) Other types of temperature sensing systems may be provided by the manufacturer if they record the information specified in subparagraph (1) of this paragraph with the required accuracy and if they are self-contained. Type J thermocouples are required for compatability with recording instruments used in Federal certification facilities.

(e) *Assembly and use of the activated carbon vapor collection system.* (1) The prepared activated carbon trap, dried to constant weight, cooled to the ambient temperature and sealed with clamped sections of vinyl tubing is carefully weighed to the nearest 20 milligrams and the weight recorded as the "tare weight."

(2) A drying tube is attached to the outlet tube and the clamp released, but not removed. A length of flexible tubing, for pressure equalization, is connected to the other end of the drying tube.

(3) The inlet tube of the adsorption trap and external vent(s) of the fuel system will be connected by minimal lengths of stainless steel or aluminum tubing and short sections of vinyl tubing. Butt-to-butt joints shall be made wherever possible and precautions taken against sharp bends in the connection lines, including any manifold systems employed to connect multiple vents to a single trap.

(4) The clamp on the inlet tube of the trap shall be released but not removed. Care shall be exercised to prevent heating the vapor collection trap by radiant or conductive heat from the engine.

(5) Upon completion of the collection sequence, the vinyl tubing sections on each arm of the collection trap shall be clamped tight and the collection system dismantled.

(6) The sealed vapor collection trap shall be weighed carefully to the nearest 20 milligrams. This constitutes the "gross weight," which is appropriately recorded. The difference between the "gross weight" and "tare weight" represents the "net weight" for purposes of calculating the fuel vapor losses.

### § 85.074–22 Information to be recorded.

The following information shall be recorded with respect to each test:

(a) Test number.

(b) System or device tested (brief description).

(c) Date and time of day for each part of the test schedule.

(d) Instrument operator.

(e) Driver or operator.

(f) Vehicle: Make—Vehicle identification number—Model year—Transmission type—Odometer reading—Engine displacement—Engine family—Idle r.p.m.—Fuel system—(fuel injection, nominal fuel tank capacity, fuel tank location, number of carburetors, number of carburetor barrels)—Inertia loading—Estimated curb weight—Actual road load horsepower at 50 m.p.h. and drive wheel tire pressure.

(g) Dynamometer serial number and indicated road load power absorption at 50 m.p.h.

(h) All pertinent instrument information such as tuning—gain—serial number—detector number—range. As an alternative, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator, provided test cell calibration records show the pertinent instrument information.

(i) Recorder charts: Identify zero, span, exhaust gas, and dilution air sample traces.

(j) Test cell barometric pressure, ambient temperature, and humidity.

(k) Fuel temperatures, as prescribed.

(l) Pressure of the mixture of exhaust and dilution air entering the positive displacement pump, the pressure increase across the pump, and the temperature set point of the temperature control system. The sample temperature at the inlet to the pump may be measured, if desired, to verify that the temperature variations are within 5° F. of the set point.

(m) The number of revolutions of the positive displacement pump accumulated while the test is in progress and exhaust flow samples are being collected.

### § 85.074–23 Analytical system calibration and sample handling.

(a) Calibrate the analytical assembly at least once every 30 days. Use the same flow rate as when analyzing samples.

(1) Adjust analyzers to optimize performance.

(2) Zero the hydrocarbon analyzer with zero grade air and the carbon monoxide and oxides of nitrogen analyzers with either zero grade air or nitrogen. The allowable zero gas impurity concentrations should not exceed 6 p.p.m. equivalent carbon response, 10 p.p.m. carbon monoxide and 1 p.p.m. nitric oxide.

(3) Set the CO and $CO_2$ analyzer gains to give the desired range. Select the desired attenuation scale of the HC analyzer, set the capillary flow rate by adjusting the back pressure regulator, and adjust the electronic gain control, if provided, to give the desired range. Select the desired scale of the $NO_x$ analyzer and adjust the phototube high voltage supply or amplifier gain to give the desired range.

(4) Calibrate the HC analyzer with propane (air diluent) gases having nominal concentrations of 50 and 100 percent of full scale. Calibrate the CO analyzer with carbon monoxide (nitrogen diluent) gases having nominal concentrations equal to 10, 25, 40, 50, 60, 70, 85, and 100 percent of full scale. Calibrate the $NO_x$ analyzer with nitric oxide (nitrogen diluent) gases having nominal concentrations equal to 50 and 100 percent of full scale. The actual concentrations should be known to within ±2 percent of the true values.

(5) Compare values obtained on the CO analyzer with previous calibration curves. Any significant change reflects some problem in the system. Locate and correct problem, and recalibrate. Use best judgment in selecting curves for data reduction.

(6) $NO_x$ Converter Efficiency Determination: The apparatus described and illustrated in Figure A 74–7 is to be used to determine the conversion efficiency of devices that convert $NO_x$ to NO.

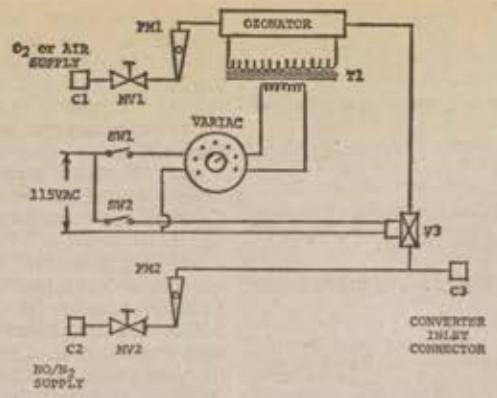



FIGURE A74-7.—$NO_x$ Converter Efficiency Detector.

The following procedure is to be used for determining the values to be used in Equation (A).

(i) Attach the NO/$N_2$ supply (150–250 p.p.m.) at C2, the $O_2$ supply at C1 and the analyzer inlet connection to the efficiency detector at C3. If lower concentrations of NO are used, air may be used in place of $O_2$ to facilitate better control of the $NO_2$ generated during step (iv).

(ii) With the efficiency detector variac off, place the $NO_x$ converter in bypass mode and close valve V3. Open valve MV2 until sufficient flow and stable readings are obtained at the analyzer. Zero and span the analyzer output to indicate the value of the NO concentration being used. Record this concentration.

(iii) Open valve V3 (on/off flow control solenoid valve for $O_2$) and adjust valve MV1 ($O_2$ supply metering valve) to blend enough $O_2$ to lower the NO concentration (ii) about 10 percent. Record this concentration.

(iv) Turn on the ozonator and increase its supply voltage until the NO concentration of (iii) is reduced to about 20 percent of (ii). $NO_2$ is now being formed from the $NO+O_2$ reaction. There must always be at least 10 percent unreacted NO at this point. Record this concentration.

(v) When a stable reading has been obtained from (iv), place the $NO_x$ converter in the convert mode. The analyzer will now indicate the total $NO_x$ concentration. Record this concentration.

(vi) Turn off the ozonator and allow the analyzer reading to stabilize. The mixture $NO+O_2$ is still passing through the converter. This reading is the total $NO_x$ concentration of the dilute NO span gas used at step (iii). Record this concentration.

(vii) Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any $NO_2$.

Calculate the efficiency of the $NO_x$ converter by substituting the concentrations obtained during the test into Equation (A).

$$\% \text{ Eff.} = \frac{(v)-(iv)}{(vi)-(iv)} \times 100 \text{ percent}$$

The efficiency of the converter should be greater than 90 percent. Adjusting the converter temperature may be needed to maximize the efficiency. Efficiency checks should be made on each analyzer range using an NO span gas concentration appropriate to the instrument range.

(b) HC, CO, and $NO_x$ measurements: Allow a minimum of 20 minutes warmup for the HC analyzer and 2 hours for the CO and $NO_x$ analyzers. (Power is normally left on infrared and chemiluminescence analyzers; but when not in use, the chopper motor of the infrared analyzer is turned off and the phototube high voltage supply of the chemiluminescence analyzer is placed in the standby position.) The following sequence of operations should be performed in conjunction with each series of measurements:

(1) Zero the analyzers. Obtain a stable zero on each amplifier meter and recorder. Recheck after test.

(2) Introduce span gases and set the CO analyzer gain, the HC analyzer sample capillary flow rate and the $NO_x$ analyzer high voltage supply or amplifier gain to match the calibration curves. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test samples. Span gases should have concentrations equal to approximately 80 percent of full scale. If gain has shifted significantly on the CO analyzer, check tuning. If necessary, check calibration. Recheck after test. Show actual concentrations on chart.

(3) Check zeroes; repeat the procedure in subparagraphs (1) and (2) of this paragraph if required.

(4) Check flow rates and pressures.

(5) Measure HC, CO, and $NO_x$ concentrations of samples. Prevent moisture from condensing in the sample collection bag.

(6) Check zero and span points.

(c) For the purposes of this paragraph, the term "zero grade air" includes artificial "air" consisting of a blend of nitrogen and oxygen with oxygen concentrations between 18 and 21 mole percent.

**§ 85.074–24 Dynamometer test runs.**

(a) The vehicle shall be allowed to stand with engine turned off for a period of not less than 12 hours before the exhaust emission test, at an ambient temperature as specified in §§ 85.074–12 and 85.074–13. The vehicle shall be stored prior to the emission tests in such a manner that precipitation (e.g., rain or dew) does not occur on the vehicle. During the run the ambient temperature shall be between 68° F. and 86° F. For exhaust emission testing which is unrelated to fuel evaporative emission control, the ambient temperature requirement during storage shall be between 60° F. and 86° F.

(b) The following steps shall be taken for each test:

(1) Place drive wheels of vehicle on dynamometer without starting engine.

(2) Start the cooling fan with the vehicle engine compartment cover open.

(3) With the sample solenoid valves in the "dump" position, connect evacuated sample collection bags to the dilute exhaust sample and the dilution air sample line connectors.

(4) Start the positive displacement pump (if not already on), the sample pumps and the temperature recorder. (The heat exchanger of the constant volume sampler should be preheated to its operating temperature before the test begins.)

(5) Adjust the sample flow rates to the desired flow rate (minimum of 5 c.f.h.).

(6) Attach the flexible exhaust tube to the vehicle tailpipe(s).

(7) Simultaneously start the revolution counter for the positive displacement pump, position the sample solenoid valves to direct the sample flows into the bags, and start cranking the engine.

(8) Fifteen seconds after the engine starts, place the transmission in gear.

(9) Twenty seconds after the engine starts, begin the initial vehicle acceleration of the driving schedule.

(10) Operate the vehicle according to the dynamometer driving schedule. (§ 85.074–14.)

(11) Five seconds after the last deceleration, simultaneously turn off the revolution counter and position the sample solenoid valve to the "dump" position.

(12) Immediately after the end of the sample period turn off the cooling fan and close the engine compartment cover.

(13) Immediately disconnect sample bags, transfer to analytical system and process samples according to § 85.074–23 as soon as practicable, and in no case longer than 10 minutes after the dynamometer run.

(14) Disconnect the exhaust tube from the vehicle tailpipe(s) and remove vehicle from dynamometer.

(15) The positive displacement pump may be turned off, if desired.

**§ 85.074–25 Chart reading.**

(a) Determine the HC, CO, and $NO_x$ concentrations of the dilution air and dilute exhaust sample bags from the instrument deflection or recordings making use of appropriate calibration charts.

(b) Determine the average dilute exhaust mixture temperature from the

temperature recorder trace if a recorder is used.

**§ 85.074–26 Calculations (exhaust emissions).**

The final reported test results shall be computed by use of the following formulae:

(a) For light duty vehicles, excluding off-road utility vehicles:

(1) Hydrocarbon mass:

$$HC_{mass} = V_{mix} \times Density_{HC} \times \frac{HC_{conc}}{1{,}000{,}000}$$

(2) Carbon monoxide mass:

$$CO_{mass} = V_{mix} \times Density_{CO} \times \frac{CO_{conc}}{100}$$

(3) Oxides of nitrogen mass:

$$NO_{x\,mass} = V_{mix} \times Density_{NO_2} \times \frac{NO_{x\,conc}}{1{,}000{,}000} \times K_H$$

(b) For off-road utility vehicles:

(1)

$$HC_{mass} = V_{mix} \times Density_{HC} \times \frac{HC_{conc}}{1{,}000{,}000} \times 0.85$$

(2)

$$CO_{mass} = V_{mix} \times Density_{CO} \times \frac{CO_{conc}}{100} \times 0.85$$

(3)

$$NO_{x\,mass} = V_{mix} \times Density_{NO_2} \times \frac{NO_{x\,conc}}{1{,}000{,}000} \times 0.85 \times K_H$$

(c) Meaning of symbols:

$HC_{mass}$ = Hydrocarbon emissions, in grams per vehicle mile.

$Density_{HC}$ = Density of hydrocarbons in the exhaust gas, assuming an average carbon to hydrogen ratio of 1:1.85, in grams per cubic foot at 68° F. and 760 mm. Hg pressure (16.33 gm./cu. ft.).

$HC_{conc}$ = Hydrocarbon concentration of the dilute exhaust sample minus hydrocarbon concentration of the dilution air sample in p.p.m. carbon equivalent i.e. equivalent propane × 3.

$CO_{mass}$ = Carbon monoxide emissions, in grams per vehicle mile.

$Density_{CO}$ = Density of carbon monoxide in grams per cubic foot at 68° F. and 760 mm. Hg pressure (32.97 gm./cu. ft.).

$CO_{conc}$ = Carbon monoxide concentration of the dilute exhaust sample minus the carbon monoxide concentration of the dilution air sample, in volume present.

$NO_{x\,mass}$ = Oxides of nitrogen emissions in grams per vehicle mile.

$Density_{NO_2}$ = Density of oxides of nitrogen in the exhaust gas assuming they are in the form of nitrogen oxide, in grams per cubic foot at 68° F. and 760 mm. Hg pressure (54.16 gm./cu. ft.).

$NO_{x\,conc}$ = Oxides of nitrogen concentration of the dilute exhaust sample minus the oxides of nitrogen concentration of the dilution air sample, in p.p.m.

$V_{mix}$ = Total dilute exhaust volume in cubic feet per mile, corrected to standard conditions (528° R and 760 mm. Hg).

$$V_{mix} = K_1 \times V_o \times N \times \frac{P_B - P_1}{T_p}$$

where:

$$K_1 = \frac{528°\ R}{760\ mm.\ Hg \times 7.5\ miles} = 0.09263.$$

$V_o$ = Volume of gas pumped by the positive displacement pump, in cubic feet per revolution. This volume is dependent on the pressure differential across the positive displacement pump.

$N$ = Number of revolutions of the positive displacement pump during the test while samples are being collected.

$P_B$ = Barometric pressure in mm. Hg.

$P_1$ = Pressure depression below atmosphere measured at the inlet to the positive displacement pump.

$T_p$ = Average temperature of dilute exhaust entering positive displacement pump during test while samples are being collected, in degrees Rankine.

$K_H$ = Humidity correction factor.

$$K_H = \frac{1}{1 - 0.0047\,(H - 75)}$$

where:

$H$ = Absolute humidity in grains of water per pound of dry air.

$$H = \frac{(43.478)\ R_a \times P_d}{P_B - (P_d \times R_a/100)}$$

$R_a$ = Relative humidity of the ambient air, in percent.

$P_d$ = Saturated vapor pressure, in mm. Hg at the ambient dry bulb temperature.

(d) Example calculation of mass emissions values:

Assume $V_o = 0.265$ cu. ft. per revolution; $N = 20{,}250$ revolutions; $R_a$ 65%; $P_B = 754$ mm. Hg; $P_d = 22.225$ mm. Hg; $P_1 = 24$ mm.; Hg; $T_p = 550°R$; $HC_{conc} = 160$ p.p.m. carbon equivalent; $CO_{conc} = 0.09\%$; and $NO_{x\,conc} = 70$ p.p.m.

Then:

$$V_{mix} = \frac{(0.09263)\,(0.265)\,(20{,}250)\,(754 - 24)}{(550)} = 659.8\ \text{cu. ft. per mile}$$

$$H = \frac{(43.478)\,(65)\,(22.225)}{754 - (22.225 \times 65/100)} = 85\ \text{grains per pound of dry air.}$$

$$K_H = \frac{1}{1 - 0.0047\,(85 - 75)} = 1.049.$$

(1) For a 1974 light duty vehicle.

$$HC_{mass} = 659.8 \times 16.33 \times \frac{160}{1{,}000{,}000} = 1.72\ \text{grams per vehicle mile}$$

$$NO_{x\,mass} = 659.8 \times 54.16 \times \frac{70}{1{,}000{,}000} \times 1.049 = 2.62\ \text{grams per vehicle mile}$$

(2) For a 1974 off-road utility vehicle.

$$CO_{mass} = 659.8 \times 32.97 \times \frac{0.09 \times 0.85}{100} = 16.6\ \text{grams per vehicle mile}$$

**§ 85.074–27 Calculations (fuel evaporative emissions).**

The net weights of the individual collection traps employed in § 85.074–13 shall be added together to determine compliance with the fuel evaporative emission standard.

**§ 85.074–28 Compliance with emission standards.**

(a) The exhaust and fuel evaporative emission standards in § 85.074–1 apply to the emissions of vehicles for their useful life.

(b) Since emission control efficiency decreases with mileage accumulated on the vehicle, the emission level of a vehicle which has accumulated 50,000 miles will be used as the basis for determining compliance with the standards.

(c) The procedure for determining compliance of a new light duty motor vehicle with exhaust and fuel evaporative emission standards is as follows:

(1) Separate emission deterioration factors shall be determined from the emission results of the durability vehicle for each engine-system combination. A separate factor shall be established for exhaust HC, exhaust CO, exhaust $NO_x$, and fuel evaporative HC.

(i) The applicable results to be used in determining the deterioration factors for each combination shall be:

(*a*) All valid emission data from the tests required under § 85.074–7(b), except the 0-mile tests. This shall include the official test results, as determined in § 85.074–29, for all tests conducted on all durability vehicles of the combination selected under § 85.074–5(c) (including all vehicles elected to be operated by the manufacturer under § 85.074–5(c)(3)).

(*b*) All valid emission data from the tests conducted before and after the maintenance provided in § 85.074–6(a)(1)(i).

(*c*) All emission data from tests required by maintenance approved under § 85.074–6(a)(1)(ix), in those cases where the Administrator conditioned his approval for the performance of such maintenance on the inclusion of such data in the deterioration factor calculation.

(ii) All applicable results shall be plotted as a function of the mileage on the system, rounded to the nearest mile, and the best fit straight lines, fitted by the method of least squares, shall be drawn through all these data points. The interpolated 4,000- and 50,000-mile points on this line must be within the standards provided in § 85.074–1 or the data will not be acceptable for use in calculation of a deterioration factor, unless no applicable data point exceeded the standard.

(iii) An exhaust emission deterioration factor shall be calculated for each combination as follows:

$$\text{factor} = \frac{\text{exhaust emissions interpolated to 50,000 miles}}{\text{exhaust emissions interpolated to 4,000 miles}}$$

These interpolated values shall be carried out to a minimum of four places to the right of the decimal point before dividing one by the other to determine the deterioration factor. The results shall be rounded to three places to the right of the decimal point in accordance with ASTM E 29–67.

(iv) An evaporative emission deterioration factor shall be calculated for each combination by subtracting the evaporative emissions interpolated to 4,000 miles from the evaporative emissions interpolated to 50,000 miles. These interpolated values shall be carried out, in accordance with ASTM E 29–67, to a minimum of three decimal places to the right of the decimal point before subtracting one from the other to determine the deterioration factor.

(2) (i) The exhaust emission test results for each emission data vehicle shall be multiplied by the appropriate deterioration factor: *Provided*, That if a deterioration factor as computed in paragraph (c)(1)(iii) of this paragraph is less than one, that deterioration factor shall be one for the purposes of this paragraph.

(ii) The evaporative emission test results for each combination shall be adjusted by addition of the appropriate deterioration factor: *Provided*, That if a deterioration factor as computed in paragraph (c)(1)(iv) of this section is less than zero, that deterioration factor shall be zero for the purposes of this paragraph.

(3) The emissions to compare with the standard shall be the adjusted emissions

of paragraph (c)(2) (i) and (ii) for each emission data vehicle. Before any emission value is compared with the standard, it shall be rounded, in accordance with ASTM E 29-67, to two significant figures. The rounded emission values may not exceed the standard.

(4) Every test vehicle of an engine family must comply with all applicable standards, as determined in paragraph (c)(3), before any vehicle in that family may be certified.

**§ 85.074–29 Testing by the Administrator.**

(a) The Administrator may require that any one or more of the test vehicles be submitted to him, at such place or places as he may designate, for the purpose of conducting emissions tests. The Administrator may specify that he will conduct such testing at the manufacturer's facility, in which case instrumentation and equipment specified by the Administrator shall be made available by the manufacturer for test operations. Any testing conducted at a manufacturer's facility pursuant to this paragraph shall be scheduled by the manufacturer as promptly as possible.

(b) (1) Whenever the Administrator conducts a test on a test vehicle, the results of that test, unless subsequently invalidated by the Administrator, shall comprise the official data for the vehicle at that prescribed test point and the manufacturer's data for that prescribed test point shall not be used in determining compliance with emission standards.

(2) Whenever the Administrator does not conduct a test on a test vehicle at a test point, the manufacturer's test data will be accepted as the official data for that test point: *Provided*, That if the Administrator makes a determination based on testing under paragraph (a) of this section, that there is a lack of correlation between the manufacturer's test equipment and the test equipment used by the Administrator, no manufacturer's test data will be accepted for purposes of certification until the reasons for the lack of correlation are determined and the validity of the data is established by the manufacturer.

(3) (i) The emission data vehicle presented to the Administrator for testing shall be calibrated within the production tolerances applicable to the manufacturer's specifications to be shown on the vehicle label (see § 85.074–35(a)(4)(iv)) as specified in the application for certification. If the Administrator determines that a vehicle is not within such tolerances, the vehicle shall be adjusted at the facility designated by the Administrator prior to the test and an engineering report shall be submitted to the Administrator describing the corrective action taken. Based on the engineering report, the Administrator will determine if the vehicle shall be used as an emission data vehicle.

(ii) If the Administrator determines that the test data developed under paragraph (b)(3)(i) would cause the emission data vehicle to fail due to excessive 4,000 mile emissions or by application of the appropriate deterioration factor, then the following procedure shall be observed:

(*a*) The manufacturer may request a retest. Before the retest, the vehicle may be readjusted to manufacturer's specifications, if these adjustments were made incorrectly prior to the first test, and other maintenance or repairs may be performed in accordance with § 85.074–6. All work on the vehicle shall be done at such location and under such conditions as the Administrator may prescribe.

(*b*) The vehicle will be retested by the Administrator and the results of this test shall comprise the official data for the emission data vehicle.

(4) If sufficient durability data are not available at the time of any emission test conducted under paragraph (a) of this section, to enable the Administrator to determine whether an emission data vehicle would fail, the manufacturer may request a retest in accordance with the provisions of paragraphs (c)(3)(i) (*a*) and (*b*). If the manufacturer does not promptly make such request, he shall be deemed to have waived the right to a retest. A request for retest must be made before the manufacturer removes the vehicle from the test premises.

**§ 85.074–30 Certification.**

(a) (1) If, after a review of the test reports and data submitted by the manufacturer and data derived from any additional testing conducted pursuant to § 85.074–29, the Administrator determines that a test vehicle(s) conforms to the regulations of this subpart, he will issue a certificate of conformity with respect to such vehicle(s).

(2) Such certificate will be issued for such period not more than 1 model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle covered by the certificate will meet the requirements of the Act and this subpart.

(b) (1) The Administrator will determine whether a vehicle covered by the application complies with applicable standards by observing the following relationships:

(i) A test vehicle selected under § 85.074–5(b)(2) or (4) shall represent all vehicles in the same engine family of the same engine displacement-exhaust emission control system-evaporative emission control system combination.

(ii) A test vehicle selected under § 85.074–5(b)(3) shall represent all vehicles the same in the same engine family of the same engine displacement-exhaust emission control system-transmission type-fuel system combination.

(iii) A test vehicle selected under § 85.074–5(c)(1) shall represent all vehicles of the same engine-system combination.

(2) The Administrator will proceed as in paragraph (a) of this section with respect to the vehicles belonging to an engine family all of which comply with applicable standards.

(3) If, after a review of the test reports and data submitted by the manufacturer and data derived from any additional testing conducted pursuant to § 85.074–29, the Administrator determines that one or more test vehicles of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination. Within 30 days following receipt of the notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determination, and data in support of such objections. If, after a review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.005 with respect to such issue.

(4) The manufacturer may, at his option, proceed with any of the following alternatives with respect to any engine family represented by a test vehicle(s) determined not in compliance with applicable standards:

(i) Request a hearing under § 85.005, or

(ii) Delete from the application for certification the vehicles represented by the failing test vehicle. (Vehicles so deleted may be included in a later request for certification under § 85.074–32.) The Administrator will then select in place of each failing vehicle an alternate vehicle chosen in accordance with selection criteria employed in selecting the vehicle that failed, or

(iii) Modify the test vehicle and demonstrate by testing that it meets applicable standards. Another vehicle which is in all material respects the same as the first vehicle, as modified, shall then be operated and tested in accordance with applicable test procedures.

(5) If the manufacturer does not request a hearing or present the required data under subparagraph (4) of this paragraph, the Administrator will deny certification.

**§ 85.074–31 Separate certification.**

Where possible a manufacturer should include in a single application for certification all vehicles for which certification is required. A manufacturer may, however, choose to apply separately for certification of part of his product line. The selection of test vehicles and the computation of test results will be determined separately for each application.

**§ 85.074–32 Addition of a vehicle after certification.**

(a) If a manufacturer proposes to add to his product line a vehicle of the same engine-system combination as vehicles previously certified but which was not described in the application for certification when the test vehicle(s) representing other vehicles of that combination

was certified, he shall notify the Administrator. Such notification shall be in advance of the addition unless the manufacturer elects to follow the procedure described in § 85.074–34. This notification shall include a full description of the vehicle to be added.

(b) The Administrator may require the manufacturer to perform such tests on the test vehicle(s) representing the vehicle to be added which would have been required if the vehicle had been included in the original application for certification.

(c) If, after a review of the test reports and data submitted by the manufacturer, and data derived from any testing conducted under § 85.074–29, the Administrator determines that the test vehicle(s) meets all applicable standards, the appropriate certificate will be amended accordingly. If the Administrator determines that the test vehicle(s) does not meet applicable standards, he will proceed under § 85.074–30(b).

### § 85.074–33 Changes to a vehicle covered by certification.

(a) The manufacturer shall notify the Administrator of any change in production vehicles in respect to any of the parameters listed in § 85.074–5(a)(3) or § 85.074–5(b)(3), giving a full description of the change. Such notification shall be in advance of the change unless the manufacturer elects to follow the procedure described in § 85.074–34.

(b) Based upon the description of the change, and data derived from such testing as the Administrator may require or conduct, the Administrator will determine whether the vehicle, as modified, would still be covered by the certificate of conformity then in effect.

(c) If the Administrator determines that the outstanding certificate would cover the modified vehicles, he will notify the manufacturer in writing. Except as provided in § 85.074–34, the change may not be put into effect prior to the manufacturer's receiving this notification. If the Administrator determines that the modified vehicles would not be covered by the certificate then in effect, then the modified vehicles shall be treated as additions to the product line subject to § 85.074–32.

### § 85.074–34 Alternative procedure for notification of additions and changes.

(a) A manufacturer may, in lieu of notifying the Administrator in advance of an addition of a vehicle under § 85.074–32 or a change in a vehicle under § 85.074–33, notify him concurrently with the making of the change if the manufacturer believes the addition or change will not require any testing under the appropriate section. Upon notification to the Administrator, the manufacturer may proceed to put the addition or change into effect.

(b) The manufacturer may continue to produce vehicles as described in the notification to the Administrator for a maximum of 30 days, unless the Administrator grants an extension in writing. This period may be shortened by a notification in accordance with paragraph (c) of this section.

(c) If the Administrator determines, based upon a description of the addition or change, that no test data will be required, he will notify the manufacturer in writing of the acceptability of the addition or change. If the Administrator determines that test data will be required, he will notify the manufacturer to rescind the change within 5 days of receipt of the notification. The Administrator will then proceed as in § 85.074–32 (b) and (c), or § 85.074–33 (b) and (c) as appropriate.

(d) Election to produce vehicles under this section will be deemed to be a consent to recall all vehicles which the Administrator determines under § 85.074–32(c) do not meet applicable standards, and to cause such nonconformity to be remedied at no expense to the owner.

### § 85.074–35 Labeling.

(a)(1) The manufacturer of any light duty motor vehicle subject to the standards prescribed in § 85.074–1 shall, at the time of manufacture, affix a permanent, legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such vehicles available for sale to the public and covered by a certificate of conformity under § 85.074–30(a).

(2) A plastic or metal label shall be welded, riveted, or otherwise permanently attached in a readily visible position in the engine compartment.

(3) The label shall be affixed by the vehicle manufacturer, who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label, and shall not be affixed to any equipment which is easily detached from such vehicle.

(4) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(i) The label heading: Vehicle Emission Control Information;

(ii) Full corporate name and trademark of manufacturer;

(iii) Engine displacement (in cubic inches) and engine family identification;

(iv) Engine tuneup specifications and adjustments, as recommended by the manufacturer, including idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (e.g. idle CO, idle air-fuel ratio, idle speed drop). These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air-conditioner), if any should be in operation;

(v) The statement: "This Vehicle Conforms to U.S.E.P.A. Regulations Applicable to 1974 Model Year New Motor Vehicles."

(b) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such vehicle conforms to any applicable State emission standard for new motor vehicles or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the vehicle.

### § 85.074–36 Submission of vehicle identification numbers.

(a) The manufacturer of any light duty motor vehicle covered by a certificate of conformity under § 85.074–30(a) shall, not later than 60 days after its manufacture, submit to the Administrator the vehicle identification number of such vehicle: *Provided*, That this requirement shall not apply with respect to any vehicle manufactured within any State, as defined in section 302(d) of the Act.

(b) The requirements of this section may be waived with respect to any manufacturer who provides information satisfactory to the Administrator which will enable the Administrator to identify those vehicles which are covered by a certificate of conformity.

### § 85.074–37 Production vehicles.

(a) Any manufacturer obtaining certification under this subpart shall supply to the Administrator, upon his request, a reasonable number of production vehicles selected by the Administrator which are representative of the engines, emission control systems, fuel systems, and transmissions offered and typical of production models available for sale under the certificate. These vehicles shall be supplied for testing at such time and place and for such reasonable periods as the Administrator may require.

(b) Any manufacturer obtaining certification under this subpart shall notify the Administrator, on a quarterly basis, of the number of vehicles of each engine family - engine displacement - exhaust emission control system-fuel system-transmission type-inertia weight class combination produced for sale in the United States during the preceding quarter. A manufacturer may elect to provide this information every 60 days instead of quarterly, to combine it with the notification required under § 85.074–36.

(c) All light duty vehicles covered by a certificate of conformity under § 85.074–30(a) shall be adjusted by the manufacturer to the ignition timing specification detailed in § 85.074–35(a)(4)(iv).

### § 85.074–38 Maintenance instructions.

(a) The manufacturer shall furnish or cause to be furnished to the ultimate purchaser of each new motor vehicle subject to the standards prescribed in § 85.074–1, written instructions for the maintenance and use of the vehicle by the ultimate purchaser as may be reasonable and necessary to assure the proper functioning of emission control systems.

(1) Such instructions shall be provided for those vehicle and engine components listed in Appendix VI to this part (and for any other components) to the

extent that maintenance of these components is necessary to assure the proper functioning of emission control systems.

(2) Such instructions shall be in clear, and to the extent practicable, nontechnical language.

(b) The maintenance instructions required by this section shall contain a general description of the documentation which the manufacturer will require from the ultimate purchaser or any subsequent purchaser as evidence of compliance with the instructions.

**§ 85.074–39 Submission of maintenance instructions.**

(a) The manufacturer shall provide to the Administrator, no later than the time of the submission required by § 85.074–4, a copy of the maintenance instructions which the manufacturer proposes to supply to the ultimate purchaser in accordance with § 85.074–38(a). The Administrator will review such instructions to determine whether they are reasonable and necessary to assure the proper functioning of the vehicle's emission control systems. The Administrator will notify the manufacturer of his determination whether such instructions are reasonable and necessary to assure the proper functioning of the emission control systems.

(b) Any revision to the maintenance instructions which will affect emissions shall be supplied to the Administrator at least 30 days before being supplied to the ultimate purchaser unless the Administrator consents to a lesser period of time.

**§ 85.075–1 Emission standards for 1975 model year vehicles.**

(a) (1) Exhaust emissions from 1975 model year vehicles shall not exceed:

(i) *Hydrocarbons.* 0.41 gram per vehicle mile.

(ii) *Carbon monoxide.* 3.4 grams per vehicle mile.

(iii) *Oxides of nitrogen.* 3.1 grams per vehicle mile.

(2) The standards set forth in paragraph (a) (1) of this section refer to the exhaust emitted over a driving schedule as set forth in § 85.075–9 through § 85.075–27 and measured and calculated in accordance with those procedures.

(b) (1) Fuel evaporative emissions shall not exceed:

(i) *Hydrocarbons*—2.0 grams per test.

(2) The standard set forth in paragraph (b) (1) of this section refers to a composite sample of the fuel evaporative emissions collected under the conditions set forth in § 85.075–9 through § 85.075–27 and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any new motor vehicle subject to this subpart.

**§ 85.075–2 Application for certification.**

(a) An application for a certificate of conformity to the regulations applicable to any new motor vehicle shall be made to the Administrator by the manufacturer and shall be kept current and accurate by amendment.

(b) The application shall be in writing, signed by an authorized representative of the manufacturer, and shall include the following:

(1) Identification and description of the vehicles covered by the application and a description of their emission control systems.

(2) Projected U.S. sales data sufficient to enable the Administrator to select a test fleet representative of the vehicles for which certification is requested.

(3) A description of the test equipment and fuel proposed to be used.

(4) A description of the proposed mileage accumulation procedure for durability testing.

(5) A statement of recommended maintenance and procedures necessary to assure that the vehicles covered by a certificate of conformity in operation conform to the regulations, and a description of the program for training of personnel for such maintenance, and the equipment required.

(6) At the option of the manufacturer, the proposed composition of the emission data and durability data test fleet.

**§ 85.075–3 Approval of procedure and equipment; test fleet selections.**

Based upon the information provided in the application for certification, and any other information the Administrator may require, the Administrator will approve or disapprove in whole or in part the mileage accumulation procedure and equipment and fuel proposed by the manufacturer, and notify him in writing of such determination. Where any part of a proposal is disapproved, such notification will specify the reasons for disapproval. The Administrator will select a test fleet in accordance with § 85.075–5.

**§ 85.075–4 Required data.**

The manufacturer shall perform the tests required by the applicable test procedures, and submit to the Administrator the following information:

(a) Durability data on such vehicles tested in accordance with the applicable test procedures of this subpart, and in such numbers as therein specified, which will show the performance of the systems installed on or incorporated in the vehicle for extended mileage, as well as a record of all pertinent maintenance performed on the test vehicles.

(b) Emission data on such vehicles tested in accordance with the applicable emission test procedures of this subpart and in such numbers as therein specified, which will show their emissions after zero miles and 4,000 miles of operation.

(c) A description of tests performed to ascertain compliance with the general standards in § 85.075–1 and the data derived from such tests.

(d) A statement that the test vehicles with respect to which data are submitted have been tested in accordance with the applicable test procedures, that they meet the requirement of such tests, and that, on the basis of such tests, they conform to the requirements of the regulations in this subpart. If such statements cannot be made with respect to any vehicle tested, the vehicle shall be identified, and all pertinent test data relating thereto shall be supplied.

**§ 85.075–5 Test vehicles.**

(a) (1) The vehicles covered by the application for certification will be divided into groupings of vehicles whose engines are expected to have similar emission characteristics. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(2) To be classed in the same engine family, engines must be identical in all the following respects:

(i) The cylinder bore center-to-center dimensions.

(ii) The dimension from the centerline of the crankshaft to the centerline of the camshaft.

(iii) The dimension from the centerline of the crankshaft to the top of the cylinder block head face.

(iv) The cylinder block configuration (air cooled or water cooled; L–6, 90° V–8, etc.).

(v) The location of intake and exhaust valves and the valve sizes (within a ⅛-inch range on the valve head diameter).

(vi) The method of air aspiration.

(vii) The combustion cycle.

(3) Engines identical in all the respects listed in subparagraph (2) of this paragraph may be further divided into different engine families if the Administrator determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of the following features of each engine:

(i) The bore and stroke.

(ii) The surface-to-volume ratio of the nominally dimensioned cylinder at the top dead center position.

(iii) The intake manifold induction port size and configuration.

(iv) The exhaust manifold port size and configuration.

(v) The intake and exhaust valve sizes.

(vi) The fuel system.

(vii) The camshaft timing and ignition timing characteristics.

(4) Where engines are of a type which cannot be divided into engine families based upon the criteria listed in subparagraphs (2) and (3) of this paragraph, the Administrator will establish families for those engines based upon the features most related to their emission characteristics.

(b) Emission data vehicles:

(1) Vehicles will be chosen to be operated and tested for emission data based upon the engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(2) Vehicles of each engine family will be divided into engine displacement-exhaust emission control system-evaporative emission control system combinations. A projected sales volume will be established for each combination for the 1975 model year. One vehicle of each combination will be selected in order of decreasing projected sales volume until 70 percent of the projected sales of a

manufacturer's total production of vehicles of that engine family is represented, or until a maximum of four vehicles is selected. If any single combination represents over 70 percent, then two vehicles of that combination may be selected. The vehicle selected for each combination will be specified by the Administrator as to transmission type, fuel system, and inertia weight class.

(3) The Administrator may select a maximum of four additional vehicles within each engine family based upon features indicating that they may have the highest emission levels of the vehicles in that engine family. In selecting these vehicles, the Administrator will consider such features as the emission control system combination, induction system characteristics, ignition system characteristics, fuel system, rated horsepower, rated torque, compression ratio, inertia weight class, transmission options, and axle ratios.

(4) If the vehicles selected in accordance with subparagraphs (2) and (3) of this paragraph do not represent each engine-system combination, then one vehicle of each engine-system combination not represented will be selected by the Administrator. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with the control system combination in the engine family and will be designated by the Administrator as to transmission type, fuel system, and inertia weight class.

(c) Durability data vehicles:

(1) A durability data vehicle will be selected by the Administrator to represent each engine-system combination. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with that control-system combination in that engine family and will be designated by the Administrator as to transmission type, fuel system, and inertia weight class.

(2) A manufacturer may elect to operate and test additional vehicles to represent any engine-system combination. The additional vehicles must be of the same engine displacement, transmission type, fuel system, and inertia weight class as the vehicle selected for that engine-system combination in accordance with the provisions of subparagraph (1) of this paragraph. Notice of an intent to operate and test additional vehicles shall be given to the Administrator not later than 30 days following notification of the test fleet selection.

(d) For purposes of testing under § 85.073–7(g), the Administrator may require additional emission data vehicles and durability data vehicles identical in all material respects to vehicles selected in accordance with paragraphs (b) and (c) of this section: *Provided*, That the number of vehicles selected shall not increase the size of either the emission data fleet or the durability data fleet by more than 20 percent or one vehicle, whichever is greater.

(e) Any manufacturer whose projected sales of new motor vehicles subject to this subpart for the 1975 model year is less than 2,000 vehicles may request a reduction in the number of test vehicles determined in accordance with the foregoing provisions of this section. The Administrator may agree to such lesser number as he determines would meet the objectives of this procedure.

(f) In lieu of testing an emission data or durability data vehicle selected under paragraph (b) or (c) of this section, and submitting data therefor, a manufacturer may, with the prior written approval of the Administrator, submit data on a similar vehicle for which certification has previously been obtained.

(g) (1) Where it is expected that more than 33 percent of an engine family will be equipped with an optional item, the full estimated weight of that item shall be included, if required by the Administrator, in the curb weight computation for each vehicle available with that option in the engine family. Where it is expected that 33 percent or less of the vehicles in an engine family will be equipped with an item of optional equipment, no weight for that item will be added in computing curb weight. In the case of mutually exclusive options, only the weight of the heavier option will be added in computing curb weight. Optional equipment weighing less than 3 pounds per item need not be considered.

(2) Where it is expected that more than 33 percent of an engine family may be equipped with an item of optional equipment that can reasonably be expected to influence emissions, then such items of optional equipment shall actually be installed, unless specifically excluded by the Administrator, on all emission data and durability vehicles in the engine family on which the option is intended to be offered in production. Optional equipment that can reasonably be expected to influence emissions are the air conditioner, power steering, power brakes and other items determined by the Administrator.

(3) Optional equipment that can reasonably be expected to influence emissions which is utilized on 33 percent or less of the vehicles in the engine family shall not be installed on any vehicle in that engine family unless specifically required under this section.

**§ 85.075–6 Maintenance.**

(a) (1) Scheduled maintenance on the engine, emission control system, and fuel system of durability vehicles shall be scheduled for performance during durability testing at the same mileage intervals that will be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser of the motor vehicle. Such maintenance shall be performed, except as provided in paragraph (a) (5) (iii) of this section, only under the following provisions:

(i) Scheduled major engine tuneups to manufacturer's specifications may be performed no more frequently than every 12,500 miles of scheduled driving, provided that no tuneup may be performed after 45,000 miles of scheduled driving. A scheduled major engine tuneup shall be restricted to paragraph (a) (1) (i) (*a*) through (*k*) of this section and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by customer service personnel. The following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(*a*) Ignition system.

(*b*) Cold starting enrichment system (includes fast idle speed setting).

(*c*) Curb idle speed and air/fuel mixture.

(*d*) Drive belt tension on engine accessories.

(*e*) Valve lash.

(*f*) Inlet air and exhaust gas control valves.

(*g*) Engine bolt torque.

(*h*) Spark plugs.

(*i*) Fuel filter and air filter.

(*j*) Crankcase emission control system.

(*k*) Fuel evaporative emission control system.

(ii) Change of engine and transmission oil, and change or service of oil filter will be allowed at the same mileage intervals that will be specified in the manufacturer's maintenance instructions.

(iii) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to during scheduled major engine tuneups, once during the first 5,000 miles of vehicle operation.

(2) Unscheduled maintenance on the engine, emission control system, and fuel system of durability vehicles may be performed, except as provided in paragraph (a) (5) (i) of this section, only under the following provisions:

(i) Any persistently misfiring spark plug may be replaced, in addition to replacement at scheduled major engine tuneup points.

(ii) Readjustment of the engine cold starting enrichment system may be performed if there is a problem of stalling or if there is visible black smoke.

(iii) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to that performed as scheduled maintenance under paragraph (a) (1) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 R.p.m. or more, or if there is a problem of stalling.

(iv) The idle mixture may be reset, other than during scheduled major engine tuneups, only with the advance approval of the Administrator.

(3) An exhaust gas recirculation (EGR) system may be serviced during durability testing only under one of the following provisions:

(i) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneups if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for EGR system maintenance at each of those mileage points. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and

if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(ii) Manufacturers may service the EGR system as unscheduled maintenance a maximum of three times during the 50,000 miles if failure of the EGR system activates an audible and/or visual signal approved by the Administrator which alerts the vehicle operator to the need for EGR system maintenance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(iii) Manufacturers may service the EGR system a maximum of three times during the 50,000 miles either at a scheduled major engine tuneup point or as unscheduled maintenance, if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for EGR system maintenance. The signal may be activated either by EGR system failure (unscheduled maintenance) or need for scheduled periodic maintenance. If maintenance is performed, the signal for scheduled periodic maintenance shall be reset. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(iv) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneup(s) if failure to perform EGR system maintenance is not likely, as determined by the Administrator, to result in an improvement in vehicle performance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(4) The catalytic converter may be serviced once during 50,000 miles if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for maintenance. The signal may be activated either by component failure or need for maintenance at a scheduled point.

(5) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on durability vehicles shall be performed only with the advance approval of the Administrator.

(i) In the case of unscheduled maintenance, such approval will be given if the Administrator:

(*a*) Has made a preliminary determination that part failure or system malfunction, or the repair of such failure or malfunction, does not render the vehicle unrepresentative of vehicles in use, and does not require direct access to the combustion chamber, except for spark plug, fuel injection component, or removable prechamber removal or replacement; and

(*b*) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfire, vehicle stall, overheating, fluid leakage, loss of oil pressure, or charge indicator warning.

(ii) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (a)(5)(i)(*a*).

(iii) Requests for authorization of scheduled maintenance of emission control-related components not specifically authorized to be maintained by these regulations must be made prior to the beginning of durability testing. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on vehicles in use.

(6) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the vehicle unrepresentative of vehicles in use, the vehicle shall not be used as a durability vehicle.

(7) Where the Administrator agrees under § 85.075–7 to a mileage accumulation of less than 50,000 miles for durability testing, he may modify the requirements of this paragraph.

(b) Adjustment of engine idle speed on emission data vehicles may be performed once before the 4,000 mile test point. Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on emission data vehicles shall be performed only with the advance approval of the Administrator.

(c) Repairs to vehicle components of the durability or emission data vehicle, other than the engine, emission control system, or fuel system, shall be performed only as a result of part failure, vehicle system malfunction, or with the advance approval of the Administrator.

(d) Complete emission tests (see §§ 85.075–10 and 85.075–27) are required, unless waived by the Administrator, before and after any vehicle maintenance which may reasonably be expected to affect emissions. These test data shall be air posted to the Administrator within 24 hours (or delivered within 3 working days), after the tests, along with a complete record of all pertinent maintenance, including a preliminary engineering report of any malfunction diagnosis and the corrective action taken. A complete engineering report shall be delivered or air posted to the Administrator within 10 working days after the tests. In addition, all test data and maintenance reports shall be compiled and provided to the Administrator in accordance with § 85.075–4.

(e) The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/or vehicle malfunction (e.g., misfire, stall, black smoke), or an activation of an audible and/or visual signal, prior to the performance of any maintenance to which such overt indication or signal is relevant under the provisions of this section.

(f) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets and

(1) Are used in conjunction with scheduled maintenance on such components,

(2) Are used subsequent to the identification of a vehicle or engine malfunction, as provided in paragraph (a)(5)(i) of this section for durability vehicles or paragraph (b) of this section for emission data vehicles, or

(3) Unless specifically authorized by the Administrator.

**§ 85.075–7 Mileage accumulation and emission standards.**

The procedure for mileage accumulation will be the Durability Driving Schedule as specified in Appendix IV to this part. A modified procedure may also be used if approved in advance by the Administrator. Except with the advance approval of the Administrator, all vehicles will accumulate mileage at a measured curb weight which is within 100 pounds of the estimated curb weight. If the loaded vehicle weight is within 100 pounds of being included in the next higher inertia weight class as specified in § 85.075–15(d), the manufacturer may elect to conduct the respective emission tests at the inertia weight corresponding to the higher loaded vehicle weight.

(a) Emission data vehicles: Each emission data vehicle shall be driven 4,000 miles with all emission control systems installed and operating. Emission tests shall be conducted at zero miles and 4,000 miles.

(b) Durability data vehicles: Each durability vehicle shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objectives of this procedure. Complete emission tests (see §§ 85.075–10 through 85.075–27) shall be made at the following mileage points: 0, 5,000, 10,000, 15,000, 20,000, 25,000, 30,000, 35,000, 40,000, 45,000, and 50,000.

(c) All tests required by this subpart to be conducted after every 5,000 miles of driving for durability vehicles and 4,000 miles for emission data vehicles must be conducted at any accumulated mileage within 250 miles of each of those test points.

(d) (1) The results of each emission test shall be supplied to the Administrator immediately after the test. The manufacturer shall furnish to the Administrator explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests. Tests between test points may be conducted as required by the Administrator.

Data from all tests (including voided tests) shall be air posted to the Administrator within 24 hours (or delivered within three working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 85.075–4. Where the Administrator conducts a test on a durability vehicle at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(2) The results of all emission tests shall be recorded and reported to the Administrator using three significant figures. These numbers shall be rounded in accordance with the "Rounding Off Method" specified in ASTM E 29–67.

(e) Whenever the manufacturer proposes to operate and test a vehicle which may be used for emission or durability data, he shall provide the zero mile test data to the Administrator and make the vehicle available for such testing under § 85.075–29 as the Administrator may require before beginning to accumulate mileage on the vehicle. Failure to comply with this requirement will invalidate all test data submitted for this vehicle.

(f) Once a manufacturer begins to operate an emission data or durability data vehicle, as indicated by compliance with paragraph (e) of this section, he shall continue to run the vehicle to 4,000 miles or 50,000 miles, respectively, and the data from the vehicle will be used in the calculations under § 85.075–28. Discontinuation of a vehicle shall be allowed only with the written consent of the Administrator.

(g)(1) The Administrator may elect to operate and test any test vehicle during all or any part of the mileage accumulation and testing procedure. In such cases, the manufacturer shall provide the vehicle(s) to the Administrator with all information necessary to conduct this testing.

(2) The test procedures in §§ 85.075–9 through 85.075–27 will be followed by the Administrator. The Administrator will test the vehicles at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(3) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other vehicles of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(h) Emission testing of any type with respect to any certification vehicle other than that specified in this subpart is not allowed except as such testing may be specifically authorized by the Administrator.

### § 85.075–8 Special test procedures.

The Administrator may, on the basis of a written application therefor by a manufacturer, prescribe test procedures, other than those set forth in this subpart, for any motor vehicle which he determines is not susceptible to satisfactory testing by the procedures set forth herein.

### § 85.075–9 Test procedures.

The procedures described in this and subsequent sections will be the test program to determine the conformity of vehicles with the standards set forth in § 85.075–1.

(a) The test consists of prescribed sequences of fueling, parking, and operating conditions. The exhaust gases generated during vehicle operation are diluted with air and sampled continuously for subsequent analysis of specific components by prescribed analytical techniques. The fuel evaporative emissions are collected for subsequent weighing during both vehicle parking and operating events. The test applies to vehicles equipped with catalytic or direct-flame afterburners, induction system modifications, or other systems or to uncontrolled vehicles and engines.

(b) The exhaust emission test is designed to determine hydrocarbon, carbon monoxide, and oxides of nitrogen mass emissions while simulating an average trip in an urban area of 7.5 miles. The test consists of engine startups and vehicle operation on a chassis dynamometer through a specified driving schedule, as described in Appendix I to this part. A proportional part of the diluted exhaust emissions is collected continuously, for subsequent analysis, using a constant volume (variable dilution) sampler.

(c) The fuel evaporative emission test is designed to determine fuel hydrocarbon evaporative emissions to the atmosphere as a consequence of urban driving, and diurnal temperature fluctuations during parking. It is associated with a series of events representative of a motor vehicle's operation, which result in fuel vapor losses directly from the fuel tank and carburetor. Activated carbon traps are employed in collecting the vaporized fuel. The test procedure is specifically aimed at collecting and weighing:

(1) Diurnal breathing losses from the fuel tank and other parts of the fuel system when the fuel tank is subjected to a temperature increase representative of the diurnal range;

(2) Running losses from the fuel tank and carburetor resulting from a simulated trip on a chassis dynamometer; and

(3) Hot soak losses from the fuel tank and carburetor which result when the vehicle is parked and the hot engine is turned off.

(d) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle shall be functioning during all procedures in this subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with § 85.075–6.

### § 85.075–10 Gasoline specifications.

(a) Fuel having the following specifications or substantially equivalent specifications approved by the Administrator, shall be used in exhaust and evaporative emission testing. The lead content and octane rating of the fuel shall be in the range recommended by the vehicle or engine manufacturer.

| Item | ASTM designation | Specifications |
|---|---|---|
| Distillation range | D 86 | |
| IBP, ° F | | 75–95 |
| 10 percent point, ° F | | 120–135 |
| 50 percent point, ° F | | 200–230 |
| 90 percent point, ° F | | 300–325 |
| EP, ° F (max.) | | 415 |
| Sulfur, wt. percent, max | D 1266 | 0.10 |
| Phosphorous, theory | | 0.0 |
| RVP,[1] lb | D 323 | 8.7–9.2 |
| Hydrocarbon composition | D 1319 | |
| Olefins, percent, max | | 10 |
| Aromatics, percent, max | | 35 |
| Saturates | | Remainder |

[1] For testing which is unrelated to fuel evaporative emission control, the specified range is 8.0–9.2.

(b) Fuels representative of commercial fuels which will generally be available through retail outlets shall be used in mileage accumulation. For unleaded fuel, the minimum lead content shall be 0.02 gram per U.S. gallon. The octane rating of the fuel used shall be in the range recommended by the manufacturer. The Reid vapor pressure of the fuel used shall be characteristic of the motor fuel during the season during which the mileage accumulation takes place.

(c) The specification range of the fuels to be used under paragraph (b) of this section shall be reported in accordance with § 85.075–2(b)(3).

### § 85.075–11 Vehicle and engine preparation (fuel evaporative emissions).

(a) (1) Apply approximate leak-proof fittings to all fuel system external vents to permit collection of effluent vapors from these vents during the course of the prescribed tests. Since the prescribed test requires the temporary plugging of the inlet pipe to the air cleaner, it will be necessary to install a probe for collecting the normal effluents from this source. Where antisurge/vent filler caps are employed on the fuel tank, plug off the normal vent if it does not conveniently lend itself to the collection of vapors which emanate from it, and introduce a separate vent, with appropriate fitting, on the cap. Where the fuel tank vent line terminus is inaccessible, sever the line at a convenient point near the fuel tank and install the collection system in a closed circuit assembly with the severed ends. All fittings shall terminate in $\frac{5}{16}$-inch ID tube sections for ready connection to the collection systems and shall be designed for minimum dead space.

(2) The design and installation of the necessary fittings shall not disturb the normal function of the fuel system components or the normal pressure relationships in the system.

(b) (1) Inspect the fuel system carefully to insure the absence of any leaks to the atmosphere of either liquid or vapor which might affect the accuracy of the test or the performance of the control system. Corrective action, if required, shall be performed in accordance with § 85.075–6 and be reported with the test results under § 85.075–4.

(2) Care should be exercised, in the application of any pressure tests, neither to purge nor load the evaporative emission control system.

(c) Prepare fuel tank for recording the temperature of the prescribed test fuel at its approximate midvolume.

(d) Provide additional fittings and adapters, as required, to accommodate a fuel drain at the lowest point possible in the tank as installed on the vehicle.

**§ 85.075–12 Vehicle preconditioning (fuel evaporative emissions).**

Vehicles to be tested for compliance with the fuel evaporative emissions standard of this subpart shall be preconditioned as follows:

(a) The test vehicle shall be operated under the conditions prescribed for mileage accumulation, § 85.075–7, for 1 hour immediately prior to the operations prescribed below.

(b) The fuel tank shall be drained and specified test fuel (§ 85.075–10(a)) added. The evaporative emission control system or device shall not be abnormally purged or loaded as a result of draining or fueling the tank.

(c) The test vehicle shall be placed on the dynamometer and operated over a simulated trip, according to the applicable requirements and procedures of § 85.075–14 through § 85.075–19 except that the engine need not be cold when started. The test vehicle may be used to set dynamometer horsepower, if necessary. During this operation the ambient temperature shall be between 68° F. and 86° F.

(d) The engine and cooling fan shall be stopped upon completion of the dynamometer operation and the vehicle permitted to soak either on or off the dynamometer stand at an ambient temperature between 76° F. and 86° F. for a period of not less than 1 hour prior to the soak period prescribed in § 85.075–13(a)(1).

**§ 85.075–13 Evaporative emission collection procedure.**

The standard test procedure consists of three parts described below which shall be performed in sequence and without any interruption in the test conditions prescribed.

(a) *Diurnal breathing loss test.* (1) The test vehicle shall be allowed to "soak" in an area where the ambient temperature is maintained between 60° F. and 86° F. for a period of not less than 10 hours. (The vehicle preparation requirements of § 85.075–11 may be performed during this period.) It shall then be transferred to a soak area where the ambient temperature is maintained between 76° F. and 86° F. Upon admittance to the 76° F.–86° F. soak area, the prescribed fuel tank thermocouple shall be connected to the recorder and the fuel and ambient temperatures recorded at a chart speed of approximately 12 inches per hour (or equivalent record).

(2) The fuel tank of the prepared test vehicle, preconditioned according to § 85.075–12, shall be drained and recharged with the specified test fuel, § 85.075–10(a), to the prescribed "tank fuel volume," defined in § 85.002. The temperature of the fuel following the charge to the tank shall be 60° F.±2° F. Care should be exercised against abnormal loading of the evaporative emission control system or device as a result of fueling the tank.

(3) Immediately following the fuel charge to the tank, the exhaust pipe(s) and inlet pipe to the air cleaner shall be plugged and the prescribed vapor collection systems installed on all fuel system external vents. Multiple vents may be connected to a single collection trap provided that, where there is more than one external vent on a fuel system distinguishing between carburetor and tank vapors, separate collection systems shall be employed to trap the vapors from the separate sources. Every precaution shall be taken to minimize the lengths of the collection tubing employed and to avoid sharp bends across the entire system.

(4) Artificial means shall be employed to heat the fuel in the tank to 84° F.±2 F. The prescribed temperature of the fuel shall be achieved over a period of 60 minutes ±10 minutes at a constant rate of change of temperature with respect to time. After a minimum of 1 hour, following admittance to the 76° F.–86° F. soak area, the vehicle shall be moved onto the dynamometer stand for the subsequent part of the test. The fuel tank thermocouple may be temporarily disconnected to permit moving the test vehicle. Plugs shall be removed from the exhaust pipe(s) and inlet pipe to the air cleaner.

(b) *Running loss test.* (1) The vehicle shall be placed on the dynamometer and the fuel tank thermocouple reconnected. The fuel temperature and the ambient air temperature shall be recorded at a chart speed of approximately 12 inches per hour (or equivalent record).

(2) Where an external vent is located such that any "running loss" emissions would be inducted into the engine, the vapor loss measurement system shall be temporarily disconnected from that vent and clamped. Vapor losses from this vent need not be measured during this part of the test.

(3) The vehicle shall be operated on the dynamometer according to the requirements and procedures of §§ 85.075–14 through 85.075–24. The engine and fan shall be turned off upon completion of the dynamometer run and the exhaust and air cleaner inlet pipes shall be replugged.

(4) Vapor losses need not be measured during the 10-minute soak or 505-second "hot" start test. Any vapor loss collection system used during the cold start shall be temporarily disconnected and clamped. At the end of the hot start test, the vapor collection systems shall be reconnected for the following phase.

(c) *Hot soak test.* Upon completion of the dynamometer run, the test vehicle shall be permitted to soak with hood down for a period of 1 hour at an ambient temperature between 76° F. and 86° F. This operation completes the test. The traps are disconnected and weighed according to § 85.075–21.

**§ 85.075–14 Dynamometer driving schedule.**

(a) The dynamometer driving schedule to be followed consists of a nonrepetitive series of idle, acceleration, cruise, and deceleration modes of various time sequences and rates. The driving schedule is defined by a smooth transition through the speed vs. time relationships listed in Appendix I. The time sequence begins upon starting the vehicle according to the startup procedure described in § 85.075–19.

(b) The speed tolerance at any given time on the dynamometer driving schedule prescribed in Appendix I or as printed on a driver's aid chart approved by the Administrator is defined by upper and lower limits. The upper limit is 2 m.p.h. higher than the highest point on the trace within 1 second of the given time. The lower limit is 2 m.p.h. lower than the lowest point on the trace within 1 second of the given time. Speed variations greater than the tolerances (such as occur when shifting manual transmission vehicles) are acceptable provided they occur for less than 2 seconds on any one occasion. Speeds lower than those prescribed are acceptable provided the vehicle is operated at maximum available power during such occurrences. Further, speed deviations from those prescribed due to stalling are acceptable provided the provisions of § 85.075–19(f) are adhered to.

**§ 85.075–15 Dynamometer procedure.**

(a) The dynamometer run consists of two tests, a "cold" start test after a minimum 12-hour soak according to the provisions of §§ 85.075–12 and 85.075–13 and a "hot" start test with a 10-minute soak between the two tests. Engine startup, operation over the driving schedule, and engine shutdown make a complete cold start test. Engine startup and operation over the first 505 seconds of the driving schedule complete the hot start test. The exhaust emissions are diluted with air to a constant volume and a portion is sampled continuously during each test. The composite samples collected in bags are analyzed for hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen. A parallel sample of the dilution air is similarly analyzed for hydrocarbon, carbon monoxide, and oxides of nitrogen.

(b) During dynamometer operation, a fixed speed cooling fan shall be positioned so as to direct cooling air to the vehicle in an appropriate manner with the engine compartment cover open. The fan capacity shall normally not exceed 5,300 c.f.m. If, however, the manufacturer can show that during field operation the vehicle receives additional cooling, the fan capacity may be increased or

additional fans used if approved in advance by the Administrator. In the case of vehicles with front engine compartments, the fan(s) shall be squarely positioned between 8 and 12 inches in front of the cooling air inlets (grill). In the case of vehicles with rear engine compartments (or if special designs make the above impractical), the cooling fan(s) shall be placed in a position to provide sufficient air to maintain engine cooling.

(c) The vehicle shall be nearly level when tested in order to prevent abnormal fuel distribution.

(d) Flywheels, electrical or other means of simulating inertia as shown in the following table shall be used. If the equivalent inertia specified is not available on the dynamometer being used, the next higher equivalent inertia (not to exceed 250 lbs.) available shall be used.

| Loaded vehicle weight, pounds | Equivalent inertia weight, pounds | Road load power @ 50 m.p.h., horsepower |
|---|---|---|
| Up to 1,125 | 1,000 | 5.9 |
| 1,126 to 1,375 | 1,000 | 6.5 |
| 1,376 to 1,625 | 1,500 | 7.1 |
| 1,626 to 1,875 | 1,750 | 7.7 |
| 1,876 to 2,125 | 2,000 | 8.3 |
| 2,126 to 2,375 | 2,250 | 8.8 |
| 2,376 to 2,625 | 2,500 | 9.4 |
| 2,626 to 2,875 | 2,750 | 9.9 |
| 2,876 to 3,250 | 3,000 | 10.3 |
| 3,251 to 3,750 | 3,500 | 11.2 |
| 3,751 to 4,250 | 4,000 | 12.0 |
| 4,251 to 4,750 | 4,500 | 12.7 |
| 4,751 to 5,250 | 5,000 | 13.4 |
| 5,251 to 5,750 | 5,500 | 13.9 |
| 5,751 to above | 5,500 | 14.4 |

(e) Power absorption unit adjustment.

(1) The power absorption unit shall be adjusted to reproduce road load power at 50 m.p.h. true speed. The indicated road load power setting shall take into account the dynamometer friction. The relationship between road load (absorbed) power and indicated road load power for a particular dynamometer shall be determined by the procedure outlined in Appendix II or other suitable means.

(2) The road load power listed in the table above shall be used or the vehicle manufacturer may determine the road load power by the following procedure and request its use:

(i) Measuring the absolute manifold pressure of a representative vehicle, of the same equivalent inertia weight class, when operated on a level road under balanced wind conditions at a true speed of 50 m.p.h., and

(ii) Noting the dynamometer indicated road load horsepower setting required to reproduce that manifold pressure when the same vehicle is operated on the dynamometer at a true speed of 50 m.p.h. The tests on the road and on the dynamometer shall be performed with the same vehicle ambient absolute pressure (usually barometric), i.e. within ±5 mm. Hg.

(iii) The road load power shall be determined according to the procedure outlined in Appendix II and adjusted according to the following if applicable.

(3) Where it is expected that more than 33 percent of the vehicles in an engine family will be equipped with air conditioning, the road load power listed above or as determined in paragraph (e)(2) of this section shall be increased by 10 percent for testing all test vehicles representing such engine family if those vehicles are intended to be offered with air conditioning in production.

(f) The vehicle speed (m.p.h.) as measured from the dynamometer rolls shall be used for all conditions. A speed vs. time recording, as evidence of dynamometer test validity, shall be supplied on request of the Administrator.

(g) Practice runs over the prescribed driving schedule may be performed at test points, provided an emission sample is not taken, for the purpose of finding the minimum throttle action to maintain the proper speed-time relationship, or to permit sampling system adjustments to comply with § 85.075–20(b)(2).

NOTE: When using two-roll dynamometers a truer speed-time trace may be obtained by minimizing the rocking of the vehicle in the rolls. The rocking of the vehicle changes the tire rolling radius on each roll. The rocking may be minimized by restraining the vehicle horizontally (or nearly so) by using a cable and winch.

(h) The drive wheel tires may be inflated up to 45 p.s.i.g. in order to prevent tire damage. The drive wheel tire pressure shall be reported with the test results.

(i) If the dynamometer has not been operated during the 2-hour period immediately preceding the test it shall be warmed up for 15 minutes by operating it at 30 m.p.h. using a nontest vehicle.

(j) Changes to dynamometer horsepower settings, if required, shall be made within 1 hour of the exhaust emission measurement test phase. The test vehicle shall not be used to make this adjustment.

### § 85.075–16 Three-speed manual transmissions.

(a) All test conditions except as noted shall be run in highest gear.

(b) Cars equipped with free wheeling or overdrive units shall be tested with this unit (free wheeling or overdrive) locked out of operation.

(c) Idle shall be run with transmission in gear and with clutch disengaged (except first idle; see § 85.075–19).

(d) The vehicle shall be driven with minimum throttle movement to maintain the desired speed.

(e) Acceleration modes shall be driven smoothly with the shift speeds as recommended by the manufacturer. If the manufacturer does not recommend shift speeds, the vehicle shall be shifted from first to second gear at 15 m.p.h. and from second to third gear at 25 m.p.h. The operator shall release the accelerator pedal during the shift, and accomplish the shift with minimum closed throttle time. If the vehicle cannot accelerate at the specified rates, the vehicle shall be accelerated at WOT until the vehicle speed reaches the speed at which it should be at that time during the test.

(f) The deceleration modes shall be run with clutch engaged and without shifting gears from the previous mode, using brakes or throttle as necessary to maintain the desired speed. For those modes which decelerate to zero, the clutch shall be depressed when the speed drops below 15 m.p.h., when engine roughness is evident, or when engine stalling is imminent.

(g) Downshifting is allowed at the beginning of or during a power mode if recommended by the manufacturer or if the engine obviously is lugging.

### § 85.075–17 Four-speed and five-speed manual transmissions.

(a) Use the same procedure as for three-speed manual transmissions for shifting from first to second gear and from second to third gear. If the manufacturer does not recommend shift speeds, the vehicle shall be shifted from third to fourth gear at 40 m.p.h. Fifth gear may be used at the manufacturer's option.

(b) If transmission ratio in first gear exceeds 5:1, follow the procedure for three- or four-speed manual transmission vehicles as if the first gear did not exist.

### § 85.075–18 Automatic transmissions.

(a) All test conditions shall be run with the transmission in "Drive" (highest gear). Automatic stick-shift transmissions may be shifted as manual transmissions at the option of the manufacturer.

(b) Idle modes shall be run with the transmission in "Drive" and the wheels braked (except first idle; see § 85.075–19).

(c) The vehicle shall be driven with minimum throttle movement to maintain the desired speed.

(d) Acceleration modes shall be driven smoothly allowing the transmission to shift automatically through the normal sequence of gears. If the vehicle cannot accelerate at the specified rates, the vehicle shall be accelerated at WOT until the vehicle speed reaches the speed at which it should be at that time during the driving schedule.

(e) The deceleration modes shall be run in gear using brakes or throttle as necessary to maintain the desired speed.

### § 85.075–19 Engine starting and restarting.

(a) The engine shall be started according to the manufacturer's recommended starting procedures. The initial 20-second-idle period shall begin when the engine starts.

(b) Choke operation:

(b)(1) Vehicles equipped with automatic chokes shall be operated according to the instructions which will be included in the manufacturer's operating instructions or owner's manual including choke setting and "kick-down" from cold fast idle. The transmission shall be placed in gear 15 seconds after the engine is started. If necessary, braking may be employed to keep the drive wheels from turning.

(2) Vehicles equipped with manual chokes shall be operated according to the manufacturer's operating instructions or owners manual.

(c) The operator may use the choke, throttle, etc. where necessary to keep the engine running.

(d) If the manufacturer's operating or owner's manual does not specify a warm engine starting procedure, the engine (automatic and manual choke engines) shall be started by depressing the acceleration pedal about half way and cranking the engine until it starts.

(e) If the vehicle does not start after 10 seconds of cranking, cranking shall cease and the reason for failure to start determined. The revolution counter on the constant volume sampler (see § 85.075–24, Dynamometer test runs) shall be turned off and the sample solenoid valves placed in the "dump" position during this diagnostic period. In addition, either the positive displacement pump should be turned off or the exhaust tube disconnected from the tailpipe during the diagnostic period. If failure to start is an operational error, the vehicle shall be rescheduled for testing from a cold start. If failure to start is caused by vehicle malfunction, corrective action of less than 30 minutes duration may be taken and the test continued. The sampling system shall be reactivated at the same time cranking is started. When the engine starts, the driving schedule timing sequence shall begin. If failure to start is caused by vehicle malfunction and the vehicle cannot be started, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken, and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

(e) If the engine "false starts", the operator shall repeat the recommended starting procedure (such as resetting the choke, etc.).

(f) Stalling:

(1) If the engine stalls during an idle period, the engine shall be restarted immediately and the test continued. If the engine cannot be started soon enough to allow the vehicle to follow the next acceleration as prescribed, the driving schedule indicator shall be stopped. When the vehicle restarts the driving schedule indicator shall be reactivated.

(2) If the engine stalls during some operating mode other than idle, the driving schedule indicator shall be stopped, the vehicle restarted, accelerated to the speed required at that point in the driving schedule and the test continued.

(3) If the vehicle will not restart within 1 minute, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken, and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

**§ 85.075–20 Sampling and analytical system (exhaust emissions).**

(a) *Schematic drawings.* The following figures (Figs. A75–1 and A75–2) are schematic drawings of the exhaust gas sampling and analytical systems which will be used for testing under the regulations in this part. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems.

(b) Component description (exhaust gas sampling system). The following components will be used in the exhaust gas sampling system for testing under the regulations in this subpart. See figure A75–1. Other types of constant volume samplers may be used if shown to yield equivalent results and if approved in advance by the Administrator.

(1) A dilution air filter assembly consisting of a particulate (paper) filter to remove solid matter from the dilution air and thus increase the life of the charcoal filter; a charcoal filter to reduce and stabilize the background hydrocarbon level; and a second particulate filter to remove charcoal particles from the air stream. The filters shall be of sufficient capacity and the duct which carries the dilution air to the point where the exhaust gas is added shall be of sufficient size so that the pressure at the mixing point is less than 1 inch of water pressure below ambient when the constant volume sampler is operating at its maximum flow rate.

(2) A leak-tight connector and tube to the vehicle tailpipe. The tubing shall be sized and connected in such a manner that the static pressure variations in the vehicle tailpipe(s) remain within ±5 inches of water of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). Sampling systems capable of tolerances to ±1 inch of water will be used by the Administrator upon written request by the manufacturer.

(3) A heating system to preheat the heat exchanger to within ±10° F. of its operating temperature before the test begins.

(4) A heat exchanger capable of limiting the gas mixture temperature variation during the entire test to ±10° F. as measured at a point immediately ahead of the positive displacement pump.

(5) A positive displacement pump to pump the dilute exhaust mixture. The pump capacity (300 to 350 c.f.m. is sufficient for testing most vehicles) shall be large enough to virtually eliminate water condensation in the system. See Appendix III for one flow calibration technique. Other suitable calibration techniques may be used if approved in advance by the Administrator.

(6) Temperature sensor (T1) with an accuracy of ±2° F. to allow continuous recording of the temperature of the dilute exhaust mixture entering the positive displacement pump. (See § 85.075–22)(1).)

(7) Gauge (G1) with an accuracy of ±3 mm. Hg to measure the pressure depression of the dilute exhaust mixture entering the positive displacement pump, relative to atmospheric pressure.

(8) Gauge (G2) with an accuracy of ±3 mm. Hg to measure the pressure increase across the positive displacement pump.

(9) Sample probes (S1 and S2) pointed upstream to collect samples from the dilution airstream and the dilute exhaust mixture.

(10) Filters (F1 and F2) to remove particulate matter from dilution air and dilute exhaust samples.

(11) Pumps (P1 and P2) to pump the dilution air and dilute exhaust into their respective sample collection bags.

(12) Flow control valves (N1 and N2) to regulate flows to sample collection bags, at constant flow rates. The minimum sample flow rate shall be 10 c.f.h.

(13) Flowmeters (FL1 and FL2) to insure, by visual observation, that constant flow rates are maintained throughout the test.

(14) Three-way solenoid valves (V1, V2, V3, and V4) to direct sample streams to either their respective bags or overboard.

(15) Quick-connect, leak-tight fittings (C1, C2, C3, and C4) with automatic shutoff on bag side to attach sample bags to sample system.

(16) Sample collection bags for dilution air and exhaust samples of sufficient capacity so as not to impede sample flow.

(17) Revolution counters to count the revolutions of the positive displacement pump while each test phase is in progress and samples are being collected.

(c) *Component description (exhaust gas analytical system).* The following components will be used in the exhaust gas analytical system for testing under the regulations in this part. The analytical system provides for the determination of hydrocarbon concentrations by flame ionization detector (FID) analysis, the determination of carbon monoxide and carbon dioxide concentrations by nondispersive infrared (NDIR) analysis and the determination of oxides of nitrogen concentrations by chemiluminescence (CL) analysis in dilute exhaust samples. The chemiluminescence method of analysis requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. See Appendix V. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See Figure A75–2.

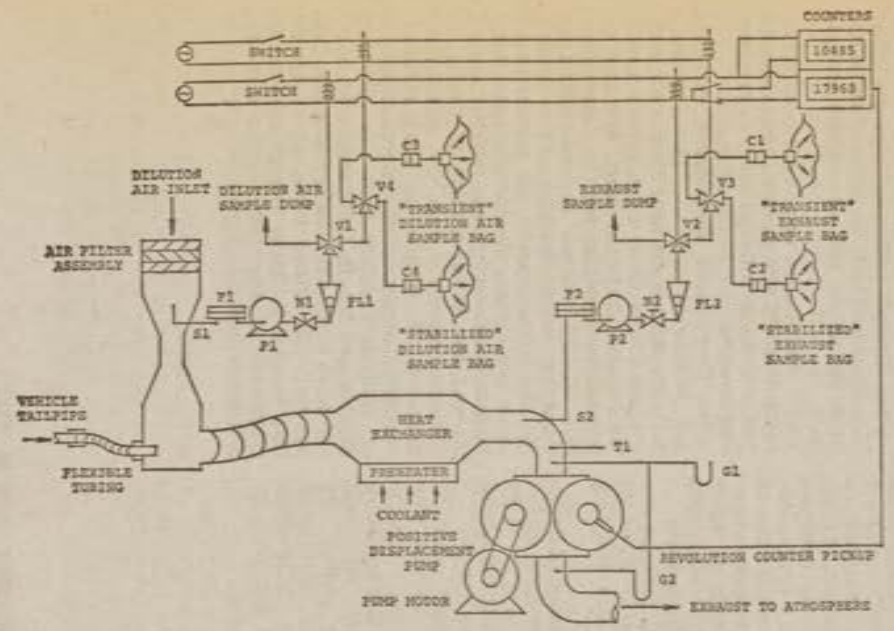



Figure A75-1—Exhaust Gas Sampling System

(1) Quick-connect leak-tight fitting (C5) to attach sample bags to analytical system.

(2) Filter (F3) to remove any residual particulate matter from the collected sample.

(3) Pump (P3) to transfer samples from the sample bags to the analyzers.

(4) Selector valves (V5, V6, V7, V8, and V14) for directing samples, span gases or zeroing gases to the analyzers.

(5) Flow control valves (N3, N4, N5, N6, N7, N8, N9, N10, N11, N12, and N13) to regulate the gas flow rates.

(6) Flowmeters (FL3, FL4, and FL5) to indicate gas flow rates.

(7) Manifold (M1) to collect the expelled gases from the analyzers.

(8) Pump (P4) to transfer expelled gases from the collection manifold to a vent external to the test room (optional).

(9) Analyzers to determine hydrocarbon, carbon monoxide, carbon dioxide and oxides of nitrogen concentrations.

(10) An oxide of nitrogen converter to convert any $NO_2$ present in the samples to NO before analysis.

(11) Selector valves (V9 and V10) to allow the sample, span, calibrating or zeroing gases to bypass the converter.

(12) Water trap (T1) to partially remove water and a valve (V11) to allow the trap to be drained.

(13) Sample conditioning columns to remove remainder of water (WR1 and WR2 containing indicating $CaSO_4$, or indicating silica gel) and carbon dioxide (CDR1 and CDR2 containing ascarite) from the CO analysis stream.

(14) Selector valves (V12 and V13) to permit switching from exhausted absorbing columns to fresh columns.

(15) Water bubbler (W1) to allow saturation of the $CO_2$ span gas to check efficiency of absorbing columns.

(16) Recorders (R1, R2, R3, and R4) or digital printers to provide permanent records of calibration, spanning and sample measurements; or in those facilities where computerized data acquisition systems are incorporated, the computer facility printout may be used.

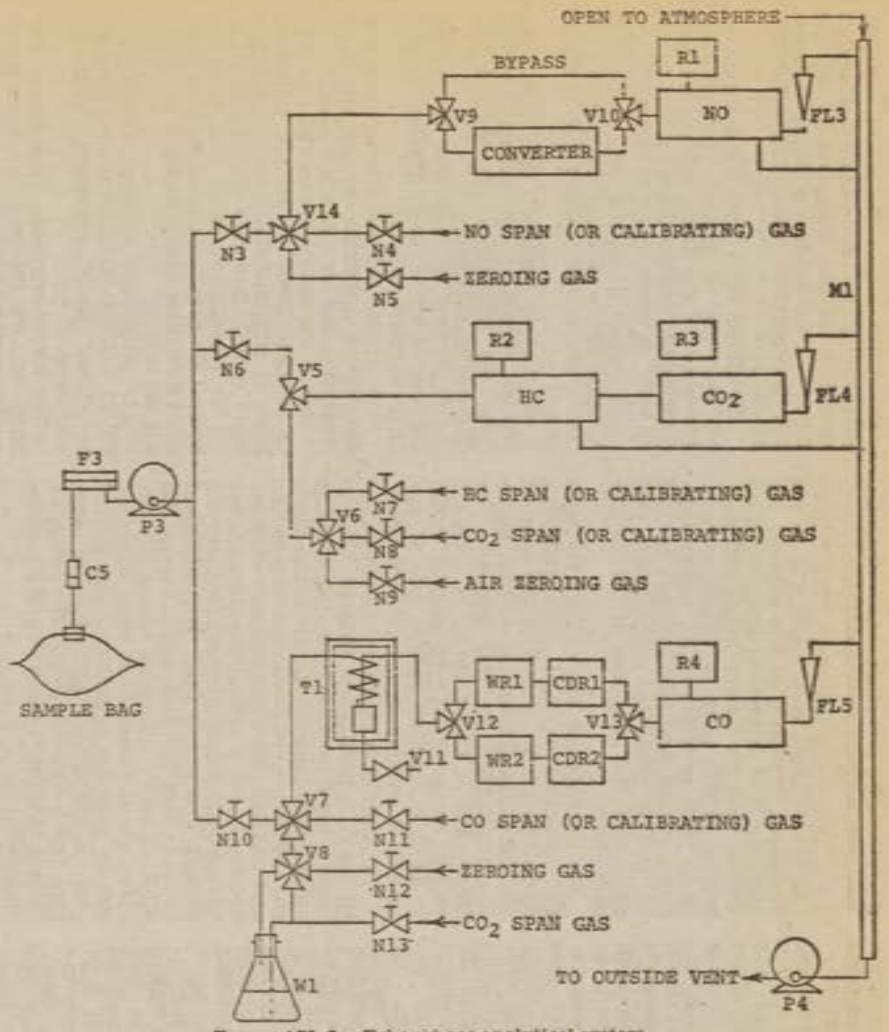



FIGURE A75-2.—Exhaust gas analytical system.

§ 85.075-21 Sampling and analytical system (fuel evaporative emissions).

(a) *Schematic drawing.* (1) The following figures (Figures A75-3, A75-4, and A75-5) are flow diagrams of typical evaporative loss collection applications.

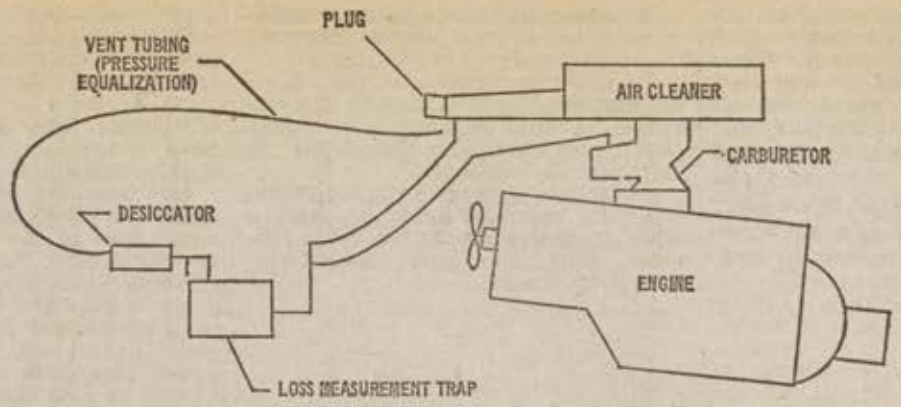



FIGURE A75-3.—Typical carburetor evaporative loss collection arrangement (schematic).

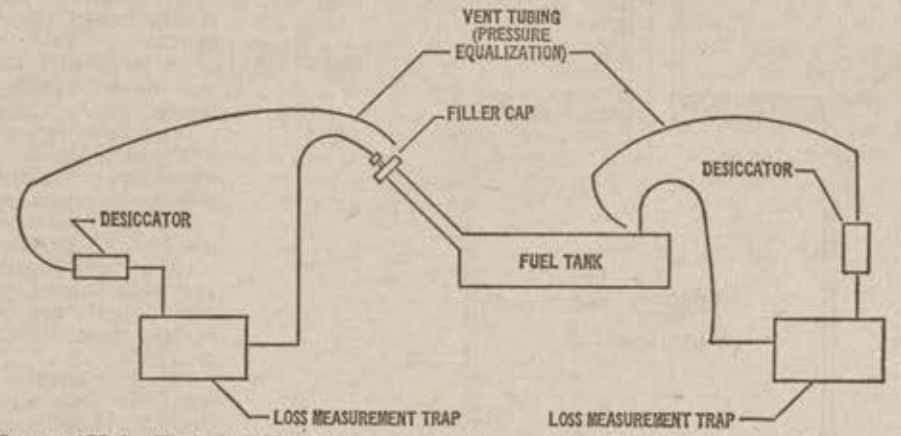



FIGURE A75-4.—Typical fuel tank evaporative loss collection arrangement (schematic).


FIGURE A75-5.—Typical fuel evaporative loss collection arrangement for vehicle equipped with evaporative emission control system (schematic).

(2) Figure A75–3 represents an arrangement for collecting losses which emanate from the carburetor. Figure A75–4 depicts the means for separately collecting the vapors which emanate from the fuel tank vent line and filler cap. Figure A75–5 shows an arrangement for collecting the losses from a closed fuel system, vented to the atmosphere solely through the air cleaner, as might be the case with certain fuel evaporative emission control devices.

(3) Schematic drawings of arrangements to be employed shall be submitted in accordance with § 85.075–2(b)(3).

(b) *Collection equipment.* The following equipment shall be used for this collection of fuel evaporative emissions. (Item quantities are determined by individual test needs.)

(1) *Activated carbon trap.* See Figure A75–6 for specifications of one design; other configurations may be used: *Provided,* That they give demonstrably equivalent results.

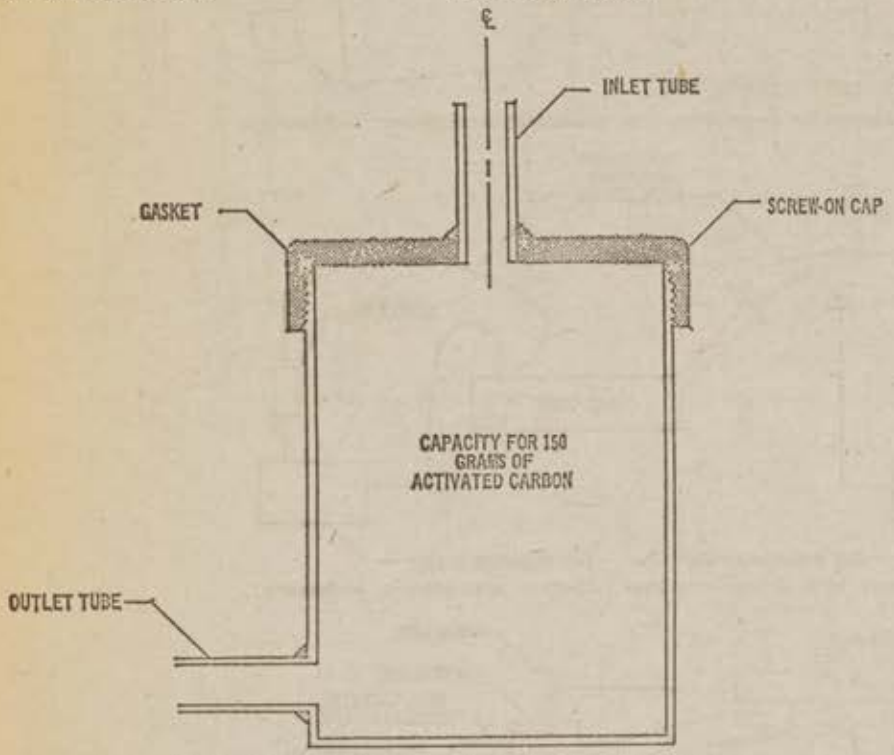



FIGURE A75–6.—Typical activated carbon trap (schematic).

(i) Canister—300±25 ml., cylindrical container having a length to diameter ratio of 1.4±0.1. An inlet tube, 5/16 inch ID and 1 inch long is sealed into the top of the canister, at its geometric center. A similar outlet tube is sealed into the wall ¼ inch from the bottom of the canister. The canister is designed to withstand an air pressure of 2 p.s.i., when sealed, without evidence of leaking when immersed in water for 30 seconds.

(ii) Activated carbon—meeting the following specifications:

| | |
|---|---|
| Surface area, min. ($N_2$ BET method).[1] | 1,000 square meters per gram. |
| Adsorption capacity, min. (carbon tetrachloride) | 60 percent, by weight. |
| Volatile material including adsorbed water vapor. | None. |

| Screen analysis size: | *Percent* |
|---|---|
| Less than 1.4 mm | 0 |
| 1.7–2.4 mm | 90–100 |
| More than 3.0 mm | 0 |

[1] Brunauer, Emmett & Teller: Journal of the American Chemical Society, Vol. 60, p. 309, 1938.

The activated carbon trap is prepared for the test by attaching clamped sections of vinyl tubing to the inlet and outlet tubes of the canister. The canister is then filled with 150±10 gm. hot activated carbon which had previously been oven-dried for 3 hours at 300° F. Loss of carbon through the inlet and outlet tubes is prevented through the use of wire screens of 0.7 mm. mesh or wads of loosely packed glass wool. The canister is closed immediately after filling and the carbon is allowed to cool while the trap is vented through a drying tube via the unclamped outlet arm.

(iii) The trap is sealed and weighed after cooling and the weight, to the nearest 0.1 gram, is inscribed on the canister body. Within 12 hours of the scheduled test, the weight of the trap is checked and if it has changed by more than 0.5 gm., it is redried to constant weight. This redrying operation is performed by passing dry nitrogen, heated to 275° F., through the trap, via the inlet tube, at a rate of 1 liter per minute until checks made at 30-minute intervals do not vary by more than 0.1 percent of the gross weight. The trap and its contents are allowed to cool to room temperature, while vented through a drying tube via the outlet arm, before use.

(2) *Auxiliary collection equipment.* (i) Drying tube—transparent, tubular body ¾ inch ID, 6 inches long, with serrated tips and removable caps.

(ii) Desiccant—indicating variety, 8 mesh. The drying tube is attached to the outlet tube of the collection traps to prevent ambient moisture from entering the trap. It is prepared by filling the empty drying tube with fresh desiccant using loose wad of glass wool to hold the desiccant in place. The desiccant is renewed when three-quarters spent, as indicated by color change.

(iii) Collection tubing—stainless steel or aluminum, 5/16 inch ID, for connecting the collection traps to the fuel system vents.

(iv) Polyvinyl chloride (vinyl) tubing—flexible tubing, 5/16 inch ID, for sealing butt-to-butt joints.

(v) Laboratory tubing—air tight flexible tubing 5/16 inch ID, attached to the outlet end of the drying tubes to equalize collection system pressure.

(vi) Clamps—hosecock, openside, for pinching off flexible tubing.

(c) *Weighing equipment.* The balance and weights used shall be capable of determining the net weight of the activated carbon trap within an accuracy of ±75 mg.

(d) *Temperature measuring equipment.* (1) Temperature recorder—multichannel, variable speed, potentiometric, or substantially equivalent, recorder with a temperature range of 50° F. to 100° F. and capable of either simultaneous or sequential recording of the ambient air and fuel temperatures within an accuracy of ±1° F.

(2) Fuel tank thermocouples—iron-constantan (type J) construction.

(3) Other types of temperature sensing systems may be provided by the manufacturer if they record the information specified in subparagraph (1) of this paragraph with the required accuracy and if they are self-contained. Type J thermocouples are required for compatibility with recording instruments used in Federal certification facilities.

(e) *Assembly and use of the activated carbon vapor collection system.* (1) The prepared activated carbon trap, dried to constant weight, cooled to the ambient temperature and sealed with clamped sections of vinyl tubing is carefully weighed to the nearest 20 milligrams and the weight recorded as the "tare weight."

(2) A drying tube is attached to the outlet tube and the clamp released, but not removed. A length of flexible tubing, for pressure equalization, is connected to the other end of the drying tube.

(3) The inlet tube of the adsorption trap and external vent(s) of the fuel system will be connected by minimal lengths of stainless steel or aluminum tubing and short sections of vinyl tubing. Butt-to-butt joints shall be made

wherever possible and precautions taken against sharp bends in the connection lines, including any manifold systems employed to connect multiple vents to a single trap.

(4) The clamp on the inlet tube of the trap shall be released but not removed. Care shall be exercised to prevent heating the vapor collection trap by radiant or conductive heat from the engine.

(5) Upon completion of the collection sequence, the vinyl tubing sections on each arm of the collection trap shall be clamped tight and the collection system dismantled.

(6) The sealed vapor collection trap shall be weighed carefully to the nearest 20 milligrams. This constitutes the "gross weight," which is appropriately recorded. The difference between the "gross weight" and "tare weight" represents the "net weight" for purposes of calculating the fuel vapor losses.

**§ 85.075–22 Information to be recorded.**

The following information shall be recorded with respect to each test:

(a) Test number.

(b) System or device tested (brief description).

(c) Date and time of day for each part of the test schedule.

(d) Instrument operator.

(e) Driver or operator.

(f) Vehicle: Make—Vehicle identification number—Model year—Transmission type—Odometer reading—Engine displacement—Engine family—Idle r.p.m.—Fuel system—(fuel injection, nominal fuel tank capacity, fuel tank location, number of carburetors, number of carburetor barrels)—Inertia loading—Estimated curb weight recorded at 0 miles—Actual road load horsepower at 50 m.p.h. and drive wheel tire pressure.

(g) Dynamometer serial number and indicated road load power absorption at 50 m.p.h.

(h) All pertinent instrument information such as tuning—gain—serial number—detector number—range. As an alternative, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator, provided test cell calibration records show the pertinent instrument information.

(i) Recorder charts: Identify zero, span, exhaust gas, and dilution air sample traces.

(j) Test cell barometric pressure, ambient temperature, and humidity.

(k) Fuel temperatures, as prescribed.

(l) Pressure of the mixture of exhaust and dilution air entering the positive displacement pump, the pressure increase across the pump, and the temperature set point of the temperature control system. The sample temperature at the inlet to the pump may be measured, if desired, to verify that the temperature variations are within 5° F. of the set point.

(m) The number of revolutions of the positive displacement pump accumulated while the test is in progress and exhaust flow samples are being collected.

(n) The humidity of the dilution air.

**§ 85.075–23 Analytical system calibration and sample handling.**

(a) Calibrate the analytical assembly at least once every 30 days. Use the same flow rate as when analyzing samples.

(1) Adjust analyzers to optimize performance.

(2) Zero the hydrocarbon analyzer with zero grade air and the carbon monoxide, carbon dioxide, and oxides of nitrogen analyzers with zero grade nitrogen. The allowable zero gas impurity concentrations should not exceed 1 p.p.m. equivalent carbon response, 1 p.p.m. carbon monoxide, 300 p.p.m. (0.03 mole percent) carbon dioxide, and 0.1 p.p.m. nitric oxide.

(3) Set the CO and $CO_2$ analyzer gains to give the desired range. Select the desired attenuation scale of the HC analyzer, set the capillary flow rate by adjusting the back pressure regulator, and adjust the electronic gain control, if provided, to give the desired range. Select the desired scale of the $NO_x$ analyzer and adjust the phototube high voltage supply or amplifier gain to give the desired range.

(4) Calibrate the HC analyzer with propane (air diluent) gases having nominal concentrations equal to 50 and 100 percent of full scale. Calibrate the CO analyzer with carbon monoxide (nitrogen diluent) gases and the $CO_2$ analyzer with carbon dioxide (nitrogen diluent) gases having nominal concentrations equal to 10, 25, 40, 50, 60, 70, 85, and 100 percent of full scale. Calibrate the $NO_x$ analyzer with nitric oxide (nitrogen diluent) gases having nominal concentrations equal to 50 and 100 percent of full scale. The actual concentrations should be known to within ±2 percent of the true values.

(5) Compare values obtained on the CO and $CO_2$ analyzers with previous calibration curves. Any significant change reflects some problem in the system. Locate and correct problem, and recalibrate. Use best judgment in selecting curves for data reduction.

(6) $NO_x$ converter efficiency determination: The apparatus described and illustrated in Figure A 75–7 is to be used to determine the conversion efficiency of devices that convert $NO_x$ to NO.

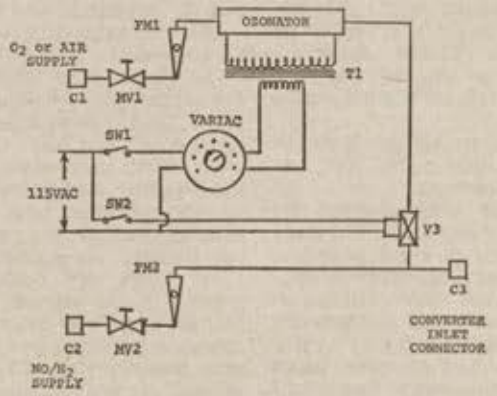



FIGURE A 75–7—$NO_x$ Converter Efficiency Detector.

The following procedure is to be used for determining the values to be used in Equation (A).

(i) Attach the NO/$N_2$ supply (150–250 ppm) at C2, the $O_2$ supply at C1 and the analyzer inlet connection to the efficiency detector at C3. If lower concentrations of NO are used, air may be used in place of $O_2$ to facilitate better control of the $NO_2$ generated during step (iv).

(ii) With the efficiency detector variac off, place the $NO_x$ converter in bypass mode and close valve V3. Open valve MV2 until sufficient flow and stable readings are obtained at the analyzer. Zero and span the analyzer output to indicate the value of the NO concentration being used. Record this concentration.

(iii) Open valve V3 (on/off flow control solenoid valve for $O_2$) and adjust valve MV1 ($O_2$ supply metering valve) to blend enough $O_2$ to lower the NO concentration (ii) about 10 percent. Record this concentration.

(iv) Turn on the ozonator and increase its supply voltage until the NO concentration of (iii) is reduced to about 20 percent of (ii). $NO_2$ is now being formed from the NO+$O_2$ reaction. There must always be at least 10 percent unreacted NO at this point. Record this concentration.

(v) When a stable reading has been obtained from (iv), place the $NO_x$ converter in the convert mode. The analyzer will now indicate the total $NO_x$ concentration. Record this concentration.

(vi) Turn off the ozonator and allow the analyzer reading to stabilize. The mixture NO+$O_2$ is still passing through the converter. This reading is the total $NO_x$ concentration of the dilute NO span gas used at step (iii). Record this concentration.

(vii) Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any $NO_2$.

Calculate the efficiency of the $NO_x$ converter by substituting the concentrations obtained during the test into Equation (A).

$$\% \text{ Eff.} = \frac{(vi)-(iv)}{(v)-(iv)} \times 100\%$$

The efficiency of the converter should be greater than 90 percent. Adjusting the

converter temperature may be needed to maximize the efficiency. Efficiency checks should be made on each analyzer range using an NO span gas concentration appropriate to the instrument range.

(7) Check the efficiency of the sample conditioning system by the following procedure:

(i) Zero and span the CO instrument on its most sensitive scale.

(ii) Recheck zero.

(iii) Bubble $CO_2$ span gas through water and then through the sample conditioning system into the CO instrument. If the CO instrument shows no response to the wet $CO_2$ the columns are in good condition.

(iv) If the CO instrument responds to wet $CO_2$, replace columns as necessary to bring response back to zero.

(v) The conditioning system efficiency should be checked daily.

(b) HC, CO, $CO_2$, and $NO_x$ measurements: Allow a minimum of 20 minutes warmup for the HC analyzer and 2 hours for the CO, $CO_2$, and $NO_x$ analyzers. (Power is normally left on infrared and chemiluminescence analyzers; but when not in use, the chopper motors of the infrared analyzers are turned off and the phototube high voltage supply of the chemiluminescence analyzer is placed in the standby position.) The following sequence of operations should be performed in conjunction with each series of measurements:

(1) Zero the analyzers. Obtain a stable zero on each amplifier meter and recorder. Recheck after tests.

(2) Introduce span gases and set the CO and $CO_2$ analyzer gains, the HC analyzer sample capillary flow rate and the $NO_x$ analyzer high voltage supply or amplifier gain to match the calibration curves. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test samples. Span gases should have concentrations equal to approximately 80 percent of full scale. If gain has shifted significantly on the CO or $CO_2$ analyzers, check tuning. If necessary, check calibration. Recheck after test. Show actual concentrations on chart.

(3) Check zeroes; repeat the procedure in subparagraphs (1) and (2) of this paragraph if required.

(4) Check flow rates and pressures.

(5) Measure HC, CO, $CO_2$, and $NO_x$ concentrations of samples. Care should be exercised to prevent moisture from condensing in the sample collection bag.

(6) Check zero and span points.

(c) For the purposes of this section, the term "zero grade air" includes artificial "air" consisting of a blend of nitrogen and oxygen with oxygen concentrations between 18 and 21 mole percent.

**§ 85.075–24 Dynamometer test runs.**

(a) The vehicle shall be allowed to stand with the engine turned off for a period of not less than 12 hours before the cold start exhaust emission test, at an ambient temperature as specified in §§ 85.075–12 and 85.075–13. The vehicle shall be stored prior to the emission tests in such a manner that precipitation (e.g. rain or dew) does not occur on the vehicle. The complete dynamometer test consists of a cold start drive of 7.5 miles and simulates a hot start drive of 7.5 miles. The vehicle is allowed to stand on the dynamometer during the 10-minute time period between the cold and hot start tests. The cold start test is divided into two periods. The first period, representing the cold start "transient" phase, terminates at the end of the deceleration which is scheduled to occur at 505 seconds of the driving schedule. The second period, representing the "stabilized" phase, consists of the remainder of the driving schedule including engine shutdown. The hot start test similarly consists of two periods. The first period, representing the hot start "transient" phase, terminates at the same point in the driving schedule as the first phase of the cold start test. The second period of the hot start test, "stabilized" phase, is assumed to be identical to the second period of the cold start test. Therefore, the hot start test terminates after the first period (505 seconds) is run. During the tests the ambient temperature shall be between 68° F. and 86° F.

(b) The following steps shall be taken for each test:

(1) Place drive wheels of vehicle on dynamometer without starting engine.

(2) Open the vehicle engine compartment cover and start the cooling fan.

(3) With the sample solenoid valves in the "dump" position connect evacuated sample collection bags to the two dilute exhaust sample connectors and to the two dilution air sample line connectors.

(4) Start the positive displacement pump (if not already on), the sample pumps, and the temperature recorder. (The heat exchanger of the constant volume sampler should be preheated to its operating temperature before the test begins.)

(5) Adjust the sample flow rates to the desired flow rate (minimum of 10 c.f.h.) and set the revolution counters to zero.

(6) Attach the flexible exhaust tube to the vehicle tailpipe(s).

(7) Simultaneously start the revolution counter for the positive displacement pump, position the sample solenoid valves to direct the sample flow into the "transient" exhaust sample bag and the "transient" dilution air sample bag, and start cranking the engine.

(8) Fifteen seconds after the engine starts, place the transmission in gear.

(9) Twenty seconds after the engine starts, begin the initial vehicle acceleration of the driving schedule.

(10) Operate the vehicle according to the dynamometer driving schedule (§ 85.075–14).

(11) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously switch the sample flows from the "transient" bags to the "stabilized" bags, switch off revolution counter No. 1 and start counter No. 2. As soon as possible and in no case longer than 20 minutes after the end of this portion of the test disconnect the "transient" exhaust and dilution air sample bags, transfer them to the analytical system and process the samples according to § 85.075–23.

(12) Turn the engine off 2 seconds after the end of the last deceleration (at 1,369 seconds).

(13) Five seconds after the engine stops running, simultaneously turn off revolution counter No. 2 and position the sample solenoid valves to the "dump" position. As soon as possible and in no case longer than 20 minutes after the end of this portion of the test disconnect the "stabilized" exhaust and dilution air sample bags, transfer them to the analytical system and process the samples according to § 85.075–23.

(14) Immediately after the end of the sample period turn off the cooling fan and close the engine compartment cover.

(15) Immediately after the end of the sample period, disconnect the exhaust tube from the tailpipe(s), turn off the cooling fan and close the engine compartment cover.

(16) Turn off the positive displacement pump.

(17) Repeat the steps in subparagraphs (2) through (10) of this paragraph for the hot start test except only one evacuated sample bag is required for sampling exhaust gas and one for dilution air. The step in subparagraph (7) of this paragraph shall begin between 9 and 11 minutes after the end of the sample period for the cold start test.

(18) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously turn off the No. 1 revolution counter and position the sample solenoid valve to the "dump" position. (Engine shutdown is not part of the hot start test sample period.)

(19) As soon as possible and in no case longer than 20 minutes after the end of this portion of the test disconnect the hot start "transient" exhaust and dilution air sample bags, transfer them to the analytical system and process the samples according to § 85.075–23.

(20) Disconnect the exhaust tube from the vehicle tailpipe(s) and remove vehicle from dynamometer.

(21) The positive displacement pump may be turned off, if desired.

**§ 85.075–25 Chart reading.**

(a) Determine the HC, CO, $CO_2$ and $NO_x$ concentrations of the dilution air and dilute exhaust sample bags from the instrument deflections or recordings making use of appropriate calibration charts.

(b) Determine the average dilute exhaust mixture temperatures from the temperature recorder trace if a recorder is used.

**§ 85.075–26 Calculations (exhaust emissions).**

The final reported test results shall be computed by use of the following formulae:

(a) For light duty vehicles:

$$Y_{wm}=(0.43\,Y_{ct}+0.57\,Y_{ht}+Y_s)/7.5$$

where:

$Y_{wm}$ = Weighted mass emissions of each pollutant, i.e. HC, CO, or $NO_x$, in grams per vehicle mile.

$Y_{ct}$ = Mass emissions as calculated from the "transient" phase of the cold start test, in grams per test phase.

$Y_{ht}$ = Mass emissions as calculated from the "transient" phase of the hot start test, in grams per test phase.

$Y_s$ = Mass emissions as calculated from the "stabilized" phase of the cold start test, in grams per test phase.

(b) The mass of each pollutant for each phase of both the cold start test and the hot start test is determined from the following:

(1) Hydrocarbon Mass:

$$HC_{mass}=V_{mix}\times \text{Density}_{HC}\times\frac{HC_{conc}}{1{,}000{,}000}$$

(2) Oxides of nitrogen Mass:

$$NO_{x_{mass}}=V_{mix}\times \text{Density}_{NO_2}\times\frac{NO_{x_{conc}}}{1{,}000{,}000}\times K_H$$

(3) Carbon monoxide Mass:

$$CO_{mass}=V_{mix}\times \text{Density}_{CO}\times\frac{CO_{conc}}{1{,}000{,}000}$$

(c) Meaning of symbols:

$HC_{mass}$ = Hydrocarbon emissions, in grams per test phase.

$\text{Density}_{HC}$ = Density of hydrocarbons in the exhaust gas, assuming an average carbon to hydrogen ratio of 1:1.85, in grams per cubic foot at 68° F. and 760 mm. Hg pressure (16.33 gm./cu. ft).

$HC_{conc}$ = Hydrocarbon concentration of the dilute exhaust sample corrected for background, in p.p.m. carbon equivalent, i.e. equivalent propane × 3.

$$HC_{conc}=HC_e-HC_d(1-1/DF)$$

where:

$HC_e$ = Hydrocarbon concentrations of the dilute exhaust sample as measured, in p.p.m. carbon equivalent.

$HC_d$ = Hydrocarbon concentration of the dilution air as measured in p.p.m. carbon equivalent.

$NO_{x_{mass}}$ = Oxides of nitrogen emissions, in grams per test phase.

$\text{Density}_{NO_2}$ = Density of oxides of nitrogen in the exhaust gas, assuming they are in the form of nitrogen dioxide, in grams per cubic foot at 68° F. and 760 mm. Hg pressure (54.16 gm./cu. ft.).

$NO_{x_{conc}}$ = Oxides of nitrogen concentration of the dilute exhaust sample corrected for background, in p.p.m.

$$NO_{x_{conc}}=NO_{x_e}-NO_{x_d}(1-1/DF)$$

where:

$NO_{x_e}$ = Oxides of nitrogen concentration of the dilute exhaust sample as measured, in p.p.m.

$NO_{x_d}$ = Oxides of nitrogen concentration of the dilution air as measured, in p.p.m.

$CO_{mass}$ = Carbon monoxide emissions, in grams per test phase.

$\text{Density}_{CO}$ = Density of carbon monoxide in grams per cubic foot at 68° F. and 760 mm. Hg pressure (32.97 gm./cu. ft.).

$CO_{conc}$ = Carbon monoxide concentration of the dilute exhaust sample corrected for background, water vapor and $CO_2$ extraction, in p.p.m.

$$CO_{conc}=CO_e-CO_d(1-1/DF)$$

where:

$CO_e$ = Carbon monoxide concentration of the dilute exhaust sample volume corrected for water vapor and carbon dioxide extraction, in p.p.m. The calculation assumes the carbon to hydrogen ratio of the fuel is 1:1.85.

$$CO_e=(1-0.01925CO_{2e}-0.000323R)\,CO_{em}$$

where:

$CO_{em}$ = Carbon monoxide concentration of the dilute exhaust sample as measured in p.p.m.

$CO_{2e}$ = Carbon dioxide concentration of the dilute exhaust sample, in mole percent.

$R$ = Relative humidity of the dilution air, in percent.

$CO_d$ = Carbon monoxide concentration of the dilution air corrected for water vapor extraction, in p.p.m.

$$CO_d=(1-0.000323R)\,CO_{dm}$$

where:

$CO_{dm}$ = Carbon monoxide concentration of the dilution air sample as measured, in p.p.m.

$$DF=\frac{13.4}{CO_{2e}+(HC_e+CO_e)\times 10^{-4}}$$

$V_{mix}$ = Total dilute exhaust volume in cubic feet per test phase corrected to standard conditions (528°R and 760 mm. Hg).

$$V_{mix}=V_s\times N\frac{(P_B-P_1)\,(528^\circ R)}{(760\text{ mm. }Hg)\,(T_p)}$$

where:

$V_s$ = Volume of gas pumped by the positive displacement pump, in cubic feet per revolution. This volume is dependent on the pressure differential across the positive displacement pump.

$N$ = Number of revolutions of the positive displacement pump during the test phase while samples are being collected.

$P_B$ = Barometric pressure in mm. Hg.

$P_1$ = Pressure depression below atmosphere measured at the inlet to the positive displacement pump.

$T_p$ = Average temperature of dilute exhaust entering positive displacement pump during test while samples are being collected, in degrees Rankine.

$K_H$ = Humidity correction factor.

$$K_H=\frac{1}{1-0.0047\,(H-75)}$$

where:

$H$ = Absolute humidity in grains of water per pound of dry air.

$$H=\frac{(43.478)\,R_a\times P_d}{P_B-(P_d\times R_a/100)}$$

$R_a$ = Relative humidity of the ambient air, in percent.

$P_d$ = Saturated vapor pressure, in mm. Hg at the ambient dry bulb temperature.

(d) Example calculation of mass emission values:

(1) For the "transient" phase of the cold start test assume $V_s=0.29344$ cu. ft. per revolution; $N=10{,}485$; $R=48.0\%$; $R_a=48.2\%$; $P_B=762$ mm. Hg; $P_d=22.225$ mm. Hg; $P_1=70$ mm. Hg; $T_p=570°R$; $HC_e=105.8$ p.p.m. carbon equivalent; $NO_{x_d}=11.2$ p.p.m.; $CO_{em}=306.6$ p.p.m.; $CO_{2e}=1.43\%$; $HC_d=12.1$ p.p.m.; $NO_{x_d}=0.8$ p.p.m.; $CO_{dm}=15.3$ p.p.m. Then:

$$V_{mix}=\frac{(0.29344)\,(10{,}485)\,(762-70)\,(528)}{(760)\,(570)}=2595.0\text{ cu. ft. per test phase.}$$

$$H=\frac{(43.478)\,(48.2)\,(22.225)}{762-(22.225\times 48.2/100)}.$$

$$K_H=\frac{1}{1-0.0047(62-75)}=0.9424.$$

$$CO_e=(1-0.01925(1.43)-0.000323(48))\,306.0=293.4\text{ p.p.m.}$$

$$CO_d=(1-0.000323(48))\,15.3=15.1\text{ p.p.m.}$$

$$DF=\frac{13.4}{1.43+(105.8+293.4)\times 10^{-4}}=9.116.$$

$$HC_{conc}=105.8-12.1(1-1/9.116)=95.03.$$

$$HC_{mass}=(2595)\,(16.33)\,(95.03/1{,}000{,}000)=4.027\text{ grams per test phase.}$$

$$NO_{x_{conc}}=11.2-0.8(1-1/9.116)=10.49.$$

$$NO_{x_{mass}}=(2595)\,(54.16)\,(10.49/1{,}000{,}000)\,(0.9424)=1.389\text{ grams per test phase.}$$

$$CO_{conc}=293.4-15.1(1-1/9.116)=280.$$

$$CO_{mass}=(2595)\,(32.97)\,(280/1{,}000{,}000)=23.96\text{ grams per test phase.}$$

(2) For the "stabilized" portion of the cold start test assume that similar calculations resulted in $HC_{mass}=0.62$ grams per test phase; $NO_{x_{mass}}=1.27$ grams per test phase; and $CO_{mass}=5.98$ grams per test phase.

(3) For the "transient" portion of the hot start test assume that similar calculations resulted in $HC_{mass}=0.51$ grams per test phase; $NO_{x_{mass}}1.38$ grams per test phase; and $CO_{mass}=5.01$ grams per test phase.

(4) For a 1975 light duty vehicle:

$$HC_{wm}=((0.43)\,(4.027)+(0.57)\,(0.51)+0.62)/7.5=0.352\text{ gram per vehicle mile.}$$

$$NO_{x_{wm}}=((0.43)\,(1.389)+(0.57)\,(1.38)+1.27)/7.5=0.354\text{ gram per vehicle mile.}$$

$$CO_{wm}=((0.43)\,(23.96)+(0.57)\,(5.01)+5.98)/7.5=2.55\text{ grams per vehicle mile.}$$

**§ 85.075–27 Calculations (fuel evaporative emissions).**

The net weights of the individual collection traps employed in § 85.075–13 shall be added together to determine compliance with the fuel evaporative emission standard.

**§ 85.075–28 Compliance with emission standards.**

(a) The exhaust and fuel evaporative emission standards in § 85.075–1 apply to the emissions of vehicles for their useful life.

(b) Since emission control efficiency decreases with mileage accumulated on the vehicle, the emission level of a vehicle which has accumulated 50,000 miles will be used as the basis for determining compliance with the standards.

(c) The procedure for determining compliance of a new light duty motor vehicle with exhaust and fuel evaporative emission standards is as follows:

(1) Separate emission deterioration factors shall be determined from the emission results of the durability vehicle for each engine-system combination. A separate factor shall be established for exhaust HC, exhaust CO, exhaust $NO_x$, and fuel evaporative HC.

(i) The applicable results to be used in determining the deterioration factors for each combination shall be:

(*a*) All valid emission data from the tests required under § 85.075–7(b), except the zero mile tests. This shall include the official test results, as determined in § 85.075–29, for all tests conducted on all durability vehicles of the combination selected under § 85.075–5 (c) (including all vehicles elected to be operated by the manufacturer under § 85.075–5(c)(3)).

(*b*) All emission data from the tests conducted before and after the scheduled maintenance provided in §§ 85.075–6(a) (1)(i), (1)(iii), (3), (4), and (5)(iii).

(c) All emission data from tests required by maintenance approved under § 85.075–6(a)(1)(ix), in those cases where the Administrator conditioned his approval for the performance of such maintenance on the inclusion of such data in the deterioration factor calculation.

(ii) All applicable results shall be plotted as a function of the mileage on the system, rounded to the nearest mile, and the best fit straight lines, fitted by the method of least squares, shall be drawn through all these data points. The interpolated 4,000- and 50,000-mile points on this line must be within the standards provided in § 85.075–1 or the data will not be acceptable for use in calculation of a deterioration factor, unless no applicable data point exceeded the standard.

(iii) An exhaust emission deterioration factor shall be calculated for each combination as follows:

$$\text{factor} = \frac{\text{exhaust emissions interpolated to 50,000 miles}}{\text{exhaust emissions interpolated to 4,000 miles}}$$

These interpolated values shall be carried out to a minimum of four places to the right of the decimal point before dividing one by the other to determine the deterioration factor. The results shall be rounded to three places to the right of the decimal point in accordance with ASTM E 29–67.

(iv) An evaporative emission deterioration factor shall be calculated for each combination by subtracting the evaporative emissions interpolated to 4,000 miles from the evaporative emissions interpolated to 50,000 miles. These interpolated values shall be carried out, in accordance with ASTM E 29–67, to a minimum of three decimal places to the right of the decimal point before subtracting one from the other to determine the deterioration factor.

(2)(i) The exhaust emission test results for each emission data vehicle shall be multiplied by the appropriate deterioration factor: *Provided*, That if a deterioration factor as computed in paragraph (c)(1)(iii) is less than one, that deterioration factor shall be one for the purposes of this paragraph.

(ii) The evaporative emission test results for each combination shall be adjusted by addition of the appropriate deterioration factor: *Provided*, That if a deterioration factor as computed in paragraph (3)(1)(iv) is less than zero, that deterioration factor shall be zero for the purposes of this paragraph.

(3) The emissions to compare with the standard shall be the adjusted emissions of paragraph (c)(2)(i) and (ii) for each emission data vehicle. Before any emission value is compared with the standard, it shall be rounded, in accordance with ASTM E 29–67, to two significant figures. The rounded emission values may not exceed the standard.

(4) Every test vehicle of an engine family must comply with all applicable standards, as determined in paragraph (c)(3), before any vehicle in that family may be certified.

### § 85.075–29 Testing by the Administrator.

(a) The Administrator may require that any one or more of the test vehicles be submitted to him, at such place or places as he may designate, for the purpose of conducting emissions tests. The Administrator may specify that he will conduct such testing at the manufacturer's facility, in which case instrumentation and equipment specified by the Administrator shall be made available by the manufacturer for test operations. Any testing conducted at a manufacturer's facility pursuant to this paragraph shall be scheduled by the manufacturer as promptly as possible.

(b)(1) Whenever the Administrator conducts a test on a test vehicle, the results of that test, unless subsequently invalidated by the Administrator, shall comprise the official data for the vehicle at that prescribed test point and the manufacturer's data for that prescribed test point shall not be used in determining compliance with emission standards.

(2) Whenever the Administrator does not conduct a test on a test vehicle at a test point, the manufacturer's test data will be accepted as the official data for that test point: *Provided*, That if the Administrator makes a determination based on testing under paragraph (a) of this section, that there is a lack of correlation between the manufacturer's test equipment and the test equipment used by the Administrator, no manufacturer's test data will be accepted for purposes of certification until the reasons for the lack of correlation are determined and the validity of the data is established by the manufacturer.

(3)(i) The emission data vehicle presented to the Administrator for testing shall be calibrated within the production tolerances applicable to the manufacturer's specifications to be shown on the vehicle label (see § 85.075–35(a)(4)(iv)) as specified in the application for certification. If the Administrator determines that a vehicle is not within such tolerances, the vehicle shall be adjusted at the facility designated by the Administrator prior to the test and an engineering report shall be submitted to the Administrator describing the corrective action taken. Based on the engineering report, the Administrator will determine if the vehicle shall be used as an emission data vehicle.

(ii) If the Administrator determines that the test data developed under paragraph (b)(3)(i) would cause the emission data vehicle to fail due to excessive 4,000 mile emissions or by application of the appropriate deterioration factor, then the following procedure shall be observed:

(*a*) The manufacturer may request a retest. Before the retest, the vehicle may be readjusted to manufacturer's specifications, if these adjustments were made incorrectly prior to the first test, and other maintenance or repairs may be performed in accordance with § 85.075–6. All work on the vehicle shall be done at such location and under such conditions as the Administrator may prescribe.

(*b*) The vehicle will be retested by the Administrator and the results of this test shall comprise the official data for the emission data vehicle.

(4) If sufficient durability data are not available at the time of any emission test conducted under paragraph (a) of this section, to enable the Administrator to determine whether an emission data vehicle would fail, the manufacturer may request a retest in accordance with the provisions of paragraphs (c)(3)(i) (*a*) and (*b*) of this paragraph. If the manufacturer does not promptly make such request, he shall be deemed to have waived the right to a retest. A request for retest must be made before the manufacturer removes the vehicle from the test premises.

### § 85.075–30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer and data derived from any additional testing conducted pursuant to § 85.075–29, the Administrator determines that a test vehicle(s) conforms to the regulations of this subpart, he will issue a certificate of conformity with respect to such vehicle(s).

(2) Such certificate will be issued for such period not more than 1 model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle covered by the certificate will meet the requirements of the Act and this subpart.

(b)(1) The Administrator will determine whether a vehicle covered by the application complies with applicable standards by observing the following relationships:

(i) A test vehicle selected under § 85.075–5(b)(2) or (4), shall represent all vehicles in the same engine family of the same engine displacement-exhaust emission control system-evaporative emission control system combination.

(ii) A test vehicle selected under § 85.075–5(b)(3) shall represent all vehicles the same in the same engine family of the same engine displacement-exhaust emission control system-transmission type-fuel system combination.

(iii) A test vehicle selected under § 85.075–5(c)(1), shall represent all vehicles of the same engine-system combination.

(2) The Administrator will proceed as in paragraph (a) of this section with respect to the vehicles belonging to an engine family all of which comply with applicable standards.

(3) If, after a review of the test reports and data submitted by the manufacturer and data derived from any additional testing conducted pursuant to § 85.075–29, the Administrator determines that one or more test vehicles of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination. Within 30 days following receipt of the notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determination, and data in support of such objections. If, after a review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.005 with respect to such issue.

(4) The manufacturer may, at his option, proceed with any of the following alternatives with respect to any engine family represented by a test vehicle(s) determined not in compliance with applicable standards:

(i) Request a hearing under § 85.005, or

(ii) Delete from the application for certification the vehicles represented by the failing test vehicle. (Vehicles so deleted may be included in a later request for certification under § 85.075–32.) The Administrator will then select in place of each failing vehicle an alternate vehicle chosen in accordance with selection criteria employed in selecting the vehicle that failed, or

(iii) Modify the test vehicle and demonstrate by testing that it meets applicable standards. Another vehicle which is in all material respects the same as the first vehicle, as modified, shall then be operated and tested in accordance with applicable test procedures.

(5) If the manufacturer does not request a hearing or present the required data under subparagraph (4) of this paragraph, the Administrator will deny certification.

### § 85.075–31 Separate certification.

Where possible a manufacturer should include in a single application for certification all vehicles for which certification is required. A manufacturer may, however, choose to apply separately for certification of part of his product line. The selection of test vehicles and the computation of test results will be determined separately for each application.

### § 85.075–32 Addition of a vehicle after certification.

(a) If a manufacturer proposes to add to his product line a vehicle of the same engine-system combination as vehicles previously certified but which was not described in the application for certification when the test vehicle(s) representing other vehicles of that combination was certified, he shall notify the Administrator. Such notification shall be in advance of the addition unless the manufacturer elects to follow the procedure described in § 85.075–34. This notification shall include a full description of the vehicle to be added.

(b) The Administrator may require the manufacturer to perform such tests on the test vehicle(s) representing the vehicle to be added which would have been required if the vehicle had been included in the original application for certification.

(c) If, after a review of the test reports and data submitted by the manufacturer, and data derived from any testing conducted under § 85.075–29, the Administrator determines that the test vehicle(s) meets all applicable standards, the appropriate certificate will be amended accordingly. If the Administrator determines that the test vehicle(s) does not meet applicable standards, he will proceed under § 85.075–30(b).

### § 85.075–33 Changes to a vehicle covered by certification.

(a) The manufacturer shall notify the Administrator of any change in production vehicles in respect to any of the parameters listed in § 85.075–5(a)(3) or § 85.075–5(b)(3), giving a full description of the change. Such notification shall be in advance of the change unless the manufacturer elects to follow the procedure described in § 85.075–34.

(b) Based upon the description of the change, and data derived from such testing as the Administrator many require or conduct, the Administrator will determine whether the vehicle, as modified, would still be covered by the certificate of conformity then in effect.

(c) If the Administrator determines that the outstanding certificate would cover the modified vehicles, he will notify the manufacturer in writing. Except as provided in § 85.075–34 the change may not be put into effect prior to the manufacturer's receiving this notification. If the Administrator determines that the modified vehicles would not be covered by the certificate then in effect, then the modified vehicles shall be treated as additions to the product line subject to § 85.075–32.

### § 85.075–34 Alternative procedure for notification of additions and changes.

(a) A manufacturer may, in lieu of notifying the Administrator in advance of an addition of a vehicle under § 85.075–32 or a change in a vehicle under § 85.075–33, notify him concurrently with the making of the change if the manufacturer believes the addition or change will not require any testing under the appropriate section. Upon notification to the Administrator, the manufacturer may proceed to put the addition or change into effect.

(b) The manufacturer may continue to produce vehicles as described in the notification to the Administrator for a maximum of 30 days, unless the Administrator grants an extension in writing. This period may be shortened by a notification in accordance with paragraph (c) of this section.

(c) If the Administrator determines, based upon a description of the addition or change, that no test data will be required, he will notify the manufacturer in writing of the acceptability of the addition or change. If the Administrator determines that test data will be required, he will notify the manufacturer to rescind the change within 5 days of receipt of the notification. The Administrator will then proceed as in § 85.075–32 (b) and (c), or § 85.075–33 (b) and (c) as appropriate.

(d) Election to produce vehicles under this section will be deemed to be a consent to recall all vehicles which the Administrator determined under § 85.075–32(c) do not meet applicable standards, and to cause such nonconformity to be remedied at no expense to the owner.

### § 85.075–35 Labeling.

(a) (1) The manufacturer of any light duty motor vehicle subject to the standards prescribed in § 85.075–1 shall, at the time of manufacture, affix a permanent, legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such vehicles available for sale to the public and covered by a certificate of conformity under § 85.075–30(a).

(2) A plastic or metal label shall be welded, riveted, or otherwise permanently attached in a readily visible position in the engine compartment.

(3) The label shall be affixed by the vehicle manufacturer, who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label, and shall not be affixed to any equipment which is easily detached from such vehicle.

(4) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(i) The label heading: Vehicle Emission Control Information;

(ii) Full corporate name and trademark of manufacturer;

(iii) Engine displacement (in cubic inches) and engine family identification;

(iv) Engine tuneup specifications and adjustments, as recommended by the manufacturer, including idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (e.g. idle CO, idle air-fuel ratio, idle speed drop). These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air-conditioner), if any, should be in operation;

(v) The statement: "This Vehicle Conforms to U.S.E.P.A. Regulations Applicable to 1975 Model Year New Motor Vehicles."

(b) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such vehicle or engine conforms to any applicable State emission standards for new motor vehicles or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the vehicle.

**§ 85.075–36 Submission of vehicle identification numbers.**

(a) The manufacturer of any light duty motor vehicle covered by a certificate of conformity under § 85.075–30(a) shall, not later than 60 days after its manufacture, submit to the Administrator the vehicle identification number of such vehicle: *Provided*, That this requirement shall not apply with respect to any vehicle manufactured within any State, as defined in section 302(d) of the Act.

(b) The requirements of this section may be waived with respect to any manufacturer who provides information satisfactory to the Administrator which will enable the Administrator to identify those vehicles which are covered by a certificate of conformity.

**§ 85.075–37 Production vehicles.**

(a) Any manufacturer obtaining certification under this subpart shall supply to the Administrator, upon his request, a reasonable number of production vehicles selected by the Administrator which are representative of the engines, emission control systems, fuel systems, and transmissions offered and typical of production models available for sale under the certificate. These vehicles shall be supplied for testing at such time and place and for such reasonable periods as the Administrator may require.

(b) Any manufacturer obtaining certification under this subpart shall notify the Administrator, on a quarterly basis, of the number of vehicles of each engine family-engine displacement-exhaust emission control system-fuel system-transmission type-inertia weight class combination produced for sale in the United States during the preceding quarter. A manufacturer may elect to provide this information every 60 days instead or quarterly, to combine it with the notification required under § 85.075–36.

(c) All light duty vehicles covered by a certificate of conformity under § 85.075–30(a) shall be adjusted by the manufacturer to the ignition timing specification detailed in § 85.075–35(a)(4)(iv).

**§ 85.075–38 Maintenance instructions.**

(a) The manufacturer shall furnish or cause to be furnished to the ultimate purchaser of each new motor vehicle subject to the standards prescribed in § 85.075–1, written instructions for the maintenance and use of the vehicle by the ultimate purchaser as may be reasonable and necessary to assure the proper functioning of emission control systems.

(1) Such instructions shall be provided for those vehicle and engine components listed in Appendix VI to this part (and for any other components) to the extent that maintenance of these components is necessary to assure the proper functioning of emission control systems.

(2) Such instructions shall be in clear, and to the extent practicable, nontechnical language.

(b) The maintenance instructions required by this section shall contain a general description of the documentation which the manufacturer will require from the ultimate purchaser or any subsequent purchaser as evidence of compliance with the instructions.

(3) Such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under § 85.075–6(a) and shall explain the conditions under which EGR system and catalytic converter maintenance is to be performed (e.g., what type of warning device is being employed and whether the device is activated by component failure or the need for periodic maintenance).

**§ 85.075–39 Submission of maintenance instructions.**

(a) The manufacturer shall provide to the Administrator, no later than the time of the submission required by § 85.075–4, a copy of the maintenance instructions which the manufacturer proposes to supply to the ultimate purchaser in accordance with § 85.075–38(a). The Administrator will review such instructions to determine whether they are reasonable and necessary to assure the proper functioning of the vehicle's emission control systems. The Administrator will notify the manufacturer of his determination whether such instructions are reasonable and necessary to assure the proper functioning of the emission control systems.

(b) Any revision to the maintenance instructions which will affect emissions shall be supplied to the Administrator at least 30 days before being supplied to the ultimate purchaser unless the Administrator consents to a lesser period of time.

1. In § 85.702, paragraphs (a)(18) and (a)(19) are added. As amended, the section reads as follows:

**§ 85.702 Definitions**

(a) * * *

(18) "Scheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of engine components or systems which is performed on a periodic basis to prevent part failure or vehicle (if the engine were installed in a vehicle) malfunction.

(19) "Unscheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of engine components or systems which is performed to correct a part failure or vehicle (if the engine were installed in a vehicle) malfunction.

2. In § 85.774–2, paragraph (a) is revised. As amended, the section reads as follows:

**§ 85.774–2 Application for certification.**

(a) An application for a certificate of conformity to the regulations applicable to any new motor vehicle engine shall be made to the Administrator by the manufacturer and shall be kept current and accurate by amendment.

* * * * *

3. In § 85.774–6, paragraphs (a)(1) and (b) are revised. As amended, the section reads as follows:

**§ 85.774–6 Maintenance.**

(a)(1) Scheduled maintenance on the engine and fuel system of durability engines shall be performed only under the following provisions and shall be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser of the motor vehicle.

* * * * *

(b) Complete emission tests (see § 85.774–10 through § 85.774–18) shall be run, unless waived by the Administrator, before and after any engine maintenance which may reasonably be expected to affect emissions. These test data shall be air posted to the Administrator within 24 hours (or delivered within three working days) after the test, along with a complete record of all pertinent maintenance, including a preliminary engineering report of any malfunction diagnosis and the corrective action taken. A complete engineering report shall be delivered or air posted to the Administrator within ten working days after the tests. In addition, all test data and maintenance reports shall be compiled and provided to the Administrator in accordance with § 85.774–4.

* * * * *

4. In § 85.774–9, paragraph (b) is revised and paragraph (d), which had been omitted, is added. As amended, the section reads as follows:

§ 85.774–9 Test procedures.

* * * * *

(b) The test is designed to determine the brake-specific emissions of hydrocarbons, carbon monoxide, and oxides of nitrogen during a truck driving pattern in a metropolitan area as stimulated on an engine dynamometer. The test consists of two warmup cycles and the hot cycles are combined to yield the reported values.

* * * * *

(d) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle engine shall be functioning during all procedures in this subpart. Maintenance to correct component failure or malfunction shall be authorized in accordance with § 85.774–6.

5. In § 85.774–13, paragraph (b) is revised. As amended, the section reads as follows:

§ 85.774–13 Sampling and analytical system for measuring exhaust emissions.

* * * * *

(b) Component description. The following components shall be used in sampling and analytical systems for testing under the regulations in this subpart. Other types of sampling and analytical systems may be used if shown to yield equivalent results and if approved in advance by the Administrator.

* * * * *

6. In § 85.774–28, paragraph (c)(1)(ii) is revised. As amended, the section reads as follows:

§ 85.774–28 Compliance with emission standards.

* * * * *

(c) * * *

(1) * * *

(ii) All applicable results shall be plotted as a function of the hours on the system, rounded to the nearest hour, and the best fit straight lines, fitted by the method of least squares, shall be drawn through these data points. The interpolated 125- and 1,500-hour points on this line must be within the standard provided in § 85.774–1 or the data shall not be used in calculation of a deterioration factor, unless no applicable data point exceeded the standard.

* * * * *

7. In § 85.774–30, paragraphs (a)(2) and (b)(1)(ii) are revised. As amended, the section reads as follows:

§ 85.774–30 Certification.

(a) (1) * * *

(2) Such certificate will be issued for such period not more than one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle engine covered by the certificate will meet the requirements of the Act and this subpart.

(b)(1) * * *

(ii) A test engine selected under § 85.774–5(b)(3) shall represent all engines of the same engine-system combination.

* * * * *

8. In § 85.774–33, paragraph (a) is corrected. As corrected, the section reads as follows:

§ 85.774–33 Changes to an engine covered by certification.

(a) The manufacturer shall notify the Administrator of any change in production engines in respect to any of the parameters listed in § 85.774–5(a)(3) or § 85.774–5(b)(3), giving a full description of the change. Such notification shall be in advance of the change unless the manufacturer elects to follow the procedure described in § 85.774–34.

9. In § 85.802, paragraphs (a)(23) and (a)(24) are added. As amended, the section reads as follows:

§ 85.802 Definitions.

(a) * * *

(23) "Scheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of engine components or systems which is performed on a periodic basis to prevent part failure or vehicle (if the engine were installed in a vehicle) malfunction.

(24) "Unscheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of engine components or systems which is performed to correct a part failure or vehicle (if the engine were installed in a vehicle) malfunction.

10. In § 85.874–2, paragraph (a) is revised. As amended, the section reads as follows:

§ 85.874–2 Application for certification.

(a) An application for a certificate of conformity to the regulations applicable to any new motor vehicle engine shall be made to the Administrator by the manufacturer and shall be kept current and accurate by amendment.

* * * * *

11. In § 85.874–6, paragraphs (a)(1) and (b) are revised. As amended, the section reads as follows:

§ 85.874–6 Maintenance.

(a)(1) Scheduled maintenance on the engine and fuel system of durability engines shall be performed only under the following provisions and shall be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser of the motor vehicle.

* * * * *

(b) Complete emission tests (see § 85.874–10 through § 85.874–18) shall be run, unless waived by the Administrator, before and after any engine maintenance which may reasonably be expected to affect emissions. These test data shall be air posted to the Administrator within 24 hours (or delivered within three working days) after the tests, along with a complete record of all pertinent maintenance, including a preliminary report of any malfunction diagnosis and the corrective action taken. A complete engineering report shall be delivered or air posted to the Administrator within ten working days after the tests. In addition, all test data and maintenance reports shall be compiled and provided to the Administrator in accordance with § 85.874–4.

* * * * *

12. In § 85.874–7, paragraph (e) is deleted. As amended, the section reads as follows:

§ 85.875–7 Service accumulation and emission measurements.

* * * * *

(e) [deleted]

13. In § 85.874–9, paragraph (d) is revised. As amended, this section reads as follows:

§ 85.874–9 Test procedures.

* * * * *

(d) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle engine shall be functioning during all procedures in this subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with § 85.874–6.

14. In § 85.874–15, paragraph (b) was omitted. As corrected, the section reads as follows:

§ 85.874–15 Instrument checks.

* * * * *

(b) The instruments for measuring and recording engine r.p.m., engine torque, air inlet restrictions, exhaust system back pressure, etc. which are used in the tests prescribed herein, shall be calibrated from time to time in accordance with good technical practice.

15. In § 85.874–28, paragraph (c)(1)(ii) is revised. As amended, the section reads as follows:

§ 85.874–28 Compliance with emission standards.

* * * * *

(c) * * *

(1) * * *

(ii) All applicable results shall be plotted as a function of the hours on the system, rounded to the nearest hour, and the best fit straight lines, fitted by the method of least squares, shall be drawn through these data points. The

interpolated 125- and 1,000-hour points on this line must be within the standard provided in § 85.874–1 or the data shall not be used in calculation of a deterioration factor, unless no applicable data point exceeded the standard.

* * * * *

16. In § 85.874–30, paragraphs (a)(2) and (b)(1)(ii) are revised. As amended, the section reads as follows:

**§ 85.874–30 Certification.**

(a) * * *

(1) * * *

(2) Such certificate will be issued for such period not more than one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle engine covered by the certificate will meet the requirements of the Act and this subpart.

(b)(1) * * *

(ii) A test engine selected under § 85.874–5(b)(3) shall represent all engines of the same engine-system combination.

* * * * *

17. In § 85.874–33, paragraph (a) is corrected. As corrected, the section reads as follows:

**§ 85.874–33 Changes to an engine covered by certification.**

(a) The manufacturer shall notify the Administrator of any change in production engines in respect to any of the parameters listed in § 85.874–5(a)(3) or § 85.874–5(b)(3), giving a full description of the change. Such notification shall be in advance of the change unless the manufacturer elects to follow the procedure described in § 85.874–34.

18. In § 85.902, paragraphs (a)(23) and (a)(24) are added. As amended, the section reads as follows:

**§ 85.902 Definitions.**

(a) * * *

(23) "Unscheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of engine components or systems which is performed on a periodic basis to prevent part failure of vehicle (if the engine were installed in a vehicle) malfunction.

(24) "Unscheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of engine components or systems which is performed to correct a part failure or vehicle (if the engine were installed in a vehicle) malfunction.

19. In § 85.974–2, paragraph (a) is revised. As amended, the section reads as follows:

**§ 85.974–2 Application for certification.**

(a) An application for a certificate of conformity to the regulations applicable to any new motor vehicle engine shall be made to the Administrator by the manufacturer and shall be kept current and accurate by amendment.

* * * * *

20. In § 85.974–6, paragraphs (a)(1) and (b) are revised. As amended, the section reads as follows:

**§ 85.974–6 Maintenance.**

(a)(1) Scheduled maintenance on the engine and fuel system of durability engines shall be performed only under the following provisions and shall be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser of the motor vehicle.

* * * * *

(b) Complete emission tests (see § 85.974–10 through § 85.974–18) shall be run, unless waived by the Administrator, before and after any engine maintenance which may reasonably be expected to affect emissions. These test data shall be air posted to the Administrator within 24 hours (or delivered within three working days) after the tests, along with a complete record of all pertinent maintenance, including a preliminary engineering report of any malfunction diagnosis and the corrective action taken. A complete engineering report shall be delivered or air posted to the Administrator within ten working days after the tests. In addition, all test data and maintenance reports shall be compiled and provided to the Administrator in accordance with § 85.974–4.

* * * * *

21. In § 85.974–7, paragraphs (g) and (h), which had been omitted, are revised, and the paragraph previously appearing as (g) properly appears in § 85.974–9. As amended, the section reads as follows:

**§ 85.974–7 Service accumulation and emission measurements.**

* * * * *

(g)(1) The Administrator may elect to operate and test any test engine during all or any part of the service accumulation and testing procedure. In such cases, the manufacturer shall provide the engine(s) to the Administrator with all information necessary to conduct the testing, and the Administrator will conduct the complete emission test (§ 85.974–9 through § 85.974–18) at such test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(2) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other engines of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(h) A break-in procedure, not to exceed 20 hours, may be run if approved in writing in advance by the Administrator. This procedure would be run after the 0 hour test, and the hours accumulated would not be counted as part of the service accumulation.

22. In § 85.974–9, paragraph (d), which had been omitted, is revised. As corrected and amended, the section reads as follows:

**§ 85.974–9 Test procedures.**

* * * * *

(d) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle engine shall be functioning during all procedures in this subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with § 85.974–6.

23. In § 85.974–13, paragraph (a) is revised. As amended, the section reads as follows:

**§ 85.974–13 Sampling and analytical methods.**

(a) The determination of the carbon monoxide and nitric oxide concentrations shall be accomplished using sampling and analysis components as specified in Sections 2.1 and 2.2 of the SAE Recommended Practice No. J177 titled, "Measurement of Carbon Dioxide, Carbon Monoxide and Oxides of Nitrogen in Diesel Exhaust," dated June 1970. Other sampling and analysis components may be used if shown to yield equivalent results and if approved in advance by the Administrator.

* * * * *

24. In § 85.974–16, paragraph (b)(6) is revised. As amended, the section reads as follows:

**§ 85.974–16 Test run.**

* * * * *

(b) * * *

(6) Start the test sequence of § 85.974–11. Operate the engine for 10 minutes in each mode, completing engine speed and load changes in the first minute. If a delay of more than 10 minutes occurs between the end of one mode and the start of the next mode, discontinue the sequence and repeat the test from Mode No. 1. Record the response of the analyzers on a strip chart recorder for the full 10 minutes with exhaust gas flowing through the analyzers at least during the last 5 minutes. Record the engine speed and load, intake air temperature and restriction, exhaust back pressure, fuel flow and air or exhaust flow during the last 5 minutes of each mode, making certain that the speed and load requirements of § 85.974–11(b) are met during the last minute of each mode. Fuel flow during idle or 2 percent load conditions may be determined just prior to or immediately following the dynamometer, sequence, if longer times are required for accurate measurements.

25. In § 85.974–18, paragraph (c) is revised. As amended, the section reads as follows:

**§ 85.974–18 Calculations.**

* * * * *

(c) Multiply the corrected nitric oxide values by the following humidity correction factor:

$$\frac{1}{1+A\,(H-75)+B\,(T-85)}$$

Where:

A=0.044 (F/A) −0.0038
B=0.116 (F/A) =0.0053
H=humidity of the inlet air in grains of water per pound of dry air
T=temperature of the air in F.
F/A=Fuel-air ratio (dry air basis)

* * * * *

26. In § 85.974–28, paragraph (c) (1) (ii) is revised. As amended, this section reads as follows:

**§ 85.974–28 Compliance with emission standards.**

* * * * *

(c) * * *

(1) * * *

(ii) All applicable results shall be plotted as a function of the hours on the system, rounded to the nearest hour, and the best fit straight lines, fitted by the method of least squares, shall be drawn through these data points. The interpolated 125- and 1,000-hour points on this line must be within the standard provided in § 85.974–1 or the data shall not be used in calculation of a deterioration factor, unless no applicable data point exceeded the standards.

* * * * *

27. In § 85.974–30, paragraphs (a) (2) and (b) (1) (ii) are revised. As amended, the section reads as follows:

**§ 85.974–30 Certification.**

(a) * * *

(2) Such certificate will be issued for such period not more than one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle engine covered by the certificate will meet the requirements of the Act and this subpart.

(b) (1) * * *

(ii) A test engine selected under § 85.974–z(b) (3) shall represent all engines of the same engine-system combination.

* * * * *

28. In § 85.974–33, paragraph (a) is corrected. As corrected, the section reads as follows:

**§ 85.974–33 Changes to an engine covered by certification.**

(a) The manufacturer shall notify the Administrator of any change in production engines in respect to any of the parameters listed in § 85.974–5(a) (3) or § 85.974–5(b) (3), giving a full description of the change. Such notification shall be in advance of the change unless the manufacturer elects to follow the procedure described in § 85.974–34.

* * * * *

29. In § 85.1602, paragraph (a) (3) (ii) is corrected. As amended, the section reads as follows:

**§ 85.1602 Low-emission vehicle.**

(a) * * *

(3) * * *

(ii) Carbon monoxide. 28 grams per vehicle mile;

* * * * *

30. Appendix III is revised as follows:

APPENDIX III

The following calibration procedure outlines the equipment, the test setup configuration, and the various parameters which must be measured to establish the flow rate of the constant volume sampler pump. All the parameters related to the pump are simultaneously measured with the parameters related to a flowmeter which is connected in series with the pump. The calculated flow rate (ft³/rev @ pump inlet absolute pressure and temperature) can then be plotted versus a correlation function which is the value of a specific combination of pump parameters. The linear equation which relates the pump flow and the correlation function is then determined. In the event that a CVS has a multiple speed drive, a calibration for each range should be performed.

This calibration procedure is based on the measurement of the absolute values of the pump and flowmeter parameters that relate the flow rate at each point. Three conditions must be maintained to assure the accuracy and integrity of the calibration curve. First, the pump pressures should be measured at taps on the pump rather than at the external piping on the pump inlet and outlet. Pressure taps that are mounted at the top and bottom center of the pump drive headplate are exposed to the actual pump cavity pressures, and therefore reflect the absolute pressure differentials. Secondly, temperature stability must be maintained during the calibration. The laminar flowmeter is sensitive to inlet temperature oscillations which cause the data points to be scattered. Gradual changes (± 2°F) in temperature are acceptable as long as they occur over a period of several minutes. Finally, all connections between the flowmeter and the CVS pump must be absolutely void of any leakage.

During a CVS emissions test the measurement of these same pump parameters enables the user to calculate the flow rate from the calibration equation.

After the calibration curve has been obtained, a verification test of the entire system can be performed by injecting a known mass of gas into the system and comparing the mass indicated by the system to the true mass injected. An indicated error does not necessarily mean that the calibration is wrong, since other factors can influence the accuracy of the system.

Equipment:

The following list of equipment will be needed to perform this calibration procedure. Figure 1 illustrates a typical equipment arrangement used for calibration. All of the equipment involved should conform to the range and accuracy as specified in Figure 1.

Equipment List:

1. LFE—Laminar Flowmeter
2. Micromanometer
3. Thermometer
4. Timer
5. U-Tube Manometers
6. Temperature Indicator with type J Thermocouples
7. A variable flow restrictor with appropriate piping to connect the CVS pump and LFE.

After the system has been connected as shown in Figure 1, set the variable restrictor in the wide open position and run the CVS pump for twenty minutes. Record the calibration data.

CALIBRATION DATA MEASUREMENTS

| Parameter | Symbol | Units | Tolerance |
|---|---|---|---|
| Barometric Pressure (Corrected) | $P_B$ | "Hg | ±.01 "Hg. |
| Ambient Temperature | $T_A$ | °F | ±.5 °F. |
| Air temperature into LFE | ETI | °F | ±.1 °F. |
| Pressure depression upstream of LFE | EPI | "$H_2O$ | ±.05 "$H_2O$. |
| Pressure drop across the LFE matrix | EDP | "$H_2O$ | ±.005 "$H_2O$. |
| Air temperature at CVS pump inlet | PTI | °F | ±.5 °F. |
| Pressure depression at CVS pump inlet | PPI | "Fluid | ±.05 "Fluid. |
| Specific gravity of manometer fluid | Sp. Gr. | | |
| Pressure head at CVS pump outlet | PPO | "Fluid | ±.05 "Fluid. |
| Air temperature at CVS pump outlet (Optional) | PTO | °F | ±.5 °F. |
| Pump revolutions during test period | N | Revs | None. |
| Elapsed time for test period | t | Secs | ±.05 Secs. |

*Note: The fluid level in the manometer tube should stabilize before the reading is made and the elapsed time for revolution counting should be greater than 120 seconds.

Reset the restrictor valve to a more restricted condition in an increment of pump inlet depression (aout 4" $H_2O$) that will yield a minimum of six data points for the total calibration.

Allow the system to stabilize for 3 minutes and repeat the data acquisition.

Data Analysis:

The data recorded during the calibration are to be used in the following calculations.

1. The air flow rate at each test point is calculated in standard cubic feet per minute (Qs) from the flowmeter data using the manufacturer's prescribed method.

2. The air flow rate is then converted to pump flow, Vo, in cubic feet per revolution at absolute pump inlet temperature and pressure.

$$V_o=\frac{Q_s}{n}\times\frac{T_p}{530}\times\frac{29.92}{P_p}$$

Where:

Qs=Meter air flow rate in standard cubic feet per minute (flowmeter standard conditions are 70°F, 29.92 "Hg).
n=Pump speed in revolutions per minute.
$P_p$=Absolute pump inlet pressure, in ("Hg).
$P_p=P_B-PPI$ (SP.GR./13.57), $T_p=PTI+460$.

3. The correlation function at each test point is then calculated from the calibration data, as follows:

$$X_o=\frac{1}{n}\sqrt{\frac{\Delta P_p}{P_e}}$$

Where:

$\Delta P_p$=The pressure differential from pump inlet to pump outlet, in ("Hg). $\Delta P_p=P_e-P_p$.
$P_e$=Absolute pump outlet pressure, in ("Hg).
$P_e=P_B+PPO$ (SP.GR./13.57).

See § 85.074–26 for other definitions.

4. A linear least squares fit is performed to generate the calibration equations which have the forms

$$V_o=D_o-M(X_o)$$
$$n=A-B(\Delta P_p)$$

Do, M, A, and B are the slope-intercept constants describing the lines.

A CVS system that has multiple speeds should be calibrated on each speed used. The calibration curves generated for the ranges will be approximately parallel and the intercept values, $D_o$, will increase as the pump flow range decreases.

If the calibration has been performed carefully, the calculated $V_o$ values from the equation will be within ±.50% of the measured value of $V_o$. Values of M will vary from one pump to another, but values of $D_o$ for pumps of the same make, model, and range should agree within ±3% of each other. Particulate influx from use will cause the pump slip to decrease as reflected by lower values for M. Calibrations should be performed at 0, 50, 100, 200, 400, etc. hours of pump operation to assure the stability of the pump slip rate. Analysis of mass injection data will also reflect pump slip stability.

CVS System Verification:

The following technique can be used to verify that the CVS and analytical instruments can accurately measure a mass of gas that has been injected into the system.

1. Otain a small cylinder that has been charged with pure propane or carbon monoxide gas (caution—carbon monoxide is poisonous!). Critical flow orifice devices can also be used for constant flow metering.

2. Determine a reference cylinder weight to the nearest 0.01 gram.

3. Operate the CVS in the normal manner and release a quantity of pure propane or carbon monoxide into the system during the sampling period.

4. The calculations of § 85.074–26 are performed in the normal way except, in the case of propane, the density of propane (17.30 grams/cu. ft./carbon atom) is used in place of the density of exhaust hydrocarbons. In the case of carbon monoxide, the density of 32.97 grams/cu. ft. is used.

5. The gravimetric mass is subtracted from the CVS measured mass and then divided by the gravimetric mass to determine the percent accuracy of the system.

6. The cause for any discrepancy greater than ±2% should be found and corrected. The following list of parametric errors may assist the operator in locating the cause of large errors.

Positive Error (Indication is higher than true value):

1. Calculated $V_o$ is greater than actual $V_o$.

a. Original calibration in error.

2. Pump inlet temperature recorder is reading low. A 6° F. discrepancy will give a 1% error.

3. Pump inlet pressure indicator is reading high. A 3.5 in. $H_2O$ high reading will give 1% error.

4. Background concentration reading is too low. Check analyzer zero. Check leakage at floor inlet.

5. Analyzer is reading high. Check span.

6. Barometer reading is in error (too high). Barometric pressure reading should be gravity and temperature corrected.

7. Revolution counter is reading high (Check pump speed and counters.)

8. Mixture is stratified causing the sample to be higher than the average concentration in the mixture.

Negative Error (Indication is lower than true value):

1. Calculated $V_o$ is less than actual $V_o$.

a. Original calibration in error.

b. Pump clearances decreased due to influx of some surface adherent material. Recalibration may be needed.

2. Pump inlet temperature recorder is reading high.

3. Pump inlet pressure indicator is reading low.

4. Background concentration reading is too high.

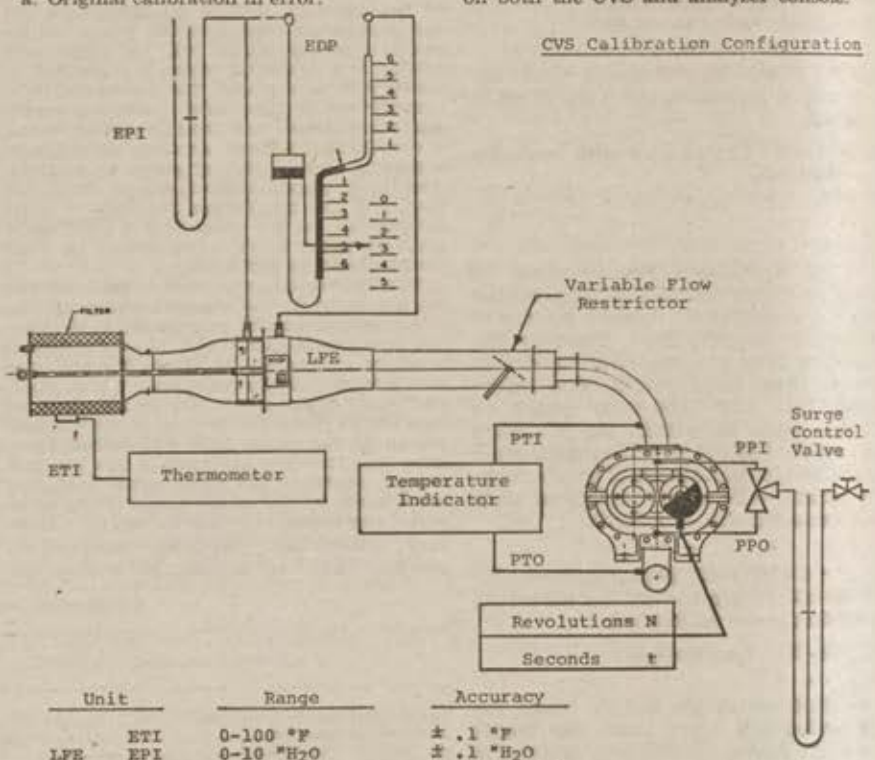
5. Analyzer is reading low.

6. Barometer reading is in error (too low).

7. Revolution counter is reading low.

8. There is a leak into the sampling system. Pressure check the lines and fittings on the intake side of sample transfer pumps on both the CVS and analyzer console.

CVS Calibration Configuration




| Unit | | Range | Accuracy |
|---|---|---|---|
| | ETI | 0-100 °F | ± .1 °F |
| LFE | EPI | 0-10 "$H_2O$ | ± .1 "$H_2O$ |
| | EDP | 0-10 "$H_2O$ | ± .005 "$H_2O$ |
| | PTI | 0-250 °F | ± .5 °F |
| | PPI | 0-36 "Fluid | ± .05 "Fluid |
| | PPO | 0-36 "Fluid | ± .05 "Fluid |
| Pump | PTO | 0-250 °F | ± .5 °F |
| | N | 0-100,000 | ± 0 |
| | t | 0-10,000 secs. | ± .05 secs. |

Note: Fluid used in 36 inch manometer should extend range to at least 0-60 "$H_2O$. Separate manometers for PPI and PPO may be used during calibration.

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