federal register

THURSDAY, AUGUST 23, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 163

Pages 22615–22758

PART I

(Part II begins on page 22735)

(Part III begins on page 22755)

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.

(Continued inside)

August 23, 1973—Pages 22615–22758

REMINDERS

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

federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by the Executive Branch of the Federal Government. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Contents

(Continued on next page)

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month. In the last issue of the month the cumulative list will appear at the end of the issue.

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.

7 CFR

876 22627
908 22629
1421 22630

PROPOSED RULES:

52 22654

9 CFR

319 22621

12 CFR

PROPOSED RULES:

611 22646
612 22646
613 22646
614 22646
615 22646
618 22646

14 CFR

39 22621
71 22622
97 22622

PROPOSED RULES:

39 22634
71 22634

21 CFR

135 22622
135a 22623
135b 22623
135e 22623
135g 22623

29 CFR

1903 22623

PROPOSED RULES:

1910 22631
1915 22632
1916 22632
1917 22632
1918 22632

32 CFR

2000 22624

33 CFR

401 22626

36 CFR

PROPOSED RULES:

7 (2 documents) 22633, 22634

38 CFR

PROPOSED RULES:

3 22650

40 CFR

52 22736
105 22756

PROPOSED RULES:

39 22635
162 22636

41 CFR

PROPOSED RULES:

15-60 22637

43 CFR

PUBLIC LAND ORDER:

5386 22625

49 CFR

1033 22625

PROPOSED RULES:

1241 22650
1310 22654

50 CFR

20 22626
32 (3 documents) 22626

Rules and Regulations

Title 9—Animals and Animal Products

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

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

Standard of Composition for Frankfurters and Certain Other Cooked Sausage Products; Postponement of Effective Date

On June 5, 1973, there were published in the FEDERAL REGISTER (37 FR 14741–14743) amendments to Part 319 of the Federal meat inspection regulations (9 CFR 319.180) establishing new standards for frankfurters and other cooked sausage products, in accordance with the order of the U.S. District Court for the District of Columbia in connection with the case of the Federation of Homemakers v. Earl L. Butz, et al. The reasons for those amendments were set forth in the June 5 notice. The notice provided that the amendments would become effective September 7, 1973, in accordance with the court order.

After publishing the June 5, 1973, amendments, the Department and the court received requests from frankfurter and similar cooked sausage processors to postpone the September 7 effective date on the basis that it would result in considerable economic dislocation. Information and data were made available to the Department to substantiate their request. At the direction of the court, the Department submitted information to the court regarding this matter. On August 8, 1973, the Department received notice of modified judgment from said court which read as follows:

"The Court, having received correspondence from persons not parties to this litigation and being advised that the order of the Court heretofore entered on March 9, 1973, could cause prejudicial economic injury to such persons, does this 8th day of August, 1973,

Order and adjudge that the effective date of the mandate of this Court entered on May 5, 1973, as extended by the JUDGMENT entered on March 9, 1973, is hereby further extended to and including December 31, 1973. After that date the defendants may not permit the movement from any official establishment of any sausage product within the standard in 9 CFR 319.180, as amended, bearing the label designation 'All Meat' or 'All (Species)'. Rather, as mandated by the Court of Appeals (No. 71–1611, decided August 18, 1972), the defendants shall direct the use of labels by such establishments that accurately and without deception distinguish the different types of such sausage products from each other and from competitive meats."

Accordingly, the amendments to the regulations (9 CFR 319.180) establishing new standards for frankfurters and other cooked sausage products (37 FR 14741–14743) shall become effective January 1, 1974.

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 37 FR 28464, 28477)

This action complies with the modified judgment of the court. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public rulemaking procedure on this action are impracticable and unnecessary, and good cause is found for making this action effective less than 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., on August 20, 1973.

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

[FR Doc.73-17902 Filed 8-22-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 13132; Amdt. 39-1706]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation Model BH-125 and DH-125 Airplanes

There have been reports that a number of overhauled oxygen cylinders installed on Hawker Siddeley Model BH-125 and DH-125 airplanes have had the overhaul identification markings applied in critical locations. Such a cylinder could burst in flight. Since this condition is likely to exist or develop in other Hawker Siddeley Model BH-125 and DH-125 airplanes with overhauled oxygen cylinders installed, an airworthiness directive is being issued to require inspection of the oxygen cylinders for overhaul stamp impression location, and replacement, if necessary, on Hawker Siddeley Model BH-125 and DH-125 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made 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 of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to to Hawker Siddeley Model BH-125 and DH-125 airplanes equipped with overhauled oxygen cylinders.

Compliance is required within the next 14 days after the effective date of this AD, except as provided in paragraph (c), and thereafter at each replacement of an oxygen cylinder with an overhauled oxygen cylinder.

To prevent the possible burst failure of overhauled oxygen cylinders, P/N WKA 29396/GR14, WKA 29396/GR22, WKA 31393, and WKA 31394, due to the overhaul stamp impression being located on a critical area of the cylinder, accomplish the following:

(a) Visually inspect the surface of the oxygen cylinder for evidence of stamp impressions indicating the date of the overhaul or letters designating the overhaul agency.

(b) If stamp impressions are found during an inspection required by paragraph (a), on the cylinder shoulder, either (1) outboard of a radius of 3 inches from the cylinder center, or (2) inboard of a 3-inch radius and accompanied by local distortion in the hemispherical profile at the stamp impression, before further flight, replace the cylinder with a serviceable part of the same part number, or an FAA-approved equivalent.

(c) If the oxygen system is to be recharged before accomplishment of the inspection provisions of this AD, the oxygen system charge must be limited to not more than 50 percent of normal full quantity, and a placard must be installed adjacent to the oxygen system charging point, stating, "System Contents Must Not Exceed ½ Full At Any Time."

(d) The placard required by paragraph (c) may be removed when it is determined by an inspection in accordance with paragraph (a) that the oxygen cylinders have no stamp impressions on the cylinder shoulder, outboard of a radius of 3 inches from the cylinder center, and if there is a stamp impression inboard of a 3-inch radius, that there is no local distortion in the hemispherical profile at the stamp impression.

This amendment becomes effective August 28, 1973.

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

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

[FR Doc.73-17834 Filed 8-22-73;8:45 am]

[Airspace Docket No. 73-NW-08]

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

Alteration of Transition Area

On July 3, 1973 a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 17734) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation regulations that would alter the description of the Medford, Oregon Transition Area.

Interested persons were given thirty days in which to submit written data, views, or arguments. No objections were received, and the proposed amendment is hereby adopted without change.

Effective date.—This amendment shall be effective 0901 G.m.t., October 11, 1973.

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

Issued in Seattle, Washington, August 15, 1973.

C. B. WALK, Jr.,
Director.

In § 71.181 (38 FR 435) the description of the Medford, Oregon, Transition Area, as amended, (38 FR 13730) is further amended as follows:

MEDFORD, OREGON

That airspace extending upward from 700 feet above the surface within 7-miles northeast and 5-miles southwest of the Medford ILS localizer northwest course extending from 3-miles northwest of the Pumic LOM (Latitude 42°27'03.8" N., Longitude 122° 54'44.1" W.), to 24 miles northwest of the LOM; within 3.5 miles each side of the Medford ILS localizer southeast course extending from the LOM to 24 miles southeast of the LOM; that airspace extending upward from 1200' above the surface, bounded on the east by V-452, on the southeast by the 40 mile-arc centered on Klamath Falls VORTAC, on the south by V-122, on the west by V-23; that airspace southeast of Medford bounded on the north by the south edge of V-122, on the east by the 40 mile-arc centered on Klamath Falls VORTAC, on the south by the 7-mile-radius area centered on the Siskiyou County Airport, on the west by the east edge of V-27E; and that airspace extending upward from 6,200 feet MSL within 5 miles each side of the Medford VORTAC 271° radial extending from the west edge of V23-E to the east edge of V-27.

[FR Doc.73-17835 Filed 8-22-73;8:45 am]

[Docket No. 13129; Amdt. 878]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

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

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

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, *effective October 4, 1973.*

Jamestown, N.D.—Jamestown Municipal Arpt., VOR Rwy 30, Amdt. 3.
Rochester, N.Y.—Rochester-Monroe Co. Arpt., VOR Rwy 22, Orig.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, *effective September 6, 1973.*

Jackson, Tenn.—McKellar Field, LOC Rwy 2, Orig., Canceled.
* * * *effective August 30, 1973.*
Kinston, N.C.—Stallings Field, LOC Rwy 4, Orig., Canceled.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, *effective October 4, 1973.*

Florence, S.C.—Florence Municipal Arpt., NDB Rwy 9, Amdt. 4.
Jamestown, N.D.—Jamestown Municipal Arpt., NDB Rwy 30, Amdt. 1.
* * * *effective August 30, 1973.*
Kinston, N.C.—Stallings Field, NDB Rwy 4, Amdt. 1.
* * * *effective August 9, 1973.*
Kosciusko, Miss.—Kosciusko-Attala County Arpt., NDB Rwy 14, Amdt. 3.

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

Florence, S.C.—Florence Municipal Arpt., ILS Rwy 9, Amdt. 4.
Jamestown, N.D.—Jamestown Municipal Arpt., ILS Rwy 30, Amdt. 1.
* * * *effective September 6, 1973.*
Jackson, Tenn.—McKellar Field, ILS Rwy 2, Orig.
* * * *effective August 30, 1973.*
Kinston, N.C.—Stallings Field, ILS Rwy 4, Orig.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAP's, *effective September 6, 1973.*

Springfield, Ill.—Capital Arpt., RADAR-1, Orig.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1).)

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

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

[FR Doc.73-17833 Filed 8-22-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

Gentamicin Sulfate Injection, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (47-486V) filed by American Scientific Laboratories, A Division of Schering Corp., Bloomfield, N.J. 07003, proposing the safe and effective use of gentamicin sulfate injection, veterinary in 1- to 3-day-old turkey poults as an aid in the prevention of early mortality due to Arizona paracolon infections susceptible to gentamicin sulfate. The application is approved.

The Commissioner further concludes that the new animal drug regulations should be amended to provide for the establishment of a tolerance for negligible residues of gentamicin sulfate in the edible tissues of turkeys.

To facilitate referencing, the firm is being assigned a code number and placed in the list of sponsors in § 135.501 (21 CFR 135.501).

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), Parts 135, 135b, and 135g are amended as follows:

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

1. Section 135.501 is amended in paragraph (c) by adding a new code number as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

Code No.	Firm name and address
* * *	* * *
081	American Scientific Laboratories, a Division of Schering Corp., Bloomfield, N.J. 07003.
* * *	* * *

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

2. Part 135b is amended in § 135b.19 by revising paragraphs (a) and (b), by revising the heading for paragraph (c) from "Conditions of use" to "Conditions of use in dogs and cats", and by adding a new paragraph (d) as follows:

§ 135b.19 Gentamicin sulfate injection, veterinary.

(a) *Specifications.*—Conforms to the standards of identity, strength, quality, and purity prescribed by § 148q.4 of this chapter, except that each milliliter of the drug contains gentamicin sulfate equivalent to 50 milligrams of gentamicin base if intended for use in dogs and cats or gentamicin sulfate equivalent to 5 milligrams of gentamicin base if intended for use in turkeys.

(b) *Sponsor.*—(1) See code No. 032 in § 135.501(c) of this chapter for conditions of use provided for in paragraph (c) of this section.

(2) See code No. 081 in § 135.501(c) of this chapter for conditions of use provided for in paragraph (d) of this section.

(c) *Conditions of use in dogs and cats.*

* * * * *

(d) *Conditions of use in turkeys.*—(1) It is used in 1- to 3-day-old turkey poults as an aid in the prevention of early mortality due to Arizona paracolon infections susceptible to gentamicin sulfate.

(2) It is administered subcutaneously in the neck of 1- to 3-day-old turkey poults at a rate of 1 milligram per poult.

(3) For use in 1- to 3-day-old turkey poults only. Injected poults must not be slaughtered for food for at least 9 weeks following treatment.

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

3. Part 135g is amended by adding the following new section:

§ 135g.80 Gentamicin sulfate.

A tolerance of 0.1 part per million is established for negligible residues of gentamicin sulfate in the uncooked edible tissues of turkeys.

Effective date.—This order shall be effective on August 23, 1973.

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

Dated August 15, 1973.

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

[FR Doc.73-17831 Filed 8-22-73;8:45 am]

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

Combination Drug for Treatment of Cats

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (12-890V) filed by Schering Corp., 86 Orange St., Bloomfield, N.J. 07003, proposing the safe and effective use of an otic suspension containing various drugs for the treatment of otitis externa in cats. The supplemental application is approved.

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

§ 135a.47 Dexamethasone acetate, nitrofurathiazide, griseofulvin, undecylenic acid, tetracaine hydrochloride otic suspension.

(a) *Specifications.*—Dexamethasone acetate, nitrofurathiazide, griseofulvin, undecylenic acid, tetracaine hydrochloride otic suspension contains in each milliliter 0.25 milligram dexamethasone acetate (equivalent to 0.226 milligram dexamethasone alcohol), 2 milligrams nitrofurathiazide, 15 milligrams griseofulvin, 10 milligrams undecylenic acid, 10 milligrams tetracaine hydrochloride.

(b) *Sponsor.*—See code No. 032 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) The drug is indicated for the treatment of acute otitis externa and as adjunctive therapy in the treatment of chronic otitis externa complicated by organisms sensitive to griseofulvin, undecylenic acid or nitrofurathiazide in cats.

(2) Four to 10 drops of the drug are instilled into the ear canal. Treatment should be repeated 2 or 3 times daily.

(3) The drug should not be used in conditions where corticosteroids are contraindicated. Do not administer parenteral corticosteroids during treatment with the drug.

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

Effective date.—This order shall be effective August 23, 1973.

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

Dated August 15, 1973.

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

[FR Doc.73-17832 Filed 8-22-73;8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Dichlorvos

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (40-848V) filed by Shell Chemical Co., a division of Shell Oil Co., Agricultural Division, 2401 Crow Canyon Rd., San Ramon, CA 94583, proposing that finished swine feeds processed from feed supplements containing up to 0.768 percent dichlorvos not be required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.54 is amended by revising paragraph (d)(4) to read as follows:

§ 135e.54 Dichlorvos.

* * * * *

(d) * * *

(4) Finished feeds conforming to the requirements of this section processed from feed supplements containing up to 0.768 percent of dichlorvos are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

* * * * *

Effective date.—This order shall be effective August 23, 1973.

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

Dated August 15, 1973.

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

[FR Doc.73-17830 Filed 8-22-73;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1903—INSPECTIONS, CITATIONS AND PROPOSED PENALTIES

Delegations of Authority; Definitions

Part 1903 of Title 29, Code of Federal Regulations, is amended in the manner indicated below in order to change the definitions of the terms "Area Director" and "Assistant Regional Director".

One purpose of the change is to clarify what are the permissible delegations of authority for the issuance of citations and proposed penalties and for the performance of other duties under Part 1903 in the absence of officers or employees who are regularly or temporarily assigned the duties of an Area Director or Assistant Regional Director. For example, a Compliance Safety and Health Officer may be specifically delegated duties of the Area Director which are to be exercised in the absence of an Area Director.

Also, the changes would permit a Compliance Safety and Health Officer to perform on a regular basis duties of the Area Director at a field station, when the distance of the field station from the office of the Area Director may make it impractical for the Area Director to exercise the duties involved. In addition, the changes would permit a broader authorization of Compliance Safety and Health Officers to exercise the duties of an Area Director either generally or for the limited purpose of issuing citations or notices of de minimis violations. Operating instructions for such authorization are being developed, and will be made available to the public.

The changes also make clear that persons supervising Area Directors or Assistant Regional Directors may exercise concurrent authority with them in the performance of the duties of the Secretary of Labor which are carried out in Part 1903.

The amendments shall be effective August 23, 1973.

Part 1903 is hereby amended by revising paragraphs (e) and (f) of § 1903.21 to read as follows:

§ 1903.21 Definitions.

* * * * *

(e) "Area Director" means the employee or officer regularly or temporarily in charge of an Area Office of the Occupational Safety and Health Administration, U.S. Department of Labor, or any other person or persons who are authorized to act for such employee or officer. The latter authorizations may include general delegations of the authority of an Area Director under this part to a Compliance Safety and Health Officer or delegations to such an officer for more limited purposes, such as the exercise of the Area Director's duties under § 1903.14(a). The term also includes any employee or officer exercising supervisory responsibilities over an Area Director. A supervisory employee or officer is considered to exercise concurrent authority with the Area Director.

(f) "Assistant Regional Director" means the employee or officer regularly or temporarily in charge of a Region of the Occupational Safety and Health Administration, U.S. Department of Labor, or any other person or persons who are specifically designated to act for such employee or officer in his absence. The term also includes any employee or officer in the Occupational Safety and Health Administration exercising supervisory responsibilities over the Assistant Regional Director. Such supervisory employee or officer is considered to exercise concurrent authority with the Assistant Regional Director. No delegation of authority under this paragraph shall adversely affect the procedures for independent informal review of investigative determinations prescribed under § 1903.12 of this part.

* * * * *

(Sec. 8(g)(2), Public Law 91-596, 84 Stat. 1600 (29 U.S.C. 657).)

Signed at Washington, D.C., this 17th day of August 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-17914 Filed 8-22-73;8:45 am]

Title 32—National Defense

CHAPTER XX—INTERAGENCY CLASSIFICATION REVIEW COMMITTEE

PART 2000—APPEALS PROCEDURES

Establishment of Appeals Procedures

The Interagency Classification Review Committee was established by the National Security Council Directive Governing Classification, Downgrading, Declassification and Safeguarding of National Security Information (37 FR 10053, May 19, 1972), pursuant to section 7 of Executive Order 11652, Classification and Declassification of National Security Information and Material" (37 FR 5209, March 10, 1972), both of which became effective June 1, 1972. Among the duties assigned to the Committee was the responsibility to "consider and take action on complaints from persons within or without the government with respect to the general administration of the Order including appeals from denials by Departmental Committees or The Archivist of declassification requests." The purpose of this regulation is to establish the conditions and procedures under which the denial of a request for the declassification of classified documents ten (10) or more years old may be appealed to the Interagency Classification Review Committee.

Therefore, a new Chapter XX and Part 2000, as titled above, are added to Title 32 of the Code of Federal Regulations, to read as set forth below.

Effective date.—This regulation is effective August 23, 1973.

Dated August 17, 1973.

JAMES B. RHOADS,
Archivist of the United States, Acting Chairman.

Sec.
2000.1 Purpose.
2000.3 Establishment and jurisdiction of the Committee.
2000.5 Request for declassification.

AUTHORITY.—Executive Order 11652 (37 FR 5209); N.S.C. Directive (37 FR 10053).

§ 2000.1 Purpose.

This regulation establishes the conditions and procedures under which the denial of a request for the declassification of classified documents ten (10) or more years old may be appealed to the Interagency Classification Review Committee, hereinafter referred to as the Committee.

§ 2000.3 Establishment and jurisdiction of the Committee.

(a) *Establishment and composition.*—Pursuant to section 7 of Executive Order 11652, "Classification and Declassification of National Security Information and Material" (37 FR 5209, March 10, 1972), hereinafter referred to as the Order, the Committee has been established by the National Security Council Directive Governing Classification, Downgrading, Declassification and Safeguarding of National Security Information (37 FR 10053, May 19, 1972), hereinafter referred to as the Directive, which both became effective on June 1, 1972. The Committee is composed of a Chairman designated by the President, the Archivist of the United States, and one senior representative from each of the Departments of State, Defense and Justice, the Atomic Energy Commission, the Central Intelligence Agency and the National Security Council staff. Representatives of other Departments in the executive branch may be invited to meet with the Committee on matters of particular interest to those Departments, but shall have no vote. The Committee shall meet regularly at a time and place designated by the Chairman. In the absence or incapacity of the Chairman, an Acting Chairman chosen by the Committee will act as Chairman for all purposes. A quorum of seven members, or their designated alternates, is required to consider or act on appeals to the Committee. Committee decisions in favor of declassification, in whole or in part, of information or material determined by the Departmental Committee to require continued classification shall require a majority vote of the members or their designated alternates present. In the absence of a majority vote, the determination of the Departmental Committee shall stand.

(b) *Jurisdiction.*—The Committee shall have jurisdiction to consider and act upon appeals from a determination by a Departmental Committee or the Archivist of the United States that information or material classified by action taken pursuant to E.O. 11652, or its predecessor Orders, requires continued classification under section 5 of the Order. The Committee shall have no jurisdiction of appeals involving information classified by the Atomic Energy Act of 1954, as amended. Hereafter the terms "Departmental Committee" and "Department" include the Archivist, where appropriate.

§ 2000.5 Request for declassification.

(a) *Notice of an appeal.*—An appeal from a Departmental Committee's denial of a declassification request involving classified documents which are ten (10) or more years old must be submitted to the Executive Director, Interagency Classification Review Committee, Executive Office Building, Washington, D.C. 20506, within sixty (60) days of the date the Departmental Committee's denial of a declassification request is received. The appeal shall include the following information: an identification or description of the document or documents for which declassification was requested and a statement of the Department's action denying the request. Whenever possible, copies of all correspondence to and from the department concerned and a statement of the reasons why the requester's

appeal should be granted should also be included.

(b) *Exhaustion of other remedies.*—No appeal will be considered until the requester has exhausted all administrative remedies afforded him by the regulations of the Department concerned; provided however, that if the Departmental Committee has not acted at the expiration of thirty (30) days of the date the request is appealed to the Departmental Committee the requester may apply within sixty (60) days thereafter to this Committee for appropriate relief.

(c) *Acceptance of appeal.*—An appeal of a determination denying a declassification request involving classified documents which are ten (10) or more years old, shall be accepted for review by the Committee if, in the discretion of the Committee, the appeal raises substantive issues. The following indicate, but do not limit, the character of the reasons for accepting an application for review which the Committee will consider: (1) The nature of he documents whose declassification is sought; (2) the relationship of the documents to other classified documents; (3) the likelihood of an early public release as a result of declassification; (4) and disagreement between Departments as to the proper classification of the information involved. To the extent required for this determination, the Chairman may request the Department concerned to furnish copies of the documents, a summary of their contents or other pertinent information. Requests for declassification which have been denied because the document has not been described with sufficient particularity to enable it to be identified, or because the record cannot be obtained with a reasonable amount of effort, will not be accepted by the Committee, as the denial is based on reasons other than its continuing classification.

(d) *Consideration of appeal.*—The requester will be promptly notified whether his appeal has been accepted for review. The Department from whose decision the appeal has been taken and accepted by the Committee shall, upon request of the Chairman, furnish to the Committee ten (10) copies of the following: all correspondence to and from the requester, the decision of the Departmental Committee denying the request, and the classified documents in question.

(e) *Committee review.*—Normally, appeals to the Committee will be considered in the order that they are accepted for appeal. The Committee's review of the record will be in closed session in order to facilitate full inquiry into matters that are still classified. The burden of persuasion is on the Department to show that continued classified is required under the provisions of section 5 of the Order. Upon the Committee's determination that the requested material no longer warrants classification in whole or in part, the Chairman shall, in consultation with the affected Department or Departments, assure that appropriate action is taken.

(f) *Decision.*—The requester whose appeal has been accepted shall be notified in writing as to the Committee's decision. Should the appeal be denied in whole or in part, the notification shall include a statement, in unclassified form, explaining the reason for the decision.

[FR Doc.73-17841 Filed 8-22-73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5386; (Colorado 17286)]

COLORADO

Withdrawal for Protection of Scenic and Primitive Values

By virtue of the authority vested in the President and pursuant in Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of disposition under the public land laws, including the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws, for protection of their scenic and primitive values:

NEW MEXICO PRINCIPAL MERIDIAN

a. Beginning at the northeast corner of Sec. 20, T. 46 N., R. 2 W.,

Thence southerly up the east bank of the East Fork of Powderhorn Creek approximately 6½ miles to its intersection with the north boundary of Sec. 21, T. 45 N., R. 2 W.; thence easterly approximately 2¾ miles to the southwest corner of Sec. 13, T. 45 N., R. 2 W.; thence south ½ mile, west ¾ mile, south ¼ mile, east ½ mile, south ¼ mile, east ¾ mile, south ¼ mile, east ¼ mile, south ¾ mile, and west ¾ mile to the northwest corner of Sec. 36, T. 45 N., R. 2 W., thence south one mile, and east approximately one mile to Cebolla Creek; thence southerly approximately ¼ mile along the west bank of Cebolla Creek; thence west ¼ mile to the southwest ¼ mile to the southwest corner of the NE¼NE¼ of Sec. 1, T. 44 N., R. 2 W.; thence south approximately 1¼ miles; thence northwesterly approximately one-eighth mile to a point where Cebolla Creek crosses the Cathedral Road; thence northwesterly and then southwesterly ½ mile along the north bank of Cebolla Creek; thence approximately ¼ mile west to the west quarter corner of Sec. 12, T. 44 N., R. 2 W.; thence west ¼ mile, south ¼ mile, west ½ mile, south ½ mile, west ¼ mile, south ¼ mile, west ¼ mile, south ¼ mile, west ¼ mile, and south ¾ mile to the boundary of the Gunnison National Forest; thence 1½ miles west along said boundary, north three miles along said boundary, west eight miles along said boundary to the southeast corner of Sec. 36, T. 45 N., R. 4 W.; thence north 2½ miles to the west quarter corner of Sec. 19, east ¾ mile, north ¼ mile, west ¼ mile, north ½ mile, west ¼ mile, north ¾ mile, east ½ mile, south ¼ mile, east ¼ mile, south ¼ mile, east ¼ mile, north ¼ mile, east ¼ mile, north 1¼ miles to the north quarter corner of Sec. 8, T. 45 N., R. 3 W.; thence east approximately 2½ miles to the northeast corner of Sec. 10, T. 45 N., R. 3 W.; thence south approximately one-eighth mile to the northwest corner of Sec. 11; thence east approximately 2¼ miles to the West Fork of Powderhorn Creek; thence northerly along the west bank of the West Fork of Powderhorn Creek to the north section line of Sec. 20, T. 46 N., R. 2 W.; thence east approximately ¾ mile to the point of beginning.

The area described aggregates approximately 40,400 acres.

b. The minerals reserved to the United States in the following described patented lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws:

NEW MEXICO PRINCIPAL MERIDIAN

T. 45 N., R. 3 W.,
Sec. 21, N½NE¼;
Sec. 22, N½N½, SW¼NW¼;
Sec. 34, W½SW¼.
The area described aggregates 360 acres.

The total of the areas described in paragraphs a and b above aggregate approximately 40,760 acres in Gunnison and Hinsdale Counties.

2. Any party having need for lands within this area under the provisions of R.S. 2477, 43 U.S.C. 932 (for road rights-of-way), must file a request with the State Director, Bureau of Land Management, for consideration of an amendment of this order.

3. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing disposal of the vegetative resources, except under the mining laws, and as to sale or disposal of forest products.

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 17, 1973.

[FR Doc.73-17865 Filed 8-22-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1100, Amdt. 3]

PART 1033—CAR SERVICE

Union Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 16th day of August 1973.

Upon further consideration of Service Order No. 1100 (37 FR 12324; 38 FR 878, 14754), and good cause appearing therefor:

It is ordered, That: § 1033.1100 *Service Order No. 1100* (Union Pacific Railroad Company authorized to operate over tracks of Agricultural Products Corporation between Epco, Caribou County, Idaho, and Dry Valley, Caribou County, Idaho) Service Order No. 1100 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.*—This order shall expire at 11:59 p.m., November 30, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date.—This amendment shall become effective at 11:59 p.m., August 31, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-17893 Filed 8-22-73;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 20—MIGRATORY BIRD HUNTING

Miscellaneous Amendments

Correction

In FR Doc. 73–16914 appearing at page 22015 in the issue of Wednesday, August 15, 1973, the text of § 20.23 and § 20.24 should read as follows:

§ 20.23 Shooting hours.

No person shall take migratory game birds except during the hours open to shooting as prescribed in Subpart K of this part.

§ 20.24 Daily limit.

No person shall take in any 1 calendar day, more than the daily bag limit or aggregate daily bag limit, whichever applies.

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kans.

The following special regulation is issued and is effective August 23, 1973.

§ 32.32 Special regulations; deer, bobcat and coyote; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of deer, bobcat, and coyote with bow and arrows on the Flint Hills National Wildlife Refuge, Kans., is permitted October 1 through November 25, inclusive and from December 15 through December 31, inclusive, by special use permit. The open area is delineated on maps provided at the time of permit issuance or otherwise available at refuge headquarters, Burlington, Kansas, and from the Regional Director, Bureau of Sports Fisheries & Wildlife, 10597 W. 6th Avenue, Denver, Colorado 80215. Persons interested in receiving a special use permit should contact: Refuge Manager, Flint Hills National Wildlife Refuge, P.O. Box 213, Burlington, Kans. 66839. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer, bobcat, and coyote to the following special conditions:

(1) Permittee must have permit in his possession at all times while engaged in hunting activities on the refuge.

(2) Entrance to portions of the refuge closed to other activities will be via established roads. Gates will be closed and locked upon entering or leaving.

(3) Permittee will confine his activities to hunting and will refrain from any unnecessary wildlife disturbance.

(4) Permittee will return gate key and completed permit within two weeks following the close of the bow hunting season.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

Dated August 16, 1973.

MICHAEL J. LONG, *Acting Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kansas.*

[FR Doc.73-17882 Filed 8-22-73;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Oregon; Correction

In FR Doc. 73–16294, appearing on pages 21414 and 21415 of the issue for Wednesday, August 8, 1973, the last sentence of the last paragraph should read as follows:

"* * * and are effective through June 30, 1974."

L. EDWARD PERRY, *Acting Regional Director, Portland, Oregon.*

AUGUST 14, 1973.

[FR Doc.73-17863 Filed 8-22-73;8:45 am]

PART 32—HUNTING

Sequoyah National Wildlife Refuge, Oklahoma

The following special regulation is issued and is effective August 23, 1973.

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

OKLAHOMA

SEQUOYAH NATIONAL WILDLIFE REFUGE

Public hunting of quail, rabbit, squirrel, coyote, and bobcat on the Sequoyah National Wildlife Refuge, Oklahoma, is permitted on three areas designated by signs as open to hunting. These open areas, comprising a total of 10,500 acres, are delineated on maps available at refuge headquarters, Sallisaw, Oklahoma, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: Quail on Mondays, Tuesdays, Thursdays, Saturdays, and legal holidays, November 20, 1973, through the last day of the regular 1973–74 duck season, inclusive; rabbits, October 6, 1973, through the last day of the regular 1973–74 duck season, inclusive; squirrel, September 1, 1973, through January 1, 1974, inclusive; coyote, bobcat, September 1, 1973, through the last day of the regular 1973–74 duck season, inclusive.

Hunting shall be in accordance with all applicable State and Federal Regulations covering the hunting of quail, squirrel, rabbits, bobcat, and coyote, subject to the following special conditions:

(1) Only shotguns without slug ammunition or longbow and arrow are permitted.

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

(3) Dogs may be used for hunting quail or rabbit, but must be under immediate control or supervision and restrained from pursuit of protected species.

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

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1974.

MORRIS C. LEFEVER, *Refuge Manager, Sequoyah National Wildlife Refuge, Sallisaw, Oklahoma.*

AUGUST 9, 1973.

[FR Doc.73-17862 Filed 8-22-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER IV—SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

PART 401—SEAWAY REGULATIONS AND RULES

Speed Limits

The purpose of this document is to further amend § 401.104–9, Speed, of the Seaway Regulations and Rules by reverting, in part, to the speed limits that were in effect prior to the amendment of this section in 38 FR 9667–9668 on April 19, 1973. Since water levels in Lake Ontario and the Upper St. Lawrence River are now receding to more normal conditions, the speed limits, as temporarily reduced, will be removed in part. However, it is anticipated that levels in Lake St. Louis and Lake St. Francis will continue to be above normal and some temporary limits will remain in effect in these areas.

In view of the fact that reversion is being made to a matter previously offered for comment on February 1, 1973,

a period for public comment is deemed unnecessary. Further, because the purpose of this amendment is to provide immediate guidance and information to vessels transiting the Seaway, I find that good cause exists for making this amendment effective in less than 30 days.

Section 401.104–9 is amended as follows:

§ 401.104–9 Speed.

Maximum speed for vessels in excess of 40 feet in overall length shall not exceed that shown for designated areas in the following table and every vessel under way shall proceed at a reasonable speed, so as not to cause undue delay to other vessels.

From	To	Maximum speed over the bottom (m.p.h.)
Lower entrance South Shore Canal	Upper entrance South Shore Canal	7 (6.1 knots).
Upper entrance South Shore Canal	Lake St. Louis Buoy 13A	12 (10.4 knots).
Lake St. Louis Buoy 13A	Lower Beauharnois Lock entrance	18 (15.5 knots).
Upper Beauharnois Buoy 5B	Lake St. Francis Buoy 27F	10 upbound (8.6 knots). 12 downbound (10.4 knots).
Lake St. Francis Buoy 7F	Lake St. Francis Buoy 87F	18 (15.5 knots).
Lake St. Francis Buoy 87F	Snell Lock	9 upbound (7.8 knots). 12 downbound (10.4 knots).
Snell Lock	Eisenhower Lock	7 (6.1 knots).
Eisenhower Lock	Richards Point Light 55	13 (11.3 knots).
Richards Point Light 55	Morrisburg Buoy 84	15 (13 knots).
Morrisburg Buoy 84	Ogden Island Buoy 99	13 (11.3 knots).
Ogden Island Buoy 99.	Blind Bay ½ mile east of Light 162	15 (13 knots).
Blind Bay ½ mile east of Light 162	Deer Island Light 186	13 (11.3 knots).
Deer Island Light 186	Bartlett Point Light 227	10 upbound (8.6 knots). 12 downbound (10.4 knots).
Bartlett Point Light 227	Tibbetts Point	15 (13 knots).
Junction of Canadian Middle Channel and Main Channel abreast of Ironsides Island	Open waters between Wolfe and Howe Islands through the said Middle Channel	13 (11.3 knots).
Lock 1, Welland Canal	Outer Piers, Port Weller Harbor	9 (7.8 knots).
Port Robinson	Ramey's Bend through the Welland By-Pass	9 (7.8 knots).
All other canals		7 (6.1 knots).

(68 Stat. 92–97, 33 U.S.C. 981–990, as amended, and Sec. 104, Pub. L. 92–340, 86 Stat. 424, 49 CFR 1.50a (37 FR 21943).)

Effective date.—August 15, 1973.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
D. W. OBERLIN,
Administrator.

[FR Doc.73–17864 Filed 8–22–73;8:45 am]

Title 7—Agriculture

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

SUBCHAPTER I—DETERMINATION OF PRICES

[Docket No. SH–315]

PART 876—SUGARCANE; HAWAII

Fair and Reasonable Prices for 1973-Crop

The Sugar Act of 1948, as amended, requires producers who also process sugarcane grown by other producers to pay prices or rates determined by the Secretary of Agriculture to be fair and reasonable as one of the conditions for receiving Sugar Act payments on their own production.

Such determination may not be made until after investigation and opportunity for interested persons to testify on the fair and reasonable prices to be paid under either purchase or toll agreements. A public hearing was held in Hilo, Hawaii, on April 27, 1973.

The determination, which is applicable to the 1973 crop of Hawaiian sugarcane, continues all provisions of the 1972 crop determination including the maximum rates producer-processors may charge under a tolling agreement for processing sugarcane grown by other producers.

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as act), after investigation and due consideration of the evidence obtained at the public hearing held in Hilo, Hawaii, on April 27, 1973, the following determination is hereby issued.

The regulations previously appearing in these sections under "Determination of Prices; Sugarcane; Hawaii" remain in full force and effect as to the crops to which they were applicable.

Sec.
876.21 General requirements.
876.22 Toll agreements.
876.23 Purchase agreements.
876.24 Sugarcane weight and quality determination.
876.25 Overhead charges for services furnished to producers.
876.26 Reporting requirements.
876.27 Applicability.
876.28 Subterfuge.
876.29 Procedures for checking compliance.

AUTHORITY.—Secs. 876.21 to 876.29 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 876.21 General requirements.

A producer of sugarcane in Hawaii who is also a processor of sugarcane, to which this part applies as provided in § 876.27 (herein referred to as processor) shall have paid, or contracted to pay, for sugarcane of the 1973 crop grown by other producers and processed by him, or shall have processed sugarcane of other producers under a toll agreement, in accordance with the following requirements.

§ 876.22 Toll agreements.

(a) The rate for processing sugarcane under a toll agreement at Olokele Sugar Company, Ltd., shall be not more than the rate provided in the agreement between the producer and the processor applicable to the prior crop.

(b)(1) The rate for processing sugarcane delivered by a producer under a toll agreement to those processors listed below shall be not more than that established for each such processor.

Processor	Rate for processing (percentage of gross proceeds from sugar and molasses)	Delivery point for sugarcane
Puna Sugar Co., Ltd.	34	Mill.
Kohala Sugar Co.	34	Do.
Laupahoehoe Sugar Co.	49	Loaded in trucks.
Ka'u Sugar Co., Inc.	49	Do.
Honokaa Sugar Co.	49	Do.

(2) The gross proceeds from sugar and molasses shall be determined in accordance with the Standard Sugar Marketing Contract and the Standard Molasses Marketing Contract entered into by the producer, or his agent, with the California and Hawaiian Sugar Company (a cooperative agricultural marketing association herein referred to as C. & H.), except that for purposes of calculating the amount due producers, all items of raw sugar and molasses marketing expenses that were charged to producers under the marketing contracts in effect prior to January 1972, but are now deducted by C. & H. under the revised marketing contracts that became effective January 1, 1972, to obtain proceeds due producers, shall be added back to such proceeds to obtain gross proceeds: *Provided*, That the gross proceeds so determined to be applicable to the sugar and molasses recovered from the sugarcane of the producer shall be converted to dollars per hundredweight of sugar, raw value basis, for the purpose of applying the rates for processing.

(3) The applicable rate for processing established in this section for sugarcane of the producer shall cover (i) all transporting, handling, and processing costs applicable to the producers' sugarcane from the delivery point specified herein until the raw sugar and molasses recovered therefrom leaves the bulk sugar bin or the molasses tank of the processor, except those costs incurred for insuring such raw sugar and molasses while stored therein; (ii) the cost of insuring such sugarcane against loss by fire to the same extent that sugarcane of the processor is insured; (iii) the costs of weighing, sampling, and taring such sugarcane; (iv) the cost of general weed and rodent control other than in sugarcane fields of producers and alongside the roads ad-

jacent thereto; and (v) the cost of all research and experimental work applicable to the production and processing of such sugarcane.

(4) The sugarcane received from producers shall be handled and processed by the processor in a manner which is no less favorable than the handling and processing of the sugarcane of the processor. The processor, in acting as agent for the producer, shall handle and deliver to C. & H. the raw sugar and molasses recovered from the sugarcane of the producer in a manner which is no less favorable than the handling and delivery to C. & H. of the raw sugar and molasses recovered from the sugarcane of the processor. The processor shall promptly transmit to the producer the amount of the gross proceeds received from the sugar and molasses recovered from the sugarcane of the producer, as defined in subparagraph (2) of this paragraph, less the applicable processing rate, less the shipping and handling expenses added to and made a part of the gross proceeds as provided in subparagraph (2) of this paragraph, and less any expenses, such as inland transportation, paid by the processor, as agent for the producer, pursuant to the toll agreement. Handling and delivery expenses shall be limited to those direct expenses paid by the processor as agent for the producer, but shall not include overhead charges of the processor.

§ 876.23 Purchase agreements.

(a) The price for sugarcane under adherent planter agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(b) The price for the producers' share of sugarcane under cultivation contracts at Laupahoehoe Sugar Company shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(c) The price for sugarcane under independent grower purchase agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop: *Provided*, That the items of expense which may be deducted in computing net returns for the 1973 crop shall be limited to the same items as for the 1972 crop, except that if the processor incurs handling and delivery expenses otherwise allowable under the agreement and which are incurred under abnormal conditions, such expenses also may be deducted subject to written approval from the Hawaii State ASCS Office upon a determination by the Hawaii State ASC Committee that the incurrence of such expenses is justified.

§ 876.24 Sugarcane weight and quality determination.

The determination of the net weight and quality of the sugarcane received from the producer, and the allocation of sugar and molasses recoveries to the producer shall be made in accordance with the methods customarily used by the processor; methods which have been approved by the Experiment Station of the Hawaiian Sugar Planters' Association; or methods agreed upon between the processor and the producer, which will reflect the true weight and quality of sugarcane and the quantities of sugar and molasses recovered from the sugarcane of the producer.

§ 876.25 Overhead charges for services furnished to producers.

If the processor, at the producer's request, furnishes labor, materials, or services used in producing, harvesting, or transporting the producer's sugarcane, or transports the producer's sugar or molasses from the mill to the port in the processor's own equipment, the processor may charge in addition to the direct costs of such labor, materials, or services, the applicable overhead expenses. If equipment is charged at standard or budgeted rates which include repair and maintenance charges, and such rates are applied equally to both the processors' and producers' producing, harvesting, and transporting operation, and if the standard or budgeted rates are adjusted periodically to reflect current conditions, such rates shall be considered as the direct costs for use of equipment. Charges for applicable overhead expenses shall be based on estimated current budgets and adjusted after the end of the calendar year so as not to exceed the actual costs for such year. In addition, the processor may also charge a profit not to exceed 5 percent of the sum of the direct and overhead charges for such labor, materials, or services. Overhead expenses shall be limited to those which are properly apportionable under generally accepted accounting principles as approved by the State Committee.

§ 876.26 Reporting requirements.

The processor shall submit to the State Committee a certified statement of the gross proceeds and handling and delivery expenses paid under (a) purchase agreements providing for payment for sugarcane based upon net returns from sugar and molasses, and (b) toll and agency agreements providing for the deduction of handling and delivery expenses on sugar and molasses from the gross proceeds obtained therefrom.

§ 876.27 Applicability.

The requirements of this part are applicable to all sugarcane grown by a producer and processed under either a purchase or toll agreement by a processor who also produces sugarcane (a processor-producer is defined in § 821.1 of this chapter); and to sugarcane processed by a cooperative processor for nonmembers. The requirements are not applicable to sugarcane processed by a cooperative processor for its members.

§ 876.28 Subterfuge.

The processor shall not reduce returns to the producer below those determined in accordance with the requirements herein through any subterfuge or device whatsoever.

§ 876.29 Procedures for checking compliance.

The procedures to be followed by the State ASCS office in checking compliance with the requirements of this part are set forth under the heading Part 6—Fair Price Determination in Handbook 6–SU, issued by the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service. Handbook 6–SU may be inspected at the State ASCS office and copies may be obtained from the Hawaii State ASCS Office, 1833 Kalakaua Avenue, Honolulu, HI 96815.

STATEMENT OF BASES AND CONSIDERATIONS

General.—The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1973 crop grown by other producers.

Requirements of the fact.—Section 301(c)(2) of the act provides, as a condition for payment, that the producer on the farm who is also, directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

Public hearing.—A public hearing was held in Hilo, Hawaii, on April 27, 1973, at which interested persons were afforded the opportunity to present testimony relating to all aspects of fair and reasonable prices for 1973-crop sugarcane including processing rates for sugarcane delivered under a toll agreement.

Kohala Corporation.—A representative of this company testified with respect to certain changes in Kohala's position since the last hearing. He stated that they have extended the phase-out of sugar operations through December 1975, and recommended that the processing fee of 34 percent which has been in effect for several crops be continued through December 31, 1975.

Olokele Sugar Company, Ltd., and Ka'u Sugar Company, Inc.—A representative of these companies testified that the tolling agreement between Olokele Sugar and Gay and Robinson was renewed in 1968 for a period of 33 years and no changes have been made in the agreement.

With respect to Ka'u Sugar, the representative testified that Ka'u is the surviving company of the merger on December 29, 1972, of Hawaiian Agricultural Company and Hutchinson Sugar Company, Ltd. He recommended a 50 percent processing fee, based on the old California and Hawaiian Sugar Co. marketing agreement, or a 55 percent fee if the Department should change its determination to a basis consistent with the new marketing agreement. He further recommended that a 10 percent fee for profit be allowed on labor, material, and services provided to growers. In support

of this recommendation, he pointed out that the company realizes a return of 2½ percent on the present allowable margin of 5 percent, and this is not adequate compensation for the services provided. In support of the recommended processing fees, the witness submitted actual cost ratios for the 1972 crop which indicated a processing fee of 55.08 percent under the current California and Hawaiian Sugar Co. contract or 50.69 percent under the prior contract.

Puna Sugar Company.—A representative of this company recommended that a 5-year average be used for the development of cost ratios and processing fees to eliminate abnormal results in any one crop year; that the 1973 determination establish a processing fee of 45 percent (the 5-year average for 1968–72), and that existing profit margins on services performed by processors for producers be continued. In support of the recommended processing fee, the witness submitted annual cost ratios based on company data for 1968 through 1972 which indicated a 5-year average processing ratio of 45.56 percent under the new marketing agreement and 42.57 percent if computed on the old agreement.

The representative of independent growers at Puna recommended a processing fee of 32 percent and elimination of the 5 percent profit allowance on services furnished growers by the processor. He also recommended that any agency fee paid to the parent company be considered profit for the processor and reflected as such in calculating the cost ratio. The witness submitted data on costs of producing and processing sugarcane for the 1972 crop which indicated a processing rate of 32.39 percent.

Honokaa Sugar Company and Laupahoehoe Sugar Company.—Representatives of these companies testified that Honokaa purchased Paauhau Sugar Company at the end of 1972, and that independent growers in the former Paauhau area have signed independent grower tolling agreements with Honokaa. They further testified that efforts are being made to make the language of grower tolling agreements identical for Honokaa and Laupahoehoe. The witnesses recommended a 50 percent processing fee based on the prior C&H marketing agreement, or a 55 percent fee if the determination is based on the new agreement; that a profit on services furnished by processors to producers be continued; and that all other applicable provisions of the 1972 determination remain in effect. They presented data relating to the final costs of producing and processing 1972-crop sugarcane. They testified that the data indicate a fair and reasonable processing rate of 51.9 percent for Laupahoehoe, but that since 1973 will be the first year that Honokaa will be processing tolling agreement cane, there are as yet no meaningful cost data with which to develop a cost ratio to reflect the producer-processor relationship at Honokaa.

The representative of independent growers at Laupahoehoe recommended that the processing ratio be decreased from 49 percent to 45 percent; that the processor be ordered to furnish an annual harvesting schedule to producers beginning January 1974; and that the profit allowance on services furnished growers by plantations be allowed on materials but not on labor and services.

Lihue Plantation Company and Oahu Sugar Company.—A representative of these companies testified that each company has one grower agreement and they do not contemplate any change in the coming year. He requested that their agreements be approved for the 1973 crop.

1973 price determination.—This determination continues the provisions of the 1972-crop determination. Tolling fees remain the same.

Consideration has been given to the recommendations and information submitted at the public hearing; to the returns, costs, and profits of producing and processing sugarcane obtained by the Department in a recent field survey and recast in terms of price and production conditions likely to prevail for the 1973 crop; and to other relevant data customarily considered in fair price determinations.

The recommendations of both producers and processors for changes in the applicable processing rates for the respective companies have been thoroughly studied. Analysis of the comparative costs of producing and processing sugarcane indicates that changes occurring in the relationship of producing and processing costs have not been of sufficient magnitude to justify adjustments in the processing rates. It is believed that the processing rates provided in this determination will maintain an equitable sharing between producers and processors of total returns based on their sharing of total costs.

The recommendations by both producers and processors for changes in the rate of profit allowed on services furnished to producers by processors have again been reviewed. The Department continues to believe that the profit charge of five percent is adequate and reasonable, and it is therefore continued in this determination.

A recommendation made by the representative of Puna growers for elimination of agency fees paid by the processor from the computation of the cost ratio has not been adopted. Such fees are compensation to the agency for services, such as technical, legal, accounting, and marketing, performed for the processor.

The recommendation of Laupahoehoe growers that the processor be required to furnish its annual harvesting schedule to the growers association has not been adopted. It is believed that the processor has complied in all respects over the years with the provision of the price determination which requires processors to handle and process the sugarcane received from producers in a manner no less favorable than the handling and processing of their own sugarcane. However, the Department does encourage processors to keep their independent growers fully informed of factors affecting the business relationship between the parties, and suggests that harvesting schedules be made available to growers in order to enhance a harmonious relationship.

On the basis of an examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

Effective date.—This determination shall become effective August 23, 1973, and is applicable to the 1973 crop of Hawaiian sugarcane.

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

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

[FR Doc.73–17866 Filed 8–22–73;8:45 am]

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

[Valencia Orange Reg. 446]

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 August 24–30, 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.

§ 908.746 Valencia Orange Regulation 446.

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

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from Dis-

trict 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 is slow. Prices f.o.b. averaged $3.41 per carton on a sales volume of 517 carlots during the week ended August 16, 1973, compared with $3.46 per carton on sales of 585 carlots a week earlier.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 21, 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 August 24, 1973, through August 30, 1973, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: 475,000 cartons;

(iii) District 3: Unlimited."

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

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

Dated: August 22, 1973.

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

[FR Doc.73–18062 Filed 8–22–73;12:19 pm]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Price Support Regulations—1973-Crop Flaxseed Supplement, Amdt. 1]

PART 1421—GRAIN AND SIMILARLY HANDLED COMMODITIES

Subpart—1973-Crop Flaxseed Loan and Purchase Program

The regulations issued by the Commodity Credit Corporation and published at 38 FR 14960, which contain program provisions for loans and purchases applicable to the 1973-crop of flaxseed are amended by changing the schedule of deductions for storage to reflect similar changes made with respect to other commodities in order to comply with the provisions of Executive Order No. 11723. Inasmuch as loans and purchases are currently being made with respect to 1973-crop flaxseed, it is hereby found and determined that compliance with the notice of proposed rulemaking procedure is impracticable and contrary to the public interest. Therefore, this amendment is being issued without following such proposed rulemaking procedure.

Accordingly, the table in § 1421.176 is amended to read as follows:

§ 1421.176 Warehouse charges.

* * * * *

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of April 30, 1974	Deduction (cents per bushel)	Maturity date of May 31, 1974
(1)		(1)
Prior to May 28, 1973	14	Prior to June 28, 1973.
May 28 to June 21	13	June 28 to July 22.
June 22 to July 16	12	July 23 to Aug. 16.
July 17 to Aug. 10	11	Aug. 17 to Sept. 10.
Aug. 11 to Sept. 4	10	Sept. 11 to Oct. 5.
Sept. 5 to Sept. 29	9	Oct. 6 to Oct. 30.
Sept. 30 to Oct. 24	8	Oct. 31 to Nov. 24.
Oct. 25 to Nov. 18	7	Nov. 25 to Dec. 19.
Nov. 19 to Dec. 13	6	Dec. 20, 1973 to Jan. 13, 1974.
Dec. 14, 1973 to Jan. 7, 1974	5	Jan. 14 to Feb. 7.
Jan. 8 to Feb. 1	4	Feb. 8 to March 4.
Feb. 2 to Feb. 26	3	March 5 to March 29.
Feb. 27 to March 23	2	March 30 to April 23.
March 24 to April 30, 1974	1	April 24 to May 31, 1974.

(1) Date storage charges start, all dates inclusive.

(Secs. 4 and 5, 62 Stat. 1070, as amended, secs, 301, 303, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1449, 1421.)

Effective date.—August 23, 1973.

Signed at Washington, D.C., August 15, 1973.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.73–17443 Filed 8–22–73;8:45 am]

Proposed Rules

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

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[S-73-6]

STANDARD FOR OCCUPATIONAL EXPOSURE TO CARBON MONOXIDE

Advance Notice of Proposed Rulemaking

The National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health, Education, and Welfare, has submitted to the Secretary of Labor, pursuant to the Williams-Steiger Occupational Safety and Health Act of 1970, criteria for a recommended standard on occupational exposure to carbon monoxide. The Office of Standards, Occupational Safety and Health Administration, U.S. Department of Labor, is studying the criteria and would appreciate public participation on the issues of whether a new standard for carbon monoxide should be issued on the basis of the criteria or any other information, and, if so, what should be the contents of a proposed standard for carbon monoxide. The issues are set forth with greater particularity below.

Accordingly, interested persons are invited to submit written data, views, and arguments concerning a standard on occupational exposure to carbon monoxide. Comments are specifically requested concerning:

(1) Whether a new standard on occupational exposure to carbon monoxide should be issued;

(2) Each section of the standard recommended by NIOSH;

(3) Suitable alternatives to the recommendations of NIOSH;

(4) Work injury and illness experience with carbon monoxide;

(5) Supported cost data of the estimated costs of coming into compliance with the standard recommended by NIOSH;

(6) Supported data on any possible environmental impact of the recommended standard, and specifically (a) any adverse environmental effects which cannot be avoided should the standard be adopted, (b) alternatives to such standard, (c) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and (d) any irreversible commitments of resources which would be involved if the standard should be implemented; and

(7) Any other related issues.

Communications should be submitted to the Office of Standards, Occupational Safety and Health Administration, U.S. Department of Labor, Room 507 Railway Labor Building, 400 First Street NW., Washington, D.C. 20210, before November 23, 1973. The communications will be available for public inspection and copying at the Office of Standards.

The NIOSH document containing the criteria and the recommended standard on occupational exposure to carbon monoxide will be available for inspection and copying, upon request, at the Office of Standards in Washington, D.C., and at any of the following regional or area offices:

Regional Offices

U.S. Department of Labor, Occupational Safety and Health Administration, Fourth Floor, 18 Oliver Street, Boston, Massachusetts 02110.

U.S. Department of Labor, Occupational Safety and Health Administration, Gateway Building, 3535 Market Street, Room 15220, Philadelphia, Pennsylvania 19104.

U.S. Department of Labor Occupational Safety and Health Administration, 300 South Wacker Drive, Room 1201, Chicago, Illinois 60606.

U.S. Department of Labor, Occupational Safety and Health Administration, 823 Walnut Street, Waltower Building, Room 300, Kansas City, Missouri 64106.

U.S. Department of Labor, Occupational Safety and Health Administration, 9497 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, California 94102.

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway, 1 Astor Plaza, New York, New York 10036.

U.S. Department of Labor, Occupational Safety and Health Administration, 1375 Peachtree Street, N.E., Suite 587, Atlanta, Georgia 30309.

U.S. Department of Labor, Occupational Safety and Health Administration, 7th Floor, Texaco Building, 1512 Commerce Street, Dallas, Texas 75201.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 15010, P.O. Box 3588, 1961 Stout Street, Denver, Colorado 80202.

U.S. Department of Labor, Occupational Safety and Health Administration, 506 Second Avenue, 1808 Smith Tower Building, Seattle, Washington 98104.

Area Offices

U.S. Department of Labor, Occupational Safety and Health Administration, Custom House Building, State Street, Boston, Massachusetts 02109.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 617, 450 Main Street, Hartford, Connecticut 06103.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building-Room 425, 55 Pleasant Street, Concord, New Hampshire 03301.

U.S. Department of Labor, Occupational Safety and Health Administration, 90 Church Street-Room 1405, New York, New York 10007.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 203, Midtown Plaza, 700 East Water Street, Syracuse, New York 13210.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, 970 Broad Street, Room 1435C, Newark, New Jersey 07102.

U.S. Department of Labor, Occupational Safety and Health Administration, 370 Old Country Road, Garden City, Long Island, New York 11530.

U.S. Department of Labor, Occupational Safety and Health Administration, Condominium San Alberto Building, Santurce, Puerto Rico 00907.

U.S. Department of Labor, Occupational Safety and Health Administration, William J. Green, Jr. Federal Building, 600 Arch Street, Philadelphia, Pennsylvania 19106.

U.S. Department of Labor, Occupational Safety and Health Administration, Charleston National Plaza, Suite 1726, 700 Virginia Street, Charleston, West Virginia 25301.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 8061, 400 N. 8th Street, P.O. Box 10186, Richmond, Virginia 23240.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 1110A, 31 Hopkins Plaza, Baltimore, Maryland 21201.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 802, Jonnet Building, 4099 William Penn Highway, Monroeville, Pennsylvania 15146.

U.S. Department of Labor, Occupational Safety and Health Administration, 1371 Peachtree Street NE., Room 723, Atlanta, Georgia 30309.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 204, Bridge Building, 3200 E. Oakland Park Boulevard, Fort Lauderdale, Florida 33308.

U.S. Department of Labor, Occupational Safety and Health Administration, 2809 Art Museum Drive, Suite 4, Jacksonville, Florida 32207.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 561, 600 Federal Building, Louisville, Kentucky 40202.

U.S. Department of Labor, Occupational Safety and Health Administration, Commerce Building, Room 801, 118 North Royal Street, Mobile, Alabama 36602.

U.S. Department of Labor, Occupational Safety and Health Administration, 1361 East Morehead Street, Charlotte, North Carolina 28204.

U.S. Department of Labor, Occupational Safety and Health Administration, 1600 Hayes Street, Suite 302, Nashville, Tennessee 37203.

U.S. Department of Labor, Occupational Safety and Health Administration, Todd Mall, 2047 Canvon Road, Birmingham, Alabama 35216.

U.S. Department of Labor, Occupational Safety and Health Administration, Enterprise Building, Suite 204, 6605 Abercorn Street, Savannah, Georgia 31405.

U.S. Department of Labor, Occupational Safety and Health Administration, 300

South Wacker Drive, Chicago, Illinois 60606.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 224—Bryson Building, 700 Bryden Road, Columbus, Ohio 43215.

U.S. Department of Labor, Occupational Safety and Health Administration, Clark Building—Room 400, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.

U.S. Department of Labor, Occupational Safety and Health Administration, U.S. Post Office and Courthouse, Room 423, 46 East Ohio Street, Indianapolis, Indiana 46204.

U.S. Department of Labor, Occupational Safety and Health Administration, 847 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

U.S. Department of Labor, Occupational Safety and Health Administration, Michigan Theatre Building, Room 626, 220 Bagley Avenue, Detroit, Michigan 48226.

U.S. Department of Labor, Occupational Safety and Health Administration, 110 South Fourth Street, Room 437, Minneapolis, Minnesota 55401.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 5522 Federal Office Building, 550 Main Street, Cincinnati, Ohio 45202.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 734 Federal Office Building, 234 N. Summit Street, Toledo, Ohio 43604.

U.S. Department of Labor, Occupational Safety and Health Administration, Adolphus Tower—Suite 1820, 1412 Main Street, Dallas, Texas 75202.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 421 Federal Building, 1205 Texas Avenue, Lubbock, Texas 79401.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 512—Petroleum Building, 420 South Boulder, Tulsa, Oklahoma 74103.

U.S. Department of Labor, Occupational Safety and Health Administration, 307 Central National Bank Building, Houston, Texas 77002.

U.S. Department of Labor, Occupational Safety and Health Administration, 546 Carondelet Street, 4th Floor, New Orleans, Louisiana 70130.

U.S. Department of Labor, Occupational Safety and Health Administration, 1627 Main Street, Room 1100, Kansas City, Missouri 64108.

U.S. Department of Labor, Occupational Safety and Health Administration, 210 North 12th Boulevard, Room 554, St. Louis, Missouri 63101.

U.S. Department of Labor, Occupational Safety and Health Administration, City National Bank Building, Room 803, Harney and 16th Streets, Omaha, Nebraska 68101.

U.S. Department of Labor, Occupational Safety and Health Administration, Suite 505, 333 Queen Street, Honolulu, Hawaii 06913.

U.S. Department of Labor, Occupational Safety and Health Administration, Hartwell Building, Room 514, 19 Pine Avenue, Long Beach, California 90802.

U.S. Department of Labor, Occupational Safety and Health Administration, Squire Plaza Building, 8527 W. Colfax Avenue, Lakewood, Colorado 80215.

U.S. Department of Labor, Occupational Safety and Health Administration, Suite 309, Executive Building, 455 East 4th South, Salt Lake City, Utah 84111.

U.S. Department of Labor, Occupational Safety and Health Administration, Suite 525—Petroleum Building, 2812 1st Avenue North, Billings, Montana 59101.

U.S. Department of Labor, Occupational Safety and Health Administration, 100 McAllister Street, Room 1706, San Francisco, California 94102.

U.S. Department of Labor, Occupational Safety and Health Administration, Suite 318—Amerco Towers, 2721 North Central Avenue, Phoenix, Arizona 85004.

U.S. Department of Labor, Occupational Safety and Health Administration, 1203 South Carson Street, Carson City, Nevada 89701.

U.S. Department of Labor, Occupational Safety and Health Administration, 121—107th Street NE., Bellevue, Washington 98004.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 227, 605 West 4th Avenue, Anchorage, Alaska 99501.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 526 Pittock Block, 921 SW. Washington St., Portland, Oregon 97205.

NATIONAL OFFICE

U.S. Department of Labor, Occupational Safety and Health Administration, Office of Standards, Room 507, Railway Labor Building, 400 First Street, NW., Washington, D.C. 20210.

The NIOSH document will also be available for inspection at the national and regional offices of NIOSH at the following locations:

U.S. Department of HEW, National Institute for Occupational Safety and Health, Room 10-A-22, 5600 Fishers Lane, Rockville, Maryland 20852.

U.S. Department of HEW, National Institute for Occupational Safety and Health, John F. Kennedy Federal Bldg., Government Center, Boston, Massachusetts 02203.

U.S. Department of HEW, National Institute for Occupational Safety and Health, 26 Federal Plaza, New York, New York 10007.

U.S. Department of HEW, National Institute for Occupational Safety and Health, 401 North Broad Street, Philadelphia, Pennsylvania 19108.

U.S. Department of HEW, National Institute for Occupational Safety and Health, 50 Seventh Street, NE., Atlanta, Georgia 30323.

U.S. Department of HEW, National Institute for Occupational Safety and Health, 300 South Wacker Drive, Chicago, Illinois 60607.

U.S. Department of HEW, National Institute for Occupational Safety and Health, 1100 Commerce Street, Room 8-C-53, Dallas, Texas 75202.

U.S. Department of HEW, National Institute for Occupational Safety and Health, 9017 Federal Building, 19th and Stout Streets, Denver, Colorado 80202.

U.S. Department of HEW, National Institute for Occupational Safety and Health, 254 Federal Office Building, 50 Fulton Street, San Francisco, California 94102.

U.S. Department of HEW, National Institute for Occupational Safety and Health, Arcade Building, 1321 Second St., Seattle, Washington 98101.

U.S. Department of HEW, National Institute for Occupational Safety and Health, 601 East 12th Street, Kansas City, Missouri 64106.

Finally, copies of the NIOSH document may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

This advance notice of proposed rulemaking is issued under section 6 of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655) and Secretary of Labor's Order No. 12-71 (36 FR 8754).

Signed at Washington, D.C., this 17th day of August 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-17910 Filed 8-22-73;8:45 am]

[29 CFR Parts 1915, 1916, 1917, 1918]

[S-73-7]

MARITIME STANDARDS

Proposed Amendments to Regulations Governing Protection From Drowning

Because the U.S. Coast Guard has amended its regulations on the approval of life saving equipment (38 FR 8114), and because the Coast Guard is the approving agency for all such devices required under the Department of Labor Maritime Standards, it is proposed to amend these latter standards to conform with the Coast Guard regulations. Accordingly, pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 USC 655), Secretary of Labor's Order No. 12-71 (36 FR 8754), and 29 CFR Part 1911, it is hereby proposed to amend 29 CFR 1915.43(d), 1915.47(d), 1915.84(a), 1916.43(d), 1916.47(d), 1916.84(a), 1917.47, 1917.84(a), and 1918.106 to read as set forth below.

The proposal would change references to "work vests" or "buoyant vests" or "buoyant work vests" to "personal flotation devices" to reflect the change in terminology already adopted by the Coast Guard.

The proposal further provides that any "personal flotation devices" used after November 1, 1973 shall be approved by the Coast Guard as a Type I PFD (personal flotation device), Type II PFD, Type III PFD, or Type V PFD, pursuant to 46 CFR 160, or their equivalent. Equivalent devices are listed in 33 CFR 175.23.

The proposal is less restrictive than the present standards, which refer only to vests. The proposal recognizes that jacket type life preservers and certain special purpose water safety buoyant devices would serve the purposes of protecting maritime workers against drowning as adequately as the vests presently required.

Written data, views, and arguments concerning the proposal may be mailed to the Office of Standards, Room 504, 400 First Street NW., Washington, D.C. 20210. All written submissions received before September 24, 1973, will be considered. The data, views, and arguments will be available for public inspection and copy at the above address.

Pursuant to 29 CFR 1911.11 (b) and (c), interested persons may, in addition to filing written matter as provided above, file objections to the proposal requesting an informal hearing with respect thereto in accordance with the following conditions:

(1) The objections must include the name and address of the objector;

(2) The objections must be postmarked on or before September 24, 1973;

(3) The objections must specify with particularity the provision of the proposed rule to which the objection is taken, and must state the grounds therefore;

(4) Each objection must be separately stated and numbered; and

(5) The objections must be accompanied by a summary of the evidence proposed to be adduced at the requested hearing.

1. In § 1915.43, paragraph (d) is proposed to be revised to read as follows:

§ 1915.43 Guarding of deck openings and edges.

* * * * *

(d) When employees are working near the unguarded edges of decks of vessels afloat, they shall be protected by personal flotation devices meeting the requirements of § 1915.84(a).

* * * * *

2. In § 1915.47, paragraph (d) is proposed to be revised to read as follows:

§ 1915.47 Working surfaces.

* * * * *

(d) When employees are boarding, leaving, or working from small boats or floats, they shall be protected by personal flotation devices meeting the requirements of § 1915.84(a).

3. In § 1915.84, paragraph (a) is proposed to be revised to read as follows:

§ 1915.84 Lifesaving equipment.

(a) *Personal flotation devices.* (1) Any personal flotation device used after November 1, 1973, shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices).

(2) Prior to each use, personal flotation devices shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective personal flotation devices shall not be used.

* * * * *

4. In § 1916.43, paragraph (d) is proposed to be revised to read as follows:

§ 1916.43 Guarding of deck openings and edges.

* * * * *

(d) When employees are working near the unguarded edges of decks of vessels afloat, they shall be protected by personal flotation devices meeting the requirements of § 1916.84(a).

* * * * *

5. In § 1916.47, paragraph (d) is proposed to be revised to read as follows:

§ 1916.47 Working surfaces.

* * * * *

(d) When employees are boarding, leaving, or working from small boats or floats, they shall be protected by personal flotation devices meeting the requirements of § 1916.84(a).

6. In § 1916.84, paragraph (a), is proposed to be revised to read as follows:

§ 1916.84 Lifesaving equipment.

(a) *Personal flotation devices.* (1) Any personal flotation device used after November 1, 1973, shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices).

(2) Prior to each use, personal flotation devices shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective personal flotation devices shall not be used.

* * * * *

7. Section 1917.47 is proposed to be revised to read as follows:

§ 1917.47 Working surfaces.

When employees are boarding, leaving, or working from small boats or floats, they shall be protected by personal flotation devices meeting the requirements of § 1917.84(a).

8. In § 1917.84, paragraph (a) is proposed to be revised to read as follows:

§ 1917.84 Lifesaving equipment.

(a) *Personal flotation devices.* (1) Any personal flotation device used after November 1, 1973, shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices).

(2) Prior to each use, personal flotation devices shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective personal flotation devices shall not be used.

* * * * *

9. Section 1918.106 is proposed to be revised to read as follows:

§ 1918.106 Protection against drowning.

(a) *Personal flotation devices.* Any personal flotation device used after November 1, 1973, shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices).

(b) Employees working on log booms shall be protected by personal flotation devices meeting the requirements of § 1918.106(a).

(c) Except when engaged in loading or discharging ocean going vessels, employees walking or working on the decks of barges on the Mississippi River System and the Gulf Intracoastal Waterway shall be protected by personal flotation devices meeting the requirements of § 1918.106(a).

(d) Personal flotation devices shall be maintained in good condition and shall be considered unserviceable when damaged so as to affect their buoyant properties or capability of being fastened.

(Sec. 6, Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655), Secretary of Labor's Order No. 12-71, 36 FR 8754.)

Signed at Washington, D.C., this 18th day of August 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-17908 Filed 8-22-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

ALCATRAZ ISLAND

Golden Gate National Recreation Area Boat Landings

Notice is hereby given that pursuant to the authority contained in section 4 of the Act of October 27, 1972 (86 Stat. 1299, 16 U.S.C. 460bb-3), section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), as amended, 245 DMI (34 FR 13879), as amended, and National Park Service Order No. 77 (38 FR 7478), it is proposed to amend Part 7 to add a new § 7.97 as set forth below.

The purpose of the amendment is to ensure visitor safety on Alcatraz Island and to restrict visitation to manageable numbers by limiting boat landings on the Island to those holding valid permits for such landings.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulation to the Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, California 94123, by August 23, 1973.

The new section reads as follows:

§ 7.97 Golden Gate National Recreation Area.

(a) Boat landings—Alcatraz Island. Except in emergencies, the docking of any privately-owned vessel, as defined in Part 3.1 of this Title, or the landing of any person at Alcatraz Island without a permit or contract is prohibited. The Superintendent may issue a permit upon a determination that the applicant's needs cannot be provided by authorized commercial boat transportation to Alcatraz Island and that the proposed activities of the applicant are compatible with the preservation and protection of Alcatraz Island.

JOSEPH C. RUMBERG, Jr.,
Deputy Associate Director.

[FR Doc.73-17871 Filed 8-22-73;8:45 am]

National Park Service

[36 CFR Part 7]

LAVA BEDS NATIONAL MONUMENT, CALIFORNIA

Wilderness

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), section 3 of the Act of October 13, 1972 (86 Stat. 811), section 4 of the Act of September 3, 1964 (78 Stat. 892; 16 U.S.C. 1133), 245 DM1 (34 FR 13879) as amended, and National Park Service Order No. 77 (38 FR 7478), it is proposed to amend Part 7 of Title 36 of the Code of Federal Regulations to add § 7.96 as set forth below.

The purpose of the amendment is to establish special regulations for visitor use in that area within the monument which has been set aside for administration as a part of the national wilderness preservation system.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Lava Beds National Monument, Tulelake, California 96134, on or before September 24, 1973.

Section 7.96 is added as follows:

§ 7.96 Lava Beds National Monument.

(a) *Wilderness.* A map of the park portion designated as wilderness may be inspected at the Office of the Superintendent. Except in emergencies involving the health and safety of persons within the area, the following special regulations apply in the designated wilderness area: (1) The possession or use of a vehicle, motor vehicle, snowmobile, portable motor, or engine-driven equipment or machine is prohibited. (2) The possession or use of any device moved by animal or human power, on one or more wheels, in, upon, or by which any person or property is or may be transported or drawn on land, is prohibited.

PAUL F. HARTEL,
Superintendent, Lava Beds National Monument.

[FR Doc.73-17872 Filed 8-22-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 73-SW-55]

BELL MODEL 206A AND 206B HELICOPTERS

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Model 206A and 206B helicopters. There have been reports of fatigue cracks in the vertical fin support forgings, P/N's 206-031-417 and -418, on Bell Models 206A and 206B, that could possibly result in damage to the tail rotor, if allowed to progress beyond certain limits. Since this condition is likely to exist or develop in other helicopters of the same type design, the proposed airworthiness directive would require repetitive inspections of the vertical fin support forging for cracks and thread marks and replacement as necessary on Bell Models 206A and 206B.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before September 24, 1973 will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Forth Worth, Tex.

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, 1423) and of 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 § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Model 206A and 206B helicopters, serial numbers 4 through 1097, certificated in all categories, equipped with vertical fin support forgings, P/N's 206-031-417 and -418.

Compliance required within the next 50 hours' time in service after the effective date of this A.D., unless already accomplished within the last 50 hours' time in service, and thereafter at intervals not to exceed 50 hours' time in service from the last inspection.

To detect possible fatigue cracks in the vertical fin support forgings in the area of the fin attachment nut plates, accomplish the following:

(a) Remove the vertical fin in accordance with paragraph 8-47, Section VIII of the 206A/B Maintenance and Overhaul Instructions.

(b) Remove the paint in the area of the fin attachment nut plates (4 places).

(c) Inspect for cracks, using a dye penetrant or equivalent inspection method.

(d) If cracks are found in either support forging, the cracked forging must be removed and replaced prior to further flight.

(e) If no cracks are found, inspect the four holes for thread marks. Any marks must be removed in accordance with Bell Helicopter Company Service Bulletin No. 206-01-73-5, Part I, paragraph 5, dated June 27, 1973, or later FAA approved revision. Apply a coating of zinc chromate primer or other suitable corrosion protection.

(f) Reinstall the fin in accordance with paragraph 8-49, Section VIII of the 206A/B Maintenance and Overhaul Instructions.

(g) This A.D. is no longer applicable when the vertical fin support forgings are replaced in accordance with Bell Helicopter Company Service Bulletin No. 206-01-73-5, Part II, dated June 27, 1973, or later FAA approved revision.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Tex. 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Tex., and at FAA Headquarters, 800 Independence Avenue SW, Washington, D.C. A historical file on this A.D. which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Tex.

Issued in Fort Worth, Texas on August 13, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-17836 Filed 8-22-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-CE-19]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Spencer, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received by September 24, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Spencer, Iowa, a new public use instrument approach procedure is being developed for the Spencer Municipal Airport. Accordingly,

it is necessary to alter the transition area at Spencer, Iowa, to adequately protect aircraft executing this new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is amended to read:

SPENCER, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Spencer, Iowa Municipal Airport (latitude 43°09'45" N., longitude 95°11'30" W.); and within three miles each side of the Spencer VOR 320° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR; within 3.5 miles each side of the Spencer VOR 129° radial, extending from the 5-mile radius zone to 15 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles northeast and 9.5 miles southwest of the Spencer VOR 320° radial, extending from 6.5 miles southeast of the VOR to 18.5 miles northwest of the VOR; and within 5 miles northeast and 9.5 miles southwest of the Spencer VOR 129° radial, extending from 6.5 miles northwest of the VOR to 22.5 miles southeast of the VOR.

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

Issued in Kansas City, Missouri, on August 6, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-17837 Filed 8-22-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 39]

ENVIRONMENTAL FINANCING

Loan Assistance From the Environmental Financing Authority

Notice is hereby given that the Environmental Protection Agency proposes to amend Subchapter B of Chapter I of Title 40 to include a new Part 39 to implement section 12 of the Federal Water Pollution Control Amendments of 1972.

Section 12 authorizes the Environmental Financing Authority to purchase State or local public body obligations which finance the non-Federal share of the cost of a project for the construction of waste treatment works.

Under the proposed regulations the Regional Administrators of the Environmental Protection Agency: (1) Will certify to the Environmental Financing Authority that the public body is unable to obtain on reasonable terms sufficient credit to finance its actual needs, (2) will approve the project as eligible for grant support under the FWPCA, and (3) will guarantee the timely payment by the public body of principal and interest on the obligation.

The proposed regulations would require the public body to develop a request for Environmental Financing Authority financing in conjunction with a Step 3 (building and erection of a treatment works) grant application or a Step 2–3 (design/construct) grant application. The request must contain documentation, such as letters from responsible municipal bond brokers, that the public body cannot obtain credit on better terms than the rate and repayment period specified by the Environmental Financing Authority. In addition the public body must agree to conditions which guarantee the loan.

Interested parties are encouraged to submit written comments, views, or data concerning these proposed regulations to the Chief, Water Programs Branch, Office of Planning and Evaluation, Environmental Protection Agency, Washington, D.C. 20460. All such submissions received on or before September 24, 1973, will be considered prior to promulgation of final regulations.

JOHN QUARLES,
Acting Administrator.

AUGUST 17, 1973.

PART 39—ENVIRONMENTAL FINANCING

AUTHORITY.—Sec. 12 of the Act.

§ 39.100 Purpose.

This part establishes policies and procedures—(a) to assure that inability to borrow necessary funds on reasonable terms does not prevent the construction of any waste treatment works for which a grant has been awarded in compliance with the Federal Water Pollution Control Act and (b) to assure timely repayment of the principal and interest on the obligation.

§ 39.105 Definitions.

Words and terms used in this part which have been defined in § 35.905 of this chapter shall have the meaning set forth therein. The following words and terms shall have the meaning set forth below.

§ 39.105–1 The authority.

The Environmental Financing Authority established pursuant to section 12 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92–500).

§ 39.105–2 Federal share.

The amount of any grant awarded under Subpart E of Part 35 of this chapter for construction of waste treatment works.

§ 39.105–3 Non-Federal share.

The amount remaining after the Federal share is subtracted from the total costs which the Regional Administrator determines are associated with the project and eligible for financing, excluding State or other assistance pursuant to § 39.115.

§ 39.105–4 Public body.

A public body is a municipality, a State, or an interstate agency as defined in § 35.905 of this chapter.

§ 39.105–5 Reasonable terms.

Reasonable terms are an interest rate less than or equal to the lending rate at which the Authority will buy municipal bonds or a repayment period equal to or longer than the repayment period established by the Environmental Financing Authority.

§ 39.110 Application.

(a) A public body which has applied for a grant under section 8 regulations (§ 35.800 of this chapter) or under § 35.930–1(a) (3), (4), or (5) of this chapter, or which has committed itself to finance the non-Federal share of any project(s) awarded such a grant, may apply through the Regional Administrator for a commitment from the Environmental Financing Authority to purchase or participate in any obligation issued by the public body.

(b) Such application must establish and document to the satisfaction of the Regional Administrator—(1) Efforts on the part of the public body to obtain long-term financial aid on reasonable terms for the cost of construction of the project (including projects for Steps 1 or 2), (2) the nature and extent of Environmental Financing Authority financing required by the public body for the project, and (3) such other financial information as may be requested by the Regional Administrator.

(c) Such application will normally be included with the application for a Step 3 or combination Step 2 and Step 3 grant application for a construction project and must contain documentation, such as letters from local or regional brokers, providing evidence that funds are not available from private sources at a reasonable rate. Such application may be submitted at a later date if the public body determines, after attempts to obtain private financing, that it needs EFA funding.

(d) Such application shall be submitted through the Regional Administrator on such forms as may be prescribed by the Board of Directors of the Authority.

§ 39.115 Limitation on assistance.

The amount of any State or other assistance available for the non-Federal share of a project will be deducted from the amount of assistance by the Authority, unless such assistance is not available on reasonable terms.

§ 39.120 Certification.

(a) The Regional Administrator may certify to the Authority that the public body is unable to obtain on reasonable terms sufficient credit to finance the non-Federal share of a project which has been awarded a grant under section

8 regulations or § 35.930–1(a) (3), (4), or (5) of this chapter for the Federal share of the project, provided that no such certification may be made in the case of a project for which the permanent financing occurred prior to October 18, 1972.

(b) The public body receiving certification will be subject to the following conditions:

(1) Agrees to maintain the facilities in good repair and operating condition for the duration of financial assistance by the Authority.

(2) Has legal authority to inspect and maintain the facilities in good repair and operating condition if the operating agency fails to do so.

(3) Has agreed to maintain insurance and bonding adequate to protect the guarantor.

(4) Has agreed to maintain and to preserve for the duration of financial assistance financial records (including annual operating budgets) necessary to reflect receipt of revenues for repayment.

(5) That the repayment period will be over a reasonable term not to exceed 40 years.

(6) Agrees to notify the Environmental Protection Agency Regional Administrator or his successor whenever projected annual revenues are insufficient to meet payments for principal, interest, or operating costs.

(7) That the public body has adopted a capital cost recovery system which will include revenues adequate to assure payment of principal and interest of the Environmental Financing Authority obligations.

(8) Agrees to revise its rates or rate structure in accordance with recommendations of the Environmental Protection Agency Regional Administrator or his successor whenever such revisions are required to assure that annual revenues will be sufficient to meet projected operating costs or required payments of principal and interest.

(c) The Environmental Protection Agency certification or financial assistance from the Authority may be revoked in the event of noncompliance with the foregoing conditions.

§ 39.125 Guarantee.

Certification by the Regional Administrator pursuant to § 39.120 constitutes a guarantee of the timely payment of interest and principal by the public body for a project for which financial assistance is obtained from the Authority.

[FR Doc.73–17689 Filed 8–22–73;8:45 am]

[40 CFR Part 162]

LABELING CLAIMS FOR RESIDUAL BACTERIOSTATIC AND/OR SELF-SANITIZING ACTIVITY IN LABELING OF PESTICIDE PRODUCTS

Proposed Statement of Policy

Notice is hereby given pursuant to the authority in sections 3 and 25 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 979, 997), that consideration is being given to the issuance of a Statement of Policy with respect to claims for residual bacteriostatic and/or self-sanitizing activity in labeling of pesticides. All persons who desire to submit written data, views, or arguments in connection with this matter should file the same in duplicate within 60 days after the date of publication of this notice in the FEDERAL REGISTER with the Director, Registration Division, Office of Pesticides Programs, Environmental Protection Agency, Room 2134, South Agriculture Building, 12th and Independence Avenue SW., Washington, D.C. 20250. All written submissions filed pursuant to this notice will be made available for public inspection in the above office during working hours Monday through Friday.

It is the intention of this Agency to require that all currently registered products be brought into compliance within 180 days from the date of publication of a final notice in the FEDERAL REGISTER. The Agency further intends to require that new products proposed for registration comply with the provisions of the established policy prior to registration. At the end of the 180-day period allowed for bringing currently registered products into compliance, notices of intent to cancel registration of noncomplying products will be issued.

The rationale for this proposed change in policy and the proposed Statement of Policy follows.

Dated August 17, 1973.

JOHN QUARLES,
Acting Administrator.

The Environmental Protection Agency in the exercise of its responsibility with regard to protection of public health and the environment must make continuing judgments relative to the safety and efficacy of pesticide products. These judgments must be based on constant reviews of available data and close surveillance of currently registered products to assure that they meet the statutory test relative to effectiveness and safety.

The Agency also recognizes its responsibility to assure that for any introduction of pesticide chemicals into the environment there is a commensurate and clearly demonstrable useful benefit to man and his environment. It is of prime importance that the benefit that can be expected to accrue from such usages be clearly spelled out in pesticide labeling.

The Federal Insecticide, Fungicide, and Rodenticide Act as amended by the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 973 et seq.) provides that a pesticide product is considered misbranded if among other things:

1. Its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular (86 Stat. 977).

2. The labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under section 3(d) of this Act, are adequate to protect health and the environment; (86 Stat. 977).

A number of antimicrobial products currently registered with the Registration Division, Office of Pesticide Programs, of the Environmental Protection Agency bear claims for residual bacteriostatic, fungistatic, and/or self-sanitizing activity against pathogenic bacteria and fungi. Products of this type include both liquid and pressurized spray formulations, and materials (such as various types of fabrics, fibers, coatings, rubber, plastics, resins, and paper) that have been impregnated or treated with antimicrobial pesticides.

Few meaningful, standardized tests exist to assess the efficacy of products, articles, or materials bearing bacteriostatic, fungistatic, or self-sanitizing claims. However, to substantiate current label claims, data have been submitted to show that residual bacteriostatic, fungistatic, and/or self-sanitizing activity occurs under ideal laboratory conditions that are suitable for the growth of bacteria and fungi, and for the activation of chemicals against these microorganisms. These ideal and critical conditions include appropriate nutrients, moisture temperature, pH, and other environmental factors.

The stability or retention of a chemical in or on an inanimate surface varies, depending upon both physical and chemical factors. Abrasion, sunlight, heat, chemical neutralization, or degradation, vaporization, presence of soil, dust, and water, migration, or physical transport of the chemical to another area, all tend to reduce the active concentration of the antimicrobial chemical from the site of original application.

From a practical, or public health view point, insignificant killing of potentially harmful micro-organisms occurs on dry objects or surfaces treated with antimicrobial pesticides when they (a) settle on the object or surface from the air, (b) are transported to the surface by means of some inanimate vehicle, or (c) are deposited either by contact or by fallout from a human or animal source (sputum, exudates, nasal discharge, excrement, etc.). In some instances where micro-organisms from human sources contaminate the treated surface, these micro-organisms generally are in the presence of serum components or other carbohydrate, lipid, or protein complexes present in tissues fluids or body exudates and thus are protected from the normally destructive chemical. The organisms, still viable, are able to grow and multiply when transported at a later time to a suitable environment and are capable of infecting susceptible hosts.

Antimicrobial activity generally is found at four levels of efficacy: sterilizers (the killing of all living organisms), disinfectants (total kill of target infectious organisms), sanitizers (significant reductions of bacterial numbers), and bacteriostats (inhibition of bacterial growth in

the presence of moisture without effect on organism viability). Only by the total elimination of a specific species of infectious micro-organism from a surface (sterilization or disinfection) can it be assumed that the likelihood of cross-infection from the surface will not occur. In an unprotected environment, this state of sterility or disinfection is transient.

The practical value of impregnating various materials with antimicrobial chemicals for the purpose of preserving the material itself from microbial deterioration is recognized. Similarly, the treatment of surfaces, materials, or articles with antimicrobial chemicals to prevent the growth of and/or reduce the numbers of bacteria which may cause odors appears to have obvious practical significance. Additionally, a measure of protection is provided to perishable commodities by impregnating or treating papers or cartons with pesticides to prevent the growth of contaminants that might cause deterioration and spoilage. However, it is unlikely that any significant destruction of micro-organisms occurs when relatively dry bacteria or fungi found in the air, dust, or dirt in the environment come in contact with dry impregnated materials or dry treated surfaces in the absence of adequate moisture.

Based on these considerations, test methods currently available to evaluate residual antimicrobial activity against infectious micro-organisms do not adequately simulate conditions of use and fail to assess public health benefits that may be expected.

PROPOSED STATEMENT OF POLICY

§ 162.200 Claims for residual bacteriostatic and/or self-sanitizing activity in labeling of pesticides; statement of policy.

(a) Residual chemicals which are effective against infectious micro-organisms at the mitigating level only ("bacteriostatic," "fungistatic," "self-sanitizing") cannot be represented as providing any measure of public health protection, either stated or implied, and references to any infectious micro-organism in connection with residual antimicrobial activity are, therefore, unwarranted and no longer acceptable. Any such claims shall be removed from the label.

(b) Claims for antimicrobial activity of chemical residues must therefore be restricted to practical values which are likely to be provided and which can be associated with actual in-use situations, assuming adequate data to substantiate such claims are submitted to the Registration Division, Office of Pesticides Programs, Environmental Protection Agency.

(c) Any claims of value for residual effectiveness against infectious micro-organisms or micro-organisms of public health significance whether stated or implied must be supported by adequate clinical evidence developed from actual in-use studies before acceptance on the labeling of a pesticide will be considered. Affidavits or endorsements from users are not acceptable as "clinical evidence" of effectiveness.

[FR Doc.73-17890 Filed 8-22-73;8:45 am]

[41 CFR Part 15-60]

GOVERNMENT PROPERTY

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Environmental Protection Agency is considering an amendment to 41 CFR Chapter 15 by adding a new Part 15-60, Government Property. Part 15-60 enunciates policy and procedures for providing Government owned property to contractors and for allowing contractors to acquire property at Government expense.

Interested parties may submit written comments concerning the proposed amendment to the Contracts Management Division, AMAC, Environmental Protection Agency, Washington, D.C. 20460. Communications received on or before September 21, 1973 will be considered prior to adoption of the final regulation. A copy of each communication received will be placed on file for public inspection in the Contracts Management Division, Room W415-B, Waterside Mall, Washington, D.C. 20460.

Dated: August 17, 1973.

JOHN QUARLES,
Acting Administrator.

PART 15-60—GOVERNMENT PROPERTY

AUTHORITY: 40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended.

Subpart 15-60.1—General

§ 15-60.000 Scope of part.

This part sets forth policy and procedures with respect to providing property for use by contractors in performance of EPA contracts and prescribes appropriate contract clauses. This part does not apply to the lease of property to contractors or to property to which the Government has acquired a lien or title solely as a result of advance, progress, or partial payments.

§ 15-60.100 Scope of subpart.

This subpart 15-60.1 contains (a) definition of terms used throughout this Part 15-60 and (b) certain statements of general policy.

§ 15-60.101 Definitions.

As used in this subpart, the following terms have the meaning stated below. Additional definitions applicable to property administration are set forth in EPA publication entitled "Guide for Control of Government Property by Contractors."

§ 15-60.101-1 Property.

Property includes all property, both real and personal, severable and nonseverable, and expendable material and nonexpendable equipment.

§ 15-60.101-2 Government property.

Government property means all property owned by or leased to the Government or acquired by the Government under the terms of a contract. Government property includes both Government-furnished property and contractor-acquired property as defined below:

(a) Government-furnished property is property in the possession of, or ac-

quired directly by, the Government and subsequently delivered or otherwise made available to the contractor; and

(b) Contractor-acquired property is property procured or otherwise made available by the contractor for performance of a contract, title to which is vested in the Government.

§ 15–60.101–3 Provide.

Provide means to furnish Government-owned property or to allow a contractor to acquire property at Government expense.

§ 15–60.101–4 Nonseverable.

Nonseverable, when related to Government property, means that such property cannot be removed after erection or installation without substantial loss of value or damage thereto, or to the premises where installed.

§ 15–60.101–5 Dollar value.

This is the amount determined by the Government and recorded in inventory records as the price or cost of an item of Government-owned property.

§ 15–60.101–6 Procurement contract.

Procurement contract means a Government contract for the acquisition of property or services of any description; e.g., research and development, construction, scientific, educational, medical, etc

§ 15–60.101–7 Material.

Material means property which may be consumed or expended in the performance of a contract or which may be incorporated into or attached to an end item to be delivered under a contract. It includes, but is not limited to, raw and processed material, parts, components, assemblies, small tools and supplies which may be consumed in normal use during performance of a contract.

§ 15–60.101–8 Nonprofit organization.

Nonprofit organization means any corporation, foundation, trust, or institution operated for scientific, educational, or medical purposes, not organized for profit, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

§ 15–60.102 Responsibility and liability for Government property.

§ 15–60.102–1 Prime contractors.

Except for the conditions specified in paragraph (g), Risk of Loss, of the Government Property clause set out in § 15–60.702 of this chapter, it is EPA policy not to hold a contractor responsible for loss of or damage to Government property when such property is provided under:

(a) A negotiated, fixed-price type procurement contract for which the price is not based on (1) adequate price competition, (2) established catalog or market prices of commercial items sold in substantial quantities to the general public (see § 1–3.807–1(a)(2)), or (3) prices set by law or regulation; or

(b) Cost-reimbursement type procurement contracts.

§ 15–60.102–2 Subcontractors.

(a) If Government property is provided to a subcontractor directly by the Government § 15–60.102–1 shall apply.

(b) If Government property is provided to a subcontractor by a prime contractor, the latter shall be required to hold the subcontractor liable for any loss of or damage to such property; provided, however, the prime contractor may, with the prior approval of the Contracting Officer:

(1) include in any cost-reimbursement type subcontract thereunder provisions similar to those contained in paragraph (g) of the section in § 15–60.702; and

(2) include in any fixed-price subcontract meeting the criteria set forth in § 15–60.102–1(a) a provision similar to that contained in § 15–60.701(b) of this chapter.

Contracting Officers shall, prior to approving the inclusion of the provisions referred to above in any subcontract, balance the need for the protection and care of Government property against the cost thereof. A prime contractor who provides Government property to a subcontractor shall not be relieved of any responsibility to the Government that he may have under the terms of his contract.

§ 15–60.103 Use for or by contractors of test facilities owned and operated by the Government.

The on-site use for or by contractors of existing Government-owned test facilities located at installations owned and operated by the Government may be authorized in connection with the performance of Government contracts only when:

(a) There is no commercial test capability adequate for the testing needs, or

(b) Substantial cost savings will result from use of the Government-owned test facilities.

Whenever any such use is authorized, adequate consideration comparable to commercial charges, if any, shall be obtained under any affected contract.

Subpart 15–60.2—Material

§ 15–60.200 Scope of subpart.

This subpart prescribes policy and procedure for furnishing material (see § 15–60.101–7) to contractors for performance of EPA formally advertised and negotiated contracts.

§ 15–60.201 Policy.

Contractors normally are expected to furnish all material required for performance of EPA contracts. However, it may be in the Government's interest to furnish such material when justified by reason of economy, to expedite contract performance, to achieve standardization, or under other appropriate conditions.

§ 15–60.202 Procedure.

(a) Solicitation documents shall describe material to be furnished by the Government, in detail sufficient for evaluation by prospective contractors.

(b) Whenever material is to be furnished by the Government the contract shall specify whether the contracting activity or the contractor is to prepare requisitioning documents. If the contractor is to be responsible for preparing requisitioning documents, the EPA Property Administrator will instruct the contractor to prepare such documents in accordance with the Federal Standard Requisitioning and Issue Procedure (FEDSTRIP) system, prescribed by Subpart 101–26.2 of the Federal Property Management Regulations. (See FPR, Subpart 1–5.9 for "Use of GSA Supply Services by Contractors Performing Cost-Reimbursement Type Contracts").

(c) The appropriate Government Property clause prescribed in Subpart 15–60.7 shall be incorporated into all contracts which provide for Government-furnished material.

§ 15–60.203 Contract changes.

(a) Contracts may be modified:

(1) Bilaterally to provide for material to be furnished by the Government and to increase the amount of Government-furnished material; provided, adequate consideration flows to the Government for such modifications; and

(2) Unilaterally to make substitutions or decreases in material to be furnished by the Government, subject to equitable adjustment of the contract in accordance with the Government Property clause.

§ 15–60.204 Disposal.

Residual Government material (including scrap and salvage) shall be disposed of in accordance with instructions of the EPA Property Administrator and as directed by the Contracting Officer. (See FPMR, EPA Property Management Regulations, FPR, Part 1–8, and EPA publication entitled "Guide for Control of Government Property by Contractors").

Subpart 15–60.3—Providing Government Property to Contractors

§ 15–60.300 Scope of subpart.

This subpart enunciates policy to guide the decision making process when property (other than material) is to be provided a contractor for performance of an EPA contract and to insure that such decisions are properly documented.

§ 15–60.301 Providing property.

§ 15–60.301–1 General.

(a) Contractors are expected to provide all resources necessary for performance of EPA contracts. Every effort must be made to locate and select Contractors that demonstrate a willingness and ability to provide their own resources. However, during procurement planning, solicitation of prospective contractors, evaluation of proposals, contract negotiations, or during postaward performance of the contract, EPA may determine that it is in the Government's interest to furnish Government-owned property or to allow the contractor to acquire property at Government expense.

(b) Providing property at Government expense can create an expensive and burdensome inventory that may have to

be disposed of at a fraction of its cost. EPA personnel must insure that (1) providing property is justified, (2) the Government receives adequate consideration, and (3) one contractor or prospective contractor does not receive a competitive advantage over others. A decision to provide property at Government expense must be supported by a comprehensive "determination and findings."

(c) Items of property to be furnished by the Government or acquired by the contractor must be identified as specifically as possible in the original contract Schedule or in a Change Order or Supplemental Agreement, as appropriate. When acquisition of property at Government expense is authorized in a contract Schedule, Change Order, or Supplemental Agreement, purchase orders or subcontracts issued by the contractor for acquisition of individual items of property are subject to the requirements of the Subcontracts clause incorporated into the contract. Authorization to acquire property should not be construed as consent to placement of a subcontract or vice-versa, unless so specified in the contract or in a written determination by the Contracting Officer.

§ 15–60.301–2 Justification for providing property.

(a) The Contracting Officer shall not authorize a contractor to (1) acquire property at Government expense, (2) obtain Government-furnished property, or (3) use Government-owned property in his possession until the Chief Officer, at Division level or above, responsible for management of the program/project involved, submits a written justification of need to provide the property to the Contracting Officer. If the Contracting Officer concurs in the justification of need, he will prepare and sign a separate "determination and findings" which identifies the property to be provided and sets forth the facts and circumstances which support providing the property. The "determination and findings" shall be approved by the Chief Officer responsible for procurement at the contracting activity involved. A similar approved "determination and findings" is required when changes are made in the kind or amount of property provided or acquired. However, a separate "determination and findings" is not mandatory if the justification of need fully supports providing the property and contains the minimum information prescribed by § 15–60.301(b). In such case, concurrences by the Contracting Officer and Chief Officer responsible for procurement may be stated on the justification of need.

(b) As a minimum, the justification of need and/or "the determination and findings" must:

(1) Identify the specific program and project for which the property is required.

(2) Describe the kind, quantity, and estimated cost (including transportation and installation costs) of the individual item of property required to be furnished or acquired.

(3) Explain why the property is essential for contract performance.

(4) Explain why it is in the Government's interest to provide the property; why other alternatives (e.g., renting the property, use of subcontractors, modification of program/project requirements, procurement from another contractor, etc.); are impractical or uneconomical and why providing the requested property is likely to result in lower cost to the Government for products delivered or services rendered, when all costs are considered (e.g., purchase price of the property, transportation, modification, installation, maintenance, and administration costs by the Contractor and the Government.)

(5) Identify, if known, location of the contractor's facility at which the property will be used and the contractor's personnel assigned responsibility for acquisition and management of the property.

(c) A justification of need is required regardless of when the need for the property is determined; thus:

(1) A written justification of need must be transmitted with EPA Form 1900.8, Procurement Request/Requisition, whenever the program/project manager is aware, prior to preparation of EPA Form 1900.8, that it will be necessary to authorize use of Government-owned property in contractor's possession, furnish Government-owned property, or allow contractor to acquire property at Government expense. Known requirements of this kind must be specified in the solicitation document as prescribed in Subpart 15–60.5.

(2) When the need to authorize use of existing Government-owned property or to authorize the furnishing or acquisition of property does not become known until evaluation of contractor's proposals or during contract negotiations, the Contracting Officer shall obtain a justifictaion of need prior to execution of the procurement contract. In order to maintain the integrity of the competitive procurement process, other proposers that have submitted proposals will be offered the opportunity to amend their proposals as contemplated by § 1–3.805 of this title and § 15–3.805 of this chapter.

(3) After award of a contract, the Contracting Officer shall not authorize the use, furnishing, or acquisition of property until a justification of need is furnished by the appropriate program manager. Also, the Contracting Officer must insure that consideration for such authorization flows to the Government in the form of a reduction in contract price/cost, payment of rent for use of property, or other legal consideration determined to be adequate in terms of improved performance, increased quality, faster delivery, etc.

§ 15–60.301–3 Special and general purpose property.

(a) Generally, only special purpose property (i.e., equipment and facilities items whose usefulness, without need for substantial modification, is limited to a particular operation or project) may be provided to a contractor. Standard or general purpose items of administrative equipment (e.g., office furniture and equipment, cafeteria equipment, lockers, shelving, etc.), and technical equipment (e.g., laboratory furniture and fixtures, microscopes, oscilloscopes, gauges, etc.), shall be provided only when justified under the most exceptional circumstances.

(b) Items of property having a unit cost of less than $1,000.00 shall not be provided contractors except as authorized under contracts with:

(1) Nonprofit institutions of higher education or other nonprofit organizations whose primary purpose is the conduct of scientific research;

(2) State and local Government agencies; or

(3) Contractors operating a Government-owned plant or performing on-site at Government installations.

§ 15–60.301–4 Providing property when disposal is limited.

(a) *Nonseverable property.*—Nonseverable property, other than foundation and similar improvements necessary for the installation of equipment, shall not be installed or constructed on land not owned by the Government, in such fashion as to be nonseverable, unless approved by the Director, Contracts Management Division, AMAC, or the Deputy Assistant Administrator for Administration, AMA, in accordance with EPA Order 1960.1. The determination to locate such nonseverable property on land not owned by the Government shall be made only when all of the conditions in paragraphs (a) (1) through (4) of this section have been met:

(1) Consideration has been given to any nonrecoverable costs involved, including transportation and installation.

(2) Consideration has been given to (i) locating the Government property where it can be segregated from existing contractor-owned and Government-owned property and where it is readily accessible from public thoroughfares and (ii) obtaining a written agreement by the contractor on whose land the property is to be placed that either the Government or another Government contractor will have a right to use and operate the property upon termination or completion of the work for which it was provided. (In cases where such an agreement is not obtained, the negotiation effort shall be documented accordingly):

(3) The contractor agrees that the Government (i) will have the right to abandon in place all nonservable Government property provided and (ii) will not have any obligation to disassemble or remove the property or to restore or rehabilitate the premises on which the property is located, unless otherwise provided in the contract and approved by the Director, Contracts Management Division, AMAC, or the Deputy Assistant Administrator for Administration, AMA, as required by EPA Order 1960.1

(this approval authority shall not be delegated); and

(4) One of the circumstances in paragraph (a)(4) (i) through (iv) of this section has been met—

(i) The Government obtains an option to acquire the underlaying land;

(ii) The property is disposable, after the Government's need therefor has ceased, to parties other than the Contractor and the Government acquires from the owner a right to retain title and to dispose of all facilities it has constructed, without regard to the laws of real property in the jurisdiction in which the facility is located. Such right of disposition must be unencumbered, and will be evidenced by written agreement or other legal instrument signed by the Contractor or other owner of the real property;

(iii) The Contractor agrees in writing that he will purchase the property upon the termination or completion of the contract under which the property is provided, or within a specified reasonable time thereafter, at a price to be determined by appraisal, or at a price equal to the acquisition cost of the property less depreciation at the rate or rates specified in the contract (which rate or rates shall take into account the estimated useful life of the property) or for the scrap and salvage value of the property if it is determined that the estimated useful life of the property will not extend beyond the completion of the work for which the property was provided. Any such purchase agreement must permit the Government to credit any amounts due the Contractor under the contract against the purchase price; or

(iv) The Deputy Assistant Administrator, AMA, specifically approves other provisions which he considers adequate to protect the interests of the Government in regard to the property.

(b) Property subject to patent or other proprietary rights. If patent or other proprietary rights of a Contractor may restrict the disposal of Government property, the condition in either paragraph (a)(4) (ii) or (iii) of this section shall be satisfied before such property is provided.

§ 15–60.301–5 Changing Government property to be provided.

Increases in the amount of Government property specified in a contract shall be made under the contract "Changes" clause by issuance of an appropriate Change Order or Supplemental Agreement. Such increases shall be made only when approved in accordance with the policies prescribed in this Subpart 15–60.3 and when the Government receives adequate consideration therefor. Unilateral decreases in or substitutions for the Government property specified in a contract to be provided by the Government may be ordered by the Contracting Officer pursuant to the Government Property clause incorporated into the contract.

§ 15–60.301–6 Contract schedule articles.

(a) *General.* Whenever a Contractor is authorized to acquire property at Government expense, is furnished Government-owned property, or is authorized to use Government-owned property in his possession, such property will be identified, as specifically as possible, in the contract Schedule and the appropriate Government Property clause prescribed in Subpart 15–60.7 will be included in the contract. Also, the Schedule will include the appropriate Article prescribed in § 15–60.301–6(b).

(b) *Contract Schedule Articles.*—(1) When property is to be acquired or fabricated by a contractor, the estimated cost of such property and the following Article will be included in the Contract Schedule:

PROPERTY TO BE ACQUIRED OR FABRICATED (1973)

Subject to the approval of the Contracting Officer, the Contractor may acquire or fabricate (the property listed below) (the property listed in Appendix "A," attached hereto and made a part hereof). The Government will reimburse the contractor for the cost of such property as determined allowable by the Contracting Officer in accordance with Part 1–15 of the Federal Procurement Regulations as in effect on the date of this contract. The contractor shall have no obligation to acquire or fabricate property and the Government shall have no obligation to reimburse any amount for such property in excess of the total estimated cost of such property set forth in this Schedule, unless this contract is amended to increase such amount. All property acquired or fabricated, for which the contractor is reimbursed, shall be subject to the provisions of the Government Property clause of this contract.

(2) If a procurement contract is negotiated on the basis that Government-owned property will be provided the contractor, the following Article will be included in the contract Schedule. If the Government is to pay the cost of transportation and installation of such property the Schedule will so state. The dollar value of each item of property listed will be shown.

GOVERNMENT-FURNISHED PROPERTY (1973)

The terms and conditions of this contract are based on the Government furnishing the property (listed below) (listed in Appendix "A" attached hereto and made a part hereof). Title to property furnished shall remain in the Government and is subject to the provisions of the Government Property clause of this contract. The Contractor is authorized to use the Government-owned property (on a no-charge basis) (at the rental rates specified herein), in performance of this contract.

(3) The following Article will be included in the contract Schedule when a Contractor is authorized to use Government property in his possession. Also, the appropriate Government Property clause prescribed in Subpart 15–60.7 of this part must be incorporated into the procurement contract. The dollar value of each item of property listed will be shown and if the Government is to pay the cost of installing or modifying such property the Schedule will so state.

USE OF GOVERNMENT PROPERTY IN CONTRACTOR'S POSSESSION (1973)

The Contractor is authorized to use in performance of this contract (on a no-charge basis) (at the rental rates specified herein), the Government property (listed below) (listed in Appendix "A" attached hereto and made a part hereof), provided to him under (this contract) (the following contracts):

(4) The following Article will be included in all contracts under which the Contractor must pay rent for use of Government-owned property:

USE AND CHARGE

(a) Subject to the payment of a rental therefor, the Contractor may use in the performance of this contract the property specified in the Schedule or authorized in writing by the Contracting Officer. The amount of rental to be paid for the right to use the property under this paragraph (a) shall be determined in accordance with the following procedures:

(i) The following bases are or shall be established in writing for the rental computation prescribed in subparagraph (2) of this clause in advance of any use of the property under this paragraph:

(i) The rental rates for the right to use the property shall be those set forth in paragraph (e) of this clause.

(ii) The cost of the property shall be the total cost to the Government, as determined by the Contracting Officer of each item of property, including the cost of transportation and installation, if such costs are borne by the Government.

(iii) For the purpose of determining the amount of rental due under subparagraph (2) of this clause, the rental period shall be not less than one (1) month nor more than six (6) months, as may be mutually agreed to.

(iv) For the purpose of computing any credit under subparagraph (2) of this clause, the measurement unit for determining the amount of use of the property by the Contractor shall be hours of actual use, direct labor hours, or any other measurement unit which will result in an equitable apportionment of the rental charge, as may be mutually agreed to.

(2) The Contractor shall compute the amount of rentals to be paid for each rental period, using the bases established pursuant to subparagraph (1) of this clause. The rental rates shall be applied to the cost of such of the property as may have been authorized for use in advance pursuant to paragraph (a) of this clause, for each rental period. The full charge for each rental period, so determined, shall be reduced by a credit in the amount of such rental as would otherwise be properly allocable to work with respect to which the use of the property without charge is authorized. Such credit shall be computed by multiplying the full rental for the rental period by a fraction whose numerator is the amount of use of the property by the Contractor without charge during such period, and whose denominator is the total amount of use of the property by the Contractor during such period.

(3) The Contractor shall submit to the Contracting Officer within ninety (90) days after the close of each rental period a written statement of the use made of the property by the Contractor and the rental due

the Government hereunder, and shall make available such records and data as are determined by the Contracting Officer to be necessary to verify the information contained in the statement.

(4) If the Contractor fails to submit the statement within the prescribed ninety (90) day period, the Contractor shall be liable for the full rental for the period in question, subject to the exception stated in subparagraph (5) of this clause.

(5) If the Contractor's failure to submit the statement within the prescribed ninety (90) day period arose out of causes beyond the control and without the fault or negligence of the Contractor, the Contracting Officer shall grant to the Contractor in writing a reasonable extension of time in which to make such submission.

(b) Unless otherwise authorized in writing by the Contracting Officer, the Contractor shall use the property only in performance of contracts and subcontracts of the Environmental Protection Agency.

(c) Concurrently with the submission of the written statement prescribed by paragraph (a)(3) of this clause, the Contractor shall pay the rental due the Government under this clause by check made payable to the Treasurer of the United States. Each check shall be mailed or delivered to the Contracting Officer. Receipt and acceptance by the Government of the Contractor's checks pursuant to this paragraph shall constitute an accord and satisfaction of the final amount due the Government hereunder unless the Contractor is notified in writing within one-hundred-eighty (180) days following such receipt that the amount received is not regarded by the Government as the final amount due.

(d) If the Contractor uses any item of the property without authorization, the Contractor shall be liable for the full monthly rental, without credit, for such item for each month or part thereof in which such unauthorized use occurs: Provided, however, that the Director, Contracts Management Division, AMAC, may, in writing, waive the Contractor's liability for such unauthorized use if he determines that the Contractor exercised reasonable care to prevent such unauthorized use. In this latter event, the Contractor shall be liable only for the rental that would otherwise be due under this clause. The acceptance of any rental by the Government hereunder shall not be construed as a waiver or relinquishment of any rights it may have against the Contractor growing out of the Contractor's unauthorized use of the property or any other failure to perform this contract according to its terms.

(e) The following rental rates shall be used when rent is to be charged, or an evaluation factor (equivalent to rent) is computed:

(1) For land and land preparation, buildings, building installations, and land installations, a fair and reasonable rental based on sound commercial practice;

(2) For personal property (equipment and facilities) not covered in paragraph (1) of this clause; not less than the prevailing commercial rate for like property, if any, or in the absence of such rate, not less than two percent (2%) of the dollar value per month for electronic test equipment and automotive equipment; and not less than one percent (1%) of the dollar value per month for all other property and equipment.

(5) When a contractor is permitted to authorize his subcontractors to use Government property in the subcontractor's possession, on a no-charge basis, the following Article will be included in the contract Schedule:

USE OF GOVERNMENT PROPERTY BY SUBCONTRACTORS (1973)

(a) The following subcontractors having Government-owned property provided under the contracts set forth below, in effect on the date of this contract, are authorized to use such property on a no-charge basis for the subcontract items listed below, and the subcontract shall so provide:

Subcontractor	Contract No.	Subcontract Item
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]

(b) If the Contractor enters into other subcontracts with subcontractors who have Government-owned property provided to them under contracts which provide that no-charge use may be authorized, the Contracting Officer may authorize the use of such property on a no-charge basis: *Provided:*

(1) He determines that such use will not give the subcontractor a favored competitive position; and

(2) This contract is amended to reflect adequate consideration to the Government for the use of such facilities on a no-charge basis. Such subcontracts shall specifically authorize the no-charge use, and require the written approval of the Contracting Officer. No modification to this contract will be required, as provided in (2) of this clause, if the Contracting Officer determines that an elimination of charge for use of such property will, of itself, result in an adequate decreased cost to the Government under this contract.

(c) If the Government-owned property provided to the Contractor or any subcontractor hereunder on a no-charge basis are increased or decreased or do not remain available during the performance of this contract, or if any change is made in the terms and conditions under which they are made available, such equitable adjustments as may be appropriate will be made in the terms of this contract, unless such increase or decrease was contemplated in the establishment of the price of this contract or a subcontract.

(d) The Contractor agrees that he will not directly or indirectly, through overhead charges or otherwise, include in the price of this contract, or seek reimbursement under this contract for any rental charge paid by the Contractor for the use on other contracts of the property referred to herein. Any subcontract hereunder which authorizes the subcontractor to use Government property on a no-charge basis shall contain a provision to the same effect as this paragraph (d) of this clause.

Subpart 15–60.4—Use and Charges

§ 15–60.400 Scope of subpart.

This subpart deals with the authority for a contractor or subcontractor to use Government property and the charge for such use.

§ 15–60.401 General.

Authority for a contractor to use Government property must be granted by the Contracting Officer responsible for the contract under which the property is accountable and the contract file must be documented accordingly. If use without charge is granted, the contract file must be documented with a description of the consideration to the Government for such "no-charge" use and the Article prescribed in § 15–60.301–6(b)(3) must be included in the contract Schedule. The Article prescribed in § 15–60.301–6(b)(3) and the "Use and Charges" Article set out in § 15–60.301(b)(4) will be included in all contracts involving Government property when rent is charged for such use.

§ 15–60.402 Use without charge.

(a) A contractor may use Government property without charge in the performance of:

(1) Prime contracts which specifically authorize use without charge, and

(2) Subcontracts of any tier if the Contracting Officer having cognizance over the prime contract concerned has:

(i) Determined that the Government will receive adequate consideration, and

(ii) Authorized use without charge by:

(*a*) Including such authorization in the prime contract;

(*b*) Approving a subcontract specifically authorizing such use; or

(c) By otherwise approving such use in writing.

(b) A prime contractor may authorize subcontractors to use Government property in the subcontractor's possession, on a no-charge basis, when (1) the price or fee of the prime contract is negotiated with the specific understanding that the use of property by subcontractors on a no-charge basis will be permitted in the performance of specific subcontracts with specific subcontractors and (2) the "Use of Government Property by Subcontractors" clause, prescribed in § 15–60.301–6(5), is included in the prime contract Schedule.

§ 15–60.403 Rent.

(a) The following rental rates shall be used when rent is to be charged or an evaluation factor (equivalent to rent) is computed:

(1) For land and land preparation, buildings, building installations, and land installations, a fair and reasonable rental based on sound commercial practice;

(2) For personal property (equipment and facilities) not covered in paragraph (a)(1) of this section not less than the prevailing commercial rate for like property, if any, or in the absence of such rate, not less than two percent (2%) of the dollar value for electronic test equipment and automotive equipment; and not less than one percent (1%) of the dollar value per month for all other property and equipment.

Subpart 15–60.5—Competition

§ 15–60.500 Scope of subpart.

This subpart sets forth guidance designed to preclude one prospective contractor from receiving a competitive advantage over others when Government property is provided.

§ 15–60.501 General.

It is incumbent upon the Contracting Officer to insure that genuine competi-

tion prevails and that adequate consideration flows to the Government whenever and however Government property is to be provided a contractor for contract performance. Willingness and ability to provide all resources necessary for contract performance should be an important factor in evaluating competitive contractors.

§ 15–60.502 Solicitation documents.

Contracting Officers shall make certain that solicitation documents:

(a) Require prospective contractors to specify additional facilities and equipment which must be acquired for contract performance, the estimated cost of individual items, and whether acquisition of such property will be financed by the prospective contractor or whether the Government will be requested to provide the required items.

(b) Explain whether it is the Government's intention to provide property, when it is known prior to solicitation that contract performance will require additional facilities or equipment.

(c) Require prospective contractors to list items (including dollar value) of Government-owned property in their possession which they propose to use in performance of the prospective contract and identify the contract or other instrument under which the property is accountable. (Written permission from the Contracting Officer having cognizance of the property is a prerequisite to use in performance of the prospective contract.)

(d) Include a statement that the user will assume all costs related to making the property available for use (e.g., transportation, installation, rehabilitation, modification, etc.), unless, the Government is to assume such costs.

(e) Include a statement which explains the consideration to be given Government property during evaluation of bids and proposals. This is to insure that all prospective bidders and offerors understand that Government property will be an important consideration in evaluating their bids and proposals.

§ 15–60.503 Evaluation of bids and proposals.

The following policy shall be considered during evaluation of bids and proposals:

(a) In a competitive procurement, a prospective contractor provided Government property or authorized to use Government-owned property in his possession receives some degree of competitive advantage. When evaluating bids and proposals, such an advantage must be precluded through use of an equalizing factor in establishing the competitive range for negotiation and in arriving at the lowest bid. Any equitable equalizing factor may be used; e.g., rent equivalent, value of property, depreciation, etc.

(b) Government property to be furnished or acquired need not be assigned a weighted factor or criterion for evaluating bids and proposals. However, the evaluation narrative shall explain the importance that was placed upon Government property in rating and ranking bids and proposals.

(c) If a contractor is to be allowed to retain Government property at contract completion, the bid or proposal price shall be increased by an evaluation factor equivalent to:

(1) the cost to be reimbursed by the Government for property acquired at Government expense; and

(2) the current dollar value (cost less depreciation) of Government-furnished property.

Subpart 15–60.6—Administration of Government Property

§ 15–60.300 Scope of subpart.

This subpart sets forth policy and procedures governing administration of Government-furnished property and property acquired by contractors at Government expense for performance of EPA contracts.

§ 15–60.601 General.

(a) Responsibility within EPA for administering Government property in a contractor's possession rests primarily with EPA Property Administrators and is defined in an "Agreement of Understand Covering Contract Property Administration" executed by the Directors of the Contracts Management Division, AMAC, Facilities and Support Services Division, AMAF, and Financial Management Division, AMRF.

(b) The contractor's responsibility regarding the management and use of Government property is delineated in an EPA publication entitled "Guide for Control of Government Property By Contractors," instructions from EPA Property Administrators, and as specified in the contract.

(c) The Contracting Officer shall furnish the Property Administrator a copy of each contract, contract modification, or other written authorization to a contract which involves Government property in any manner. Also, the Contracting Officer shall furnish the Property Administrator a copy of all determinations and findings which support a decision to authorize permanent improvements to private property as contemplated in EPA Order 1960.1A.

§ 15–60.602 Property Administrator.

(a) The Property Administrator is the EPA "Accountable Officer" for Government property in a contractor's possession and maintains the official records of such property.

(b) EPA Property Administrators are appointed and assigned by the Director, Facilities and Support Services Division, AMAF.

(c) A Property Administrator shall be designated as Representative of the Contracting Officer for property administration for every cost-reimbursement type contract and for each fixed-price type contract under which Government property is involved. Contracting Officers shall designate the Property Administrator in the contract Schedule or by a letter of designation and furnish a copy to the Property Administrator.

(d) As the Representative of the Contracting Officer the Property Administrator performs all transactions and handles all matters concerning Government property in the contractor's possession. However, the Contracting Officer must execute sales contracts and determinations of liability for lost, damaged, or destroyed Government property and will resolve disputes with contractors that cannot be settled by the Property Administrator.

(e) The Property Administrator will review and determine the adequacy of contractor's property policy and procedures concerning:

(1) Receiving and inspection;

(2) Accounting, control, and reports;

(3) Utilization, including reporting excess property;

(4) Maintenance, i.e., protection, preservation, service, repair, warranties and guaranties, etc.

(5) Scrap and salvage of material, parts, etc.; and

(6) Disposal, including preparation for shipment and shipping procedures.

§ 15–60.603 Insurance.

Consideration will be given to requiring a contractor to procure and maintain insurance against loss of or damage to Government property in his possession whenever less than 75% of the total use of such property is for Government work.

§ 15–60.604 Risk of loss or damage liability.

When justified by the circumstances of a particular procurement, the contract may require the contractor to assume greater risks than those enumerated in the applicable "Government Property" clause set forth in Subpart 15–60.7 of this part. (See § 15–60.102.)

Subpart 15–60.7—Contract Clauses

§ 15–60.700 Scope of subpart.

(a) This subpart prescribes Government Property clauses to be used in EPA contracts.

(b) As used throughout this subpart, the term "fixed-price contract" shall include any advertised or negotiated fixed-price type contract and any letter conclude any advertised or negotiated fixed-price type definitive contract, but shall exclude small purchases made under Subparts 1–3.6 and 15–1.6 of this title.

(c) As used throughout this subpart, the term "cost-reimbursement contract" shall include any cost-reimbursement type contract and any letter contract which wil be converted to a cost-reimbursement type definitive contract.

§ 15–60.701 Government Property Clause for Fixed-Price Contracts.

(a) The following clause shall be used in fixed-price contracts under which the Government is to furnish or the Contractor is to acquire Government property:

GOVERNMENT PROPERTY (FIXED-PRICE) (1973)

(a) *Government-Furnished Property.* The Government shall deliver to the Contractor,

for use in connection with and under the terms of this contract, the property described as Government-furnished property in the Schedule or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished property suitable for use will be delivered to the Contractor at the times stated in the Schedule or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay, if any, occasioned the Contractor, and shall equitably adjust the contract price or delivery or performance dates or any other contractual provisions affected by any such delay, in accordance with the procedures provided for in the clause of this contract entitled "Changes." In the event that Government-furnished property is received by the Contractor in a condition not suitable for the intended use, the Contractor shall, upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (1) return such property at the Government's expense or otherwise dispose of the property or (2) effect repairs or modifications. Upon completion of paragraphs (a) (1) and (2) of this clause, the Contracting Officer upon written request of the Contractor shall equitably adjust the contract price, or delivery or performance dates, or both, and any other contractual provision effected by the return or disposition, or the repair or modification in accordance with the procedures provided for in the clause of this contract entitled "Changes." The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished property or delivery of such property in a condition not suitable for its intended use.

(b) *Changes in Government-Furnished Property.* (1) By notice in writing, the Contracting Officer may (i) decrease the property furnished or to be furnished by the Government under this contract, and/or (ii) substitute other Government-owned property for property to be furnished by the Government, or to be acquired by the Contractor for the Government, under this contract. The Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of property covered by such notice.

(2) In the event of any decrease in or substitution of property pursuant to paragraph (b)(1) of this clause, or any withdrawal of authority to use property provided under any other contract or lease, which property the Government had agreed in the Schedule to make available for the performance of this contract, the Contracting Officer, upon the written request of the Contractor (or, if the substitution of property causes a decrease in the cost of performance, on his own initiative), shall equitably adjust such contractual provisions as may be affected by the decrease, substitution or withdrawal, in accordance with the procedures provided for in the "Changes" clause of this contract.

(c) *Title.* Title to all property furnished by the Government shall remain in the Government. In order to define the obligations of the parties under this clause, title to each item of property acquired by the Contractor for the Government pursuant to this contract shall pass to and vest in the Government when its use in the performance of contract commences, or upon payment therefor by the Government whichever is earlier, whether or not title previously vested. All Government-furnished property, together with all property acquired by the Contractor, title to which vests in the Government under this paragraph, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government Property." Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(The following paragraph shall be substituted for paragraph (c) above when the contract is with an educational institution.)

(c) *Title.* Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor with the prior approval of the Contracting Officer shall be vested in the Contractor without further obligation to the Government except as provided below, unless it is determined by the Contracting Officer that such vesting is not in furtherance of the objectives of the Government or unless there is not proper authority to vest title in the Contractor. Such title shall be vested in the Contractor upon acquisition of the property or as soon as feasible thereafter provided that:

(1) The Contractor shall not under any Government contract, or subcontract thereunder, charge for any depreciation, amortization, or use of such property.

(2) At any time prior to twelve (12) months after completion or termination of the contract, the Contracting Officer reserves the right to require the Contractor to transfer title to property costing $1,000.00 or more per unit to the Government or to a third party named by the Contracting Officer.

(3) The Contractor shall, at the end of the calendar year, and within thirty (30) days after completion of the contract, furnish the Contracting Officer a list of all property where title is vested in the Contractor. If no such property has vested, the report shall so state.

All Government furnished property, together with all property title to which vests in the Government under this clause, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government Property." Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reasons of affixation to any realty.

(d) *Property administration.* The Contractor agrees to maintain and administer a property control system in accordance with EPA publication "Guide for Control of Government Property by Contractors," in effect as of the date of this contract, supplied by the Government. While the Contractor is responsible for the Government property (Government furnished and Contractor acquired), the Government will maintain the official accountability records.

(e) *Use of government property.* The Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(f) *Maintenance and repair of government property.* The Contractor shall maintain and administer, in accordance with sound industrial practice, a program for the maintenance, protection, and preservation of Government property until disposed of by the Contractor in accordance with this clause. In the event that any damage occurs to Government property the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the Contractor shall make such repair of the property as the Government directs: *Provided*, However, that if the Contractor cannot effect such repair within the time required, the Contractor shall dispose of such property in the manner directed by the Contracting Officer. The contract price includes no compensation to the Contractor for the performance of any repair or replacement for which the Government is responsible, and an equitable adjustment will be made in any contractual provisions affected by such repair or replacement of Government property made at the direction of the Government, in accordance with the procedures provided for in the "Changes" clause of this contract. Any repair or replacement for which the Contractor is responsible under the provisions of this contract shall be accomplished by the Contractor at his own expense.

(g) *Risk of loss.* Unless otherwise provided in this contract, the Contractor assumes the risk of, and shall be responsible for, any loss of or damage to Government property provided under this contract upon its delivery to him or upon passage of title thereto to the Government as provided in paragraph (c) of this clause, except for reasonable wear and tear and except to the extent that such property is consumed in the performance of this contract.

(h) *Access.* The Contractor agrees to make available to the Contracting Officer, at all reasonable times, at the office of the Contractor, all its property records under this contract, and the Government shall at all reasonable times have access to the premises where any of the Government property is located for the purpose of inspecting the Government property.

(i) *Final accounting and disposition of government property.* Upon the completion of this contract, or at such earlier dates as may be fixed by the Contracting Officer, the Contractor shall submit to the Contracting Officer in a form acceptable to him, inventory schedules covering all items of the Government property not consumed in the performance of this contract, or not theretofore delivered to the Government, and shall deliver or make such other disposal of such Government property as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the cost of the work covered by the contract or shall be paid in such manner as the Contracting Officer may direct. The foregoing provisions shall apply to scrap from Government property; provided, however, that the Contracting Officer may authorize or direct the Contractor to omit from such inventory schedules any scrap consisting of faulty castings or forgings, or cutting and processing waste, such as chips, cuttings, borings, turnings, short ends, circles, trimmings, clippings, and remnants, and to dispose of such scrap in accordance with the Contractor's normal practice and account therefor as a part of general overhead or other reimbursable cost in accordance with the Contractor's established accounting procedures.

(j) *Restoration of Contractor's premises and abandonment.* Unless otherwise provided herein, the Government:

(1) may abandon any Government property in place, and thereupon all obligations of the Government regarding such abandoned property shall cease; and

(2) has no obligation to the Contractor with regard to the disassembly or removal of the property or to the restoration or rehabilitation of the Contractor's premises, neither in case of abandonment (paragraph (j) (1) of this clause), disposition on completion of need or of the contract (paragraph (1) of this clause), nor otherwise, except for restoration or rehabilitation costs caused by removal of Government property pursuant to paragraph (b) of this clause.

(k) *Communications.* All communications issued pursuant to this clause shall be in writing.

(b) *Contracts requiring cost and pricing data.* In negotiated fixed-price contracts for which the price is not based on (1) adequate price competition, (2) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (3) prices set by law or regulation, substitute the following for paragraph (g) of the clause in paragraph (a) of this section:

(g) *Risk of Loss.* (1) The Contractor shall not be liable for any loss of or damage to the Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(i) which results from willful misconduct or lack of good faith on the part of any one of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of—

(A) all or substantially all of the Contractor's business; or

(B) all or substantially all of the Contractor's operations at any one plant or separate location, in which this contract is being performed; or

(C) a separate and complete major industrial operation in connection with the performance of this contract;

(ii) which results from a failure on the part of the contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in paragraph (g) (1) (i) of this clause.

(A) to maintain and administer, in accordance with sound industrial practice, the program for utilization, maintenance, repair, protection, and preservation of Government property as required by paragraph (f) of this clause, or to take all reasonable steps to comply with any appropriate written direction of the Contracting Officer under paragraph (f) clause; or

(B) to establish, maintain, and administer, in accordance with paragraph (d) of this clause, a system for control of Government property;

(iii) for which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the Schedule;

(iv) which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement.

(2) If more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception. The Contractor shall obtain the approval of the Contracting Officer prior to transferring any Government property to a subcontractor. If the Contractor transfers Government property to the possession and control of a subcontractor, the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to the property as set forth above. However, the Contractor shall require the subcontractor to assume the risk of, and be responsible for, any loss or destruction of or damage to the property while in the latter's possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, provides for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all Government property in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of the prime contract.

(3) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provision for a reserve, covering the risk of loss of or damage to the Government property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provisions of this contract.

(4) Upon the happening of loss or destruction of or damage to the Government property, the Contractor shall notify the Contracting Officer thereof, take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order and furnish to the Contracting Officer a statement of—

(i) The lost, destroyed, and damaged Government property;

(ii) The time and origin of the loss, destruction, or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

The contractor shall make repairs and renovations of the damaged Government property or take such other action, as the Contracting Officer directs.

(5) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, he shall use the proceeds to repair, renovate, or replace the Government property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction, or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where the subcontractor has not been relieved from liability for any loss or destruction of or damage to Government property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government property for the benefit of the Government.

§ 15-60.702 Government Property Clause for Cost-Reimbursement Contracts.

The following clause shall be used in cost-reimbursement contracts (except those with educational or other nonprofit institutions and State and local Governments when no payment of fee is contemplated) under which the Government is to furnish or the Contractor is to acquire Government property:

GOVERNMENT PROPERTY (COST-REIMBURSEMENT) (1973)

(a) *Government-furnished property.*— The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described as Government-furnished property in the Schedule or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished property suitable for use will be delivered to the Contractor at the times stated in the Schedule or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay, if any, occasioned the Contractor and shall equitably adjust the estimated cost, fixed fee, or delivery or performance dates, or all of them, and any other contractual provisions affected by any such delay, in accordance with the procedures provided for in the clause of this contract entitled "Changes." In the event that Government-furnished property is received by the Contractor in a condition not suitable for the intended use, the Contractor shall, upon receipt thereof notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (1) return such property at the Government's expense or otherwise dispose of the property or (2) effect repairs or modifications. Upon completion of paragraphs (a) (1) or (2) of this clause, the Contracting Officer upon written request of the Contractor shall equitably adjust the contract price, or delivery or performance dates, or all of them, and any other contractual provision effected by the return or disposition, or the repair or modification in accordance with the procedures provided for in the clause of this contract entitled "Changes." The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished property or delivery of such property in a condition not suitable for its intended use.

(b) *Changes in government-furnished property.*—(1) By notice in writing, the Contracting Officer may (i) decrease the property furnished or to be furnished by the Government under this contract, and/or (ii) substitute other Government-owned property for property to be furnished by the Government, or to be acquired by the Contractor for the Government, under this contract. The Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of property covered by such notice.

(2) In the event of any decrease in or substitution of property pursuant to paragraph (b) (1) of this clause, or any withdrawal of authority to use property provided under any other contract or lease, which property the Government had agreed in the Schedule to make available for the performance of this contract, the Contracting Officer, upon the written request of the Contractor (or, if the substitution of property causes a decrease in the cost of performance, on his own initiative), shall equitably adjust such contractual provisions as may be affected by the decrease, substitution or withdrawal, in accordance with the procedures provided for in the "Changes" clause of this contract.

(c) *Title.*—Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under the contract, shall pass to and vest in the Government upon (1) issuance for use of such property in the performance on this contract, or (2) commencement of processing or use of such property in the performance of this contract, or (3) reimbursement of the cost thereof by the Government in whole or in part, whichever first occurs. All Government-furnished property, together with all property acquired by the Contractor, title to which vests in the Government under this paragraph, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government property." Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(The following paragraph shall be substituted for (c) above when the contract is with an educational institution.)

(c) *Title.*—Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor with the prior approval of the Contracting Officer shall be vested in the Contractor without further obligation to the Government except as provided below, unless it is determined by the Contracting Officer that such vesting is not in furtherance of the objectives of the Government or unless there is not proper authority to vest title in the Contractor. Such title shall be vested in the Contractor upon acquisition of the property or as soon as feasible thereafter provided that:

(1) The Contractor shall not under any Government contract, or subcontract thereunder, charge for any depreciation, amortization, or use of such property.

(2) At any time prior to twelve (12) months after completion or termination of the contract, the Contracting Officer reserves the right to require the Contractor to transfer title to propery costing $1,000 or more per unit to the Government or to a third party named by the Contracting Officer.

(3) The Contractor shall, at the end of the calendar year, and within 30 days after completion of the contract, furnish the Contracting Officer a list of all property where title is vested in the Contractor. If no such property has vested, the report shall so state.

All Government furnished property, together with all property title to which vests in the Government under this clause, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government Property." Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reasons of affixation to any realty.

(d) *Property administration.*—The Contractor agrees to maintain and administer a property control system in accordance with EPA publication "Guide for Control of Government Property by Contractors," in effect as of the date of this contract, supplied by the Government. While the Contractor is responsible for the Government Property (Government furnished and Contractor acquired), the Government will maintain the official accountability records. For Government furnished property and Contractor acquired property to which the Government takes title.

(e) *Use of government property.*—The Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(f) *Maintenance and repair of government property.*—The Contractor shall maintain and administer, in accordance with sound business practice, a program for the maintenance, repair, protection, and preservation of Government property so as to assure its full availability and usefulness for the performance of this contract. The Contractor shall take all reasonable steps to comply with all appropriate directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection and disposition of Government property.

(g) *Risk of loss.*—(1) The Contractor shall not be liable for any loss of or damage to the Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(i) Which results from willful misconduct or lack of good faith on the part of any one of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of—

(A) All or substantially all of the Contractor's business; or

(B) All or substantially all of the Contractor's operations at any one plant or separate location, in which this contract is being performed; or

(C) A separate and complete major industrial operation in connection with the performance of this contract;

(ii) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in paragraph (g)(1)(i) of this clause—

(A) To maintain and administer, in accordance with sound industrial practice, the program for utilization, maintenance, repair protection, and preservation of Government property as required by paragraph (f) of this clause, or to take all reasonable steps to comply with any appropriate written direction of the Contracting Officer under paragraph (f) of this clause; or

(B) To establish, maintain, and administer, in accordance with paragraph (d) of this clause, a system for control of Government property;

(iii) For which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the Schedule;

(iv) Which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement.

(2) If more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception. The Contractor shall obtain the approval of the Contracting Officer prior to transferring any Government property to a subcontractor. If the Contractor transfers Government property to the possession and control of a subcontractor, the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to the property as set forth above. However, the Contractor shall require the subcontractor to assume the risk of, and be responsible for, any loss or destruction of or damage to the property while in the latter's possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, provides for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all Government property in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of the prime contract.

(3) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provision for a reserve, covering the risk of loss of or damage to the Government property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provisions of this contract.

(4) Upon the happening of loss or destruction of or damage to the Government property, the Contractor shall notify the Contracting Officer thereof, take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order and furnish to the Contracting Officer a statement of—

(i) The lost, destroyed, and damaged Government property;

(ii) The time and origin of the loss, destruction, or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall make repairs and renovations of the damaged Government property or take such other action, as the Contracting Officer directs.

(5) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, he shall use the proceeds to repair, renovate, or replace the Government property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction, or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining

recovery. In addition, where the subcontractor has not been relieved from liability for any loss or destruction of or damage to Government property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government property for the benefit of the Government.

(h) *Access.*—The Contractor agrees to make available to the Contracting Officer, at all reasonable times, at the office of the Contractor, all its property records under this contract, and the Government shall at all reasonable times have access to the premises where any of the Government property is located.

(i) *Final accounting and disposition of Government Property.*—Upon the completion of this contract, or at such earlier dates as may be fixed by the Contracting Officer, the Contractor shall submit to the Contracting Officer in a form acceptable to him, inventory schedules covering all items of the Government property not consumed in the performance of this contract, or not theretofore delivered to the Government, and shall deliver or make such other disposal of such Government property as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the cost of the work covered by the contract or shall be paid in such manner as the Contracting Officer may direct. The foregoing provisions shall apply to scrap from Government property; provided, however, that the Contracting Officer may authorize or direct the Contractor to omit from such inventory schedules any scrap consisting of faulty castings or forgings, or cutting and processing waste, such as chips, cuttings, borings, turnings, short ends, circles, trimmings, clippings, and remnants, and to dispose of such scrap in accordance with the Contractor's normal practice and account therefor as a part of general overhead or other reimbursable cost in accordance with the Contractor's established accounting procedures.

(j) *Restoration of contractor's premises and abandonment.*—Unless otherwise provided herein, the Government:

(1) May abandon any Government property in place, and thereupon all obligations of the Government regarding such abandoned property shall cease; and

(2) Has no obligation to the Contractor with regard to restoration or rehabilitation of the Contractor's premises, neither in case of abandonment (paragraph) (j)(1) of this clause), disposition on completion of need or of the contract (paragraph (1) of this clause), nor otherwise, except for restoration of rehabilitation costs caused by removal of Government property pursuant to paragraph (b) of this clause.

(k) *Communications.*—All communications issued pursuant to this clause shall be in writing.

As provided in paragraph (i) of the above clause, the Contracting Officer may authorize or approve use of the Contractor's established scrap disposal and accounting procedures whenever the amount and recoverable value of scrap from Government property are relatively minor and the Contractor's established procedures for accumulating and disposing of scrap and crediting the proceeds thereof to general overhead or other general cost will permit the Government to to share equitably in such scrap recovery through a reduction of overhead or other cost factor affecting reimbursement under the contract.

§ 15-60.703 Government Property Clause for "No-Fee" Cost-Reimbursement Contracts with Educational or Nonprofit Institutions and State and Local Governments.

Cost-reimbursement contracts which provide only for reimbursement of cost to educational or nonprofit institutions and State and local Governments shall incorporate the "Government Property" clause prescribed in § 15-60.702, modified to delete all reference to fee.

[FR Doc.73-17826 Filed 8-22-73;8:45 am]

FARM CREDIT ADMINISTRATION

[12 CFR Parts 611, 612, 613, 614, 615 and 618]

FARM CREDIT SYSTEM

Notice of Proposed Rule Making

Notice is hereby given that the Farm Credit Administration, by its Federal Farm Credit Board, has under consideration proposed amendments of its regulations as set forth below in tentative form. These amendments would (1) clarify the provision for compensation of district board members, (2) clarify that special assignments of district board members may be requested by the Farm Credit Administration, (3) provide for the exclusion of certain special assignments of district board members from the 30-day limitation thereon, (4) provide for the establishment by the district board of policies regarding the compensation of association directors and members, (5) provide for the reemployment of annuitants under certain circumstances, (6) specify the circumstances under which certain bank or association facilities and resources may be used in the interest of candidates for certain offices, (7) substitute the designation "finance committee or subcommittee" for the former "bond or debenture committee," (8) authorize the supervisory bank in place of the bank board to act in possible conflict of interest cases where the employee interest is trivial, (9) broaden the authority for first lien determinations, (10) substitute the designation "consolidated obligations" for "bond and debenture" as a change in terminology, (11) provide for approval by the supervising bank in place of the bank board of the purchase, construction, or sale of association buildings, with a report to the board and within board guidelines, (12) require annual review by the supervising bank of association investment portfolios instead of the annual listing by the association, (13) authorize associations also to deposit current funds with savings institutions insured by the Federal Deposit Insurance Corporation, (14) authorize a bank for cooperatives to retire equities in accordance with bank board policy in places of board action, (15) revise the land bank provision for losses, (16) provide for approval by the land bank of Federal land bank association declaration of dividends, (17) include the premium rate for the shipment of valuables by registered airmail, (18) provide for mailing of negotiable securities by registered insured mail, (19) provide for the development and adoption by an association board of travel regulations subject to approval by the supervising bank, (20) clarify the circumstances under which access to association borrower records by certain agency representatives will be authorized, (21) authorize the supervising bank to approve association records disposal schedules, (22) delegate to the district bank authority to make prior determinations of eligibility of subsidiaries of certain legal entities subject to post review by the Farm Credit Administration, (23) omit the provision dealing with the financing of other requirements of eligible borrowers and incorporate guidelines therefor in a revised section dealing with lending objectives, (24) require bank board to adopt policies subject to the approval of the Farm Credit Administration to achieve System lending objectives, (25) provide for making special intermediate term loans to producers and harvesters of aquatic products, (26) remove the present expiration date of the provision for production credit association lending limits, (27) restate loan approval requirements. Prior to final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (10 copies) no later than September 21, 1973, to E. A. Jaenke, Governor, Farm Credit Administration, Washington, D.C. 20578. Copies of all communications received will be available for examination by interested persons in the Office of the Director of Information, Farm Credit Administration.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising §§ 611.1020, 611.1030, 611.1031, 611.1080, 612.2050, paragraph (b) of § 612.2130, paragraph (i) of § 612.2160, § 612.2170, revising paragraph (d) and deleting paragraph (g) of § 613.3020, revising §§ 614.4160, paragraph (c) of § 614.4200, 614.4353, 614.4450, deleting § 614.4490, adding §§ 614.4460, 614.4470, deleting § 614.4501, revising paragraph (a) of § 615.5060, paragraph (o) and the unlettered last paragraph of § 615.5140, §§ 615.5150 (a) and (b), 615.5180, 615.5190, 615.5260, 615.5340, 615.5410, 615.5500, 615.5530, 618.8270, paragraph (b)(2) of 618.8320, and 618.8370. These amendments are as follows:

PART 611—ORGANIZATION

§ 611.1020 Compensation of district board members.

Directors may be compensated for attendance at board meetings and special assignments, including reasonable travel time from and to their residences. Such compensation shall not exceed $75 per day plus reasonable travel, subsistence,

and other related expenses incurred in connection with such meetings and assignments.

§ 611.1030 Special assignments of district board members.

Special assignments requiring the services of a director shall be authorized under a policy established by either the district board or the board of one of the banks, whichever is appropriate. Special assignments also may be requested by the Farm Credit Administration.

§ 611.1031 Limitation on special assignments.

Special assignments requiring service in one calendar year totaling more than 30 days (not counting time needed for attendance at board meetings) must have the prior approval of the Farm Credit Administration. Prior approval is hereby given for the following and they may be excluded from the 30 day limitation: Attendance at the National Farm Credit Directors Conferences; meetings of the Fiscal Agency Committee; meetings of the District Directors Policy Coordinating Committee; and attendance at a particular time or place requested by the Farm Credit Administration.

§ 611.1080 Association establishment, election of directors, and compensation of members.

As used throughout these regulations, the term "association" is restricted to Federal land bank associations and production credit associations. Section 1.13 of the Act provides for the establishment of Federal land bank associations and section 1.14 provides for the election of their boards of directors. Section 2.10 of the Act provides for the establishment of the production credit associations and section 2.11 provides for the election of their boards of directors. The district board shall establish policies regarding the compensation of association directors and members performing special services for the association which include the amount and number of honoraria which may be paid to one individual for service on one day and the manner in which reasonable travel, subsistence and other related expenses will be paid. Additional provisions are contained in the bylaws for both.

PART 612—PERSONNEL ADMINISTRATION

§ 612.2050 Reemployment of annuitants.

As a general policy, plans should be made in advance by banks and associations to recruit and train qualified replacements for prospective vacancies because of approaching retirements or other reasons which can be anticipated. When definite recruiting efforts have failed to produce other qualified applicants for the positions, an annuitant may be reemployed as follows:

(a) An annuitant may be reemployed on a temporary basis to any position, including a position in which he will assume the full range of duties and responsibilities that he had prior to retirement. A temporary appointment is defined as an appointment not to exceed one year.

(b) An annuitant may be reemployed on a permanent basis, provided he does not assume the full range of duties and responsibilities that he had prior to retirement.

(c) A former senior officer may not be reemployed in a position having senior officer responsibilities.

(d) If the annuitant has retired under the Civil Service Retirement Act, he may be appointed as provided in (a) and (b) above, only after a break in service of more than three consecutive calendar days.

(e) Other cases require prior approval of the Farm Credit Administration.

§ 612.2130 Soliciting support in polls for district or Federal Farm Credit Board membership.

* * * * *

(b) No bank or association property, transportation, communications and official stationery shall be used in the interest of any candidate, unless the same facilities and resources are simultaneously made known to and are available for use by all candidates.

* * * * *

§ 612.2160 Prohibited acts for salaried employees.

* * * * *

(i) Shall, while he serves on a finance committee or subcommittee thereof, purchase or acquire, directly or indirectly, ownership of or any interest in any such obligations of the bank of which he is such an officer; or

* * * * *

§ 612.2170 Cases involving trivial interest or relationship.

If the degree of interest, relationship or benefit in any case, as determined by the supervisory bank, is so trival as to create little probability that officer's or employee's impartiality of judgment and action has been affected, no question under section 2160 shall be deemed involved. Each case shall be determined on its own facts, proper weight being given to the nature, amount and importance of the benefit involved. The degree or kind of relationship in question, and the character of the person concerned. Each determination made by the bank shall be reported to the bank board at its next meeting for consideration.

PART 613—ELIGIBILITY AND SCOPE OF FINANCING

§ 613.3020 Farmers and ranchers.

* * * * *

(d) In addition, any loan to a legal entity in which at least 50 percent of ownership or the control is vested in another legal entity that does not meet at least one of the preceding three requirements shall be subject to prior approval of the appropriate bank and submitted to the Farm Credit Administration for post review. Unless it can be found that such owned or controlled legal entity can operate its business as a counterpart to the normal farm businesses eligible to borrow without jeopardy to such normal farm businesses or the general agricultural economy, approval will not be granted. Submissions shall fully document the ownership structure, the business affiliations of those owning or controlling the applicant, and the compatibility of the applicant's farming business to the normal farm business operating in the area or to the general agricultural economy.

* * * * *

(g) [Deleted]

PART 614—LOAN POLICIES AND OPERATIONS

§ 614.4160 Lending objective.

It is the objective of the Farm Credit System to ensure the availability of:

(1) Full credit, to the extent of credit worthiness, to the full-time bona fide farmer (farming is his primary business and vocation) and

(2) Conservative credit to less than full-time farmers for agricultural enterprises, and more restricted credit for other credit requirements as needed to ensure a sound credit package or to accommodate a borrower's needs as long as the total credit results in being primarily an agricultural loan.

Loans to farmers shall be on an increasingly conservative basis as the emphasis moves away from the full-time bona fide farmer, to the point where agricultural needs only will be financed for the applicant whose business is essentially other than farming. Credit shall not be extended where investment in agricultural assets for speculative appreciation is a primary factor.

It is also the objective of the Farm Credit System to provide a full range of credit services to farmer cooperatives to assist them in increasing the income of their members as patrons. The type of farmer cooperative operation, quality of management, and basic financial factors shall be carefully evaluated as to their effect upon the long-range benefit to members. Bank boards shall establish policies and banks for cooperatives, develop procedures for administration of quality standards that fully consider the needs of, support by, and service performed for members, and risk protection afforded the lender.

Each bank board shall adopt policies adequate to provide the direction it desires management to follow in administering credit and lending standards to ensure attainment of the System's objective. Bank management shall prescribe operating procedures to effectively administer board policies including provision that proper weight be given the infinite combination of person, property, and purpose which can exist. Guidelines shall be included which provide for identification of that portion of mixed value (agricultural and nonagricultural) assets

which may be considered agricultural for lending purposes.

§ 617.4200 Production credit associations.

* * * * *

(c) Special intermediate-term loans, exclusive of loans to nonfarm rural residents, and farm-related businesses, may be made with maximum maturity not to exceed 7 years realizing, however, when establishing repayment that forbearance or extension may be necessary under the following circumstances.

(1) When specific capital items are being financed, such as new equipment, new or remodeled buildings, or facilities with a useful life and value, after normal depreciation and obsolescence, which exceeds the term of the loan at all times.

(2) When real estate mortgage credit is unavailable, not acceptable to the applicant, or impractical for reasons such as cost or delay in availability.

(3) When earnings' history, repayment record and net earnings projections satisfactorily support the loan and provide assurance for final repayment within three additional years if forbearance or extension is granted.

(4) Before any special intermediate-term loans shall be made, the district board shall adopt a policy, and the Federal intermediate credit bank and the Federal land bank of the district shall develop procedures regulating the making of such loans, all of which shall be subject to approval of the Farm Credit Administration. Such policies and procedures shall include but are not limited to the following:

(i) Provisions for cooperation between production credit association and Federal land bank associations in the consideration of any loans bordering on the long-term mortgage category.

(ii) Procedures to be followed in credit reviews and credit examinations whereby loans of this type, made during the period covered by the examination, will be reviewed and commented upon as to compliance with policy and procedures.

(iii) Provisions for adequate reporting on loans of this type to enable timely supervision by the bank.

§ 614.4353 Production credit associations.

Production credit associations shall have a lending limit (including participations) of 50 percent of the capital and surplus of the lending association. A lending limit of 100 percent of the capital and surplus of the lending association shall apply whenever an approved loss-sharing agreement is in force.

§ 614.4450 General requirements.

Authority for loan approval is primarily vested in the Farm Credit banks and associations. However, to provide proper supervision of the System's lending functions, the Act vests in the Farm Credit Administration the authority to prescribe the loans which can be made only with the prior approval of the Farm Credit Administration or the respective banks. Prior loan approval limits shall be established on an individual bank basis according to the adequacy and administration of policies and procedures relating to credit extension. Consideration shall also be given to performance in making proper credit analysis and decisions and compliance with Farm Credit law and regulations. For the Federal land banks and Federal intermediate credit banks particular consideration shall be given to policies and procedures and bank performance relating to delegation of loan-making authority to associations, credit reviews and association supervision.

§ 614.4460 Approval of the following loans is the responsibility of each district board of directors.

The responsibility may be discharged by prior approval of such loans by the appropriate bank board, or establishment of a policy under which such loans are to be submitted to the Farm Credit Administration for prior approval. If a board chooses to discharge its responsibility by approving these loans as a matter of normal practice, it may authorize the submission of such loans to the Farm Credit Administration for prior approval to meet emergency situations and avoid harmful delays in credit service.

(a) Loans to a member of the Federal Farm Credit Board.

(b) Loans to a member of the district board.

(c) Loans to a cooperative of which a member of the district bank or Central Bank board of directors or a member of the Federal Farm Credit Board is a member of the board of directors, an officer, or employee.

(d) Loans to the President of a Farm Credit bank.

(e) Loans to employees of the Farm Credit Administration.

(f) Loans where directors, officers, or employees designated above (i) are to receive proceeds of the loan in excess of an amount prescribed by an appropriate bank board and approved by the Farm Credit Administration or (ii) are stockholders or owners of equity in a legal entity to which the loan is to be made wherein they have significant personal or beneficial interest in the loan proceeds thereof or the security.

§ 614.4470 The following loans shall be subject to prior approval of the district bank.

(a) Loans to a member of an association board.

(b) Loans to an officer or employee of a Farm Credit bank or an employee of an association.

(c) Loans to any borrower where the directors or employees designated above (i) are to receive proceeds of the loan in excess of amount prescribed by the appropriate bank board and approved by the Farm Credit Administration or (ii) are stockholders or owners of equity in a legal entity to which a loan is to be made wherein they have significant personal or beneficial interest in the loan, the proceeds thereof or the security.

(d) Any loan which will result in any one borrower being obligated, as defined in section 4360, in excess of an amount established by the district bank under its policies for delegation of authority to associations.

§ 614.4501 [Deleted].

PART 615—FUNDING AND FISCAL AFFAIRS

§ 615.5060 Federal land bank loans eligible as collateral.

(a) Net asset value of notes and other obligations representing loans, purchase money mortgages, or sales contracts made or acquired under these regulations is eligible as collateral for long-term notes, bonds, debentures, or similar obligations. When the bank attorney, or another attorney designated to act for the bank, determines that the bank procedures for appraisal, loan approval, title examination, and loan closing provide sufficient safeguards to assure (1) in the case of the bank attorney, that a loan made by the bank will be secured by a first lien or equivalent from a security standpoint on the real estate which is the primary security for the loan; or (2) in the case of the designated attorney, that a loan made thereunder will be secured by a first lien except for liens of irrigation, water and grazing districts, public utility easements, or other liens specified by the bank; the bank attorney or the designated attorney, as the case may be, or a title examiner acting under the supervision of either the bank or designated attorney and deemed qualified by the bank attorney, may so certify. Security for which such certification is made may be accepted as collateral. However, with regard to security for which a certification has been made by a title examiner, either the bank attorney shall, within one year from the date of certification, certify that the interest of the bank therein is a first lien or equivalent, or it shall be withdrawn as collateral.

* * * * *

§ 615.5140 Investment eligibility.

* * * * *

(o) Other types of obligations authorized by the Farm Credit Administration.

Any eligible investment with a maturity of 12 months or less from the date of pledge shall be valued at face value for collateral purposes supporting consolidated obligations issues. Any eligible investment with a maturity of over 12 months from the date of pledge shall be value at market value for collateral purposes supporting consolidated obligations issues.

§ 615.5150 Real and personal property.

(a) Real estate and personal property may be acquired, held or disposed of by any Farm Credit institution for the necessary and normal operations of its business. The purchase or construction of office quarters shall be limited to facilities reasonably necessary to meet the foreseeable requirements of the institution. Property shall not be acquired if it involves, or appears to involve, to a sub-

stantial degree, a bank or association in the real estate or other unrelated business.

(b) The purchase, construction, or sale of Farm Credit bank buildings and appurtenances shall have approval of the Farm Credit Administration. Likewise, purchase, construction, or sale of Federal land bank association or production credit association buildings and appurtenances shall have the approval of the appropriate supervising bank which shall keep the bank board currently advised of such actions. In the case of joint association office buildings, these actions shall be approved jointly by the supervising banks. It shall be the responsibility of the district board to approve guidelines for all associations in the district to follow regarding the purchase, construction, or sale of office space. Within the framework of said guidelines, the Federal land banks and Federal intermediate credit banks may prescribe criteria which can include giving limited prior approval to an association board of directors for office facilities actions.

* * * * *

§ 615.5180 Association investment portfolios.

The Federal land banks and the Federal intermediate credit banks shall review annually as of June 30 or December 31 the investment portfolio and investment objectives of each association. Associations shall own such securities selected from approved investments in section 5140 as the supervising bank shall require. The banks shall assist the associations in the management of their investment portfolios.

§ 615.5190 General.

All institutions of the Farm Credit System may deposit securities and current funds with and receive interest from any member bank of the Federal Reserve System, or any savings institution insured by the Federal Savings and Loan Insurance Corporation. Associations may deposit funds with their supervising bank, any commercial bank insured by the Federal Deposit Insurance Corporation, or any savings institution insured by the Federal Savings and Loan Insurance Corporation.

§ 615.5260 Retirement of capital stock and allocated equities of banks for cooperatives.

(a) In case of liquidation or dissolution of a present or former borrower, the bank may, but shall not be required to, retire and cancel at book value, not exceeding par, all or a part of the capital stock or any allocated equity in the bank owned by or allocated to such borrower. Before any such retirement shall be made, the banks shall have reasonable assurance that the liquidation or dissolution is or soon will be completed and the business of the borrower is not being continued under circumstances in which it would be appropriate and feasible for any successor to acquire and hold the investment interests of the present or former borrowers in the bank. Retirements under this provision shall be authorized in accordance with bank board policy.

§ 615.5340 Land bank system provision for losses.

(a) Each bank shall establish and maintain a provision for losses account on loans, participations purchased, real estate sales contracts, advances, accrued interest on loans, acquired property, and loans in the process of liquidation or foreclosure, and judgments.

(b) Each association shall establish and maintain a provision for losses to the extent that it shows assets of the above type on its books of account or has a contingent liability to restore losses on such assets by reason of its endorsement, loss sharing agreement(s), or pledge. The amount of the association's indemnity account credits may be used to meet an equal amount of its provisions for losses requirement.

(c) The provision for losses shall be in such reasonable amounts as, in the judgment of the bank and association, are considered adequate to meet such losses, subject to the following minimum fiscal year end requirements:

(1) The total of each association's provision for losses and indemnity account shall equal at least one percent of the amount of its contingent liability on the unmatured balance of loans outstanding.

(2) Each bank's provision for losses shall include:

(i) The amount of any association indemnity account credits used by associations to meet their provision for losses requirements, plus

(ii) One percent of that portion, not guaranteed by the endorsement liability, of the unmatured balance of its loans outstanding, plus

(iii) The aggregate amount that each association's provision for losses and indemnity account credits are less than the minimum amounts required by this section.

An association's provision for losses program and changes therein shall be approved by the association board of directors and the bank. The bank's provision for losses program and changes therein shall be approved by the bank board of directors and the Farm Credit Administration.

§ 615.5410 Federal land bank system.

(a) Noncumulative dividends may be paid out of earnings or from earned surplus on stock and participation certificates at varying rates on different classes and issues on a basis of the compartive contribution of the holders to the capital or earnings, but otherwise dividends shall be paid without preference.

(b) Dividends as in (a) above may be paid in accordance with the provisions of the bylaws after the establishment and maintenance of the provisions for losses required in section 5340 of these regulations, the reserve described in section 1.17(a) and 1.18(a) and (b) of the Act and after the payment of its franchise tax to the U.S. Government, if any.

(c) Declarations of Federal land bank dividends are subject to the approval of the Farm Credit Administration.

(d) Declarations of Federal land bank association dividends are subject to the approval of the bank.

§ 615.5500 Shipment of valuables.

Shipments of valuables by the Federal land banks, Federal land bank associations, Federal intermediate credit banks, banks for cooperatives, and production credit associations, when made to or by other for the account of the assured, shall be covered by an insurance policy issued in the name of five companies, through John L. Swan & Co., Inc., broker, copies of which have been furnished the land banks, credit banks, and banks for cooperatives. Premium rates per $1,000 on general shipments of securities and other valuables shall be $0.04 by registered mail or registered airmail, and on shipments of canceled coupons and canceled securities shall be $0.01 by registered mail or express ($0.02 by registered airmail).

§ 615.5530 Mail shipments.

Negotiable securities shall be declared at their market value on the date of mailing and shipped by registered insured mail. Nonnegotiable or canceled securities, warehouse receipts, and valuable papers such as checks, drafts, deeds, abstracts and similar documents may be declared at no value and sent by registered mail. If it is determined that no indemnity from the post office will be required should such papers be lost or destroyed, the shipper may send them by certified mail or first class mail in his discretion.

PART 618—GENERAL PROVISIONS

§ 618.8270 Travel.

Travel and subsistence expenses of officials and employees of the banks shall be allowed in accordance with travel regulations adopted by the district board. Similar travel regulations shall be prescribed for associations by the supervising bank under policy established by the district board or shall be developed and adopted by the board of directors of the associations and approved by the bank. The regulations shall contain a statement of policy on the use of official cars for private use and will take into consideration regulations issued by the Internal Revenue Service which are applicable to the employer.

§ 618.8320 Data regarding borrowers and loan applicants.

* * * * *

(b) * * *

(2) Accredited representatives of the offices named in section 7080 may, upon presentation of official identification and a written request identifying the individual case on which information is sought, the particular information desired and a certification that such information is pertinent to the official in-

formation of the case and is requested for confidential use of the investigating office, be given access to information pertinent to their official investigations of individual cases.

§ 618.8370 Records Disposal.

Each bank shall maintain an up-to-date records disposal schedule which has the approval of its board. Each association shall maintain an up-to-date records disposal schedule which has the approval of its supervising bank.

(Secs. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624)

JEROME P. WEISS,
Acting Governor,
Farm Credit Administration.

[FR Doc.73-17840 Filed 8-22-73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR, Part 3]

PENSION, COMPENSATION, AND DEPENDENCY AND INDEMNITY COMPENSATION INCOME AND NET WORTH

Failure To Return Questionnaire

The Administrator of Veterans' Affairs proposes regulatory changes relating to discontinuance of awards of pension or dependency and indemnity compensation because of the claimant's failure to complete and return the annual income questionnaire. Currently provision is made for retroactive termination of the award as of the first day of the year for which income was to be reported. These terminations create overpayments for the amounts paid during that year. Under the proposed change the termination will be effective as of the end of the year for which income was to be reported. This change reflects the fact that under 38 U.S.C. 3012(b) if there had been a change in income or dependency status which would have required termination of the award, the termination would not have been effective until the end of the year in which the change occurred. A change is also proposed to provide that, where a termination has been effected for failure to return an income questionnaire, payments may be resumed from the date of last payment if the required evidence is submitted within 1 year from the date of termination. To effect these changes it is proposed to amend Part 3, Title 38, Code of Federal Regulations, as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (232H), Veterans Administration, Central Office, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before September 24, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m., and 4:30 p.m., Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and will be furnished the address of the above room number.

Notice is given that it is proposed to make these changes effective the date of final approval.

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

§ 3.661 Income and net worth questionnaires.

* * * * *

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

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

Approved August 17, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-17880 Filed 8-22-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1241]

[No. 35345 (Sub-No. 1)]

RAILROAD QUARTERLY REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS

AUGUST 17, 1973.

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 1st day of August 1973.

In our report and order in Quarterly Report of Freight Loss and Damage Claims, 339 I.C.C. 678, 679-680, we stated:

> Settlement of loss and damage claims between shippers and carriers is a problem as old as the first established for-hire transportation service. In recent years, this vexing problem has been further aggravated by ever increasing losses associated with theft, pilferage, and robbery. The theft problem has drawn the attention of Congress, and specifically the Select Committee on Small Business, United States Senate. The chairman of that committee called the Commission's attention to the demonstrable lack of hard statistical facts relative to the extent and scope of losses sustained by industry as a result of theft of goods moving in the Nation's various commercial channels.
>
> The Commission has long recognized that claims from all causes, including theft, has resulted in increased concern by the users of public transportation service. The Commission has instituted various proceedings establishing rules and regulations for claims matters; however, there is no uniform reporting system which adequately shows the results obtained. This resulted in the institution of this proceeding.

With these factors in mind, this proceeding is being instituted on our own motion to consider the adoption of a requirement for the filing of quarterly reports of freight loss and damage claims by all class-I rail common carriers, excepting switching and terminal lines, effective with the first quarterly period ending March 31, 1974. Classification of rail carriers will be determined according to the provisions of the Commission's rules and regulations set forth at 49 CFR 1240.1.

The report under consideration would be in all essential respects similar to those prescribed for motor carriers in Quarterly Report of Freight Loss and Damage Claims, supra. They would call for a quarterly summary of (1) all freight claims received, paid, denied, or closed, and other information analyzing freight claims processed, and (2) an analysis of each theft-related claim paid in the amount of $100 or more after investigation and settlement between carriers, including claim identification, amounts involved, cause of loss, and loss location data. The quarterly reports would be filed in duplicate in the office of the Commission's Bureau of Accounts within 30 days after the close of the quarter and be prepared in accordance with the instructions and format of the attached proposed form (Form QL&D-R).

It is intended that the report will provide the Congress, the Commission, other government agencies, shippers, and the general public with information regarding the processing of freight loss and damage claims filed with the railroads, the emphasis being on commodities lost or presumed lost because of theft and theft-related activities. Benefits to the transportation and the shipping public should more than compensate for any burden imposed by the systematic reporting of data. To minimize any burden, the Commission will consider making arrangements for carriers to report the data on magnetic tape or card decks suitable for computer processing, as an alternate reporting procedure.

This proceeding is not expected to have any impact upon the quality of the environment. However, should any person desire to comment on the impact of this proceeding, we will consider environmental matters in accordance with Implementation, Natl. Environmental Policy Act, 1969, 340 I.C.C. 431.

Upon consideration of these matters, and for good cause:

It is ordered, That a rulemaking proceeding be, and it is hereby, instituted under the authority of sections 12 and 20 of the Interstate Commerce Act, and pursuant to section 553 of the Administrative Procedure Act (5 U.S.C. § 553), with a view of prescribing for application to all class-I rail common carriers, except switching and terminal railroads, Form QL&D-R, Quarterly Report of Freight Loss and Damage Claims-Rail-

roads, which is set forth in the Appendix hereto with pertinent instructions, and for the purpose of taking such other further actions as the facts and circumstances may warrant.

It is further ordered, That all class–I common carriers by railroad, excluding switching and terminal carriers, operating in interstate or foreign commerce within the United States and subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That any person intending to participate in this proceeding shall so notify this Commission by filing with the Commission's Office of Proceedings, Room 5342, 12th Street and Constitution Avenue NW., Washington, D.C. 20423, on or before August 29, 1973, an original and one copy of a statement of his intention to participate; that a service list shall then be prepared and made available to those persons responding to this order, containing the names and addresses of the parties to this proceeding, upon whom service of all pleadings must be made; and that thereafter the nature of further proceedings will be designated.

And it is further ordered, That notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Commission's Secretary and by delivering a copy to the Director, Office of the Federal Register.

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

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX

QUARTERLY REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS, RAILROADS—GENERAL INSTRUCTIONS

1. Under order of the Commission, all class I Line-Haul Railroads are required to file quarterly reports of freight loss and damage claims, Form QL&D–R. Railroads should complete and file Schedules A and B of Form QL&D–R. Reports must be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within thirty days after the close of each quarter.

2. The order contemplates the inclusion of all claims incurred in connection with interstate and intrastate shipments. Reports should be prepared on a quarterly basis beginning with the first day of January, April, July and October.

3. Dollar amounts reported should be rounded to the nearest whole number. Omit cents.

4. The certification must be completed by an officer of the respondent.

5. The first of the three enclosed copies of the report contains the mailing label attached to the top of Schedule A, and is to be considered as the "original" copy of the two reports filed. To assure proper identification in the automatic data processing operation, the mailing label should not be altered in any way. Your company's name and address, as they appear on the mailing label, plus the computer processing identification code, which is the top line of the mailing address, must be copied in the same block on the duplicate copy. If the name and address on the mailing label are incorrect, the correct name and address should be inserted on the original and duplicate copies of Schedule A in the space provided to the left. The carrier's mailing address is the address where correspondence relating to accounting and reporting is to be directed, including P.O. Box number, if applicable.

INSTRUCTIONS FOR SCHEDULE A

1. Include in Schedule A all claims filed with respondent carrier by shippers, consignees, or other persons contracting for transportation.

2. Report the number of all claims on hand at the beginning of the quarter, and the number received or reopened during the quarter, on lines 1 and 2, Column A; report the total dollar amounts of the claims as specified by the claimant in Column B. The total number and amounts of claims on hand at the beginning of the quarter should agree with the totals on hand at the end of the quarter of the prior report. Line 3, Column B, is provided for reporting dollar increases applicable to claims filed for uncertain amounts, such as, "$100 more or less", or other increases in dollar amounts made by claimants to previously filed claims.

3. Report the number and dollar amounts of all claims paid to claimants during the quarter on lines 5 and 6. Line 5 should show claims paid in the full amount specified by the claimant; line 6 should show claims paid in an amount less than the amount specified by the claimant.

4. Report the number and dollar amounts of all claims denied in full or closed without payment during the quarter on lines 7 through 9, distributed according to the reasons specified. Excess dollar amounts of claims paid in part, i.e., the difference between amounts claimed as reported on line 4, and the amounts actually paid, should be shown on line 10, Column B.

5. The details called for by lines 13 through 23 should be completed, as applicable. Where the word *none* truly and completely states the fact, it should be given as the answer to any particular inquiry. Cancellations, arbitrary check marks, and the like, must not be used as answers to inquiries unless specifically authorized in writing by the Commission.

INSTRUCTIONS FOR SCHEDULE B

1. Schedule B should show individually each claim settled during the quarter where the amount paid to the claimant was $100, or more, because of shortage, theft and pilferage, or robbery. The reporting of settled claims is the obligation of the carrier making payment to claimants. Claims included in Schedule B are those where investigation of cause and responsibility is complete to the maximum extent feasible.

2. The following definitions should be used when classifying claims according to cause of loss for inclusion in Schedule B:

Shortage.—Failure to deliver all or part of shipment to consignee for unknown reasons, including error by carrier's employee in loading, waybilling, diverting or reconsigning, receipting for or delivery of freight, issuing bill of lading or requiring surrender thereof, and failure to make proper report of freight over, refused, reclaimed, etc.

Theft and Pilferage.—All loss or damage, without use of or threat of force, as a result of known stealing, or under circumstances indicating the probable cause was stealing, when it is known that cargo was in carrier's custody.

Robbery.—All loss or damage from stealing, including hijacking of TOFC or COFC, and grand larceny of piggyback trailers, containers, and trucks.

3. Column B should show the appropriate five-digit Standard Transportation Commodity Code number for the commodity shown on the claim document. Claims due to shortage for commodities shipped in bulk, such as, grain (code 0113), coal (code 11), etc., need not be reported in Schedule B.

4. Report the month and year the goods were shipped per waybill in Column C, using four-digit numerical code, i.e., January, 1973, would read 0173; November, 1974, would read 1174, etc. Report the dollar amount of the claim as filed by claimant in Column D, and the dollar amount paid to claimant in Column E (omit cents). Show the cause of loss in Column F, using codes as follows:

Shortage	Code 1
Theft and Pilferage	Code 2
Robbery	Code 3

5. Columns G and H are to be used to indicate the location where each loss occurred to the best of your belief by showing State or zone code numbers using standard codes shown in Table 1. Where the exact location is determinable, report a single location code number in Column G; otherwise, report the locations of the last good and the first bad freight seal records in Column H. Always report a pair of code numbers in Column H. The commercial zones should be shown whenever the loss occurred or seal record is known to be within the zones listed in Table 1. The zones are defined by the Commission in 49 CFR 1048. Otherwise show the appropriate State codes.

6. Claims involving shortage, theft and pilferage, or robbery from "piggyback" traffic should be identified by placing a 1 for TOFC, or a 2 for COFC, in Column I.

7. If necessary, attach extra pages following the format of the schedule. Lines and pages should be numbered consecutively.

Page 1

QUARTER 19 [ ] 1ST [ ] 2ND [ ] 3RD [ ] 4TH	INTERSTATE COMMERCE COMMISSION QUARTERLY REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS - RAILROADS Schedule A Analysis of Claims Processed	FORM APPROVED OFFICE OF MANAGEMENT AND BUDGET NO. FORM QLAD-R

CORRECT NAME AND ADDRESS, IF DIFFERENT THAN SHOWN:

FULL NAME AND ADDRESS OF REPORTING CARRIER:

Line No.	ITEMS	A NUMBER	B AMOUNT (Dollars-Cents Omits)
1	Claims on hand at beginning of quarter		
2	Claims received or reopened during quarter		
3	Amount of increases during quarter		
4	TOTAL (Lines 1 through 3)		
	Claims disposed of during quarter:		
5	Paid in full to claimants		
6	Paid in part to claimants		
	Claims denied or closed:		
7	No evidence rail carrier liability		
8	Not timely filed		
9	Other		
10	Denied in part		
11	TOTAL (Lines 5 through 10)		
12	Claims on hand at end of quarter (Line 4 less Line 11)		

	ITEMS	A NUMBER	B AMOUNT (Dollars-Cents Omits)
13	Number of claims disposed of within 30 days		
14	Number of claims disposed of 30 to 90 days		
15	Number of claims disposed of 90 to 120 days		
16	Number of unpaid claims on hand more than 120 days at close of quarter		
	Amounts recovered during quarter:		
17	Salvage		$
18	From interline carriers		
19	TOTAL (Line 17 + 18)		
20	Amount paid to interline carriers		
21	Net amount paid during quarter (Line 5 + 6, Col. B; less Line 19, + Line 20)		
22	Total freight revenues for quarter (Accounts 101 and 110)		
23	Ratio net claims paid to revenue, percent (Line 21 ÷ 22 x 100, two decimal places)		%

CERTIFICATION

I, the undersigned, _____ (Type or type name and title of officer making the certification) of _____ (Full name of reporting company) certify that this report was prepared by me or under my supervision; that I have carefully examined it; and, on the basis of my knowledge, belief, and verification (where necessary) I declare it to be a full, true and correct statement of the freight loss and damage statistics named, and that the various items here reported were determined in accordance with effective rules promulgated by the Interstate Commerce Commission.

Signature _____ Telephone No. (Include Area Code) _____ Date _____, 19____

Page 3

QUARTER 19
[ ] 1ST [ ] 2ND [ ] 3RD [ ] 4TH

INTERSTATE COMMERCE COMMISSION
QUARTERLY REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS - RAILROADS
Schedule B Analysis of Theft Related Claims Settled

FORM APPROVED BY OFFICE OF MANAGEMENT AND BUDGET
FORM QL&D-R

THIS SCHEDULE TO BE USED FOR REPORTING CLAIM PAYMENTS OF $100, OR MORE, DUE TO SHORTAGE, T-I-F AND PILFERAGE, OR HIJACKING.

FULL NAME OF REPORTING CARRIER: *(If system report, show names of all operating roads included)*

LINE NO.	A CLAIM NO.	B STCC CODE	C [1] DATE SHIPPED	D AMOUNT OF CLAIM (Dollars)	E AMOUNT PAID (Dollars)	F LOSS CODE	G KNOWN LOCATION CODE	H SEAL RECORDS: LAST GOOD	H SEAL RECORDS: FIRST BAD	I TOFC/COFC

Page 4

TABLE - LOCATION CODE NUMBERS FOR COLUMNS G AND H, SCHEDULE B *(See "Instructions")*

NAME	CODE
A. COMMERCIAL ZONES (See 49 CFR 1048)	
Baltimore, Maryland	60
Boston, Massachusetts	61
Chicago: Illinois Area	62
Chicago: Indiana Area	63
Cleveland, Ohio	64
Detroit, Michigan	65
Los Angeles, California	66
New York: New Jersey Area	67
New York: New York Area	68
Philadelphia: New Jersey Area	69
Philadelphia: Pennsylvania Area	70
St. Louis: Illinois Area	71
St. Louis: Missouri Area	72
Seattle, Washington	73
Washington, D.C.: Virginia Area*	74
B. STATES (Incl. District of Columbia)	
Alabama	01
Alaska	02
Arizona	04
Arkansas	05
California *(Except Code 66)*	06
Colorado	08
Connecticut	09
Delaware	10
District of Columbia	11
Florida	12
Georgia	13
Hawaii	15
Idaho	16
Illinois *(Except Codes 62, 71)*	17
Indiana *(Except Code 63)*	18
Iowa	19
Kansas	20
Kentucky	21
Louisiana	22
Maine	23
Maryland *(Except Code 60)*	24
Massachusetts *(Except Code 61)*	25
Michigan *(Except Code 65)*	26
Minnesota	27
Mississippi	28
Missouri *(Except Code 72)*	29
Montana	30
Nebraska	31
Nevada	32
New Hampshire	33
New Jersey *(Except Codes 67, 69)*	34
New Mexico	35
New York *(Except Code 68)*	36
North Carolina	37
North Dakota	38
Ohio *(Except Code 64)*	39
Oklahoma	40
Oregon	41
Pennsylvania *(Except Code 70)*	42
Rhode Island	44
South Carolina	45
South Dakota	46
Tennessee	47
Texas	48
Utah	49
Vermont	50
Virginia *(Except Code 74)*	51
Washington *(Except Code 73)*	53
West Virginia	54
Wisconsin	55
Wyoming	56
C. FOREIGN	
Canada	81
Mexico	82

*Includes Potomac Yard

[FR Doc.73-17760 Filed 8-22-73;8:45 am]

[49 CFR Part 1310]

[Docket No. 35867]

COMMON CARRIERS OF PROPERTY BY MOTOR VEHICLE AND WATER

Construction, Filing, and Posting of Tariffs

Correction

In FR Doc. 73-15957 appearing on page 20852 in the issue of Friday, August 3, 1973, the following changes should be made:

1. On page 20854, the second line in paragraph 9, reading "other emergency transportation operat-" should be deleted.

2. On page 20854 in the third column, the date "1989" in the last line of the penultimate paragraph should read "1969".

3. In the table of contents on page 20856, in the entry for § 1310.31, the words "(Rule 30)" should read "(Rule 31)".

4. On page 20861, in the penultimate line of § 1310.5(a), "§ 1810.21" should read "§ 1310.21".

5. On page 20864, in § 1310.6(n)(1), the word "code" should be inserted after the words "and/or".

6. On page 20868, in § 1310.7(n)(4), in the fourth line of the first Note 1 the word "be" should read "the".

7. On page 20868, in § 1310.7(p)(3) the word "tariff" should read "traffic".

8. On page 20873, in the seventh line of § 1310.10(f)(1), insert the mark ↓ before the words "or(R)".

9. On page 20875, in § 1310.10(j)(8), the word "or" in the fifth line should read "of".

10. On page 20876, in § 1310.13(c), the word "of" in the 14th line should read "or".

11. On page 20893, in § 1310.28(h)(6), the word "staff" in the second line should read "tariff".

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

STANDARDS FOR GRADES OF CANNED APRICOTS AND CANNED SOLID-PACK APRICOTS

Second Notice of Proposed Rule Making

A notice of proposed rule making to revise the United States standards for grades of canned apricots (7 CFR 52.2641-52.2657) and a notice of proposed rule making to promulgate separate standards for canned solid-pack apricots was published in the FEDERAL REGISTER of April 26, 1972, 37 FR 8389 and 37 FR 8395, respectively. After consideration of all relevant matters pertaining to the proposals and in view of the changes which have been proposed, the U.S. Department of Agriculture desires further consideration by interested parties.

These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided for under this Act upon request of the applicant and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views, or arguments in connection with the proposals should file the same in duplicate not later than October 1, 1973, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submittals made pursuant to this notice will be available for public review at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

NOTE.—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and Regulations.

STATEMENT OF CONSIDERATION LEADING TO THE SECOND PROPOSALS

The Canners League of California, representing a large number of the canners of apricots, requested that the USDA amend the United States Standards for Grades of Canned Apricots to allow Canned Solid-Pack Apricots to be assigned score points commensurate with the actual quality level, for color, defects, and character, while maintaining the present grade restriction.

The current grade standards include the Canned Solid-Pack apricots with the regular pack but restrict the solid-pack to the Grade C score point range as well as a maximum grade classification of Grade C Solid-pack. This pack is used only for remanufacturing purposes.

A study performed by the Department during the processing season of 1971 indicated that quality levels higher than the current maximum Grade C classification were being packed.

On the basis of this study, the Department proposed grade standards for canned solid-pack apricots separate from the regular pack. In addition, two quality levels above Substandard were proposed, the highest to be designated as U.S. Grade B or U.S. Choice. The Department felt that with separate standards and by reflecting a higher quality above Grade C through a grade designation as well as score points, the marketing of canned solid-pack apricots would be better served.

Formal objections to this approach were filed by the California Canners League on the grounds that:

(1) The addition of a "Grade B" classification is not wanted by canners and is also reportedly objected to by buyers.

(2) The difference between solid-pack apricots and the regular pack is not sufficient to adopt separate standards.

The California Canners League again requested the solid-pack portion of the current standards be modified to reflect a higher quality level by increasing the score points allotted to the applicable quality factors but retaining the currently restricted grade designation. To comply with this request would require assigning score points for the applicable quality factors for solid-pack apricots in the Grade B and Grade A classification while there are no such classifications for this type of pack.

The Department contends that since a Grade B or Grade A classification does not or would not exist for solid-pack apricots, it would be misleading to use the same score point ranges above Grade C for the solid-pack as are used for the regular pack.

In an informal discussion with the California Canners League it was decided the following would be proposed:

(1) Separate grade standards would be promulgated for solid-pack apricots as an appendix to the grade standards for the regular pack;

(2) A higher quality level would be reflected for the solid-pack through score points only, using a separate scoring system from the regular pack;

(3) The current restriction to the Grade C classification would be retained;

(4) The requirements for the various quality factors for the Grade C classification would remain unchanged; and

(5) A standard sample unit size to determine compliance with quality requirements would be included.

The California Canners League stated they had no objections to the proposed revision of the grade standards for canned apricots (regular pack) except for the exclusion of the solid-pack.

In reviewing that proposal and the current grade standards, however, it was found that the style of "mixed pieces of irregular sizes and shapes" is permitted to be assigned score points in the Grade A classification for the applicable quality factors while there is no such classification for this style. It is restricted to a top quality level of U.S. Grade B. Therefore, the Department proposes to realign the score points for this style to reflect a quality higher than Grade B by score points only.

The factor of color is not scored for canned spiced apricots in the current grade standards. In the past the spices used caused a rather marked change in the color of the product. Packers now are using mostly spice oils which cause little if any change in the finished product. Therefore, the Department is proposing to score the factor of color for canned spiced apricots, taking into consideration any effect the added spices may contribute.

No other changes from the first proposal of April 26, 1972, are proposed.

No other comments were received regarding the aforementioned proposals.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

AUTHORITY: §§ 52.2641–52.2657 issued under Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.2641 Product description.

(a) *Canned apricots.*—"Canned apricots" is the product represented as defined in the Standards of Identity for canned apricots (21 CFR 27.10) issued pursuant to the Federal Food, Drug, and Cosmetic Act, and prepared in one of the styles specified in § 52.2642; in one of the liquid media specified in § 52.2644; and is sealed in a container and so processed by heat as to prevent spoilage.

The food may be seasoned with one or more of the optional ingredients permitted in the aforementioned standards of identity.

§ 52.2642 Styles.

(a) "Halves" are pitted apricots cut approximately in half along the suture from stem to apex.

(b) "Slices" are pitted apricots cut into thin sectors or strips.

(c) "Whole" is unpitted apricots with stems removed.

(d) "Mixed pieces of irregular sizes and shapes" are cut apricot units that are predominantly irregular in size and shape which do not conform to a single style or which are a mixture of two or more of such styles.

(e) When the apricots are unpeeled the name of the style is preceded or followed by the word "unpeeled."

(f) When the apricots are peeled, the name of the style is preceded or followed by the word "peeled."

§ 52.2643 Grades.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of halves, slices, and whole canned apricots, that:

(1) Have similar varietal characteristics;

(2) Have normal flavor and odor;

(3) Have at least a reasonably good color that scores not less than 17 points;

(4) Are at least reasonably uniform in size and symmetry for the applicable styles except for limits of off-suture cuts in the style of halves;

(5) Are reasonably free from defects;

(6) Have at least a reasonably good character; and

(7) For those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of canned apricots of any style that:

(1) Have similar varietal characteristics;

(2) Have a normal flavor and odor;

(3) Have at least a reasonably good color;

(4) Are at least fairly uniform in size and symmetry for the applicable styles except for the limits of off-suture cuts in the style of halves;

(5) Are at least reasonably free from defects;

(6) Have at least a reasonably good character; and

(7) For those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 80 points.

(c) "U.S. Grade C" or "U.S. Standard" is the quality of canned apricots of any style that:

(1) Have similar varietal characteristics;

(2) Have a normal flavor and odor;

(3) Have at least a fairly good color;

(4) Are at least fairly uniform in size and symmetry for the applicable style;

(5) Are at least fairly free from defects;

(6) Have at least a fairly good character; and

(7) For those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(d) "Substandard" is the quality of canned apricots that fail to meet the requirements of U.S. Grade C.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS AND FILL WEIGHTS

§ 52.2644 Liquid media and Brix measurements.

"Cut-out" requirements for liquid media in canned apricots are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The designations of liquid packing media and the Brix measurements, where applicable, are as follows:

Designations	*Brix measurement*
"Extra heavy sirup" or "Extra heavy apricot juice sirup".	25° or more but not more than 40°.
"Heavy sirup" or "Heavy apricot juice sirup".	21° or more but less than 25°.
"Light sirup" or "Light apricot juice sirup".	16° or more but less than 21°.
"Slightly sweetened water" or "Slightly sweetened apricot juice".	Less than 16°.
"In water"	Not applicable.
"In apricot juice"	Not applicable.
"Artificially sweetened"	Not applicable.

§ 52.2645 Fill of container.

The standard of fill of container for canned apricots is the maximum quantity of the apricot units which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient. Canned apricots that do not meet this requirement are "Below Standard in Fill."

§ 52.2646 Recommended minimum drained weights.

(a) *General.*—(1) The minimum drained weight recommendations for the various styles in Table II are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(2) The recommended minimum drained weights are based on equalization of the product 30 days or more after the product has been canned.

(b) *Definitions of symbols.*—(1) $\bar{X}_d$—the minimum average drained weight of all the sample units in the sample.

(2) LL—Lower limit for the drained weight of an individual sample unit.

(c) *Method for ascertaining drained weight.*—The drained weight of canned apricots is determined by emptying the contents of the container, turning the pit cavities down in halves upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch ± 3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and apricots less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(c) *Compliance with recommended minimum drained weights.*—A lot of canned apricots is considered as meeting the minimum drained weight recommendations if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample meets the recommended average drained weight (designated as $\bar{X}_d$ in Table II; and

(2) The number of sample units which fail to meet the recommended minimum drained weight for individuals (designated as LL) in Table II does not exceed the applicable acceptance number specified in Table I.

TABLE I.—SINGLE SAMPLING PLAN FOR DRAINED WEIGHTS

Sample size (number of sample units)	3	6	13	21	29	39	48	60
Acceptance number	0	1	2	3	4	5	6	7

TABLE II—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED APRICOTS

Container size (metal, unless otherwise stated)		In extra heavy and heavy syrups					
		Unpeeled or peeled halves; slices; mixed pieces of irregular sizes and shapes		Whole unpeeled		Whole peeled	
Designation	Dimensions	LL	$\overline{X}_d$	LL	$\overline{X}_d$	LL	$\overline{X}_d$
		Ounces	Ounces	Ounces	Ounces	Ounces	Ounces
5 Z	211 x 200	2.1	2.7				
5 Z	211 x 202	2.4	3.0				
7 Z	211 x 212	3.4	4.0				
8 Z tall	211 x 304	4.2	4.8	3.7	4.3	3.8	4.3
No. 300	300 x 407	7.9	8.6	6.8	7.6	7.2	8.0
No. 303 glass		8.7	9.5	7.6	8.5	8.0	8.9
No. 303	303 x 406	8.7	9.5	7.6	8.5	8.0	8.9
No. 2	307 x 409	10.6	11.5	9.6	10.5	9.8	10.8
No. 2½ glass		15.2	16.3	13.6	14.9	13.9	15.2
		15.5	16.7	13.8	15.1	14.4	15.7
No. 2½	401 x 411	59.7	62.9	57.5	60.0	57.9	60.4
No. 10	603 x 700						
		In any other liquid medium					
5 Z	211 x 200	2.2	2.8				
5 Z	211 x 202	2.5	3.1				
7 Z	211 x 212	3.5	4.1				
8 Z tall	211 x 304	4.3	4.9	3.8	4.4	3.9	4.6
No. 300	300 x 407	8.1	8.8	7.0	7.8	7.4	8.2
No. 303 glass		8.9	9.7	7.8	8.7	8.2	9.1
No. 303	303 x 406	8.9	9.7	7.8	8.7	8.2	9.1
No. 2	307 x 409	10.9	11.8	9.7	10.7	10.1	11.1
No. 2½ glass		15.7	16.8	14.0	15.3	14.3	15.6
No. 2½	401 x 411	16.0	17.2	14.2	15.5	14.8	16.1
No. 10	603 x 700	61.7	64.0	59.0	61.5	59.5	62.0

§ 52.2647 Recommended minimum fill weights.

(a) *General.*—The minimum fill weight recommendations for the various styles in Table III are not incorporated in the grades of the finished product since fill weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining fill weight.*—The fill weight of canned apricots is determined in accordance with the U.S. Department of Agriculture's U.S. Standards for Inspection by Variables and the U.S. Standards for Determination of Fill Weights.

(c) *Definitions of terms and symbols.*—"Subgroup means a group of sample units representing a portion of a sample.

$\overline{X}'_{min}$ means the minimum lot average fill weight.

$LWL_{\overline{X}}$ means the lower warning limit for subgroup averages.

$LRL_{\overline{X}}$ means the lower reject limit for subgroup averages.

LWL means the lower warning limit for individual fill weight measurements.

LRL means the lower reject limit for individual fill weight measurements.

$\overline{R}'$ means a specified average range value.

R_{max} means a specified maximum range for a subgroup.

(d) *Compliance with recommended fill weights.*—Compliance with the recommended fill weights for canned apricots shall be in accordance with the acceptance criteria specified in the U.S. Department of Agriculture's U.S. Standards for Inspection by Variables and U.S. Standards for Determination of Fill Weights.

TABLE III—RECOMMENDED FILL WEIGHT VALUES FOR CANNED APRICOTS

Container size (metal unless otherwise stated)		Unpeeled or peeled halves—Fill weight values							Sampling allowance code
Designation	Dimensions	$\overline{X}'_{min}$	$LWL_{\overline{X}}$	$LRL_{\overline{X}}$	LWL	LRL	$\overline{R}'$	R_{max}	
		Ounces	Ounces	Ounces	Ounces	Ounces	Ounces	Ounces	
5 Z	211 x 200	3.0	2.6	2.4	2.2	1.8	0.9	2.0	G
5 Z	211 x 202	3.3	2.9	2.7	2.5	2.1	0.9	2.0	G
7 Z	211 x 212	4.4	3.9	3.7	3.4	2.9	1.2	2.5	I
8 Z tall	211 x 304	5.3	4.8	4.6	4.3	3.8	1.2	2.5	I
No. 300	300 x 407	9.4	8.9	8.6	8.3	7.7	1.3	2.7	J
No. 303 glass		10.4	9.9	9.6	9.2	8.6	1.4	3.0	K
No. 303	303 x 406	10.4	9.9	9.6	9.2	8.6	1.4	3.0	K
No. 2	307 x 409	12.6	12.0	11.6	11.2	10.5	1.6	3.4	M
No. 2½ glass		18.9	17.2	16.8	16.3	15.3	2.1	4.4	Q
No. 2½	401 x 411	18.4	17.6	17.2	16.6	15.7	2.1	4.4	Q
No. 10	603 x 700	69.5	68.2	67.5	66.5	65.0	3.5	7.4	X
		Whole unpeeled—Fill weight values							
8 Z tall		4.6	4.1	3.8	3.5	2.9	1.3	2.7	J
No. 300		8.3	7.7	7.4	7.0	6.3	1.5	3.2	L
No. 303 glass		9.2	8.6	8.2	7.8	7.1	1.6	3.4	M
No. 303		9.2	8.6	8.2	7.8	7.1	1.6	3.4	M
No. 2		11.4	10.7	10.3	9.8	9.0	1.9	3.9	O
No. 2½ glass		16.2	15.3	14.8	14.2	13.2	2.3	4.9	S
No. 2½		16.5	15.6	15.1	14.5	13.5	2.3	4.9	S
No. 10		65.0	63.5	62.7	61.6	59.9	4.0	8.4	Z
8 Z tall		5.0	4.5	4.2	3.9	3.3	1.3	2.7	J
No. 300		8.9	8.3	8.0	7.6	6.9	1.5	3.2	L
No. 303 glass		9.9	9.3	8.9	8.5	7.8	1.6	3.4	M
No. 303		9.9	9.3	8.9	8.5	7.8	1.6	3.4	M
No. 2		12.0	11.3	10.9	10.4	9.6	1.9	3.9	O
No. 2½ glass		17.0	16.1	15.6	15.0	14.0	2.3	4.9	S
No. 2½		17.5	16.6	16.1	15.5	14.5	2.3	4.9	S
No. 10		66.5	65.0	64.2	63.1	61.4	4.0	8.4	Z
		Peeled or unpeeled sliced—Fill weight values							
5 Z	211 x 200	3.2	2.9	2.7	2.5	2.1	0.8	1.7	F
5 Z	211 x 202	3.5	3.2	3.0	2.8	2.4	0.8	1.7	F
7 Z	211 x 212	4.7	4.3	4.1	3.8	3.3	1.1	2.2	H
8 Z tall	211 x 304	5.6	5.2	5.0	4.7	4.2	1.1	2.2	H
No. 300	300 x 407	9.9	9.4	9.2	8.9	8.4	1.2	2.5	I
No. 303 glass		11.0	10.6	10.2	9.9	9.3	1.3	2.7	J
No. 303	303 x 406	11.0	10.6	10.2	9.9	9.3	1.3	2.7	J
No. 2	307 x 409	13.3	12.8	12.5	12.1	11.5	1.4	3.0	K
No. 2½ glass		19.0	18.3	18.0	17.5	16.7	1.7	3.7	N
No. 2½	401 x 411	19.4	18.7	18.4	17.9	17.1	1.7	3.7	N
No. 10	603 x 700	72.5	71.3	70.7	69.9	68.6	3.0	6.4	V
		Mixed pieces of irregular sizes and shapes—Fill weight values							
No. 2½		18.7	17.9	17.5	16.9	16.0	2.1	4.4	Q
No. 10		70.5	69.2	68.5	67.5	66.0	3.5	7.4	X

SAMPLE UNIT SIZE

§ 52.2648 Sample unit size.

Compliance with requirements for the various quality factors is based on the following sample unit sizes:

(a) Halves—50 halves.

(b) Whole—25 whole apricots. In the case of the factors of color and defects only with respect to minor defects a whole apricot shall be considered halved along the suture and each half therefrom is a unit and the sample unit size thereby becomes 50 halves.

(c) Slices—50 slices.

(d) Mixed pieces of irregular sizes and shapes—30 ounces drained fruit of finished product or 33 ounces raw fruit for in-plant control.

FACTORS OF QUALITY

§ 52.2649 Ascertaining the grade.

(a) *General.*—In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(1) *Factors not rated by score points.*—(i) Varietal characteristics.

(ii) Flavor and odor.

(2) *Factors rated by score points.*—The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Halves, slices, whole	Mixed pieces of irregular sizes and shapes
	Points	*Points*
(i) Color	20	20
(ii) Uniformity of size & symmetry	20	----
(iii) Defects	30	40
(iv) Character	30	40
Total score	100	100

(b) *Definition of flavor and odor.*—"Normal flavor and odor" means that the canned apricots are free from objectionable flavors and objectionable odors of any kind.

§ 52.2650 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.2651 Color.

(a) *General.*—(1) The color of canned apricots refers to the characteristic color of the outer, uncut surfaces of the units; and the varying degrees of pale yellow areas, light greenish-yellow areas, and light green areas.

(2) In evaluating the factor of color for canned spiced apricots consideration is given to any effect the added spices may contribute to the color.

(b) *Definitions.*—(1) *Well colored.*—Well colored means that the units have a bright typical color characteristic of well-matured apricots. The units may have pale yellow areas not exceeding one-fourth of the outer surface area and are free from brown color due to oxidation, improper processing, or other causes.

(2) *Reasonably well colored.*—Reasonably well colored means that the units have a color typical of reasonably well matured apricots. The units may have pale yellow areas not exceeding one-half of the outer surface area or may have light greenish-yellow areas not exceeding one-fourth of the outer surface area and are free from brown color due to oxidation, improper processing, or other causes.

(3) *Fairly well colored.*—Fairly well colored means that the units have a typical color characteristic of fairly well matured apricots. The units may have pale yellow areas, may have light greenish-yellow areas not exceeding one-half of the outer surface area, or have light green areas not exceeding one-fourth of the outer surface areas. The units may have a slight brown color due to oxidation, improper processing, or other causes.

(4) *Poorly colored.*—Poorly colored means that the units have light greenish-yellow areas exceeding one-half of the outer surface area, or light green areas exceeding one-fourth of the outer surface area, and/or may have more than a slight brown color due to oxidation, improper processing, or other causes.

(c) (*A*) *classification.*—Halves, slices, and whole canned apricots that possess a good color may be given a score of 18 to 20 points. "Good color" means that the apricots are well colored; the sample unit as a mass is practically uniform in color, and the number of units that may be reasonably well colored does not exceed the number specified for the style in § 52.2655.

(d) (*B*) *classification.*—Halves, slices, and whole canned apricots that possess a reasonably good color may be given a score of 16 to 17 points. Canned apricots of these styles that score 16 points shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). Canned apricots of mixed pieces or irregular sizes and shapes that have at least a reasonably good color may be given a score of 16 to 20 points. "Reasonably good color" means that the apricots are at least reasonably well colored; the sample unit as a mass is reasonably uniform in color; and the number of units that may be fairly well colored does not exceed the number specified for the style in § 52.2655.

(e) (*C*) *classification.*—Canned apricots of any style that possess a fairly good color may be given a score of 14 or 15 points. Canned apricots that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the apricots are fairly well colored; the sample unit as a mass is fairly uniform in color, and the number of poorly colored units does not exceed the number specified for the style in § 52.2655.

(f) (*SStd*) *classification.*—Canned apricots that fail to meet the color requirements for Grade C may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2652 Uniformity of size and symmetry.

(a) *General.*—The factor of uniformity of size and symmetry for the style of slices is not based on any detailed requirement and is not scored; the other three factors (color, defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score. Uniformity of size and symmetry for the styles of halves and whole pertains to the percent by which the weight of the largest full-sized unit exceeds the weight of the smallest full-sized unit, and the number of off-suture cuts and detached or partially detached pieces in the style of halves. A unit that possesses an off-suture cut and is scoreable as such and in addition possesses a partially detached piece is scoreable either as an off-suture cut or a partially detached piece but not both.

(b) *Definitions.*—(1) *Off-suture cut.*—"Off-suture cut" in the style of halves means a halved unit which has been cut at a distance from the suture greater than one-fourth inch at the widest measurement from the suture.

(2) *Detached piece.*—Detached piece is a piece in the style of halves which has the appearance of a slice resulting from an off-suture cut or improper cutting that is completely separated from the half from which cut.

(3) *Partially detached piece.*—A partially detached piece in the style of halves, is a piece which has the appearance of a slice resulting from an off-suture cut or improper cutting and is detached more than one-third the length of the half along the suture or approximately parallel with the suture.

A partially detached piece, together with the unit to which it is attached is considered as one unit.

(c) (*A*) *classification.*—The styles of halves and whole canned apricots that are practically uniform in size and symmetry may be given a score of 18 to 20 points. "Practically uniform in size and symmetry" means that the units are very symmetrical; and that the number of units that exceed the maximum weight variation, the number of detached or partially detached pieces in the style of halves, and/or the number of units of halves that possess off-suture cuts do not exceed the applicable number specified in § 52.2655.

(d) (*B*) *classification.*—The styles of halves and whole canned apricots that are reasonably uniform in size and symmetry may be given a score of 16 or 17 points. A sample unit of the style of halves that possess more than 5 units which have off-suture cuts shall not be graded above U.S. Grade B, regardless of

the total score for the product (this is a partial limiting rule). "Reasonably uniform in size and symmetry" means that the units are reasonably symmetrical; and that the number of units that exceed the maximum weight variation, the number of detached or partially detached pieces, and/or the number of units of halves that possess off-suture cuts do not exceed the applicable number specified in § 52.2655.

(e) *(C) classification.*—The styles of halves and whole canned apricots that are fairly uniform in size and symmetry may be given a score of 14 or 15 points. Except for off-suture cuts in the style of halves, canned apricots that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product; a sample unit of halves style that possesses more than 8 units that have off-suture cuts shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size and symmetry" means that the units may vary in size, thickness, and symmetry; and that the number of units that exceed the maximum weight variation, the number of detached or partially detached pieces, and/or the number of units of halves style that possess off-suture cuts do not exceed the applicable number specified in § 52.2655.

(f) *(SStd) classification.*—Canned apricots that fail to meet the uniformity of size and symmetry requirements for Grade C may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2653 Defects.

(a) *General.*—The factor of defects refers to the degree of freedom from pit material, loose pits, harmless extaneous material, short stems, peel, minor blemishes, major blemishes, and crushed or broken units.

Canned whole apricots shall be considered as halved along the suture and each half therefrom is considered a separate unit in evaluating the factor of defects with respect to minor blemishes only. Each whole apricot shall be considered as a separate unit in ascertaining compliance with allowances for major blemishes.

(b) *Definitions.*—(1) *Harmless extraneous material.*—"Harmless extraneous material" means any harmless vegetable substance (such as, but not limited to, a leaf or portion thereof, or a large stem) that is harmless.

(2) *Short stem.*—A "short stem means the short, thick, woody, stem which attaches the apricot to the twig of the tree or other stem material of equivalent woodiness and shortness.

(3) *Pit material.*—"Pit material" means any whole pit in all styles other than whole styles or any portion of an apricot pit, regardless of size, except when whole apricot pits or apricot kernels are permitted as seasoning ingredients in other than whole styles.

(4) *Loose pit.*—A "loose pit" means a whole, unbroken pit not adhering to the flesh of a unit in the styles of whole apricots.

(5) *Minor blemish.*—"Minor blemish" in unpeeled styles includes "freckles" and also means:

(i) Light brown to brown surface areas which, singly or in combination on a unit, exceed in the aggregate the area of a circle ⅛ inch in diameter but do not exceed in the aggregate the area of a circle ¼ inch in diameter; or

(ii) Single dark brown surface areas that do not exceed the area of a circle ⅛ inch in diameter but which, singly or in combination with other "minor blemishes" on a unit, affect materially but not seriously the appearance of the unit. Light brown to brown surface areas and "freckles" that are insignificant and less than the area of a circle ⅛ inch in diameter and which do not affect materially the appearance of the unit are not considered "defects."

(6) *Major blemish.*—"Major blemish" in canned apricots includes units affected by scab, hail injury, discoloration, or other abnormalities in the following degree:

(i) Light brown to brown surface areas in unpeeled styles which, singly or in combination on a unit, exceed in the aggregate the area of a circle ¼ inch in diameter;

(ii) Blemishes that extend into the fruit tissue regardless of area or depth;

(iii) Single dark brown surface areas in unpeeled styles that exceed the area of a circle ⅛ inch in diameter, whether or not the unit is affected by minor blemishes; or

(iv) Any blemish whether or not specifically defined or mentioned in this subparagraph which affects seriously the appearance of the unit but is not a filthy or decomposed substance.

(7) *Crushed or broken.*—"Crushed or broken" means that:

(i) A unit in halves or whole style of canned apricots is "crushed" if the unit has definitely lost its normal shape and is crushed not due to ripeness; and

(ii) A unit in halves or whole style of canned apricots is "broken" if severed into definite parts; halves of canned apricots that are slightly or partially split or mashed from the edge to the pit cavity are not considered broken, or units in the style of peeled whole apricots that are mashed or very soft due to ripeness to the extent that the pit cavity is exposed or a seed missing therefrom is not crushed or broken. Portions equivalent to a full-size unit that has been broken are considered as one unit in determining compliance with the allowances for this defect.

(c) *(A) classification.*—Halves, slices, and whole canned apricots that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that:

(1) The amount of peel that may be present in peeled styles does not exceed the amount specified in § 52.2655; and

(2) The number of other defects that may be present does not exceed the number specified for the applicable style in § 52.2655.

(d) *(B) classification.*—Halves, slices, and whole canned apricots that are reasonably free from defects may be given a score of 24 to 26 points. Canned apricots of mixed pieces that are at least reasonably free from defects may be given a score of 32 to 40 points. Canned apricots of any style that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) The amount of peel that may be present in peeled styles does not exceed the amount specified in § 52.2655;

(2) With respect to all styles, the number of other defects that may be present does not exceed the number specified for the applicable style in § 52.2655.

(e) *(C) classification.*—Halves, slices, and whole canned apricots that are fairly free from defects may be given a score of 21 to 23 points. Canned apricots of mixed pieces and irregular sizes and shapes that are fairly free from defects may be given a score of 28 to 31 points. Canned apricots of any style that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that:

(1) The amount of peel that may be present in peeled styles does not exceed the amount specified in § 52.2655; or

(2) With respect to all styles, the number of other defects that may be present does not exceed the number specified for the applicable style in § 52.2655.

(f) *(SStd) classification.*—Canned apricots that fail to meet the defect requirements for Grade C may be given a score of 0 to 20 points for the styles of halves, slices, and whole and 0 to 27 points for mixed pieces of irregular sizes and shapes, and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2654 Character.

(a) *General.*—The factor of character refers to the degree of ripeness, the texture, and condition of the flesh, the firmness and tenderness of the canned apricots and their tendency to retain their apparent original conformation and size without disintegration.

(b) *Definitions.*—(1) *Good character.*—"Good character" means that the units have a practically uniform tender, fleshy texture, typical of well-ripened, properly prepared and properly processed canned apricots; the units may be soft but hold their original conformation and size without material disintegration.

(2) *Reasonably good character.*—"Reasonably good character" means that the units have a reasonably uniform, reasonably tender texture typical of properly ripened canned apricots that

are properly processed; the texture is reasonably fleshy, and the units are reasonably thick but the tenderness may be variable within the unit or among the units; the units may be soft to slightly firm or slightly ragged but are not mushy.

(3) *Fairly good character.*—"Fairly good character" means that the units have a texture of properly processed apricots which may be variable in fleshiness but the texture is fairly fleshy; the units may be lacking uniformity of tenderness; the units may be very soft to moderately firm or markedly ragged with frayed edges.

(4) *Poor character.*—"Poor character" means the units may be lacking in fleshiness; may be not tender or may be very firm or may be mushy.

(c) *(A) classification.*—Halves, slices, and whole canned apricots that have a good character may be given a score of 27 to 30 points. To score in this classification, the number of units that possess reasonably good character does not exceed the number specified for the style in § 52.2655.

(d) *(B) classification.*—Halves, slices, and whole canned apricots that possess a reasonably good character may be given a score of 24 to 26 points. Canned apricots of mixed pieces of irregular sizes and shapes that possess at least a reasonably good character may be given a score of 32 to 40 points and shall not be graded above U.S. Grade B, regardless of the total score for the product. To score in this classification, the number of units that possess fairly good character does not exceed the number specified for the style in § 52.2655.

(e) *(C) classification.*—Halves, slices, whole canned apricots that possess a fairly good character may be given a score of 21 to 23 points. Canned apricots of mixed pieces of irregular sizes and shapes that possess a fairly good character may be given a score of 28 to 31 points. Canned apricots that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). To score in this classification, the number of units that possess poor character does not exceed the number specified for the style in § 52.2655.

(f) *(SStd) classification.*—Canned apricots that fail to meet the character requirements for Grade C may be given a score of 0 to 20 points for the styles of halves, slices and whole, and 0 to 27 points for mixed pieces of irregular sizes and shapes, and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

ALLOWANCES FOR QUALITY FACTORS

§ 52.2655 Allowances for quality factors.

TABLE IV.—STYLES: HALVES AND WHOLE

Factors	Maximum allowances permitted					
	A		B		C	
	Individual[1]	Average[2]	Individual	Average	Individual	Average
Color (Number of units):						
Reasonably good	2		No limit		No limit	
Fairly good	0		5		No limit	
Poor	0		0		5	
Weight Variation						
Uniformity of size (number of units):						
Whole:						
More than 50%	1		No limit		No limit	
More than 75%	0		1		No limit	
More than 100%	0		0		3	
Halves:						
More than 50%	3		No limit		No limit	
More than 75%	0		3		No limit	
More than 100%	0		0		5	
Halves:						
Off-suture cuts and/or Detached and partially detached pieces	2 and 2		7 Including 7		15 Including 15	
Defects:						
Harmless extraneous material (number of pieces)	0		1	0.5	2	
Short stem (count)	2		3		5	
Peel	1/4 sq. in.		3/4 sq. in.		1 1/4 sq. in.	
Loose pits (whole style only-count)	3		5		5	
Pit material (halves-count)	3	1	3	1	3	1
Crushed or broken-halves	2		2		2	
Whole	1		1		1	
Blemished-halves—Minor	5		10		20	
Major	Including 2		Including 5		Including 10	
Whole—Minor	5		10		20	
Major	Including 1		Including 2		Including 5	
Character (halves):						
Reasonably good	2		No limit		No limit	
Fairly good	0		5		No limit	
Poor	0		0		5	
(Whole):						
Reasonably good	1		No limit		No limit	
Fairly good	0		2		No limit	
Poor	0		0		2	

[1] Individual—means individual sample unit.
[2] Average—means average of all the sample units in the sample.

TABLE V—STYLE: SLICED

Factor	Maximum allowances permitted					
	A		B		C	
	Individual[1]	Average[2]	Individual	Average	Individual	Average
Color:						
Reasonably good	2		No limit		No limit	
Fairly good	0		5		No limit	
Poor	0		0		5	
Defects:						
Harmless extraneous material (number of pieces)	0		1	0.15	1	0.5
Short stems	1	0.5	1		2	1.5
Peel	3/32 sq. in.		3/16 sq. in.		3/16 sq. in.	
Pit material (count)	1	.3	1	.3	1	.3
Blemished:						
Minor	3		6		10	
Major	Including 1		Including 3		Including 5	
Character:						
Reasonably good	2		No limit		No limit	
Fairly good	0		5		No limit	
Poor	0		0		5	

[1] Individual—means individual sample unit.
[2] Average—means average of all the sample units in the sample.

TABLE VI—STYLE: MIXED PIECES OF IRREGULAR SIZES AND SHAPES

Factor	Maximum allowances permitted					
	A		B		C	
	Individual[1]	Average[2]	Individual	Average	Individual	Average
Color (ounces):						
Reasonably good	2		No limit		No limit	
Fairly good	0		3		No limit	
Poor	0		0		3	
Defects:						
Harmless extraneous material (Number of pieces).	0		1	0.6	2	
Short stems (count)	4		4		6	
Peel (peeled style only)	½ sq. in.		½ sq. in.		1 sq. in.	
Pit material (count)	2	0.7	2	0.7	2	0.7
Blemished—Minor (oz.)	1.5		3		6	
	including		including		including	
Major (oz.)	0.75		1		3	
Character (ounces):						
Reasonably good	1.5		No limit		No limit	
Fairly good	0		3		No limit	
Poor	0		0		3	

[1] Individual—means individual sample unit.
[2] Average—means average of all the sample units in the sample.

LOT INSPECTION AND CERTIFICATION

§ 52.2656 Ascertaining the grade of a lot.

The grade of a lot of canned apricots covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.2657 Score sheet.

Size and kind of container
Container mark or identification
Label
Net weight (ounces)
Vacuum (inches)
Drained weight (ounces); ( ) Heavy pack
Brix measurement
Sirup designation (Extra heavy, heavy, etc.)
Style
Count (halves, whole)

Factors	*	**		Score points
Color	20	0	(A)	18-20
			(B)	[1] 16-17
			(B) Mixed pieces	16-20
			(C)	[1] 14-15
			(SStd)	[1] 0-13
Uniformity of size and symmetry.	20		(A)	18-20
			(B)	[1] 16-17
			(C)	[1] 14-15
			(SStd)	[1] 0-13
Defects	30	40	(A)	27-30
			(B)	[1] 24-26
			(B) Mixed pieces	32-40
			(C)	[1] 21-23
			(C) Mixed pieces	[1] 28-31
			(SStd)	[1] 0-20
			(SStd) Mixed pieces	[1] 0-27
Character	30	40	(A)	27-30
			(B)	[1] 24-26
			(B) Mixed pieces	[1] 32-40
			(C)	[1] 21-23
			(C) Mixed pieces	[1] 28-31
			(SStd)	[1] 0-20
			(SStd) Mixed pieces	[1] 0-27
Total score	100	100		

Varietal characteristics: ( ) Similar; ( ) Dissimilar
Normal flavor and odor
Grade

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.
*Halves, slices, whole.
**Mixed pieces of irregular sizes and shapes.

APPENDIX

PROPOSED UNITED STATES STANDARDS FOR GRADES OF CANNED SOLID-PACK APRICOTS

The proposed standard is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.6241 Product description.
52.6242 Styles.
52.6243 Grades.

FILL OF CONTAINER, DRAINED WEIGHTS

52.6244 Recommended fill of container.
52.6245 Recommended minimum drained weights.

SAMPLE UNIT SIZE

52.6246 Sample unit size.

FACTORS OF QUALITY

52.6247 Ascertaining the grade of a sample unit.
52.6248 Ascertaining the rating for the factors which are scored.
52.6249 Color.
52.6250 Defects.
52.6251 Character.

LOT INSPECTION AND CERTIFICATION

52.6252 Ascertaining the grade of a lot.

SCORE SHEET

52.6253 Score sheet.

AUTHORITY: §§ 52.6241 to 52.6253 issued under Sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.6241 Product description.

Canned solid-pack apricots are prepared from mature, sound apricots (Prunus armeniaca), pitted and peeled or unpeeled or any combination of peeled and unpeeled. The product is packed with or without dry nutritive sweetening ingredients, and is sufficiently processed by heat in hermetically sealed containers to assure its preservation.

§ 52.6242 Styles.

(a) "Halves" are apricots cut approximately in half along the suture from stem to apex.

(b) "Slices" are apricots cut into thin sectors or strips.

(c) "Mixed pieces of irregular sizes and shapes" are apricot units that are predominantly irregular in size and shape which do not conform to a single style or which are a mixture of halves and slices.

§ 52.6243 Grades.

(a) "U.S. Grade C" or "U.S. Standard" is the quality of the product that:

(1) Has normal flavor and odor;

(2) Has at least a fairly good color;

(3) Has at least a fairly good character;

(4) Is at least fairly free from defects; and

(5) Scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(b) "Substandard" is the quality that fails to meet the requirements of "U.S. Grade C".

FILL OF CONTAINER, DRAINED WEIGHTS

§ 52.6244 Recommended fill of container.

The recommended fill of container for canned solid-pack apricots is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be as full of apricots as practicable without impairment of quality and that the product occupy not less than 90 percent of the volume of the container.

§ 52.6245 Recommended minimum drained weight.

(a) *General.*—The minimum drained weight recommendations in Table I are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades.

(b) *Definitions of symbols.*—(1) LL—Lower limit for individual drained weights.

(2) $\overline{X}_L$—Minimum sample average drained weight value.

(c) *Method for ascertaining drained weight.*—The drained weight is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937±3 percent, square openings) so as to distribute the product evenly, including the sieve to approximately a 17- to 20-degree angle to facilitate drainage, and allowing the product to drain for two minutes.

The drained weight is the weight of the sieve and apricots less the weight of the dry sieve. A sieve 12 inches in diameter is used.

(d) *Compliance with recommended minimum drained weights.*—A lot of canned solid-pack apricots is considered as meeting the minimum drained weight recommendations if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample meets the recommended average drained

weight (designated as $\bar{X}_d$) in Table I; and

(2) The number of sample units which fail to meet the recommended minimum drained weight for individuals (designated as LL) in Table does not exceed the applicable acceptance number specified in Table II.

TABLE I—RECOMMENDED DRAINED WEIGHTS FOR CANNED SOLID-PACK APRICOTS

Container designation	Dimensions	LL	$\bar{X}_d$
No. 10	603 x 700	*Ounces* 89.5	*Ounces* 92.0

TABLE II—ACCEPTANCE NUMBERS FOR RECOMMENDED DRAINED WEIGHT

Sample size (number of sample units)	3	6	13	21	29	38	48	60
Acceptance number	0	1	2	3	4	5	6	7

SAMPLE UNIT SIZE

§ 52.6246 Sample unit size.

For purposes of evaluating quality factors, the sample unit size shall be the entire contents of a No. 10 container or equivalent.

FACTORS OF QUALITY

§ 52.6247 Ascertaining the grade of a sample unit.

In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(a) *Factors not rated by score points.*—(1) Flavor and odor.

(b) *Factors rated by score points.*—The relative importance of each factor which is scored is expressed numerically on the scale of 100. Score points are assigned the various quality factors in accordance with the scoring guide in Table III. The maximum number of points that may be given such factors are:

	Points
Color	20
Defects	40
Character	40
Total score	100

(c) *Definition of flavor and odor.*—"Normal flavor and odor" means that the product is free from objectionable flavors and objectionable odors of any kind.

§ 52.6248 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which are scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "14 to 20 points" means 14, 15, 16, 17, 18, 19, or 20 points).

§ 52.6249 Color.

(a) *General.*—The color of canned solid-pack apricots refers to the characteristic color of the outer, uncut surfaces of the units, the varying degrees of "pale yellow areas", "light-greenish yellow areas", and "light green areas"; and the uniformity of the individual sample unit when viewed in mass.

(b) *Definitions.*—(1) *Well colored.*—"Well colored" means that the units have a typical color characteristic of well-matured apricots. The units may have pale yellow areas not exceeding one-fourth of the outer surface area and are free from brown color due to oxidation, improper processing, or other causes.

(2) *Reasonably well-colored.*—"Reasonably well colored" means that the units may possess pale yellow areas not exceeding one-half of the outer surface area, or may possess light greenish-yellow areas not exceeding one-fourth of the outer surface area. The units may possess a light brown color due to oxidation, or other causes.

(3) *Fairly well-colored.*—"Fairly well-colored" means that the units may be pale yellow or may possess light greenish-yellow areas not exceeding one-half of the outer surface area, or greenish areas not exceeding one-fourth of the outer surface and/or may possess more than a slight brown color due to oxidation, or other causes, but not off-color.

(4) *Poorly colored.*—"Poorly colored" means that the units may possess light greenish-yellow areas exceeding one-half of the outer surface area, or green areas exceeding one-fourth of the outer surface area, or are off-color for any reason.

(c) *(C) classification.*—Canned solid-pack apricots that possess a fairly good color may be given a score of 14 to 20 points. "Fairly good color" means that (1) the sample unit, in mass, may be variable in color; and (2) the apricots are at least fairly well colored, *except* that the weight of the units that are poorly colored does not exceed the weight specified in Table III.

(e) *(SStd) classification.*—Canned solid-pack apricots that fail to meet the requirements of U.S. Grade C may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6250 Defects.

(a) *General.*—The factor of defects refers to the degree of freedom from pit material, harmless extraneous material, short stems, minor blemishes and major blemishes, and from any other defect not specifically mentioned.

(b) *Definitions and explanations of defects.*—(1) *Harmless extraneous material.*—Any vegetable substance (such as, but not limited to, a leaf or portion thereof or a large stem) that is harmless.

(2) *Short stem.*—The short, thick, woody stem which attaches the apricot to the twig of the tree or other stem material of equivalent woodiness and shortness.

(3) *Pit material.*—Any whole pit or any hard portion of an apricot pit, regardless of size.

(4) *Minor blemish.*—(i) Light brown or brown surface areas, including "freckles" which singly or in combination on a unit, exceed in aggregate the area of a circle ⅛ inch in diameter but do not exceed in the aggregate the area of a circle ¼ inch in diameter.

(ii) Any blemish or abnormality whether or not specifically defined which materially but not seriously affects the appearance or eating quality of the product.

(5) *Major blemish.*—(i) Light brown to brown surface areas which, singly or in the aggregate on a unit, exceed the area of a circle ¼ inch diameter.

(ii) Blemishes that extend into the fruit tissue regardless of the area or depth.

(iii) Single dark brown surface areas that exceed the area of a circle ⅛ inch in diameter, whether or not the unit is affected by minor blemishes; or

(iv) Any blemish whether or not specifically defined which seriously affects the appearance and/or eating quality of the unit but is not a filthy or decomposed substance.

(c) *(C) classification.*—Canned solid-pack apricots that are at least fairly free from defects may be given a score of 28 to 40 points. "Fairly free" from defects means that the defects present do not exceed the allowances specified in Table III.

(e) *(SStd) classification.*—Canned solid-pack apricots that fail to meet the defect requirements of U.S. Grade C may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6251 Character.

(a) *General.*—The factor of character refers to the degree of ripeness, the texture and condition of the flesh, the firmness, and tenderness of the canned solid-pack apricots.

(b) *Definitions.*—(1) *Good character.*—"Good character" means that the units have a practically uniform tender, fleshy texture typical of well-ripened, properly prepared, and properly processed canned solid-pack apricots; the units may be soft but hold their original conformation and size without material disintegration.

(2) *Reasonably good character.*—"Reasonably good character" means that the units possess at least a reasonable uniform, reasonably tender texture typical of properly ripened apricots that are properly processed; the texture is at least reasonably fleshy, and the units are at least reasonably thick but the tenderness may be variable within the unit or among the units; the units may be soft to slightly firm or ragged, but are not mushy.

(3) *Fairly good character.*—"Fairly good character" means that the units possess a texture of properly processed apricots which may be variable in fleshiness but the texture is fairly fleshy and the units may be lacking uniformity of tenderness or may be markedly ragged with frayed edges or may be very soft or mushy, or may be moderately firm.

(4) *Poor character.*—"Poor character" means that the units may be very mushy or may be very firm.

(d) *(C) classification.*—Canned solid-pack apricots that possess a fairly good character may be given a score 28 to 40

points. To score in this classification, the weight of units that possess poor character does not exceed the weight specified in Table III.

(e) *(SStd) classification.*—Canned solid-pack apricots which fail to meet the requirements of U.S. Grade C may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE III

Allowances for Quality Factors

Quality Factors	Maximum Allowances			
	Grade C			Substandard
Score points	18-20	16-17	14-15	0-13 [1]
Color: Ounces of apricots that are: Well colored.	All	Unlimited	Unlimited	Unlimited.
Reasonably well colored	5	All	do	Do.
Fairly well colored	2	9	All	Do.
Poorly colored	0	2	14	All.
Score points	36-40	32-35	28-31	0-27 [1]
Defects (numbers of defects) Harmless extraneous material.	0	1	3	More than 3.
Short stems	1	3	6	More than 6.
Pit material	1	3	6	Do.
Units affected by minor and major blemishes.	9	18	36	More than 36.
Major blemishes	4	9	18	More than 18.
Score points	36-40	32-35	28-31	0-27 [1]
Character Ounces of apricot units that possess: Good character.	All	Unlimited	Unlimited	Unlimited.
Reasonably good character	5	All	do	Do.
Fairly good character	2	9	All	Do.
Poor character	0	2	9	Do.

SCORE SHEET

§ 52.6253 Score sheet for canned solid-pack apricots.

Size and kind of container.....
Container mark or identification.....
Label.....
Net weight (ounces).....
Vacuum (inches).....
Drained weight (ounces).....
Degrees Brix (if sweetened).....

Factors		Score points	
Color	20	(C)	14-20
		(SStd) [1]	0-13
Defects	40	(C)	28-40
		(SStd) [1]	0-27
Character	40	(C)	28-40
		(SStd) [1]	0-27
Total score	100		

Normal flavor and odor.....
Grade.....

[1] Indicates limiting rule.

Dated: August 15, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-17373 Filed 8-22-73;8:45 am]

Notices

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

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1973 Rev., Supp. No. 1]

FREMONT INDEMNITY CO.

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $242,000.00 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

Fremont Indemity Co.
Los Angeles, California
CALIFORNIA

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated August 17, 1973.

[SEAL] DAVID MOSSO,
Deputy Fiscal Assistant Secretary.

[FR Doc.73-17888 Filed 8-22-73;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON REFORM OF THE INTERNATIONAL MONETARY SYSTEM

Notice of Meeting

Notice is hereby given that the Advisory Committee on Reform of the International Monetary System will meet at the Treasury Department in Washington, D.C., on August 29, 1973.

The meeting is called for the purpose of considering the basic issues involved in the current international negotiations for the reform of the international monetary system.

A determination as required by section 10(d) of the Federal Advisory Committee Act (Public Law 92-463) has been made that this meeting is for the purpose of considering matters falling within one or more of the exemptions to public disclosure set forth in 5 U.S.C. 552(b) and that the public interest requires such meeting be closed to public participation.

[SEAL] PAUL A. VOLCKER,
Under Secretary for Monetary Affairs.

[FR Doc.73-18025 Filed 8-22-73;9:41 am]

[Public Debt Series No. 7-73]

TREASURY NOTES OF SERIES G-1975

Notice of Offering

AUGUST 20, 1973.

Dated and bearing interest from September 4, 1973. Due September 30, 1975.

I. OFFERING OF NOTES

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders at a price not less than 99.51 percent of their face value for $2,000,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series G-1975. The interest rate for the notes will be publicly announced by the Secretary of the Treasury on August 22, 1973. Tenders will be received up to 1:30 p.m., Eastern Daylight Saving time, Friday, August 24, 1973, under competitive and noncompetitive bidding, as set forth in Section III hereof.

II. DESCRIPTION OF NOTES

1. The notes will be dated September 4, 1973, and will bear interest from that date, payable on a semiannual basis on March 31 and September 30, 1974, and March 31 and September 30, 1975. They will mature September 30, 1975, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20222, up to the closing hour, 1:30 p.m., Eastern Daylight Saving time, Friday, August 24, 1973. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the price offered, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals, e.g., 100.00. Tenders at a price less than 99.51 will not be accepted. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than commercial banks will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and price range of accepted bids. Those submitting tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those at the highest prices will be accepted to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. The Secretary of the Treasury expressly reserves the right to accept or

reject any or all tenders, in whole or in part, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated price from any one bidder will be accepted in full at the average price[1] (in two decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 1:30 p.m., Eastern Daylight Saving time, Friday, August 24, 1973.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before September 4, 1973, at the Federal Reserve Bank or Branch or at the Office of the Treasurer of the United States, Washington, D.C. 20222, in cash or other funds immediately available by that date. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.73-18005 Filed 8-22-73;8:45 am]

[1] Average price may be at, or more or less than $100.00.

U.S. Customs Service

FOREIGN CURRENCIES

Certification of Rates

AUGUST 15, 1973.

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

Malaysian dollar:	
August 6, 1973	$0.4440
August 9, 1973	.4440

[SEAL] JAMES D. COLEMAN,
Acting Director, Appraisement and Collections Division.

[FR Doc.73-17868 Filed 8-22-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CRAIG (NO. 1) GRAZING DISTRICT ADVISORY BOARD

Notice of Tour

AUGUST 17, 1973.

Notice is hereby given that the Craig (No. 1) Grazing District Advisory Board, Bureau of Land Management will tour the south segment of Piceance Creek Unit on August 29, 1973. The tour will commence 8 a.m., August 29, 1973, at Kilowatt Korner meeting room in Meeker, Colorado.

The agenda for the tour includes discussion of proposed programs for Fiscal Year 1974 that reflect on grazing problems in the oil shale area of the Piceance Creek Unit.

The tour is open to the public, but interested persons must provide their own transportation, food, and lodging. Those wishing to attend the tour should contact the District Manager at the Bureau of Land Management, 455 Emerson Street, Craig, Colo., prior to August 29 for information regarding the tour route and schedule.

Those wishing to make an oral statement concerning agenda items must so inform the Advisory Board Chairman in writing prior to August 29, 1973. Written statements will be accepted, but must also be submitted to the advisory Board Chairman prior to August 29. Statements should be mailed to: Chairman, Craig District Advisory Board, c/o District Manager, Bureau of Land Management, 455 Emerson Street, Craig, Colo. 81625.

DALE R. ANDRUS,
State Director.

[FR Doc.73-17883 Filed 8-22-73;8:45 am]

National Park Service

CONSULTING COMMITTEE TO THE NATIONAL SURVEY OF HISTORIC SITES AND BUILDINGS

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Consulting Committee to the National Survey of Historic Sites and Buildings will be held at 9:00 a.m., e.d.t., on September 6 and 7, 1973, in conference room 3446 in the Department of the Interior Building, Washington, D.C.

The purpose of the Consulting Committee is to review and evaluate studies of potential national historic landmarks prepared by the National Survey. The Committee's evaluation is the initial screening of potential historic landmarks. Their recommendations are forwarded to the Secretary of the Interior's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments for a final review.

The members of the Consulting Committee are:

Dr. Richard H. Howland (Chairman), Washington, D.C.
Dr. John O. Brew, Cambridge, Massachusetts.
Mr. Herbert E. Kahler, Alexandria, Virginia.
Dr. Walter L. Creese, Urbana, Illinois.
Professor Frederick D. Nichols, Charottesville, Virginia.
Dr. Henry A. Millon, Cambridge, Massachusetts.
Mr. James Biddle, Washington, D.C.
Mr. Charles E. Lee, Columbia, South Carolina.
Dr. Dorothy B. Porter, Washington, D.C.
Dr. John W. Huston, Annapolis, Maryland.

The subjects that are to be evaluated are:

1. A portion of the subtheme "The War for Independence" presenting studies of potential landmark properties in the States of Florida, Georgia, Kentucky, Maryland, North Carolina, South Carolina, Virginia, and West Virginia.

2. A portion of the subtheme "Political and Military Affairs, 1828-1860" in the States of Alabama, Florida, Georgia, Maine, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and the District of Columbia.

3. A study of potential landmark properties for "Signers of the Constitution" in the States of Delaware, New Hampshire, and New York.

4. A study of the Central Synagogue in New York City to be considered under the subtheme "Architecture."

5. Studies in the field of Black history.

The meeting will be open to the public. However, facilities and space for accommodating the public are limited. It is expected that not more than 15 persons will be able to attend the sessions. Any member of the public may file with the Consulting Committee a written statement on the subjects to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Mr. Robert M. Utley, Director, Office of Archeology and Historic Preservation, 202-343-7550. Minutes of the meeting will be available for public inspection six weeks after the meeting at the Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, Washington, D.C.

Dated: August 13, 1973.

STANLEY W. HULETT,
Associate Director, National Park Service.

[FR Doc.73-17874 Filed 8-22-73;8:45 am]

GEORGE WASHNGTON MEMORIAL PARKWAY, MOUNT VERNON, VA.

Notice of IntentionTo Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice was given in the FEDERAL REGISTER, Vol. 38, Number 127 on Tuesday, July 3, 1973, Page 17743, advising that thirty (30) days after the date of publication of that notice, the Department of the Interior, through the Director of the National Park Service, proposed to negotiate a concession contract with Almours Securities, Inc., authorizing it to provide concession facilities and services for the public on the George Washington Memorial Parkway at Mount Vernon, Virginia, for a period of 20 years from January 1, 1974, through December 31, 1993.

The aforementioned publication advised that the foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. Further, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of such public notices. Any proposal to be considered and evaluated was to be submitted within thirty (30) days after the publication date of that notice, which was August 2, 1973. Subsequent to the July 3, 1973, publication, however, it has been determined that the public interest would be best served if an additional 30-day period of time is provided so that interested parties could have reasonable opportunity to submit proposals. Therefore, any offers submitted on or before September 24, 1973, will be considered and evaluated. Interested parties may obtain information as to the requirements of the proposed contract from, and submit their proposals to the Chief of Concessions Management, National Park Service, Washington, D.C. 20240.

Dated: August 8, 1973.

LAWRENCE C. HADLEY,
Assistant Director,
National Park Service.

[FR Doc.73-17873 Filed 8-22-73;8:45 am]

INDEPENDENCE NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Independence National Historical Park Advisory Commission will be held at 10:30 a.m. on September 27, 1973, at 313 Walnut Street, Philadelphia, Pennsylvania.

The Commission was established by Public Law 80-795 to render advice on such matters relating to the park as may from time to time be referred to them for consideration.

The members of the Commission are as follows:

Mr. Arthur C. Kaufmann (Chairman), Philadelphia, Pa.
Mr. John P. Bracken, Philadelphia, Pa.
Hon. Michael J. Bradley, Philadelphia, Pa.
Hon. James A. Byrne, Philadelphia, Pa.
Mr. William L. Day, Philadelphia, Pa.
Hon. Edwin O. Lewis, Philadelphia, Pa.
Mr. Filindo B. Masino, Philadelphia, Pa.
Mr. Frank C. P. McGlinn, Philadelphia, Pa.
Mr. John B. O'Hara, Philadelphia, Pa.
Mr. Howard D. Rosengarten, Villanova, Pa.
Mr. Charles R. Tyson, Philadelphia, Pa.

Matters to be considered at this meeting include the following:

1. Review of Graff House Plan
2. Progress Report on Development

The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed. Persons desiring further information concerning this meeting, or who wish to submit written statements, may contact Hobart G. Cawood, Superintendent, Independence National Historical Park, Philadelphia, Pennsylvania at 215-597-7120.

Minutes of the meeting shall be available for inspection two weeks after the meeting at the office of the Independence National Historical Park, 313 Walnut Street, Philadelphia, Pennsylvania.

Dated: August 10, 1973.

STANLEY W. HULETT,
Associate Director,
National Park Service.

[FR Doc.73-17877 Filed 8-22-73;8:45 am]

MIDWEST REGIONAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Midwest Regional Advisory Committee will be held at 9 a.m. m.d.t., on September 11, 12, and 13 at the Beaver Creek Recreation Building near Moose, Wyoming, in Grand Teton National Park.

The committee was established pursuant to Public Law 91-383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Midwest Region of the National Park Service.

Members of the committee are:

Honorable Robert W. Berrey III (Chairman); Mrs. Harold Frysile (Secretary); Mr. Harry Barker, Jr.; Mr. Ralph M. Clark; Mr. John J. Franke, Jr.; Dr. John D. Hunt; Mr. William W. Robinson; Mr. Erwin D. Sias; and Mr. Webster A. Two Hawk.

The matters to be discussed at this meeting include:

1. The environmental impact statement for the Grand Teton Airport. (The Committee will adjourn to the Virginian Motel in Jackson on September 11 so that members may attend the public hearing on the airport environmental impact statement.)
2. Concessions policies.
3. Park signing.
4. Problems relating to the management of river use.
5. Recent NPS developments about which the committee should be informed.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come first-served basis. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Bill W. Dean, Assistant Regional Director, Cooperative Activities, Midwest Regional Office, at Area Code 402-221-3481. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Midwest Region, 1709 Jackson Street, Omaha, Nebraska 68102.

Dated August 14, 1973.

STANLEY W. HULETT,
Associate Director,
National Park Service.

[FR Doc.73-17876 Filed 8-22-73;8:45 am]

U.S. TERRITORIAL EXPANSION MEMORIAL COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the U.S. Territorial Expansion Memorial Commission will be held at 9:30 a.m., on Friday, September 21, at the Old Courthouse, 11 North Fourth Street, St. Louis, Missouri.

The Commission was established by the Act of June 15, 1934, for the purpose of considering and formulating plans for the design and construction of a permanent memorial on the Mississippi River at St. Louis, Missouri.

Members of the Commission are as follows:

Hon. Leonor K. Sullivan, House of Representatives (Chairman); Hon. Thomas B. Curtis, St. Louis, Missouri (Vice Chairman); Mr. Ronald J. Foulis, Washington, D.C. (Secretary); Hon. John N. Camp, House of Representatives; Dr. Eldon G. Chuinard, Portland, Oregon; Hon. Frank Church, United States Senate; Mr. William W. Crowdus, St. Louis, Missouri; Mr. Chester C. Davis, Laguna Hills, California; Dr. Harold W. Dodds, Princeton, New Jersey; Hon. James M. Douglas, St. Louis, Missouri; Hon. Roman L. Hruska, United States Senate; Hon. Walter Huddleston, United States Senate; Mr. Morton D. May, St. Louis, Missouri; Hon. William R. Roy, House of Representatives.

The Commission will consider the projects, and the funds for them, which are necessary to complete the Memorial, and will prepare recommendations concerning those matters.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons desiring further information concerning this meeting, or who wish to file written statements, may contact Ivan

Parker, Superintendent, Jefferson National Expansion Memorial, at 314, 622-4468.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the offices of the Jefferson National Expansion Memorial, 11 North 4th Street, St. Louis, Missouri 63102.

Dated August 10, 1973.

STANLEY W. HULETT,
Associate Director,
National Park Service.

[FR Doc.73-17875 Filed 8-22-73;8:45 am]

[Order No. 3, Amdt. 1]

SUPERINTENDENTS ET AL., PACIFIC NORTHWEST REGION

Delegation of Authority

Pacific Northwest Region Order No. 3, approved March 6, 1972, and published in the FEDERAL REGISTER of March 28, 1972 (37 FR 6325), is amended as follows:

Section 1 is hereby amended by adding paragraph (n) to read as follows:

(n) Authority to conduct archeological investigations and salvage activities.

Section 2, paragraphs (e) and (f) are hereby added as follows:

(e) *Procurement Agent.*—The Regional Procurement Agent may execute and approve purchase orders not in excess of $2,000.

(f) *State Director, Alaska.*—The State Director, Alaska, is authorized to execute, approve, and administer contracts for supplies, equipment, and services, including construction, not in excess of $100,000.

Section 3 is amended as follows:

Section 3. *Redelegation.*—The authority delegated in this Order No. 3 may not be redelegated, except that a Superintendent and the State Director, Alaska, may, in writing, redelegate to any officer or employee the authority delegated to him by this order and may authorize written redelegation of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

(National Park Service Order No. 77, 38 FR 7478, published March 22, 1973, as amended, 38 FR 16789, published June 26, 1973.)

Dated July 20, 1973.

EDWARD J. KURTZ,
Acting Regional Director,
Pacific Northwest Region.

[FR Doc.73-17870 Filed 8-22-73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-12]

INDIAN CREEK COAL COMPANY

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Indian Creek Coal Company, located at Ten Mile, Tennessee, has filed a petition to modify the application of 30 CFR 77.1605(k) to its Mine No. 1.

Section 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, petitioner states that the addition of berms or guardrails would make it impossible to maintain proper drainage and would hamper snow removal. The road would ice over during winter months and the grader now used for maintenance could no longer be used. Petitioner also states that additional man-hours and equipment would be needed for road maintenance which would result in an increased accident potential during snow and ice conditions. The installation of guardrails would not be effective because they would have to be built on fill material.

As an alternative method petitioner wishes to continue maintaining its roads by its currently existing methods. Petitioner states that by using its current methods of maintenance, its roads, are as safe as possible.

Petitioner contends that the application of the mandatory standard will result in a diminution of safety to miners in the affected area. Petitioner contends that berms and guardrails would create a drainage hazard by creating improper drainage which would cause washouts and hazardous conditions in wet weather. The road is too narrow to build berms, therefore, solid rock would have to be blasted, resulting in a highwall which would be a new hazard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before September 22, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of
Hearings and Appeals.

[FR Doc.73-17851 Filed 8-22-73;8:45 am]

[Docket No. M 73-72]

P & M COAL COMPANY

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), P & M Coal Company, located at Muir, Pennsylvania, has filed a petition to modify the application of 30 CFR 75.900 to its Orchard Slope Mine.

Section 75.900 reads as follows:

§ 75.900 Low- and medium-voltage circuits serving three-phase alternating current equipment; circuit breakers. Low- and medium-voltage power circuits serving three-phase alternating current equipment shall be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained as prescribed by the Secretary. Such breakers shall be equipped with devices to provide protection against undervoltage, grounded phase, short circuit, and overcurrent.

In support of its petition, petitioner states that the only electrical equipment operating underground consists of 3 low-voltage, 440 AC, three-phase motors which operate stationary water pumps. The power to these motors is supplied by a small motor-generator set located on the surface.

As an alternative method, petitioner requests that the mandatory standard be modified to permit the use of fused magnetic switches on the low voltage motors.

Petitioner contends that the alternative method will at all times guarantee no less than the same protection afforded the miners by the mandatory standards due to the fact that the motors are stationary, the voltage is low and the pumps which the motors operate are not used in mining, but only in pumping. Petitioner also contends that the mine has no history of methane ever being recorded and that the mine is located above the water table.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before September 22, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of
Hearings and Appeals.

[FR Doc.73-17853 Filed 8-22-73;8:45 am]

[Docket No. M 73-73]

P & M COAL COMPANY

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), P & M Coal Company, located at Muir, Pennsylvania, has filed a petition to modify the application of 30 CFR 75.901 to its Orchard Slope Mine.

Section 75.901 reads as follows:

§ 75.901 Protection of low- and medium-voltage three-phase circuits used underground. (a) Low- and medium-voltage three-phase alternating-current circuits used underground shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the power center, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all the electrical equipment supplied power from that circuit, except that the Secretary or his authorized representative may permit ungrounded low- and medium-voltage circuits to be used underground to feed such stationary electrical equipment if such circuits are either steel armored or installed in grounded rigid steel conduit throughout their entire length. The grounding resistor, where required, shall be of the proper ohmic

value to limit the ground fault current to 25 amperes. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage equal to the prase-to-phase voltage of the system.

In support of its petition, petitioner states that the only electrical equipment operating underground consists of 3 low-voltage, 440 AC, three-phase motors which operate stationary water pumps. The power to these motors is supplied by a small motor-generator set located on the surface.

As an alternative method, petitioner requests that the mandatory standard be modified to permit the use of a direct ground from the equipment to the surface by well insulated wires as required on an interconnected and continuous grounding. All of the switchboxes, motors and other equipment are grounded underground and tied to the surface.

Petitioner contends that the alternative method will, at all times, guarantee no less than the same measure of protection afforded the miners at the affected mine by the application of the mandatory standard. Petitioner avers that all of the equipment is stationary and there is no moving equipment whatsoever, therefore the ground is safe from exposure. Petitioner also states that there is no cable used inside the mine and the alternative system is approved by the Commonwealth of Pennsylvania as being safe.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before September 22, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of Hearings and Appeals.

[FR Doc.73-17852 Filed 8-22-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-383]

WATERMAN STEAMSHIP CORP.

Notice of Application

Notice is hereby given that Waterman Steamship Corporation has applied for amendment of its Operating-Differential Subsidy Agreement, Contract No. MA/MSB-253, which contract is effective for at least calendar years 1973 and 1974 but not in excess of 3 years, to include the following areas in its service description applicable to its subsidized service on Trade Route No. 21 between U.S. Gulf ports and ports in the United Kingdom, Republic of Ireland, and Continental Europe from the northern border of Portugal to the southern border of Denmark.

"Scandinavia and the Baltic countries (including ports in the U.S.S.R.) and U.S.S.R. ports East of the border with Finland in the Barents Sea."

Waterman Steamship Corporation has also requested that if, in accordance with its request of June 25, 1973 (designated Docket S-396), published in the FEDERAL REGISTER of July 23, 1973 (38 FR 19706), permission is granted to make annually twelve (12) calls inbound and outbound at U.S. Atlantic ports with its subsidized ships operating on its Trade Route No. 21 service, permission also be granted to include service between U.S. Atlantic ports and ports in Scandinavia and Baltic countries (including ports in the U.S.S.R.) and U.S.S.R. ports east of Finland in the Barents Sea.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on September 4, 1973, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

By Order of the Maritime Subsidy Board/Maritime Administration.

Dated August 20, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-17920 Filed 8-22-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Health

CONTROLLED—ENVIRONMENT CULTURE CHAMBER FOR HIGH RESOLUTION LIGHT MICROSCOPY

Notice of Proposed Issuance of Exclusive License

Pursuant to § 6.3, 45 CFR, Part 6, notice is hereby given of intent to issue a limited-term, revocable, exclusive patent license in and to an invention of James A Dvorak and Woodrow F. Stotler entitled "A Controlled-Environment Culture Chamber for High Resolution Light Microscopy."

Any objection thereto together with request for opportunity to be heard, if desired, should be directed to the Assistant Secretary for Health, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, on or before September 24, 1973. Interested parties may obtain a copy of the patent application directed to this invention upon request in writing to the party hereinabove named.

(45 CFR 6.3.)

Dated July 28, 1973.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

[FR Doc.73-17897 Filed 8-22-73;8:45 am]

Office of the Secretary

OFFICE OF THE GENERAL COUNSEL

Statement of Organization, Functions, and Delegations of Authority

Paragraph A.6 entitled "Public Health Division" of sec. 1S-22 of the Department's statement of organization, functions, and delegations of authority published at 38 FR 10732 is revised to read as follows:

6. *Public Health Division.*—The Public Health Division shall provide legal services for programs administered by the Office of the Assistant Secretary for Health (except to the extent such programs involve the Food and Drug Administration) which include programs administered by the Center for Disease Control, the Health Resources Administration, the Health Services Administration, and the National Institutes of Health.

Dated August 13, 1970.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.73-17898 Filed 8-22-73;8:45 am]

OFFICE OF BUDGET

Statement of Organization, Functions and Delegations of Authority

Part I of the Statement of Organization, Functions and Delegations of Authority of the Department of Health, Education, and Welfare is hereby amended to revise the statement for the Office of the Deputy Assistant Secretary, Budget, Office of the Assistant Secretary, Comptroller. The revisions include modifications to update the statement and to revise names of the Divisions as follows:

a. The former Division of Budget becomes the Division of Budget Formulation;

b. The former Division of Operations Analysis becomes the Division of Budget Operations.

c. The former Division of Financial Management becomes the Division of OS Budget Services.

The FEDERAL REGISTER statement (37 FR 5264, Mar. 11, 1972) of the Division of Consolidated Funding is revised to include a Mission statement and to remove the second sentence under E: "Approves or disapproves changes and reprogramming subject to the grantmaking authority of agency heads."

SECTION 1W10-00 *Mission.*—The Deputy Assistant Secretary, Budget, is the principal advisor to the Assistant Secretary, Comptroller on matters pertaining to formulation, analysis, presentation, and execution of budgets, apportionments, reprogrammings, and other mechanisms relating to the optimum direction and coordination of the financial resources of the Department.

SEC. 1W10-10 *Organization.*—The Deputy Assistant Secretary, Budget, reports to the Assistant Secretary, Comptroller, and his Office consists of:

1. Division of Budget Formulation.
2. Division of Budget Operations.
3. Division of Consolidated Funding.
4. Division of OS Budget Services.

SEC. 1W10-20 *Functions.*—The following functions are the principal responsibilities of the Deputy Assistant Secretary, Budget:

A. The encouragement of sound budgetary practices throughout the Department, including the provision of technical guidance and training to agency budget staffs.

B. The preparation and issuance of Department-wide budgetary policies.

C. The promulgation of uniform budgetary standards, classifications, and terminologies.

D. The evaluation of budgetary proposals, including the identification of major issues, and the formulation, where appropriate, of alternative budgetary strategies.

E. The development of the annual budget, and other budgetary and financial documents as required.

F. The explanation and interpretation of the budget and other appropriations matters to the Office of Management and Budget, committees of the Congress, and other interested parties.

G. The maintenance of the Department-wide systems for budget execution, expenditure reporting, and administration of employment ceilings.

H. The conduct of special studies and analyses of the budgetary and related processes.

I. The review and approval of requests for Treasury warrants, apportionments, reprogrammings, transfers of funds, and other mechanisms relating to the funding of approved programs.

J. The planning and implementation for a Department-wide system of consolidated funding designed to provide a single funding source for the support of integrated social services projects.

K. The formulation, preparation and execution of the budget and grade employment ceilings for the Office of the Secretary.

SEC. 1W10.30 *Delegations of authority.*—In the absence of the Assistant Secretary, Comptroller, the Deputy Assistant Secretary, Budget is designated the Acting Assistant Secretary, Comptroller, with all the powers normally accruing to that position.

CHAPTER 1W1002—DIVISION OF BUDGET FORMULATION

SECTION 1W1002-00 *Mission.*—The Division of Budget Formulation directs and coordinates the development and preparation of budgets, estimates, and forecasts of resources required to support programs and activities of the Department. The Division provides staff assistance to the Secretary, the Under Secretary, the Comptroller and the appropriate program-oriented Assistant Secretaries in evaluating and acting upon program and budget proposals. The Division assists the Secretary in the presentation and justification of budgets submitted to the Office of Management and Budget and the Committees on Appropriations of the Congress.

SEC. 1W1002-10 *Organization.* The Division of Budget Formulation is headed by a Director who reports directly to the Deputy Assistant Secretary, Budget. The Director is assisted by a staff of budget analysts and supporting personnel organized into several branches, each of which is responsible for coordinating the budgeting activities of designated operating agencies. A separate branch exists for the coordination and presentation of the total Department budget.

SEC. 1W1002-20 *Functions.*—A. The Division of Budget Formulation provides staff assistance to the Secretary, the Under Secretary, the Comptroller and the appropriate program-oriented Assistant Secretaries in the budgetary management of the Department; and in the performance of this function:

1. Directs and coordinates: (a) The preparation of budgets, estimates, and forecasts of resources required to support programs and activities of the Department. (b) The planning and development of policies and procedures relating to budgeting. (c) The establishment of uniform terminology, classifications, and standards to be used throughout the Department in budgeting activities. (d) The development of the regular annual budget, and, in conjunction with the Office of the Assistant Secretary for Program Coordination, the five-year program and financial plan, and other long-range financial plans and revisions.

2. Assists the Deputy Assistant Secretary, Budget, the Assistant Secretary, Comptroller, the appropriate program-oriented Assistant Secretaries, the Under Secretary and the Secretary in the evaluation of programs and budgetary proposals with emphasis given to the identification of issues, the development of alternative proposals, and the appraisal of proposals in terms of their relative cost and their consistency with approved plans and policies.

3. Develops a uniform system for the formulation and presentation of budgets and program estimates, forecasts and proposals to be followed by staff offices and by operating agencies.

4. Encourages sound financial planning and budgetary management in the staff offices and operating agencies.

5. Advises and assists agency heads in the establishment and organization of budget staffs.

6. Provides technical guidance, advice, asistance and training to budget management staffs in the staff offices and operating agencies.

7. Prepares special budget analyses.

8. Keeps staff offices and operating agencies currently informed on developments in the field of budgetary management.

B. Coordinates and consolidates, for the Department, the budget estimates of the operating agencies and serves as the primary liaison for the Department in the presentation and interpretation of the estimates and other appropriation matters to the Office of Management and Budget and the Congressional Committees on Appropriations.

C. Assists the Secretary and operating agency heads in the oral presentation of budget and program estimates to the Office of Management and Budget and the Congressional Committees on Appropriations.

CHAPTER 1W1003—DIVISION OF BUDGET OPERATIONS

SECTION 1W1003.00 *Mission.*—The Division of Budget Operations has Department-wide responsibility for the review, analysis and appraisal of the financial elements of program execution, and for the development and execution of policies related to the efficient and effective allocation, expenditure, and control of funds.

SEC. 1W1003.10 *Organization.*—The Division of Budget Operations is headed by a Director who operates under the general direction of the Deputy Assistant Secretary, Budget. The Director is assisted by a staff of analysts and supporting secretarial staff organized into two major functional areas: Expenditure and manpower control, and special projects.

SEC. 1W1003.20 *Functions.*—The Division of Budget Operations

A. Develops and executes Department-wide policies for efficient and effective allocation and expenditure of funds administered by the Department. Performs special studies of organizations and processes for the purpose of improving methods and procedures, from the standpoint of better financial management and of more effective HEW operations.

B. Establishes and maintains a Department-wide budget execution system. Develops and issues uniform standards, classifications, and procedures which will (1) distribute and apply resources consistent with Departmental policy and with the budget as approved by the Congress; (2) assure adequate controls of such resources at the operating agency level; and (3) provide adequate opportunity for shifts in direction or scope and for financing needs not anticipated at the time the original budget was presented to the Congress.

C. Establishes and maintains a system of cost estimates and projections. Develops and maintains a Department-wide system of controls over outlays to assure adherence to Congressional and Presidential ceilings and cutbacks on outlays. Prepares cutback plans, as required, which minimize adverse impact on the Department's programs and the Secretary's priorities.

D. Develops and administers policies and procedures for Departmental operations under Continuing Resolutions pending enactment of regular appropriations.

E. Reviews agency Treasury warrant requests and apportionment and reapportionment schedules and develops recommendations to the Deputy Assistant Secretary, Budget before their submission to the Department of the Treasury and the Office of Management and Budget, respectively. Reviews and recommends action on agency requests for reprogramming and/or redistribution of funds.

F. Plans, organizes, and directs intense studies of program operations, needs and objectives in order to identify alternative bases for long-range financial planning. Conducts special studies and analyses in support of the budget process as the need arises and in the interest of sound financial management. Coordinates and stimulates the development of recommendations for improved program operation, efficient and economical performance and effective program coordination.

G. Prepares periodic and special reports on the status of Departmental budget execution. Develops sound reporting practices.

H. Develops and administers policies and procedures for interagency and interdepartmental arrangements and agreements for transfer of funds.

I. Establishes agency employment ceilings, monitors agency staffing levels, reviews, and recommends action on proposed changes in agency staffing levels, and monitors agency progress in conducting management studies to identify manpower savings.

J. Responds to inquiries from the Congress, the Executive Branch, and the public for information concerning funds expended by the Department, the status of programs or projects, etc.

CHAPTER 1W1004—DIVISION OF CONSOLIDATED FUNDING

SECTION 1W1004-00 *Mission.*—The Division of Consolidated Funding is responsible for developing and maintaining a Department-wide system which will allow a prospective grantee seeking support for a project requiring funding from several DHEW sources to submit one application, obtain approval and funding through one system, and be subject to one set of reporting and monitoring requirements.

SEC. 1W1004-10 *Organization.*—The Director, Division of Consolidated Funding, is under the supervision of the Deputy Assistant Secretary, Budget, who reports to the Assistant Secretary, Comptroller.

SEC. 1W1004-20 *Functions.*—The Division of Consolidated Funding:

A. Plans and implements a Department-wide system of consolidated funding designed to provide a single funding source for the support of integrated social services projects.

B. Develops policy and procedures for application, reporting, management, and appraisal of projects funded through this system.

C. Reviews and evaluates consolidated funding applications; assures that consultation is provided to prospective grantees; identifies programs with interest in the proposal; develops funding matrix; and assigns applications to appropriate agencies and staff elements for review.

D. Administers a formal departmental review and approval process for consolidated funding projects, including establishment of priorities for the types of projects to be funded. Approves or disapproves applications subject to the grantmaking authorities of the agency heads.

E. Assigns management responsibilities for approved grants and oversees execution of award documents.

F. Establishes liaison with various components of the Department as well as other Federal agencies.

CHAPTER 1W1005—DIVISION OF OS BUDGET SERVICES

SECTION 1W1005.00 *Mission.*—The Division of OS Budget Services is responsible for the formulation, presentation, and execution of the Office of the Secretary budget and is the focal point for all budget and fiscal matters for the various offices that comprise the Office of the Secretary.

SEC. 1W1005.10 *Organization.*—The Director, Division of OS Budget Services, reports directly to the Deputy Assistant Secretary, Budget.

SEC. 1W1005.20 *Functions.*—A. The Director, Division of OS Budget Services, serves as budget officer and principal financial management advisor to Office and Division Chiefs within the Office of the Secretary.

B. In the performance of its function the Division:

1. Participates in the planning, directing and coordinating of financial and budgetary programs of the Office of the Secretary.

2. Directs and provides technical guidance to the administrative officers in preparing budgets. Coordinates individual budgets for preparation of a single budget document for presentation to the Department Review Committee, the Office of Management and Budget and the Congress.

3. Assists in the planning and presentation of the budget before the Office of Management and Budget and the Congress and develops materials for key members of the Office of the Secretary in testimony at hearings before these bodies.

4. Reviews the budget as approved by Congress and recommends a financial plan for its execution. Makes allocations to constituent offices within the guidelines of the approved financial plan.

5. Allocates employment ceilings for OS components and develops and monitors the Office of the Secretary average grade plan.

6. Develops and maintains budgetary controls to insure the observance of established ceilings on both funds and personnel.

7. Prepares requests for apportionment of appropriated funds. Maintains control of allotted funds against current obligations. Maintains and monitors subsidiary expenditure controls for appropriations in the Office of the Secretary, including separate plans for each of the Regional Offices.

8. Provides analysis and coordination of accounting reports of the various accounting points in the Office of the Secretary.

9. Develops financial operating procedures and manuals. Assures implementation within the Office of the Secretary of Departmental and Federal fiscal policies and procedures.

Dated August 14, 1973.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.73-17900 Filed 8-22-73;8:45 am]

OFFICE OF HUMAN DEVELOPMENT AND OFFICE OF YOUTH DEVELOPMENT

Statement of Organization and Functions

1R20.00 *Mission.* The mission of the Office of Youth Development is to provide leadership in the planning, development, and coordination of those Federal programs that provide services to youth in danger of becoming delinquent. The Office coordinates its activities with other concerned Federal organizations to assure unified approach to common target groups and to afford comprehensive services to the individual.

Within the authorities delegated to it, the Office of Youth Development administers, under the Juvenile Delinquency Prevention Act, Public Law 92-381, Federal grants and contracts designed to help States and local communities in providing community based preventive services, including diagnosis and treatment to youths who are in danger of becoming delinquent, to provide assistance in the training of personnel employed or preparing for employment in fields related to the provision of such services, and to provide technical assistance in such field.

1R20.10 *Organization.* The Office of Youth Development consists of the following organizational elements which report to the Office of the Commissioner:

1. Division of Youth Services System, 2. Division of Youth Activities, 3. Division of Program Coordination, 4. Office of Planning, Research and Development.

1R20.20 *Functions*—A. *Office of the Commissioner.*—The Commissioner and his deputy would have primary responsibility for maintaining overall coordination of the elements of OYD. The Commissioner reports directly to the Assistant Secretary for Human Development. He is responsible for determining OYD priorities including research, and establishing and guiding youth development teams. The Public Affairs and Legislative Affairs functions reside in this Office, and placement of these functions in the Office of the Commissioner ensures the

assessability of this expertise in these areas.

B. *Division of Youth Service Systems.*—This Division is concerned with juvenile delinquency prevention through the implementation of the Youth Services Systems concept. Their specific mission is to prevent juvenile delinquency through the Youth Services Systems which coordinate all services available to young people at the local level. In addition, DYSS seeks proper rehabilitation of youthful offenders through discouraging inappropriate institutionalization and labeling of youth. The DYSS develops policy, procedures and regulations and priorities for funds appropriated under Title I of the Juvenile Delinquency Prevention Act.

C. *Division of Youth Activities.*—The Division of Youth Activities is concerned with problems in the general youth population which adversely affect or concern young people. It will facilitate a reciprocal communication flow between youth and youth-servicing organizations including the Department as well as other major institutions inside and outside of the Federal Government. Their function is to involve youth in major government, public and private institutional policy-making, and in program designs which affect their daily lives. This Office provides technical assistance to youth groups organized to deal with institutions affecting them. In addition it will strive to create new roles for youth. It will arrange meetings between key HEW offices and youth and brief Departmental executives on youth attitudes. It will act as a clearinghouse for youth organization inquiring with the Department about funding and other HEW activities. It will work closely with State agencies and youth groups to encourage youth in the decision-making and funding process. It will advocate funding of youth initiated proposals, and it will ensure Department responsiveness in needs and concerns of young people.

D. *Division of Program Coordination.*—Functions of the Division of Program Coordination include: maintaining a library of information on DHEW programs for youth; providing the Department with a center for information on youth; catalyzing and institutionalizing, throughout the Department, a concern for how DHEW's policies and programs affect the development and socialization of youth; chairing the Interagency Youth Liaison Committee; establishing a network of communications with agencies that can react to new problems with respect to youth or new priorities affecting youth as set by the Administration, and monitoring the progress of the agencies, ensuring that the Department's planning process (i.e., policy development, long range planning, operational planning, legislative developments, budgeting) take into account the concerns of youth; and examining the feasibility of formulating a Department-wide youth development strategy.

E. *Office of Planning, Research and Development.*—This Office reports directly to the Office of the Commissioner. The Office operates at the discretion of the Commissioner and has responsibility for all research and development activities conducted in OYD. Under his preview the Office will investigate, design and modify programs which would motivate action to remove barriers affecting the development of youth. It will study disturbances in the socialization of young people which result in delinquent behavior. In addition the Office will be responsible for the planning activities including OPS and will serve as the liaison office with OHD in this area. The Office will be responsible for providing technical asssitance in the areas of research and development.

Dated: August 14, 1973.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.73-17899 Filed 8-22-73;8:45 am]

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 8 (Social Security Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 FR 5834-35 dated April 16, 1968) is hereby amended as follows:

8-B "Bureau of Hearings and Appeals" (BHA), "Appeals Council" (BHA), and "Office of the Regional Hearings Representative" (BHA) are superseded by the following:

8-B *Bureau of Hearings and Appeals* (BHA). Provides broad direction to the SSA hearings and appeals process. Directs a nationwide organization of Administrative Law Judges who conduct independent, impartial hearings and make decisions on appealed determinations involving retirement, survivors, disability, health and supplemental security income benefits under the Social Security Act, as amended; and disability and survivors benefits under the Federal Coal Mine Health and Safety Act of 1969, as amended. Considers and reviews orders and decisions of Administrative Law Judges and renders the Secretary's final action or decision through the Bureau's Appeals Council. Reviews appeals filed in federal courts from such action or decision and recommends whether to defend or to request remand for further action. Provides medical and vocational specialist services to Administrative Law Judges and Appeals Council members. Develops substantive and administrative operating instructions to assure uniform and fair appellate review. Conducts liaison with other components of SSA, DHEW, and other governmental, professional, and private organizations.

8-B *Appeals Council* (BHA). Reviews decisions of Administrative Law Judges involving retirement, survivors, disability, health insurance, and supplemental security income benefits under the Social Security Act, as amended, and disability and survivors benefits under the Federal Coal Mine Health and Safety Act of 1969, as amended, on motion of appellants or on its own motion. Examines case records, obtains additional evidence and renders a written decision or order which is the Secretary's final decision or order, or may remand the case to an Administrative Law Judge. Determines and recommends action in relation to the decisions appealed to the courts. Obtains additional evidence and prepares supplemental decisions on remanded cases. Recommends whether appeals should be taken to higher courts on judicial reversals of the Secretary's decisions.

8-B *Office of the Regional Chief Administrative Law Judge* (BHA). Represents the Director of the Bureau of Hearings in the region in all matters pertaining to the hearings process. Plans, organizes, and administers a regional program for scheduling and conducting independent and impartial hearings on appealed determinations involving retirement, survivors, disability, health and supplemental security income benefits under the Social Security Act, as amended; and disability and survivors benefits under the Federal Coal Mine Health and Safety Act of 1969, as amended. Provides substantive guidance and administrative direction and leadership to the Regional Development Center and to Administrative Law Judges and their staffs. Coordinates operations and administrative activities with the DHEW Regional Office, other SSA components, State agencies, and other parties, as required. Exercises general administrative supervision over Administrative Law Judges and their supporting staff within the region and provides administrative support to the Regional Appeals Center.

(Sec. 6, Reorganization Plan No. 1 of 1953)

Dated: August 14, 1973.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.73-17901 Filed 8-22-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-73-188; OILSR 0-485-60-16]

KAREN DEVELOPMENT

Order of Suspension

Notice is hereby given that on June 21, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, published in the FEDERAL REGISTER a notice of Proceedings and Opportunity for Hearing, pursuant to 44 U.S.C. 1508, informing the Developer of alleged untrue statements or omissions of material facts in the Developer's Statement of Record. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of said notice. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Order of Suspension is being issued as follows:

ORDER OF SUSPENSION

1. Overseas Investors and Developers Corporation, hereinafter referred to as the Developer, being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701, et seq.) and the Rules and Regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, has filed its Statement of Record covering its subdivision, located in Canada (OILSR No. 0-0485-60-16), which became effective September 5, 1969, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. Pursuant to lawful delegation, as authorized by 15 U.S.C. 1715, the authority and responsibility for Administration of the Interstate Land Sales Full Disclosure Act has been vested in the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), if it appears to the Interstate Land Sales Administrator at any time that a Statement of Record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the Administrator may, after notice, and after an opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the Statement of Record.

4. A notice of Proceedings and Opportunity for Hearing was published in the FEDERAL REGISTER on June 21, 1973, pursuant to 44 U.S.C. 1508 informing the Developer of information obtained by the Office of Interstate Land Sales Registration showing an untrue statement of a material fact or an omission of a material fact required to be stated therein or necessary to make the statements therein not misleading in the above-specified Statement of Record. The Developer was notified of his right to request a hearing and that if he failed to request a hearing he would be deemed in default and the proceedings would be determined against him, the allegations of which would be determined to be true. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of publication of said notice of Proceedings and Opportunity for Hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of August 23, 1973. This Order of Suspension shall remain in full force and effect until the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing Regulations.

Any sales or offers to sell made by the Developer or its agents, successors, or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

Issued in Washington, D.C., August 20, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-17915 Filed 8-22-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety

[Waiver No. 4A; Docket No. OPS-19]

TENNESSEE GAS PIPELINE CO.

Amendment To Grant of Waiver

By letters dated April 23, 1973, and May 1, 1973, the Tennessee Gas Pipeline Company (Tennessee) of Houston, Texas, petitioned for an amendment to Waiver No. 4 to permit the use of certain pipe in addition to, and transported under the same conditions as, the pipe covered in the original grant of waiver.

Waiver No. 4, issued July 11, 1972 (37 FR 14246) authorized the petitioner to use, subject to certain stated conditions, approximately 99 miles of 36-inch pipe that had been transported by railroad but not in compliance with § 192.65 of the Federal gas pipeline safety standards.

The two letters constituting the current petition request amendment of the waiver to cover an additional 53.6 miles of 36-inch pipe and 14.4 miles of 42-inch pipe. With respect to the 36-inch pipe, Tennessee asserts that the same situation exists as with the pipe involved in the original grant of waiver, while for the 42-inch pipe the rail car loading will be in accordance with API RP 5L1 (1972 edition) and the loading diagram submitted with the petition. In addition, the petitioner has reported that the pipe previously shipped pursuant to Waiver No. 4 experienced no damage during shipment and that no failures occurred on that pipe during hydrostatic testing.

A public hearing on Waiver No. 4 was held at the Office of Pipeline Safety on June 22, 1972. The safety issues involved in the present petition are identical with those addressed at that hearing in connection with the original petition.

Based on all the information available to the Department, it appears that the pipe identified by the petitioner in his letters of April 23, 1973, and May 1, 1973, will be shipped by rail in the same manner as the pipe specified in Waiver No. 4 and will involve the same type of loading conditions.

In consideration of the foregoing, I have determined that a further waiver of compliance with § 192.65, as requested by Tennessee, is not inconsistent with gas pipeline safety. Waiver No. 4 is therefore amended to grant a waiver from § 192.65 of the Federal gas pipeline safety standards to the extent necessary to permit the use of an additional 53.6 miles of 36-inch pipe and 14.4 miles of 42-inch pipe shipped in approximately 80-foot lengths by rail with an overhang from the end bearing strips in excess of that permitted under API RP 5L1 (1967 edition), subject to the conditions of Waiver No. 4 which are as follows:

1. Each rail carload of pipe shall be loaded in accordance with API RP 5L1, 1972 edition. An inspection must be made after loading to assure it has been accomplished in this manner.

2. During car unloading, each length of pipe must be inspected for visible damage. A detailed report of any damage discovered, other than damage to pipe bevels, must be made promptly to the Office of Pipeline Safety.

3. Each length of pipe used must be strength tested after installation to at least 90 percent of specified minimum yield strength and each failure that may have been related to transportation damage must be separately reported in a detailed supplementary statement, in addition to furnishing Form DOT-F-7100.2.

4. Tennessee shall notify the Office of Pipeline Safety upon completion of the testing of the pipeline for which the shipment is intended and shall furnish that Office with any additional information which it secures related to the safety of this manner of shipment.

Issued in Washington, D.C., on August 16, 1973.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.73-17879 Filed 8-22-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, WESTINGHOUSE SUBCOMMITTEE

Notice of Meeting

Correction

In FR Doc. 73-17172 appearing in the issue of Thursday, August 16, 1973, 3rd paragraph, 3rd line, the first word "boiling" should read "pressurized".

[Dockets Nos. 50-443 and 50-444]

PUBLIC SERVICE COMPANY OF NEW NEW HAMPSHIRE ET AL.

Seabrook Station, Units 1 and 2

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matter

Public Service Company of New Hampshire, The United Illuminating Company, Central Maine Power Company, The Connecticut Light and Power Company, Fitchburg Gas and Electric Light Company, Montaup Electric Company, New Bedford Gas and Edison Light Company, New England Power Company, Vermont Electric Power Company, Inc., Ashburnham Municipal Light Plant, Burlington Electric Light Department, Eastern

Maine Electric Cooperative, Inc., Holyoke Gas and Electric Department, Hudson Light and Power Department, Hull Municipal Light Plant, Marblehead Municipal Light Department, Middleborough Gas and Electric Cooperative, Inc., North Attleborough Electric Department, South Norwalk Electric Works, and Templeton Municipal Light Plant (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, have filed an application dated June 29, 1973, which was docketed on July 9, 1973, for authorization to construct and operate two electric generating units utilizing pressurized water reactors. The application was initially tendered on March 25, 1973. Following a preliminary review for completeness, it was rejected on May 7, 1973 for lack of sufficient information. The applicants submitted additional information on June 15, 1973 and the application was found acceptable for docketing.

The proposed nuclear facilities, designated by the applicants as the Seabrook Station, Units 1 and 2, are to be located at the applicants' site in Rockingham County, in the township of Seabrook, New Hampshire. Each unit is to be designed for initial operation at approximately 3411 megawatts thermal, with a net electrical output of approximately 1194 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 8, 1973. The submittal should reference Docket Nos. 50-443-A and 50-444-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and at the Exeter Public Library, Front Street, Exeter, New Hampshire 03833.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated June 29, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the Seabrook Station is also being made available at the Office of Comprehensive Planning, Office of the Governor, State House, Concord, New Hampshire 03301, and at the Southeastern New Hampshire Regional Planning Commission, 10 Front Street, Exeter, New Hampshire 03833.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Maryland, this 26th day of July 1973.

For the Atomic Energy Commission.
KARL R. GOLLER, CHIEF,
Pressurized Water Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.73-16347 Filed 8-22-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 25567; Order 73-8-84]

AIR PANAMA INTERNATIONAL, S.A.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of August 1973.

By tariffs filed May 2, 1973, for June 1, 1973, effectiveness, Air Panama International, S.A. (Air Panama) established fares to implement its newly authorized service between New York and Panama. The filings included, inter alia, a 150-day round-trip excursion fare of $268.00, and round-trip group inclusive-tour fares of $185.00, $150.00, and $130.00 for groups of 2-39, 40-79, and 80 or more passengers, respectively,[1] as well as an adult tourist passenger fare of $186.00 one way. The group inclusive-tour fares provide for a 21-day maximum duration of travel and require a minimum purchase of $42.00 in ground accommodations.

A complaint requesting suspension and investigation of Air Panama's round-trip excursion and GIT fares has been filed by Pan American World Airways, Inc. (Pan American).[2] In support of its complaint, Pan American alleges that the GIT fares proposed for groups of 40 and 80 passengers ($185.00 and $150.00, respectively) are uneconomically low in that they cover only one-half of Pan American's operating costs,[3] and are in fact at or below existing charter rates. Since the proposed round-trip excursion fare is limited only by a return within 150 days of departure and is not subject to a minimum stay, it is allegedly nothing more than an attempt to subvert the normal economy round-trip fare in the market. The normal economy fare is $372.00, more than $100.00 above Air Panama's virtually "unrestricted" excursion fare, which is itself lower than Pan American's present excursion fare.

Pan American alleges that the proposed group inclusive-tour fare of $185.00 available to groups of from 2-39 passengers is likewise nothing more than a blatant attempt to divert traffic from existing fares in the market since the proposed fare, which would be available to as small groups as two, would undercut Pan American's existing fare for groups of ten by $15.00. When it is recognized that a vast amount of travel is by persons traveling as couples, the high potential for diversion allegedly becomes obvious. Pan American further contends that a fare for groups of two, where there is no clear distinction from standard-fare service, constitutes an unjust discrimination against individual passengers and has been so found by the Board, citing Group Excursion Fares Investigation, 25 CAB 41 (1957).

An answer to Pan American's complaint was filed by Air Panama on June 1, 1973. Air Panama points out that the tariffs at issue were filed for the purpose of establishing fares between New York and Panama pursuant to a recent amendment to its permit; that several of the fares complained against were previously effective without complaint or action by the Board; that the fare for the groups of two was changed by subsequent tariff filing to establish a minimum group size of six passengers; that the other GIT fares alleged to be uneconomically low are, in fact, profitable to Air Panama; and that imposition of a minimum-stay requirement on an excursion fare is not a prerequisite to the establishment of such a fare.

In support of the inclusive-tour fares for groups in excess of 40 passengers, Air Panama states that its operating costs are significantly lower than those of Pan American and that it estimates its total operating expense per passenger to be $128.00 round trip. Air Panama points out that, if Pan American's operating cost is $294.00 per round trip at a 55 percent load factor as alleged, it is difficult to understand how Pan American can justify its round-trip excursion fare of $282.00. Air Panama further contends that the proposed GIT fares are not out of line with similar fares in other markets served by United States carriers, whose operating costs exceed Air Panama's.

The GIT fares proposed for the carriage of groups of two or more passengers have subsequently been revised to increase the minimum group size to six passengers, and to this extent Pan American's complaint is moot. The balance of the complaint is directed to the

[1] Local Passenger Tariff No. 1, CAB No. 1, 7th Revised Page 44 with respect to the 150-day round-trip excursion fare, and 1st Revised Page 46, issued May 2, 1973 for effectiveness June 1, 1973, with respect to the GIT fares.

[2] Pan American states that its round-trip the 8th Revised Page 44 issued May 16 and marked for effect June 15 which made changes in certain minimum fares and the 2nd Revised Page 46 which made certain language changes. On May 24 Air Panama filed a 3rd Revised Page 46 for effectiveness June 23 which, inter alia, changed the minimum group size from 2 to 6.

[3] Pan American states that it round-trip operating cost per passenger on scheduled service in the New York-Panama market in 1972 was $294.00, assuming a 55-percent load factor.

alleged unreasonableness of the other GIT fares and the fact that the proposed excursion fare, by not requiring a minimum stay, is nothing more than an attempt to subvert the normal economy-fare structure in the market.

Air Panama's fares, based on a routing over Miami, range from 8.3 cents per revenue passenger mile (adult tourist) to 2.9 cents per revenue passenger mile (for groups of 80). The $268.00 excursion fare, which is expected to be that most heavily used, would produce a yield of 6.0 cents per revenue passenger mile.

Air Panama is providing service with B-727 equipment, configured with 108 seats operating over average stage lengths in excess of 1,100 miles.[4] From data available to the Board,[5] B-727 aircraft operating expense per available seat mile for U.S. domestic trunkline carriers was 1.687 cents, for the year ended June 30, 1972. The average stage length was 532 miles, with a configuration of 107 seats and an average load factor of 53 percent. Assuming for present purposes that direct aircraft operating costs represent 50 percent of total costs, the total cost would be in the neighborhood of 3.4 cents per available seat mile at an average stage length one-half that of the service here in question. Even assuming some higher costs for international service, the 3.4 cents is overstated in terms of Air Panama's operations. Considering the range of the proposed fares offered by Air Panama, it would appear that the fare structure is compensatory for that carrier and not *per se* uneconomic or unreasonable as Pan American contends.[6]

Upon consideration of the tariffs, the complaint and answer thereto, and other relevant matters, the Board concludes that the complaint does not state facts which warrant suspension or investigation and the request will be denied and the complaint dismissed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

The complaint of Pan American World Airways, Inc. in Docket 25567 is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-17907 Filed 8-22-73;8:45 am]

[4] Pan American, on the other hand, provides service in this market with B-707 and B-747 aircraft, the operating costs of which cannot be considered representative for purposes of evaluating the fares at issue.

[5] Aircraft Operating Cost and Performance Report for Fiscal Year 1971 and 1972, CAB, March 1973.

[6] Only the group-of-80 fares fall below this total cost, although they exceed direct operating costs. In any event, we do not see this particular fare as a significant factor in the market.

[Docket No. 25700, Order 73-8-85]

BRANIFF AIRWAYS, INC. AND PAN AMERICAN WORLD AIRWAYS, INC.

Order Disapproving Fare Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of August, 1973.

By an application filed July 13, 1973, Braniff Airways, Inc. (Braniff) and Pan American World Airways, Inc. (Pan American) request that the Board permit limited fare discussions among air carriers operating in the United States-Panama/Colombia/Ecuador/Peru markets.

The applicants point out that although fares, rates and attendant conditions in these markets are generally determined through agreement among the members of Traffic Conference 1 of the International Air Transport Association (IATA), the proliferation of individual tariff filings by non-IATA carriers has seriously undermined the overall rate structure in the areas described. Any competitive advantage gained through these low, non-IATA fares has been shortlived due to the application of IATA Resolution 115, which permits IATA members to match non-IATA tariff filings. Braniff and Pan American cite particular difficulties with inclusive-tour fares for groups as small as six persons, and 150-day excursion fares with no minimum-stay requirement. The two carriers contend that these fares, in the absence of meaningful restrictions, will tend to become the regular fare, and cite yields to demonstrate that the result is a clearly unacceptable dilution of revenue for all carriers, IATA and non-IATA alike. The failure of the non-IATA Peruvian carriers APSA is given as an illustration of the marginal economics of operations in these markets. Finally, the applicants note that, in 1959 (Order E-13608), the Board approved an agreement among Pan American, Panagra and Braniff to participate in discussions with other Western Hemisphere carriers to resolve similar difficulties in the U.S.-South America markets.[1]

Three answers have been filed in reply to the petition. LAN Chile, an IATA carrier, supports the joint request; Air Panama urges neither approval nor disapproval but indicates that it is willing to engage in discussions in Panama and that the discussions should be expanded to include scheduling practices and capacity; and Aerocondor opposes the application.

Aerocondor alleges that the application is basically concerned with two factors, (1) group fares for small groups of passengers and (2) the 150-day excursion fares, both of which are at variance with most IATA fares and were initiated by Air Panama, a non-IATA carrier; that Aerocondor, the only other interested non-IATA carrier in this proceeding, does not utilize either of the practices complained of; and that its yields are compensatory and its fares competitive considering the nature of its equipment and operations. This carrier alleges that its flights depart from Miami in the early morning (5 a.m. and 6 a.m.), and therefore represent night operations at lower fares which conform to common industry practice; that it provides only one class of service without the luxuries normally offered by its IATA competitors; and that its one B-720B aircraft may be removed for maintenance or technical reasons, thus requiring substitution of piston aircraft. Finally, Aerocondor alleges that traditional procedures and remedies are available to deal with these matters, and that antitrust considerations require denial of the application.

Upon consideration of the application and all the relevant facts, we are not persuaded that the requested discussions are necessary or that the public interest will ultimately benefit from such discussions. Accordingly, the application will be denied.

A careful reading of the petition indicates that although authority is requested to engage in discussions with all carriers operating in the United States-Colombia/Panama/Ecuador/Peru markets, the essential thrust is directed toward the fares filed by Air Panama, not Aerocondor. Furthermore, although Air Panama's fares to/from Miami are cited, it appears that the petitioners' primary interest centers around the fares to/from New York, a point not served by Aerocondor.

By Order 73-8-84, issued concurrently, we are dismissing a complaint filed by Pan American against various tariffs filed by Air Panama. The Board's order concludes that the fare structure advanced by Air Panama appears compensatory for that carrier and that the complaint does not state facts which would warrant suspension or investigation. For this reason, we are not convinced that continuation of the fares and practices at issue would impose such a significant adverse economic effect on the IATA carriers as to warrant the granting of the petition.

Although lower Air Panama fares have existed in the past, both Pan American and Braniff have resisted meeting them in spite of the possible risk of resulting competitive disadvantage. Since the inauguration of services by Air Panama at New York, however, and the subsequent introduction of non-IATA fares in this market, matched by other IATA carriers providing similar service, the competition which was previously considered acceptable by both Pan American and Braniff is now such that these carriers believe they must likewise reduce their fares or suffer a loss of traffic. In other words, the request for relief suggested by Pan American and Braniff in their petition stems primarily not from the action of Air Panama whose fares appear reasonable to the Board, but rather from the actions of various IATA carriers which have chosen to meet those

[1] Braniff and Pan American also believe the Board should impose the same conditions as it did in that order.

fares. Accordingly, it would appear that the best solution to any existing problem rests within the confines of IATA and not through the discussions herein sought.[5]

An evaluation of current schedules from New York/Miami to Panama tends to corroborate this conclusion. In August 1973, a total of 36 non-stop flights are being offered weekly from Miami to Panama. Of these, all but three of which are with jet equipment, only seven are operated by Air Panama, and entirely with B–727 equipment. The other 29 flights are operated by IATA carriers, whose equipment includes B–747, DC8 and B–707 aircraft. As to schedules from New York to Panama, a total of 25 flights are currently offered, of which only four (again entirely B–727) are by the non-IATA carrier, Air Panama. All Air Panama's service is one-stop. Only Braniff offers non-stop services, in DC8 equipment; Pan American requires a change of plane at Miami, from a B–707 aircraft to a B–747 aircraft. It is apparent that the IATA carriers are by far the dominant carriers in the market, offering more frequencies with more modern aircraft. Thus it would appear that if there is in fact any serious problem it is one among the IATA carriers and one that could be resolved among them without resort to extraordinary relief from the Board.

The petitioners also contend that precedent for similar meetings has previously been established by Board Order E–13608 dated March 12, 1959. We disagree. The conditions which existed at the time of issuance of Order E–13608 were significantly different in terms of the magnitude, nature and scope of the problems than those which exist in the instant case.

For the reasons set forth above, the Board finds that the grant of the subject petition would not be in the public interest and it will therefore be denied.

Accordingly, It is ordered, That:

The application of Braniff Airways, Inc., and Pan American World Airways, Inc., for authority to engage in joint discussions in Docket 25700 is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73–17906 Filed 8–22–73;8:45 am]

[Docket No. 24717, Order 73–8–88]

U.S. CERTIFICATED CARRIERS

Order Regarding Amenities and Services for Delayed Passengers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of August, 1973.

In response to our Order of Investigation[1] and in light of our subsequent dismissal of Wien Air Alaska, Inc. (Wien), and United Air Lines, Inc. (United) as parties herein,[2] Hughes Air Corp. d/b/a Air West (Air West), Aloha Airlines, Inc. (Aloha), American Airlines, Inc. (American), Continental Air Lines, Inc. (Continental), Delta Air Lines, Inc. (Delta), Eastern Air Lines, Inc. (Eastern), Frontier Airlines, Inc. (Frontier), National Airlines, Inc. (National), North Central Airlines, Inc. (North Central), Northwest Airlines, Inc. (Northwest), Ozark Air Lines, Inc. (Ozark), Piedmont Aviation, Inc. (Piedmont), Southern Airways, Inc. (Southern), Texas International Airlines, Inc. (Texas International), Trans World Airlines, Inc. (TWA), and Western Air Lines, Inc. (Western), have filed motions to be dismissed as parties to this proceeding.

In support of the motions, the petitioners state that they have amended their respective tariff provisions to conform with the policy announced by the Board in its order of investigation, and see no need for their continued participation in the proceeding. The carriers contend that they now provide identical amenities for all interrupted-trip passengers regardless of class of travel, and undertake the initiative in informing passengers as to the amenities available to them.

With the exception of Texas International, the motions will be granted. Each of the carriers specifically provides that the amenities will be identical for all passengers, and will be provided to standby passengers cleared for boarding, and that the carrier will notify passengers as to the amenities available to them. Our action herein is consistent with that previously taken in the case of United and Wien. While Texas International has similarly revised its tariff provisions[3] the carrier continues to specify certain circumstances under which amenities and services will not be offered, which we believe is inconsistent with the public interest.[4]

Several carriers continue to maintain tariff provisions which are not compatible with the Board's stated policy in this area. Alaska Airlines, Inc. (Alaska), and Pan American World Airways, Inc. (Pan American), do not make provision for standby passengers who have been cleared to board the aircraft. Alaska, and Allegheny Airlines, Inc. (Allegheny), do not provide that passengers will be advised by the carrier of the amenities available. Braniff Airways, Inc. (Braniff), continues to offer different treatment to passengers, depending upon class of service and/or type of fare. Accordingly, we intend to press forward with the investigation of all remaining infirmities in the carriers' governing rules.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. The motions of Hughes Air Corp., d/b/a Air West, Aloha Airlines, Inc., American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc., to be dismissed as parties to Docket 24717 are hereby granted;

2. The motion of Texas International Airlines, Inc., to be dismissed as a party to Docket 24717 is hereby denied; and

3. Copies of this order will be served upon Hughes Air Corp., d/b/a Air West, Aloha Airlines, Inc., American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., Western Air Lines, Inc.,

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73–17907 Filed 8–22–73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 19801 and 19802; File Nos. 1970–C2–P–72 and 3443–C2–P–72; FCC 73–858]

AIRSIGNAL INTERNATIONAL, INC. AND MAHAFFEY MESSAGE RELAY, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Airsignal International, Inc. for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Memphis, Tennesse; and Mahaffey Message Relay, Inc., for a construction permit to establish additional facilities for Station KRS 656 in the Domestic Public Land Mobile Radio Service at Memphis, Tenn.:

1. The Commission has before it for consideration an application filed October 6, 1971, by Airsignal International, Inc. (Airsignal), and an application filed

---

[5] We might add that grant of the instant petition to hold discussions could establish a precedent for similar discussions in other troubled areas.

[1] Order 72–9–1, September 1, 1972.

[2] Order 72–11–17, dated November 3, 1972, and Order 73–2–49, dated February 12, 1973, respectively.

[3] We will not require Texas International to file provisions for standby passengers as the carrier does not provide standby services.

[4] Texas International's tariff provides that "none of the amenities or services shall be allowed for passengers whose flight cancellation, delay or interruption is caused by weather conditions, air traffic, interline misconnections, acts or omissions of the passengers or other third parties or other reasons outside of the control of TT * * *" We note that Allegheny, Braniff, and Pan American have similar conditions in their tariffs.

December 9, 1971, by Mahaffey Message Relay, Inc. (Mahaffey). Airsignal's application is for a construction permit to establish a new one way signalling (paging) service in the Domestic Public Land Mobile Radio Service (DPLMRS) at Memphis, Tenn., which would operate on 158.70 MHz. Mahaffey's application is for a construction permit to establish an additional one-way signalling service at Memphis, Tenn., in the DPLMRS using the same frequency of 158.70 MHz.

2. The applicants are each seeking to provide communications service on the same frequency in the same geographical area, and since a grant of both applications would result in harmful electrical interference, the applications are mutually exclusive. Moreover, since both applicants appear to be legally, financially, and otherwise qualified to construct and operate the proposed facilities a comparative hearing is necessary to determine which of the two applicants is better qualified to operate the proposed facilities in the public interest.

3. It appears from the application of Airsignal that it is a Delaware corporation, with its principal office located at 201 E. Ogden Avenue, Hinsdale, Illinois. Airsignal is the licensee of one station in Memphis operating in the DPLMRS. The station, KIF 653, is a low-band paging station operating on 35.22 MHz. Airsignal is a subsidiary of Western Union International, Inc. (WUI). While the 1972 Form L for Airsignal has yet to be received by the Commission it appears the company, as a subsidiary of WUI, is more than capable of meeting the $38,850 cost that will be incurred in carrying out its proposed construction.

4. Mahaffey is a Tennessee corporation, with its principal office located at 2972 Sandbrook Avenue, Memphis, Tenn., and is the licensee of one station in Memphis, operating in the DPLMRS. The station, KRS 656, is a VHF paging station operating on 152.24 MHz. Mahaffey's combined Annual Report (Form L) for its station indicates that its total assets are $112,005 with a net income of $28,262.26. Modification cost as stated in the instant application is $2,500.00. Mahaffey, therefore, appears to be financially qualified to complete this proposed modification. The stockholders of Mahaffey owning 10% or more, of the stock are Bell S. Mahaffey (50 percent) and John W. Mahaffey (50%). Both of the foregoing reside in Memphis, Tenn.

5. Technically, Airsignal proposes a General Electric Model ET-70-C base station transmitter with both 16F3 and 15F2 emissions, to be located in Memphis. Input/Output powers will be 375 and 250 watts, respectively; and the antenna will be at a height of 300 feet above ground. Regular and emergency maintenance of the system will be provided on a full time basis by Logan and Lesh Communications of Memphis, which employs at least one person with a Second Class Radiotelephone license. Mahaffey proposes a General Electric Model ET-9-C-5 base station transmitter with 16F3 and 15F2 emissions to be located in Memphis. Input/Output powers will be 500 and 250 watts respectively, and the antenna will be at a height of 336.5 feet above the ground. Regular and emergency maintenance will be provided by Mahaffey.

6. Both applicants allege that there is presently a growing need for signalling service in Memphis, and while the justifications of each are dissimilar in basis they are compatible in kind. Airsignal, in response to a Commission letter of April 19, 1973, indicates that a telephone survey of the Memphis area resulted in no less than 681 potential subscribers to its proposed new service.

7. Mahaffey bases its justification on what it alleges to be the basic incompatibility of tone-only and tone-plus-voice paging. In other words, Mahaffey proposes to devote one channel to tone-only paging and the other channel to tone-plus-voice paging only. Mahaffey proposes this arrangement as a solution to frequency congestion problems which it says are the result of an ever-increasing load of customers and the non-compatibility of its two services. Since the Commission has found that tone-only paging is compatible with tone-plus-voice paging, the alleged incompatibility of the two modes does not provide justification for the grant of an additional radio channel. Empire Communications Co., 31 F.C.C. 2d 477 (1971). Therefore, there is a question of whether the traffic load study and other data submitted by Mahaffey, sans any consideration of mode incompatibility, will support its request for an additional channel.

8. The applicants have been unable to agree on a time sharing arrangement for use of the radio channel applied for.

9. In view of the foregoing, *It is ordered*, That pursuant to sections 309(d) and (e) of the Communications Act of 1934, as amended, (47 U.S.C. §§ 309(d) and (e)) that the captioned applications of Airsignal International, Inc. and Mahaffey Message Relay, Inc. are designated for hearing in a consolidated proceeding upon the following issues:

1. To determine the nature and extent of services proposed by each applicant, including the rates, charges, personnel, practices, classifications, regulations, and facilities pertaining thereto.

2. To determine the total area and population to be served by Airsignal International, Inc., within the 43 dBu contour of its proposed station, based upon the standards set forth in § 21.504 of the FCC rules and regulations and to determine the need for its proposed service in that area.[1]

3. To determine the total area and population to be served by Mahaffey Message Relay, Inc., within the 43 dBu contour of its proposed station, based upon the standards set forth in § 21.504 of the FCC Rules and Regulations; and to determine the need for the proposed service in that area.[1]

4. To determine, in light of the evidence, adduced pursuant to the foregoing issues, which, if either, of the above-captioned applicants would better serve the public interest, convenience, and necessity.

10. *It is further ordered*, That the hearing shall be held at the Commission offices in Washington, D.C., at a time and place, and before an Administrative Law Judge, to be specified in a subsequent order.

11. *It is further ordered*, That the burden of proof upon Issue 2 is upon Airsignal Inc.; the burden of proof upon Issue 3 is upon Mahaffey Message Relay, Inc.; and the burden of proof upon Issues 1 and 4 is upon both applicants.

12. *It is further ordered*, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

13. *It is further ordered*, That applicants and party respondent may avail themselves an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Commission's rules within twenty days of the release date hereof, a written notice stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

Adopted August 8, 1973.

Released August 15, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-17884 Filed 8-22-73;8:45 am]

[1] Section 21.504(a) of the Commission's rules and regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limit of the reliable service area for base stations engaged in the one-way communications service. Propagation data set forth in § 21.504(b) are a proper basis for establishing both the location of the service contours and the areas of harmful interference for the facilities involved in this proceeding.

[2] By the Commission, Commissioners H. Rex Lee, Reid, and Hooks absent.

FEDERAL POWER COMMISSION

[Docket No. E-7674]

ALABAMA POWER CO.

Notice of Change in Rate

AUGUST 20, 1973.

Take notice that on August 6, 1973, Alabama Power Company filed: (1) An unsigned service agreement dated July 16, 1973, with the City of Luverne, Alabama, pursuant to the Company's Rate Schedule Mun-1, currently under review in this proceeding, and (2) a Fourth Revised Sheet No. 35 to its Tariff which reflects a change in the applicable rate schedule to the City of Luverne. Alabama Power Company requests an effective date of September 2, 1973, for both the unexecuted service agreement and revised tariff sheet.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the requirements of sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR

1.8, 1.10). All such petitions or protests should be filed on or before August 23, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the tender are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17939 Filed 8-22-73;8:45 am]

FEDERAL RESERVE SYSTEM

ASB INVESTMENT COMPANY

Order Approving Acquisition of Banks

ASB Investment Company, Flint, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied in separate applications for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire between 10.9 and 12.2 percent of the voting shares of Great Lakes Bancorp., Inc., Kalamazoo, Michigan, and thereby acquire, indirectly, 90 percent or more of the voting shares of Industrial State Bank & Trust Company, Kalamazoo (Industrial Bank), The Owosso Savings Bank, Owosso (Owosso Bank), and Alpena Savings Bank, Alpena (Alpena Bank), all located in Michigan.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a registered one bank holding company presently controlling 40.2 percent of the voting shares of Alpena Bank, proposes to exchange these shares for shares of Great Lakes Bancorp., Inc., a bank holding company whose formation has been approved by the Board as of this date. As a result of this exchange of shares, Applicant would relinquish its direct share ownership of Alpena Bank and would obtain indirect ownership of the voting shares of Industrial Bank, Owosso Bank, and Alpena Bank.

On the basis of the record, the applications are approved for the reasons summarized in the Order approving the formation of Great Lakes Bancorp, Inc. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] effective August 14, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-17842 Filed 8-22-73;8:45 am]

CENTRAL TEXAS FINANCIAL CORPORATION

Order Approving Formation of Bank Holding Company

The Central Texas Financial Corporation, Brownwood, Texas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the First National Bank in Brownwood, Brownwood, Texas (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a newly organized corporation. Bank, with deposits of $32.4 million,[2] controls 53.4 pecent of commercial bank deposits in the Brownwood banking market, and is the largest of four banks in the market. Consummation of the proposal herein would neither alter existing banking competition nor significantly affect potential competition and would not result in an increase in the concentration of banking resources in any relevant area.

The financial and managerial resources of Applicant and Bank are consistent with approval, particularly in view of Applicant's commitment to strengthen Bank's capital position.

Considerations relating to the convenience and needs of the community to be served, although consistent with approval, are not a major factor in this case since the proposal is essentially a corporate reorganization. It is the Board's judgment that the proposed transaction 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, provided that the transaction shall not be consummated (a) before the thirtieth calendar day after 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, and provided further that the transaction shall be in compliance with the provisions of § 3(e) of the Act (12 U.S.C. 1842(e)) regarding status as an insured bank as defined in § 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)).

By order of the Board of Governors,[1] effective August 16, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-17843 Filed 8-22-73;8:45 am]

CHEMICAL NEW YORK CORPORATION

Acquisition of Bank

Chemical New York Corporation, New York, New York, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Chemical Bank-Buffalo, Buffalo, New York. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than September 4, 1973.

Board of Governors of the Federal Reserve System, August 16, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-17844 Filed 8-22-73;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of May 15, 1973

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on May 15, 1973.[3]

The information reviewed at this meeting suggests that growth in real output of goods and services is likely to moderate somewhat

[1] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

[2] Banking data are as of December 31, 1972.

[3] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

[3] The Record of Policy Actions of the Committee for the meeting of May 15, 1973, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

in the current quarter from an exceptionally rapid pace in the two preceding quarters. Over the first 4 months of this year, employment rose considerably but the unemployment rate remained about 5 percent. Retail prices of foods continued upward at an extraordinary pace in March, and in April average wholesale prices of consumer foods rose further. Increases in wholesale prices of industrial commodities were large and widespread in April, as in the two preceding months. In foreign exchange markets, which had been relatively quiet since mid-March, speculative pressures have developed in recent days and exchange rates for major European currencies have appreciated against the dollar. The U.S. merchandise trade balance improved considerably in the first quarter, reflecting in part an especially large increase in agricultural exports.

In April, growth in the narrowly defined money stock picked up from its low first-quarter rate, and growth in the broadly defined money stock also increased. Growth in business loans at banks slowed, and banks reduced the pace at which they issued large-denomination CD's; consequently, the bank credit proxy expanded somewhat less than in other recent months. In recent weeks Federal Reserve Bank discount rates have been increased in two steps of one-quarter point to 6 percent by May 11. Most short-term market interest rates, which had risen sharply earlier, have advanced slightly further. Interest rates on long-term market securities have been relatively stable.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to abatement of inflationary pressures, a more sustainable rate of advance in economic activity, and progress toward equilibrium in the country's balance of payments.

To implement this policy, while taking account of international and domestic financial market developments, the Committee seeks to achieve bank reserve and money market conditions consistent with somewhat slower growth in monetary aggregates over the months immediately ahead than occurred on average in the past 6 months.

By order of the Federal Open Market Committee, August 14, 1973.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.73-17845 Filed 8-22-73;8:45 am]

GREAT LAKES BANCORP, INC.

Order Approving Formation of Bank Holding Company

Great Lakes Bancorp, Inc., Kalamazoo, Michigan, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 90 percent or more of the voting shares (and 90 percent or more of the nonvoting shares) of Industrial State Bank & Trust Company, Kalamazoo (Industrial Bank), and 90 percent or more of the voting shares of both the Owosso Savings Bank, Owosso (Owosso Bank), and Alpena Savings Bank, Alpena (Alpena Bank), all located in Michigan. As an incident to the formation proposed herein, two bank holding companies, Great Lakes Holding Company, Kalamazoo, Michigan (Holding Company), and ASB Investment Company, Flint, Michigan (ASB), which hold shares of Industrial Bank and Alpena Bank, respectively, will exchange those shares for shares of Applicant. Both of these holding companies were organized and are controlled by principals of Applicant.[1] Accordingly, Holding Company and ASB have each filed separate applications under § 3(a)(3) of the Act for permission to acquire shares of Applicant and thereby acquire, indirectly, ownership of Applicant's three proposed subsidiary banks. The Board's Orders approving these related applications have been issued concurrently with this order as of this date.

Notice of this application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 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 § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a recently organized corporation, was formed at the direction of the present management of its three proposed subsidiary banks for the purpose of becoming a bank holding company. Upon consummation of the proposal herein, Applicant would directly control three banks with aggregate deposits of $236 million, representing less than 1 percent of total commercial bank deposits in Michigan.[2]

Industrial Bank (deposits of $104.5 million) is the third largest of five banks in the Kalamazoo County banking market with 22 percent of deposits therein. Owosso Bank (deposits of $81.2 million) is the largest of six banking organizations in the Shiawassee County banking market with 56 percent of market deposits. Alpena Bank (deposits of $50.3 million) is the largest of two banks in its banking market[3] controlling 55 percent of deposits. The record indicates that none of the proposed subsidiary banks competes with each other due to the distances separating them as well as their existing common shareholder control. This transaction together with those referred to above represent a corporate reorganization of the existing ownership of the proposed subsidiary banks under a new bank holding company structure. Consequently, the Board concludes that the proposed formation of Applicant as a bank holding company would have no adverse effects on competition in any area of the State.

The financial condition of Applicant, its proposed subsidiary banks, Holding Company and ASB is considered to be generally satisfactory, their common managerial resources appear satisfactory and future prospects for all seem favorable. The financial condition of Industrial Bank will be enhanced in light of Applicant's commitment to inject an additional $2 million of equity capital. Consummation of the transaction would provide the proposed subsidiary banks with better access to capital and would provide additional expertise in trust services at Owosso Bank and Alpena Bank. Considerations relating to the convenience and needs of the communities to be served are consistent with, and lend some weight toward, approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[4] effective August 14, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-17849 Filed 8-22-73;8:45 am]

GREAT LAKES HOLDING COMPANY

Order Approving Acquisition of Banks

Great Lakes Holding Company, Kalamazoo, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied in separate applications for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire between 28.6 and 31.8 percent of the voting shares of Great Lakes Bancorp, Inc., Kalamazoo, Michigan, and thereby acquire, indirectly, 90 percent or more of the voting shares of Industrial State Bank & Trust Company, Kalamazoo (Industrial Bank), The Owosso Savings Bank, Owosso (Owosso Bank), and Alpena Savings Bank, Alpena (Alpena Bank), all located in Michigan.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a registered one bank holding company presently controlling 91.3 percent of the voting shares of Industrial Bank, proposes to exchange these shares for shares of Great Lakes Bancorp, Inc.,

[1] Three individuals own 75 percent of the voting shares of Holding Company which in turn owns more than 90 percent of the voting shares of Industrial Bank. These individuals also control ASB, a partnership, controlling approximately 40 percent the voting shares of Alpena Bank. In addition, these individuals each owns approximately 14 percent of the voting shares of Owosso Bank.

[2] All banking data are as of December 31, 1972; all market data are as of June 30, 1972.

[3] The relevant banking market consists of Alpena county, Alcona county, and approximately the southern five mile portion of Presque Isle county.

[4] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

a bank holding company whose formation has been approved by the Board as of this date. As a result of this exchange of shares, Applicant would relinquish its direct control of Industrial Bank and would obtain indirect ownership of the voting shares of Industrial Bank, Owosso Bank, and Alpena Bank.

On the basis of the record, the applications are approved for the reasons summarized in the Order approving the formation of Great Lakes Bancorp, Inc. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] effective August 14, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board

[FR Doc.73-17846 Filed 8-22-73;8:45 am]

PAYNE COUNTY BANCSHARES, INC.

Formation of Bank Holding Company

Payne County Bancshares, Inc., Perkins, Oklahoma, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The Payne County Bank, Perkins, Oklahoma. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 4, 1973.

Board of Governors of the Federal Reserve System, August 16, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-17847 Filed 8-22-73;8:45 am]

SOUTHEAST BANKING CORP.

Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Peoples National Bank, Naples, Florida. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 10, 1973.

Board of Governors of the Federal Reserve System, August 14, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-17848 Filed 8-22-73;8:45 am]

WAVERLY INVESTMENT COMPANY

Formation of Bank Holding Company

Waverly Investment Company, Waverly, Missouri, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of up to 100 percent of the voting shares of Bank of Waverly, Waverly, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 13, 1973.

Board of Governors of the Federal Reserve System, August 17, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-17850 Filed 8-22-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-64]

ESTABLISHMENT OF ADVISORY COMMITTEE

Notice of Determination

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), and after consultation with the Office of Management and Budget, I have determined that the establishment of the following advisory committee is in the public interest in connection with the performance of duties imposed upon NASA by law:

Lunar Planning Committee.

The functions of this committee will include the review of the objectives and strategy of NASA's Lunar Exploration Program and the development of guidelines for the continuing acquisition, handling, analysis and synthesis of lunar data. The reason for establishing this Committee is to obtain advice for NASA in connection with conducting a scientifically balanced lunar program and assuring optimal use of the Apollo and automated spacecraft data.

Dated August 17, 1973.

JAMES C. FLETCHER,
Administrator.

[FR Doc.73-17838 Filed 8-22-73;8:45 am]

[Notice 73-63]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, COMMITTEE ON SPACE VEHICLES

Notice of Meeting

The NASA Research and Technology Advisory Council, Committee on Space Vehicles will meet on August 30 and 31, 1973, at NASA Headquarters, Washington, D.C. 20546. The meeting will be held in Room 625, Federal Office Building 10B, 600 Independence Avenue SW., Washington, D.C. Members of the public will be admitted to the meeting with the exception of the closed session described below. The meeting will begin at 8:30 a.m. as indicated on the agenda below and admission is on a first come first served basis up to the seating capacity of the room, which is about 40 persons. All visitors may proceed directly to the meeting location.

The NASA Research and Technology Advisory Council, Committee on Space Vehicles serves in an advisory capacity only. In this capacity, the Committee's principal function is the overall consideration and assessment of those technologies applicable to space vehicles—both launch and spacecraft—with emphasis on their integration into the total space vehicle system. In this context, the purview of the Committee encompasses some areas of technology considered in programmatic detail by other Research and Technology Advisory Council Committees. Among the technological areas of concern to the Committee are launch vehicle and spacecraft aerothermodynamics; structures, materials and dynamics; propulsion and power; space environmental effects, their control and alleviation; electrical and electronic systems; and environmental control, life support and protection systems. Also of concern to the Committee are those aspects of operations that affect integration of or interfaces among the launch vehicle, spacecraft, equipment, and experiments during all phases of mission performance from launch to completion.

The current Chairman is Dr. Ronald Smelt. There are 14 members. The following list sets forth the approved agenda and schedule for the August 30-31, 1973, meeting of the Space Vehicles Committee. For further information please contact Mr. William C. Hayes, Jr., area code 202-755-2243.

[1] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

Time	Topic
	Thursday, August 30
8:30 A.M.	*Chairman's and Executive Secretary's Reports.*—(The Chairman will review results of the last Research and Technology Advisory Council meeting and intercommittee joint actions as they pertain to the Committee's area of cognizance. The Executive Secretary will review Committee responsibilities and operations.)
9:00 A.M.	*Space Shuttle Program Update.*—(Purpose: The status of design and development activity on the major Shuttle system elements and the performance and operational characteristics of the current configuration will be reviewed and evaluated.)
10:00 A.M.	*Space Tug Status and Technology Requirements.*—(Purpose: Phase A and B Tug studies will be reviewed, with consideration of alternative configurations and identification of technology requirements for Committee assessment.)
1:30 P.M.	*Cryogenic Engine.*—(Purpose: Technology for a reusable high-pressure staged-combustion oxygen/hydrogen rocket engine, suitable for future applications such as the Space Tug, has been under development for the past several years. Plans for an experimental engine project to demonstrate the performance and operation of a 20,000-pound thrust class engine based on this technology will be discussed and Committee recommendations obtained.)
2:30 P.M.	*Cryogenic Storage.*—(Purpose: Lewis Research Center activities related to space storage and use of cryogenic propellants, with emphasis on their utilization in the Space Tug, will be reviewed to obtain recommendations on the continuing technology program and any needed program changes.)
	Friday, August 31
8:30 A.M.	*Sortie Lab Program Update.*—(Purpose: The status and plans of the Sortie Lab program, including both the NASA activity and the ESRO (European Space Research Organization) Spacelab efforts, will be reviewed for Committee recommendations.
10:30 A.M.	*Report on Joint Ad Hoc Panel on Aerospace Vehicle Dynamics and Control.*—(Purpose: This Panel was established by four Research and Technology Advisory Council Committees—Aeronautics; Guidance, Control and Information Systems; Materials and Structures; and Space Vehicles—to determine technology needs for the integration of structural dynamic behavior and control system characteristics. The Committee will review Panel activities, and will evaluate the efforts.)
1:00 P.M.	*Executive Session.*—(Purpose: The Space Transportation Systems Technology steering organization and operations will be outlined for the Committee as related to inter-office and contractor planning, operations and management decisions. Members' discussion of current NASA efforts will be considered and any related Committee recommendations formulated.) (Closed session to discuss management operations, including personnel qualifications, proposed funding levels, programmatic detail and classified data relative to inter-Agency planning.)

Dated August 17, 1973.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.73-17839 Filed 8-22-73;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

ADVISORY COMMITTEE EDUCATION PANEL

Notice of Meeting

AUGUST 27, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Education Panel will take place in Washington, D.C., on September 10-11, 1973.

The purpose of the meeting is to review Humanities Program Grant proposals that have been submitted to the Endowment for possible grant funding.

Based on section b(4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee, Management Officer.

[FR Doc.73-17885 Filed 8-22-73;8:45 am]

ADVISORY COMMITTEE, SCIENTIFIC KNOWLEDGE AND HUMAN VALUES PANEL

Notice of Meeting

AUGUST 20, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Scientific Knowledge and Human Values Panel will meet from 9:45 a.m. to 1:45 p.m., on September 10-11, 1973, in room 1120, 806 15th Street NW., Washington, D.C.

The agenda is as follows:

Preliminary reports
Election of co-Chairman
Program Scope
Program Priorities
Collaborative roles of National Endowment for the Humanities and the National Science Foundation.

The meeting will be open to the public. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee, Management Officer.

[FR Doc.73-17886 Filed 8-22-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

BROKER-DEALER MODEL COMPLIANCE PROGRAM ADVISORY COMMITTEE

Notice of Public Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, the Securities and Exchange Commission announces the following public advisory committee meetings.

The Commission's Advisory Committee on a Model Compliance Program for Broker-Dealers, established on October 25, 1972 (Securities Exchange Act Release No. 9335), will hold meetings on August 28-30, 1973, at the office of the National Association of Securities Dealers, Inc., 75 Federal Street, Boston, Massachusetts. The meetings will commence at 9:00 a.m., local time.

This Advisory Committee was formed to assist the Commission in developing a model compliance program to serve as an industry guide for the broker-dealer community. Assisted by this Committee's work, the Commission plans to publish a guide to broker-dealer compliance under the securities acts in order to advise broker-dealers of the standards to which they should adhere if investor confidence in the fairness of the market place is to be warranted and sustained. The Committee's recommendations are not intended to result in the expansion of Commission rules governing broker-dealers, but to inform broker-dealers as to the existing requirements and how they may comply with them.

The Committee's scheduled meetings will be for the purpose of reviewing drafts and proposals concerning the Committee's proposed report to the Commission on these compliance guidelines for broker-dealers.

These meetings are open to the public. Any interested person may attend and appear before or file statements with the Advisory Committee—which statements, if in written form, may be filed before or after the meeting or, if oral, at the time and in the manner and extent permitted by the Advisory Committee.

[SEAL] SHIRLEY E. HOLLIS,
Acting Secretary.

AUGUST 17, 1973.

[FR Doc.73-17855 Filed 8-22-73;8:45 am]

[File 500-1]

COLLINS RADIO CO.

Order Suspending Trading

AUGUST 16, 1973.

The common stock, $1.00 par value, of Collins Radio Co., being traded on the New York, Boston, Midwest, Philadelphia-Baltimore-Washington, and Pacific Coast Stock Exchanges and the 4.75 percent convertible subordinated debentures due 1987 of Collins Radio Co., being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all securities of Collins Radio Co., 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 section 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 10:10 a.m., e.d.t., August 16, 1973, through August 25, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Acting Secretary.

[FR Doc.73-17856 Filed 8-22-73;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

AUGUST 17, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10¢ par value, of Continental Vending Machine Corporation, and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 18, 1973, through August 27, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Acting Secretary.

[FR Doc.73-17857 Filed 8-22-73;8:45 am]

[70-5352]

EASTERN UTILITIES ASSOCIATES ET AL.

Post-Effective Amendment Regarding Proposed Issuance and Sale of Debentures and Common Stock by Subsidiary to Stockholder Companies

In the matter of Eastern Utilities Associates, P.O. Box 2333, Boston, Massachusetts 02107; Blackstone Valley Electric Company, P.O. Box 1111, Lincoln, Rhode Island 02865; Brockton Edison Company, 36 Main Street, Brockton, Massachusetts 02403; Fall River Electric Light Company, 85 North Main Street, Fall River, Massachusetts 02722, and Montaup Electric Company, P.O. Box 391, Fall River, Massachusetts 02722.

Notice is hereby given that Eastern Utilities Associates (EUA), a registered holding company, and its four electric utility subsidiary companies, Blackstone Valley Electric Company (Blackstone), Brockton Edison Company (Brockton), Fall River Electric Light Company (Fall River), and Montaup Electric Company (Montaup), have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 7, 9(a), 10, and 12(f) of the Act and Rule 43(a) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order in this proceeding dated June 29, 1973 (Holding Company Act Release No. 18012), the Commission authorized that, during the period ending January 21, 1974, EUA, Blackstone, Brockton, Fall River, and Montaup could issue and sell short-term, unsecured promissory notes to banks, and in the cases of Blackstone, Brockton, and Fall River to also receive certain open-account advances from EUA, in the maximum aggregate amounts to be outstanding at any one time as follows: EUA—$35,930,000; Blackstone—$26,870,000; Brockton—$33,090,000; Fall River—$7,990,000; and Montaup—$33,900,000. The filing stated that some of the proceeds of said notes and advances were to be used to make investments in permanent securities of Montaup by Blackstone, Brockton, and Fall River.

Montaup now proposes to increase its common stock by 82,000 shares with an aggregate par value of $8,200,000 and to issue and sell such additional shares together with $12,800,000 principal amount of — percent Debenture Bonds to be dated October 1, 1973, and maturing October 1, 2003. Montaup's sole common stockholders, Brockton, Blackstone, and Fall River, propose to acquire such common stock and Debenture Bonds at prices equal, respectively, to the par value and principal amount thereof, and in proportions conforming with the terms of an agreement dated as of September 11, 1923, as amended, among Montaup and its stockholder companies. Pursuant to said agreement, and reflecting an assignment by Blackstone and Fall River to Brockton of a portion of their preemptive rights to subscribe to their proportionate shares of the 82,000 additional Montaup shares, Brockton will acquire 59,340 shares and $8,556,000 principal amount of Debenture Bonds; Blackstone will acquire 22,620 shares and $3,688,000 principal amount of Debenture Bonds; and Fall River will acquire 40 shares and $556,000 principal amount of Debenture Bonds. As a result of the foregoing transactions, the proportions of Montaup's total outstanding securities held by Brockton, Blackstone, and Fall River will become 48 percent, 33 percent, and 19 percent, respectively. The interest rate of the Debenture Bonds is to be supplied by further amendment. Brockton, Blackstone, and Fall River will deposit and pledge the acquired common stock and Debenture Bonds with their respective indenture trustees. The proceeds to Montaup from the sale of the common stock and Debenture Bonds will be used to reduce its short-term bank indebtedness incurred for the construction of additions and improvements to its plant and system or for investments in the capital stock of nuclear generating companies (or to repay borrowings so incurred).

It is stated that the proposed issue and sale of the Debenture Bonds and common stock by Montaup and the acquisition thereof by Brockton and Fall River are subject to the jurisdiction of the Department of Public Utilities of the Commonwealth of Massachusetts and that no other state commission or federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are to be filed by further amendment.

Notice is further given that any interested person may, not later than September 12, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mail-

ing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. And any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Acting Secretary.

[FR Doc.73-17854 Filed 8-22-73;8:45 am]

[File No. 500-1]

HOME-STAKE PRODUCTION CO.

Order Suspending Trading

AUGUST 17, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $2.50 par value, and all other securities of Home-Stake Production Company 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 August 18, 1973, through August 27, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Acting Secretary.

[FR Doc.73-17858 Filed 8-22-73;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Order Suspending Trading

AUGUST 14, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Industries International, 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 August 15, 1973, through August 24, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Acting Secretary.

[FR Doc.73-17859 Filed 8-22-73;8:45 am]

[File No. 500-1]

JEROME MACKEY'S JUDO, INC.

Order Suspending Trading

AUGUST 17, 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 Jerome Mackey's Judo, 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 August 18, 1973, through August 27, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Acting Secretary.

[FR Doc.73-17860 Filed 8-22-73;8:45 am]

[File No. 500-1]

KORACORP INDUSTRIES, INC.

Order Suspending Trading

AUGUST 17, 1973.

The common stock, $1 par value, of Koracorp Industries, Incorporated being traded on the New York Stock Exchange and the Pacific Coast Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Koracorp Industries, Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 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 August 18, 1973 through August 27, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Acting Secretary.

[FR Doc.73-17861 Filed 8-22-73;8:45 am]

VETERANS ADMINISTRATION

CENTRAL OFFICE EDUCATION AND REVIEW PANEL

Notice of Meeting

The Veterans Administration gives notice pursuant to PL 92-463 that a meeting of the Central Office Education and Review Panel, authorized by section 1790(b), Title 38, United States Code, will be held in Room 139, at the Veterans Administration Central Office, 810 Vermont Avenue NW, Washington, D.C., on September 11, 1973 at 9:00 a.m. The meeting will be held for the purpose of reviewing the June 19, 1973 decision of the Director, Veterans Administration Regional Office, Manila, Republic of Philippines, that no further applications for benefits be approved for attendance by VA beneficiaries in the Excella Academy of Fashion and Arts, Dagupan City, C-318, Republic of Philippines.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. Halsey A. Dean, Chief, Appraisal and Compliance, Education and Rehabilitation Service, VA Central Office (phone 202-389-2850), prior to September 11, 1973.

Dated: August 17, 1973.

By direction of the Administrator.

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

[FR Doc.73-17881 Filed 8-22-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-73-19]

BEAR BRAND HOSIERY COMPANY ET AL.

Notice of Applications for Variances

I. *Bear Brand Hosiery Company*—(a) *Notice of Application.*—Notice is hereby given that Bear Brand Hosiery Co., 205 W. Monroe Street, Chicago, Ill. 60606, has made application, pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11, for a permanent variance from the standard prescribed in 29 CFR 1910, 219(f)(3), concerning sprockets and chains.

The addresses of the places of employment affected by the application are as follows:

Bear Brand Hosiery Company, Fayetteville, Arkansas.
Bear Brand Hosiery Company, Bentonville, Arkansas.
Bear Brand Hosiery Company, Rogers, Arkansas.
Bear Brand Hosiery Company, Siloam Springs, Arkansas.

The applicant certifies that employees who would be affected by the variance have been notified by posting a copy of the application where notices to employees are normally posted. In addition, it has informed its employees of their

right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant states that it is providing a place of employment as safe as this would be if it complied with 29 CFR 1910.219(f)(3), which requires that all sprocket wheels and chains shall be enclosed unless they are at least seven feet above the floor or platform.

The applicant states that it has in operation several Zodiac Knitting Machines that utilize a chain and sprocket arrangement which is not enclosed. The exposed portion of the chain is located on the side of the machine opposite the normal working position of the employee. The employee normally works at the front of the machine while the chain is in motion, but on occasion, also while the chain is in motion, he must work at the rear of the machine.

The applicant contends that there is no safety hazard to his employees because of the configuration and speed of the chain and sprocket. The applicant states that the sprocket and chain links are constructed of plastic; the tension at each chain sprocket is less than 10 pounds; the running speed of the chain is 1⅜ inch per second (or two links per second); it has been demonstrated that employees' fingers may become lodged between the chain and sprocket without harmful effects; and that from the date of installation of the machinery, in April of 1965, to the date of application there had been no employee injury resulting from this chain arrangement.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Room 508, Washington, D.C. 20210, at the following regional and area offices:

Occupational Safety and Health Administration, U.S. Department of Labor, 7th Floor, Texaco Bldg., 1512 Commerce Street, Dallas, Texas 75201.

Occupational Safety and Health Administration, U.S. Department of Labor, 546 Carondelet Street, 4th Floor, New Orleans, Louisiana 70130.

II. *The Crom Corporation*—(a) *Notice of Application.*—Notice is hereby given that The Crom Corporation, 250 SW. 36th Terrace, Office Park West, Gainesville, Florida 32601, has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11, for a permanent variance from the standards prescribed in 29 CFR 1926.451(e)(1), with respect to height-base dimension limits for manually propelled mobile scaffolds; in 29 CFR 1926.451(e)(7)(ii), with respect to minimum base-dimension to height ratios for mobile scaffolds on which employees are allowed to ride; and in 29 CFR 1926.451(a)(4), with respect to the installation of toeboards on scaffold platforms more than ten feet above ground.

The places of employment affected by this application may be any construction site on which the applicant's employees work.

The applicant certifies that all affected employees have been notified, by posting summaries of the application for the variance on bulletin boards, and by giving a copy of the application to the authorized employee representative. The applicant also certifies that it has informed its employees of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant states that it is a constructor of prestressed circular concrete structures, principally tanks, and uses mobile scaffolds to move employees around the structure for various duties, such as installation of load-bearing wire and supports thereof, and for application of concrete by pneumatic means.

The applicant proposes to use a special manually propelled scaffold, with a height to minimum base dimension ratio not exceeding five (5), instead of the maximum ratio of four (4) required by 29 CFR 1926.451(e)(1). The applicant states that the proposed scaffolds would have an over-turning moment of approximately 30,000 foot-pounds along an axis perpendicular to the scaffold wheel axis and horizontal to the ground. This is stated to be the only direction in which the scaffold could overturn. The applicant also states that lateral tipping about an axis parallel to the scaffold wheel axis cannot occur because of the large size of the wheels and the wide spacing of the axles.

The applicant also proposes alternatives to the § 1926.451(e)(7)(ii) requirement that a scaffold height be not more than twice the minimum dimension of the scaffold base when ready for rolling and when moved with men aboard. One proposed alternative is to counter-balance the scaffold in such a way that the overturning moment would not exceed that of a scaffold with a base ratio of one-half the height. Another proposed alternate method is to secure the scaffold at the top of the tank wall, by means of hooks over the wall or by cables hooked to a center pin, to prevent tipping of the scaffold. Additionally, it proposes that where a scaffold is prevented from overturning by either adjacent tank walls or adequately braced formwork, no height to base ratio be required.

With respect to 29 CFR 1926.451(a)(4), which requires that toeboards be placed on scaffold platforms more than ten feet above the ground, the applicant proposes to substitute a tool basket suitably anchored to the scaffolding to prevent falling of the basket and its contents. The applicant states that due to the nature of the work done while on the scaffold, neither full width regular scaffolds or toeboards are practicable. The applicant states that the provision of a tool basket is a safe and suitable alternative to toeboards.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, Room 508, 400 First Street NW., Washington, D.C. 20210, and the following regional and area offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 1375 Peachtree Street NE., Suite 587, Atlanta, Georgia 30309.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 561–600, Federal Place, Louisville, Kentucky 40202.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 204, Bridge Building, 3200 E. Oakland Park Boulevard, Ft. Lauderdale, Florida 33308.

U.S. Department of Labor, Occupational Safety and Health Administration, 7th Floor, Texaco Building, 1512 Commerce Street, Dallas, Texas 75201.

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Place), Room 3445, New York, New York 10036.

U.S. Department of Labor, Occupational Safety and Health Administration, 1361 East Morehead Street, Charlotte, North Carolina 28204.

U.S. Department of Labor, Occupational Safety and Health Administration, Enterprise Building, Suite 201, 6605 Abercorn Street, Savannah, Georgia 31405.

U.S. Department of Labor, Occupational Safety and Health Administration, 400 West Bay Street, Box 35063, Jacksonville, Florida 32202.

U.S. Department of Labor, Occupational Safety and Health Administration, 1371 Peachtree Street NE., Room 723, Atlanta, Georgia 30309.

U.S. Department of Labor, Occupational Safety and Health Administration, Commerce building, Room 801, 118 North Royal Street, Mobile, Alabama 35502.

U.S. Department of Labor, Occupational Safety and Health Administration, Todd Mall, 2047 Canyon Road, Birmingham, Alabama 35216.

U.S. Department of Labor, Occupational Safety and Health Administration, 546 Carondelet Street, 4th Floor, New Orleans, Louisiana 70130.

U.S. Department of Labor, Occupational Safety and Health Administration, Condiminium San Alberto Building, 605 Condado Avenue, Room 328, Santurce, Puerto Rico 00907.

Interested persons, including employers and employees who believe they would be affected by the grant or denial of either of the above applications for variances, are invited to submit written data, views, and arguments regarding the relative application by September 24, 1973. In addition, employers and employees who believe they would be affected by a grant or denial of either application may request a hearing on the application by September 24, 1973, in conformity with the requirements of 29 CFR 1905.15. Submissions of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Standards, U.S. Department of Labor, Railway Labor Building, Room 508, 400 First Street NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 17th day of August, 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-17911 Filed 8-22-73;8:45 am]

[V-73-17]

PRINEVILLE MOULDINGS, INC. ET AL.

Notice of Applications for Variances and Interim Orders; Grants of Interim Orders

I. *Prineville Mouldings, Inc. and Consolidated Pine, Inc.*—(a) *Notice of applications.*—Notice is hereby given that Prineville Mouldings, Incorporated, 215 Metuchen Road, South Plainfield, New Jersey 07080, and Consolidated Pine, Incorporated, Post Office Box 428, Prineville, Oregon 97754, have made applications pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for permanent variances, and for interim orders pending decisions upon the applications for variances, from the requirements prescribed in 29 CFR 1910.213 (d) (1) concerning the guarding of circular crosscut table saws.

The addresses of the places of employment affected by these applications are:

Prineville Moulding Plant, Post Office Box 548, Lamonta Road, Prineville, Oregon 97754.

Consolidated Pine Sawmill and Moulding Plant, Post Office Box 428, Lamonta Road, Prineville, Oregon 97754.

The applicants certify that all employees who would be affected by the variances have been notified of the applications, by posting copies in conspicuous places at their places of employment. Employees have also been informed of their right to petition for a hearing.

Regarding the merits of the applications, the applicants contend they are providing a place of employment as safe as it would be if they complied with the requirements of 29 CFR 1910.213(d)(1), that circular crosscut table saws must be guarded by a specified kind of hood.

The applicants state that the end trim saws are used to trim linear moulding to various lengths. The operator of a trim saw stands several feet from the saw, with a working table between him and the blade. There are marks on the table in front of him showing various distances from the saw. Using the marks on the table as a guide, the operator trims the ends off the moulding by bringing the mould down onto the saw. Consolidated Pine, Inc., states that its method of guarding consists in placing a metal guard on each side of the cutting blade of the saw and over a portion of the top of the saw, and in placing a barrier 50 inches by 60 inches and 50 inches high of one inch steel pipe around the saw, so that it is impossible for a workman passing by to accidentally come in contact with the saw.

The operator of the saw stands several feet from the blade. This guarding mechanism, it is contended, is as safe as the guarding required by the applicable regulation, without materially reducing production. Prineville Mouldings, Inc., states its method of guarding consists in placing a metal guard on each side of the cutting blade of the saw, and in placing a barrier 36 inches by 72 inches and 59 inches high in places, of ½-inch steel reinforcing bar, around the saw so that it is impossible for a workman passing by to accidentally come into contact with the saw. The operator of the saw stands several feet from the blade. This guarding mechanism, it is contended, is as safe as the guarding required by the applicable regulation, without materially reducing production.

Copies of the applications will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, Room 508, 400 First Street NW., Washington, D.C. 20210, and at the following regional and area offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 506 Second Avenue, 1808 Smith Tower Building, Seattle, Washington 98104.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 526, Pittock Block, 921 SW. Washington Street, Portland, Oregon 97205.

The application by Prineville Mouldings, Inc., will also be available at the following regional and area offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Plaza), Room 3445, New York, New York 10036.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, 970 Broad Street, Room 635, Newark, New Jersey 07102.

(b) *Interim orders.*—It appears from the applications for variances and interim orders, and supporting data, filed by Consolidated Pine, Inc., and Prineville Mouldings, Inc., that the saw arrangements presently in use at the Consolidated Pine Sawmill and Moulding Plant, Lamonta Road, Prineville, Oregon, and Prineville Moulding Plant, Lamonta Road, Prineville, Oregon, provide employments and places of employment as safe as those which would prevail if the applicants were to comply with the requirements of 29 CFR 1910.213(d)(1). Therefore, in order to prevent undue hardships:

It is ordered, Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 and 29 CFR 1905.11(c), That Consolidated Pine, Inc., and Prineville Moulding, Inc., be, and they are hereby, authorized to use at their Consolidated Pine Sawmill Moulding Plant, Lamonta Road, Prineville, Oregon, and Prineville Moulding Plant, Lamonta Road, Prineville, Oregon, the guarding arrangements described above and in their respective applications.

As soon as possible, each of the applicants shall give notice to its affected employees of the terms of these interim orders by the same means required to inform them of the application for variance.

II. *Western Wood Products Association*—(a) *Notice of application.*—Notice is hereby given that Western Wood Products Association, 1500 Yeon Building, Portland, Oreg. 97204, has on behalf of its members listed below, made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance, and for an interim order pending a decision on the application for a variance, from the requirement prescribed in 29 CFR 1910.265(d)(1)(ii)(b), that lifting cylinders of all hydraulically operated log handling machines shall be equipped with a positive device for preventing the uncontrolled lowering of the load or forks in case of a failure in the hydraulic system.

The addresses of the places of employment affected by this application are:

PLACES OF EMPLOYMENT

WESTERN WOOD PRODUCTS ASSOCIATION

SEATTLE CEDAR LUMBER MFG. COMPANY, Box 5308, Ballard Station, Seattle, Washington 98107.

WEYERHAEUSER COMPANY, Cascade Branch, Snoqualmie Falls Operation, Snoqualmie Falls, Washington 98066.

WEYERHAEUSER COMPANY, Cascade Branch, White River Operation, Enumclaw, Washington 98022.

LINDAL CEDAR HOMES, INC., 18601 Pacific Highway South, Seattle, Washington 98188.

BROOKS, FRANK, MFG. COMPANY, P.O. Box 7, Bellingham, Washington 98225.

EVERETT LUMBER COMPANY, P.O. Box 449, Everett, Washington 98201.

WEYERHAEUSER COMPANY, P.O. Box 1228, Everett, Washington 98201.

SUMMIT TIMBER COMPANY, P.O. Box 419, Everett, Washington 98206.

ST. REGIS PAPER COMPANY, Lumber, Plywood & Door Division, P.O. Box 1593, Tacoma, Washington 98402.

WEYERHAEUSER COMPANY (Executive Offices), Tacoma, Washington 98401.

WEYERHAEUSER COMPANY, Twin Harbors Branch, Aberdeen, Washington 98520.

WEYERHAEUSER COMPANY, Twin Harbors Branch, Raymond, Washington 98577.

SIMPSON TIMBER COMPANY, 2000 Washington Building, Seattle, Washington 98101.

POPE AND TALBOT, INC. (Executive Offices), P.O. Box 8171, Portland, Oregon 97207.

CASCADE POLE COMPANY, P.O. Box 1496, Tacoma, Washington 98401.

POPE & TALBOT, INC., Port Gamble, Washington 98364.

CROWN ZELLERBACH CORPORATION, Northwest Lumber & Plywood Div., P.O. Box 397, St. Helens, Oregon 97051.

INTERNATIONAL PAPER COMPANY, Long-Bell Division, P.O. Box 579, Longview, Washington 98632.

IDAHO FOREST INDUSTRIES, Industrial Sales Division, 3850 S.W. 209th, Aloha, Oregon 97006.

BOISE CASCADE CORPORATION, Lumber Division, P.O. Box 97, St. Helens, Oregon 97051.

CROWN ZELLERBACH CORPORATION, (Executive Offices), 1500 S.W. First Avenue, Portland, Oregon 97201.

COLUMBIA RIVER LUMBER CORP., P.O. Box 239, Longview, Washington 98632.

STIMSON LUMBER COMPANY, P.O. Box 68, Forest Grove, Oregon 97116.

PUBLISHERS PAPER COMPANY, Dwyer Division, 6637 SE. 100th, Portland, Oregon 97266.

WEYERHAEUSER COMPANY, P.O. Box 188, Longview, Washington 98632.

DIAMOND LUMBER COMPANY, P.O. Box 192, Tillamook, Oregon 97141.

EXETER LUMBER SALES COMPANY, P.O. Box 277, Longview, Washington 98632.
BURKLAND LUMBER COMPANY, P.O. Box 78, Turner, Oregon 97392.
GEORGIA-PACIFIC CORPORATION, P.O. Box 580, Toledo, Oregon 97391.
BOISE CASCADE CORPORATION, Valsetz, Oregon 97393.
WILLAMETTE INDUSTRIES, INC., Sweet Home Division, P.O. Box 128, Sweet Home, Oregon 97386.
GEORGIA-PACIFIC CORPORATION (Executive Offices), 900 SW. Fifth Avenue, Portland, Oregon 97205.
WILLAMINA LUMBER COMPANY, 901 Terminal Sales Building, Portland, Oregon 97205.
STAYTON LUMBER SPECIALTIES, INC., 1525 W. Washington Street, Stayton, Oregon 97383.
WILLAMETTE INDUSTRIES, INC. (Sales Office), P.O. Box 907, Albany, Oregon 97321.
WILLAMETTE INDUSTRIES, INC. (Executive Offices), 811 S.W. Sixth Avenue, Portland, Oregon 97204.
WILLAMETTE INDUSTRIES, INC., Dallas Division, P.O. Box 488, Dallas, Oregon 97338.
INTERNATIONAL PAPER COMPANY, Long-Bell Division, P.O. Box 308, Veneta, Oregon 97487.
GIUSTINA BROS. LUMBER & PLYWOOD CO., P.O. Box 989, Eugene, Oregon 97401.
RUBLE FOREST PRODUCTS, INC., P.O. Box 1929, Eugene, Oregon 97401.
MILLER, I. P., LUMBER, INC., Route 1, Monroe, Oregon 97456.
WEYERHAEUSER COMPANY, P.O. Box 275, Springfield, Oregon 97477.
AMERICAN CAN COMPANY, P.O. Box 215, Halsey, Oregon 97348.
RICKINI LUMBER COMPANY, Saginaw, Oregon 97472.
WEYERHAEUSER COMPANY, Coos Bay Branch P.O. Box 389, North Bend, Oregon 97459.
BOHEMIA LUMBER COMPANY, INC., 2280 Oakmont Way, Eugene, Oregon 97401.
INTERNATIONAL PAPER COMPANY, Long-Bell Division, P.O. Box 43, Gardiner, Oregon 97441.
KIMBALL BROS. LUMBER COMPANY, Star Route 1, Box 107, Dexter, Oregon 97431.
GEORGIA-PACIFIC CORPORATION, P.O. Box 789, Eugene, Oregon 97401.
PEIRCE, AL, LUMBER COMPANY, P.O. Box 300, Coos Bay, Oregon 97420.
POPE & TALBOT, INC., P.O. Box 58, Oakridge, Oregon 97463.
ALL-AMERICAN STUD COMPANY, P.O. Box 267, Springfield, Oregon 97477.
AMERICAN CAN COMPANY, Brownsville, Oregon 97327.
ELKSIDE LUMBER COMPANY, P.O. Box 45, Lakeside, Oregon 97449.
GEORGIA-PACIFIC CORPORATION, P.O. Box 248, Springfield, Oregon 97477.
DAVIDSON INDUSTRIES, INC., P.O. Box 7, Mapleton, Oregon 97543.
WEYERHAEUSER COMPANY, P.O. Box 667, Cottage Grove, Oregon 97424.
HINES, EDWARD, LUMBER COMPANY, Westfir, Oregon 97492.
CONE LUMBER COMPANY, Goshen, Oregon 97401.
SEQUOIA FOREST INDUSTRIES, INC., P.O. Box 305, Dinuba, California 93618.
SETZER FOREST PRODUCTS, INC., P.O. Box 22607, Sacramento, California 95822.
AMERICAN FOREST PRODUCTS CORP., Mt. Whitney Division, Johnsondale, California 93236.
AMERICAN FOREST PRODUCTS CORP., P.O. Box 338, North Fork, California 93643.
SNIDER LUMBER PRODUCTS COMPANY, P.O. Box 670, Turlock, California 95380.
AMERICAN FOREST PRODUCTS CORP., General Box Division, P.O. Box 112, Fresno, California 93707.
ROSEBURG LUMBER COMPANY, P.O. Box 1088, Roseburg, Oregon 97470.
LORENZ LUMBER COMPANY, P.O. Box 190, Burney, California 96013.
AMERICAN FOREST PRODUCTS CORP., Stockton Division, Foresthill Operation, P.O. Box 685, Foresthill, California 95631.
AMERICAN FOREST PRODUCTS CORP. (Executive Offices), P.O. Box 3498, San Francisco, California 94119.
AMERICAN FOREST PRODUCTS CORP., Mt. Whitney Division, Route 5, Box 305, Porterville, California 93257.
KING'S RIVER PINE INDUSTRIES, INC., P.O. Box 227, Auberry, California 93602.
U.S. PLYWOOD-CHAMPION PAPERS, INC., P.O. Box 2317, Redding, California 96001.
AMERICAN FOREST PRODUCTS CORP., Stockton Division, Stockton Operation, P.O. Box 8368, Stockton, California 95204.
SIERRA PACIFIC INDUSTRIES, Redding Division, P.O. Box 479, Redding, California 96001.
PUBLISHERS FOREST PRODUCTS, P.O. Drawer AA, Burney, California 96013.
SIERRA PACIFIC INDUSTRIES, Eagle Lake Division, P.O. Box 820, Susanville, California 96130.
AMERICAN FOREST PRODUCTS CORP., Amador-Calaveras Division, Martell, California 95654.
U.S. PLYWOOD-CHAMPION PAPERS, INC., Anderson, California 96007.
CRANE MILLS, INC., P.O. Box 318, Corning, California 96021.
DOUGLAS COUNTY LUMBER COMPANY, P.O. Box 1306, Roseburg, Oregon 97470.
GEORGIA-PACIFIC CORPORATION, Covelo Operation, P.O. Box 327, Covelo, California 95428.
HYAMPOM LUMBER COMPANY, P.O. Box 70, Hyampom, California 96046.
LAS PLUMAS DEVELOPMENT CORP., P.O. Box 1447, Oroville, California 95965.
MAIN INDUSTRIES, INC., P.O. Box 8, Bieber, California 96009.
DIAMOND INTERNATIONAL CORP., P.O. Box D, Red Bluff, California 96080.
COLLINS PINE COMPANY, Chester, California 96020.
DIAMOND INTERNATIONAL CORP., P.O. Box 391, Oroville, California 95965.
GEORGIA-PACIFIC CORPORATION, Oroville Operation, P.O. Box 1879, Oroville, California 95965.
KIMBERLY-CLARK CORPORATION, P.O. Box 697, Anderson, California 96007.
COMMANDER INDUSTRIES, INC., M B & C Division, P.O. Box 629, Red Bluff, California 96080.
ANDERSON LUMBER INDUSTRIES, INC., P.O. Box 216, Redding, California 96001.
B AND D LUMBER COMPANY, INC., P.O. Box 1438, Redding, California 96001.
COIN LUMBER COMPANY, P.O. Box 1270, Susanville, California 96130.
PLUMAS LUMBER COMPANY, P.O. Box 51, Crescent Mills, California 95934.
COLLINS PINE COMPANY (Executive Offices), 909 Terminal Sales Building, Portland, Oregon 97205.
GEORGIA-PACIFIC CORPORATION, Ukiah Operation, P.O. Box 120, Ukiah, California 95482.
COMMANDER INDUSTRIES, INC., Elk Creek Division, P.O. Box 98, Elk Creek, California 95939.
OLSON-LAWYER LUMBER, INC., P.O. Box 847, Medford, Oregon 97501.
GEORGIA-PACIFIC CORPORATION, Samoa Operation, P.O. Box 248, Samoa, California 95564.
MEDFORD CORPORATION, P.O. Box 550, Medford, Oregon 97501.
SPALDING & SON, INC., P.O. Box 438, Grants Pass, Oregon 97526.
DIAMOND INTERNATIONAL CORP., P.O. Box 38, Stirling City, California 95978.
GEORGIA-PACIFIC CORPORATION, P.O. Box 607, Coquille, Oregon 97423.
BOISE CASCADE CORPORATION, P.O. Box 100, Medford, Oregon 97501.
LITTLE RIVER BOX COMPANY, P.O. Box 88, Glide, Oregon 97443.
WILSON, STEVE, LUMBER COMPANY, P.O. Box 116, Medford, Oregon 97501.
ROUGH & READY LUMBER COMPANY, P.O. Box 326, Cave Junction, Oregon 97523.
PAUL BUNYAN LUMBER COMPANY, P.O. Box 487, Anderson, California 96007.
HINES, EDWARD, LUMBER COMPANY, Grant County Division, P.O. Box 227, John Day, Oregon 97845.
GEORGIA-PACIFIC CORPORATION, Walla Walla Division, P.O. Box 15, Walla Walla, Washington 99362.
ARDEN LUMBER COMPANY, Colville Branch, P.O. Box 391, Colville, Washington 99114.
LAYMAN LUMBER COMPANY, P.O. Box 12, Goldendale, Washington 98620.
LAYMAN LUMBER COMPANY, P.O. Box 235, Naches, Washington 98937.
FEATHER RIVER LUMBER COMPANY, Auburn Division, P.O. Box 608, Auburn, California 95603.
MOUNTAIN MEADOW RANCH TREE FARM, 182 Commonwealth Avenue, San Francisco, California 94118.
BOISE CASCADE CORPORATION, Chief Joseph Division, P.O. Box E, Joseph, Oregon 97846.
WHITE SWAN LUMBER COMPANY, P.O. Box 431, White Swan, Washington 98952.
BRUNSWICK TIMBER PRODUCTS COMPANY, P.O. Box 2027, Grass Valley, California 95945.
CRAIK, EVERETT, LUMBER COMPANY, P.O. Box 1242, Walla Walla, Washington 99362.
SIERRA MOUNTAIN MILLS, P.O. Box 3, North San Juan, California 95960.
LAUSMANN LUMBER & MOULDING CO., P.O. Box 65, Loomis, California 95650.
BRAUNER LUMBER COMPANY, INC., Route 2, Kettle Falls, Washington 99141.
TYGH VALLEY TIMBER CO., INC., P.O. Box 158, Tygh Valley, Oregon 97063.
ST. REGIS PAPER COMPANY, Lumber, Plywood & Door Division, Klickitat, Washington 98628.
LONG LAKE LUMBER COMPANY, Div. of The Pack River Company, 3202 E. Mallon Avenue, Spokane, Washington 99208.
G. L. PINE, INC., P.O. Box 585, John Day, Oregon 97845.
JAFCO INDUSTRIES, P.O. Box 2752—Terminal Anne, Spokane, Washington 99202.
GEORGIA-PACIFIC CORPORATION, P.O. Drawer AA, Pilot Rock, Oregon 97868.
OCHOCO LUMBER COMPANY, P.O. Box 668, Prineville, Oregon 97754.
BENNETT, GUY, LUMBER COMPANY, P.O. Box 231, Clarkston, Washington 99403.
HATHAWAY LUMBER COMPANY, Route 1—Box 39, Republic, Washington 99166.
BILES-COLEMAN LUMBER COMPANY, P.O. Box 128, Twisp, Washington 98856.
WARM SPRINGS FOREST PRODUCTS INDUSTRIES, Warm Springs, Oregon 97761.
TRUMARK INDUSTRIES, INC., P.O. Box 3045, Spokane, Washington 99220.
BOISE CASCADE CORPORATION, P.O. Box 610, LaGrande, Oregon 97850.
BLACK CONSTRUCTION CORPORATION, Ardenvoir, Washington 98811.
PESHASTIN FOREST PRODUCTS CORP., Peshastin, Washington 98847.
NORTHPORT LUMBER COMPANY, P.O. Box 203, Northport, Washington 99157.
ELLINGSON LUMBER COMPANY, P.O. Box 549, Baker, Oregon 97814.
MICHIGAN-CALIFORNIA LUMBER COMPANY, Camino, California 95709.
HINES, EDWARD, LUMBER COMPANY, P.O. Box 557, Hines, Oregon 97738.
BILES-COLEMAN LUMBER COMPANY, P.O. Box 273, Omak, Washington 98841.

SCHMITTEN LUMBER COMPANY, 104 Cottage Avenue, Cashmere, Washington 98815.
CHOPOT, JOHN, LUMBER CO., INC., Route 2, Colville, Washington 99114.
ZOSEL LUMBER COMPANY, P.O. Box 580, Oroville, Washington 98844.
LINCOLN MILL CORPORATION, P.O. Box 273, Omak, Washington 98841.
ARDEN LUMBER COMPANY, P.O. Box 82, Colville, Washington 99114.
SAN POIL LUMBER COMPANY, INC., P.O. Box 357, Republic, Washington 99166.
GEORGIA-PACIFIC CORPORATION, P.O. Box 257, Ione, Washington 99139.
BROOKS WILLAMETTE CORP., P.O. Box 758, Redmond, Oregon 97756.
AVEY BROS. LUMBER COMPANY, Div. of The Pack River Co., Kettle Falls, Washington 99141.
MATNEY LUMBER COMPANY, INC., Route 2, Kettle Falls, Washington 99141.
LAKESIDE LUMBER COMPANY, P.O. Box 545, Gardnerville, Nevada 89410.
BROOKS-SCANLON, INC., P.O. Box 1111, Bend Oregon 97701.
JONES, L. S., TIMBER PRODUCTS, P.O. Box 207, Soulsbyville, California 95372.
GILCHRIST TIMBER COMPANY, Gilchrist, Oregon, 97737.
YUBA RIVER LUMBER COMPANY, INC., Bear River Division, 12391 Tommyknocker Road, Grass Valley, California 95945.
PLACERVILLE LUMBER COMPANY, P.O. Box 752, Placerville, California 95667.
FEATHER RIVER LUMBER COMPANY, P.O. Box 97, Loyalton, California 96118.
NEILSEN & SMITH LUMBER COMPANY, P.O. Box 426, Placerville, California 95667.
FOUNTAIN LAM-LOC COMPANY, 6218 S. Hooper Avenue, Los Angeles, California 90001.
ERICKSON LUMBER COMPANY, P.O. Box 30, Marysville, California 95901.
BOISE CASCADE CORPORATION, Klamath Basin Operation, P.O. Box 70, Chemult, Oregon 97731.
DOUGLAS LUMBER COMPANY, A Division of Fibreboard, P.O. Box 278, Truckee, California 95734.
BLACK DIAMOND LUMBER CO., THE, 7701–17th Avenue, Sacramento, California 95820.
BOISE CASCADE CORPORATION, Cascade Lumber Division, P.O. Box 51, Yakima, Washington 98901.
PICKERING LUMBER CORPORATION, A Division of Fibreboard Standard, California 95373.
BOISE CASCADE CORPORATION, Cascade Lumber Division, P.O. Box 8, Ellensburg, Washington 98926.
GOLDEN STATE BUILDING PRODUCTS (Executive Offices), P.O. Box 214096, Sacramento, California 95821.
DIAMOND INTERNATIONAL CORP., P.O. Box 428, Marysville, California 95901.
BOISE CASCADE CORPORATION, Elgin, Oregon, 97827.
KINZUA CORPORATION, Heppner, Oregon 97836.
KINZUA CORPORATION, P.O. Box 273, Kinzua, Oregon 97849.
LANDRETH TIMBER COMPANY, INC., P.O. Box 125, Tonasket, Washington 98855.
GOLDEN STATE BUILDING PRODUCTS, dba Wetsel-Oviatt Lumber Co., Omo Ranch, California 95661.
GOLDEN STATE BUILDING PRODUCTS, dba Big Bear Timber Company, P.O. Box 1028, Redlands, California 92374.
SIERRA FOREST PRODUCTS, P.O. Box 608, Terra Bella, California 93270.
THOMAS LUMBER COMPANY, INC., P.O. Box 1196, Klamath Falls, Oregon 97601.
U.S. PLYWOOD-CHAMPION PAPERS INC., P.O. Box 485, McCloud, California 96057.
PINE MOUNTAIN LUMBER COMPANY, P.O. Box 535, Yreka, California 96097.
LAKEVIEW LUMBER PRODUCTS CO., P.O. Box 229, Lakeview, Oregon 97630.
ELLINGSON TIMBER COMPANY, Plywood Division, P.O. Box 744, Baker, Oregon 97814.
EASTERN OREGON PINE COMPANY, P.O. Box 711, Lakeview, Oregon 97630.
KLAMATH LUMBER COMPANY, P.O. Box 127, Klamath Falls, Oregon 97601.
FRUIT GROWERS SUPPLY COMPANY, P.O. Box 108, Hilt, California 96043.
LAXAGUE BROS. LUMBER CO., INC., P.O. Box 206, Cedarville, California 96104.
WEYERHAEUSER COMPANY, P.O. Box 9, Klamath Falls, Oregon 97601.
KINBERLY-CLARK CORPORATION, Shasta Operation, P.O. Box 7, Mt. Shasta, California 96067.
LOVENESS COMPANY, Star Route—P.O. Box 14, Malin, Oregon 97632.
LAKESIDE CORPORATION, P.O. Box 998, Klamath Falls, Oregon 97601.
FREMONT SAWMILL COMPANY, P.O. Box 1340, Lakeview, Oregon 97630.
PRAIRIE CITY TIMBER COMPANY, P.O. Box 386, Prairie City, Oregon 97869.
INTERNATIONAL PAPER COMPANY, Long-Bell Division, P.O. Drawer A, Weed, California 96094.
CALANDOR PINE COMPANY, P.O. Box 1010, Alturas, California 96101.
MODOC LUMBER COMPANY, P.O. Box 257, Klamath Falls, Oregon 97601.
PEACOCK LUMBER COMPANY, P.O. Box 46, Alicel, Oregon 97811.
MOUNTAIN FIR LUMBER CO., INC., Mount Hood Division, P.O. Box 188, Maupin, Oregon 97037.
FRUIT GROWERS SUPPLY COMPANY (Executive Offices), P.O. Box 7888, Valley Annex, Van Nuys, California 91409.
FOREST RECOVERY, INC., P.O. Box 1024, LaGrande, Oregon 97850.
BLUE MT. FOREST PRODUCTS, INC., P.O. Box 661, Heppner, Oregon 97836.
PINE PRODUCTS CORPORATION, P.O. Box 460, Prineville, Oregon 97754.
PRINEVILLE STUD COMPANY, P.O. Box 476, Prineville, Oregon 97754.
EDGERTON LUMBER, P.O. Box 177, Adin, California 96006.
HEPPNER LUMBER COMPANY, P.O. Box 453, Heppner, Oregon 97836.
HARRIS PINE MILLS, Drawer 1168, Pendleton, Oregon 97801.
CONSOLIDATED PINE, INC., P.O. Box 428, Prineville, Oregon 97754.
HUDSPETH PINE, INC., P.O. Box 628, Prineville, Oregon 97754.
DIAMOND INTERNATIONAL CORP., P.O. Box 280, Newport, Washington 99156.
IDAHO FOREST INDUSTRIES, INC., Coeur d'Alene Stud Division, P.O. Box 1030, Coeur d'Alene, Idaho 83814.
BURNS-YAAK, INC., Div. of The Pack River Company, P.O. Box X, Osburn, Iflaho 83849.
DIAMOND INTERNATIONAL CORP., P.O. Box 116, Pernwood, Idaho 83830.
KONKOLVILLE LUMBER COMPANY, INC., P.O. Box 1208, Orofino, Idaho 83544.
BENNETT LUMBER PRODUCTS, INC., P.O. Box 49, Princeton, Idaho 83857.
POTLATCH FORESTS, INC., P.O. Box 370, Coeur d'Alene, Idaho 83814.
GEM LUMBER, INC., P.O. Box 539, Smelterville, Idaho 83868.
BONNERS FERRY LUMBER COMPANY, Div. of The Pack River Company, P.O. Box 897, Bonners Ferry, Idaho 83805.
CHANNEL LUMBER COMPANY, P.O. Box 35–A, Craigmont, Idaho 83523.
EAST RIVER LUMBER COMPANY, INC., P.O. Box 357, Priest River, Idaho 83856.
LINFOR LUMBER COMPANY, P.O. Box 479, Kellogg, Idaho 83837.
KAMIAH MILLS, INC., P.O. Box 638, Kamiah, Idaho 83536.
RIVERSIDE LUMBER COMPANY, P.O. Box 1300, Orofino, Idaho 83544.
IDAHO FOREST INDUSTRIES, INC., Atlas Division, P.O. Box 1030, Coeur d'Alene, Idaho 83814.
GEORGIA-PACIFIC CORPORATION, P.O. Box 108, Moyie Springs, Idaho 83845.
IDAHO FOREST INDUSTRIES, INC., Fernwood Division, P.O. Box 1, Fernwood, Idaho 83830.
EAST RIVER LUMBER COMPANY, INC., Kootenai Branch, P.O. Box 357, Priest River, Idaho 83856.
GEORGIA-PACIFIC CORPORATION, Post Falls Division, P.O. Box 188, Post Falls, Idaho 83854.
GEORGIA-PACIFIC CORPORATION, P.O. Box 249, Sandpoint, Idaho 83864.
IDAHO FOREST INDUSTRIES, INC., DeArmond Division, P.O. Box 1030, Coeur d'Alene, Idaho 83814.
POTLATCH FORESTS, INC., (Executive Offices), P.O. Box 3591, San Francisco, California 9411.
GEM STATE LUMBER COMPANY, P.O. Box 298, Juliaetta, Idaho 83535.
KANIKSU LUMBER COMPANY, INC., P.O. Box 191, Priest River, Idaho 83856.
POTLATCH FORESTS, INC., P.O. Box 397, Potlatch, Idaho 83355.
POTLATCH FORESTS, INC., P.O. Box 1016, Lewiston, Idaho 83501.
POTLATCH FORESTS, INC., P.O. Box 757, Kamiah, Idaho 83536.
STEED ENTERPRISES, INC., P.O. Box B, Escalante, Utah 84726.
INTERMOUNTAIN COMPANY, THE, P.O. Box 185, Clayton, Idaho 83227.
U.S. PLYWOOD-CHAMPTION PAPERS, INC., Teton Division, P.O. Box 673, Riverton, Wyoming 82501.
HOFF LUMBER COMPANY, P.O. Box 97, Horseshoe Bend, Idaho 83629.
SIMPER LUMBER COMPANY, Route 1, Box 161–P, Vernal, Utah 84078.
BEAR RIVER LUMBER COMPANY, INC., P.O. Box 744, Logan, Utah 84321.
CROFTS LUMBER COMPANY, P.O. Box 667, Vernal, Utah 84078.
UINTAH PLANING MILL, P.O. Box 265, Heber City, Utah 84032.
BOISE CASCADE CORPORATION, P.O. Box 217, Emmett, Idaho 83617.
SAWTOOTH LUMBER COMPANY, P.O. Box 598, Mountain Home, Idaho 83647.
WENDELL MILL & LUMBER COMPANY, INC., P.O. Box 375, Fairfield, Idaho 83327.
BOISE CASCADE CORPORATION, P.O. Box 729, McCall, Idaho 83638.
LUCAS PLANING & DRY KILN COMPANY, P.O. Box 445, Ogden, Utah 844
BOISE CASCADE CORPORATION, P.O. Box 88, Council, Idaho 83612.
MERIDIAN PINE COMPANY, P.O. Box 366, Meridian, Idaho 83642.
INTERMOUNTAIN COMPANY, THE, P.O. Box 1208, Salmon, Idaho 83467.
LEAVITT LUMBER COMPANY, INC., Kamas, Utah 84036.
ROBINSON LUMBER COMPANY, P.O. Box 762, Salmon, Idaho 83467.
REXBURG LUMBER COMPANY, P.O. Box 185, Rexburg, Idaho 83440.
HARRIS, GUY, & SON, INC., P.O. Box 4306, Boise, Idaho 83705.
PACK RIVER LUMBER COMPANY, Div. of The Pack River Co., P.O. Box 278, Sandpoint, Idaho 83864.
KAIBAB INDUSTRIES, P.O. Box 602, Panguitch, Utah 84759.
SHEARER LUMBER PRODUCTS, INC., P.O. Box 185, Kooskia, Idaho 83539.
BOISE CASCADE CORPORATION (Executive Offices), P.O. Box 200, Boise, Idaho 83701.

SALMON RIVER LUMBER CO., INC., P.O. Box 992, Riggins, Idaho 83549.
IDAHO STUD MILL, Div. of Edward Hines Lumber Company, P.O. Box 167, St. Anthony, Idaho 83445.
IDAHO FOREST INDUSTRIES, INC., Industrial Sales Division, P.O. Box 7442, Boise, Idaho 83707.
CLEARWATER LUMBER COMPANY, Spalding, Idaho 83551.
PRODUCERS LUMBER COMPANY, 200 S. Wise Way, Boise, Idaho 83706.
IDAHO WESTERN MILLS, INC., P.O. Box 356, Grangeville, Idaho 83530.
EVERGREEN FOREST PRODUCTS, P.O. Box 325, New Meadows, Idaho 83227.
IDAPINE MILLS, INC., P.O. Box 153, Grangeville, Idaho 83530.
BLAZZARD LUMBER COMPANY, P.O. Box 65, Kamas, Utah 84036.
NORTHWEST TIMBER COMPANY, Div. of The Pack River Company, P.O. Box 610, Coeur d'Alene, Idaho 83814.
CARDINAL OF ADRIAN, P.O. Box 551, Weiser, Idaho 83672.
IDAHO POLE COMPANY, P.O. Box 426, Sandpoint, Idaho 83864.
REGULUS STUD MILL, INC., P.O. Box 337, St. Maries, Idaho 83861.
DIAMOND INTERNATIONAL CORP., P.O. Box 1119, Coeur d'Alene, Idaho 83814.
MITCHELL, VERN, SAWMILL, P.O. Box 907, Tensed, Idaho 83870.
DONY MOUNTAIN STUDS, INC., P.O. Box 287, Duchesne, Utah 84021.
CLEARWATER LUMBER COMPANY, Pierce Division, Pierce, Idaho 83546.
NORTH FORK LUMBER COMPANY, P.O. Box 810, North Fork, Idaho 83466.
BOISE CASCADE CORPORATION, P.O. Box 777, Cascade, Idaho 83611.
KAMAS VALLEY LUMBER COMPANY, Kamas, Utah 84036.
TIMBER PRODUCTS COMPANY, Midvale, Idaho 83645.
LANGENDORF, INC., P.O. Box 56, Walden, Colorado 80480.
BIGHORN LUMBER COMPANY, INC., P.O. Box 479, Laramie, Wyoming 82070.
CARR LUMBER & MILLING COMPANY, P.O. Box 516, Montrose, Colorado 81401.
COLORADO FOREST PRODUCTS, INC., P.O. Box 623, Dolores, Colorado 81323.
U.S. PLYWOOD-CHAMPION PAPERS, INC., Silver City Division, P.O. Box 854, Helena, Montana 59601.
FLODIN LUMBER & MFG. COMPANY, P.O. Box 308, Plains, Montana 59859.
HINES, EDWARD, LUMBER COMPANY, Saratoga Division, P.O. Box 808, Saratoga, Wyoming 82331.
BUCKINGHAM LUMBER COMPANY, P.O. Box L, Buffalo, Wyoming 82834.
NORTHERN TIMBER COMPANY, INC., Philipsburg Plant #2, P.O. Box P, Philipsburg, Montana 59858.
CUSTER LUMBER COMPANY, P.O. Box 191, Custer, South Dakota 57730.
DENVER WOOD PRODUCTS COMPANY, 1945 West Third Avenue, Denver, Colorado 80223.
BRANDT & WICKLUND FOREST PRODUCTS, Fox Park, Wyoming 82057.
COOK LUMBER COMPANY, INC., P.O. Box 553, Fort Collins, Colorado 80521.
DICKSON, J. U., SAWMILLS, P.O. Box 269, Sturgis, South Dakota 57785.
CONNER, DEL, LUMBER, INC., P.O. Box 415, Darby, Montana 59829.
CRAIK, EVERETT, LUMBER COMPANY, Centennial, Wyoming 82055.
REED MILL & LUMBER COMPANY, INC., 4505 Wynkoop Street, Denver, Colorado 80216.
FLOGAUS LUMBER COMPANY, 1026 Palmer, Glenwood Springs, Colorado 81601.
MISSOULA WHITE PINE SASH COMPANY, P.O. Box 1247, Missoula, Montana 59801.
BURKEY LUMBER COMPANY, P.O. Box 233, Delta, Colorado 81416.
PLUM CREEK LUMBER COMPANY, P.O. Box 247, Pablo, Montana 59855.
PLUM CREEK LUMBER COMPANY, P.O. Box 160, Columbia Falls, Montana 59912.
THREE D LUMBER COMPANY, Division of The Pack River Company, Maudlow, Montana 59742.
SUPERIOR BUILDINGS COMPANY, P.O. Box 316, Columbia Falls, Montana 59912.
VOLLSTEDT KERR COMPANY, P.O. Box J, White Sulfur Springs, Montana 59640.
EVANS PRODUCTS COMPANY, P.O. Drawer L, Missoula, Montana 59801.
U.S. PLYWOOD-CHAMPION PAPERS, INC., P.O. Box 177, Browning, Montana 59417.
CRAIG LUMBER COMPANY, P.O. Box 697, Craig, Colorado 81626.
CAMBRIA FOREST INDUSTRIES, INC., P.O. Box 490, Newcastle, Wyoming 82701.
PYRAMID MOUNTAIN LUMBER, INC., P.O. Box 20, Seeley Lake, Montana 59868.
DIAMOND INTERNATIONAL CORP., P.O. Box 548, Superior, Montana 59872.
STOLITZE, F. H., LAND & LUMBER CO., P.O. Box 490, Columbia Falls, Montana 59912.
NORTHERN TIMBER COMPANY, INC., P.O. Box 348, Deer Lodge, Montana 59722.
BURKLAND STUDS, INC., P.O. Box 498, Livingston, Montana 59047.
BERKLUND LUMBER COMPANY, Hall, Montana 59837.
ANACONDA FOREST PRODUCTS, P.O. Drawer E, Missoula, Montana 59801.
ELK STUDS COMPANY, P.O. Box 400, West Yellowstone, Montana 59758.
DUPUIS BROS. LUMBER COMPANY, Div. of The Pack River Company, Route 1—Box 43, Polson, Montana 59860.
THOMPSON FALLS LUMBER COMPANY, Div. of The Pack River Company, P.O. Box 368, Thompson Falls, Montana.
TOWNSEND LUMBER COMPANY, P.O. Box L, Townsend, Montana 59644.
DIEHL LUMBER COMPANY, Div. of The Pack River Company, P.O. Box 188, Plains, Montana 59858.
INTERMOUNTAIN COMPANY, THE, P.O. Box 1347, Missoula, Montana 59801.
PLEASANT WESTERN LUMBER, INC., P.O. Box 71, Monte Vista, Colorado 81144.
KSANKA LUMBER COMPANY, INC., P.O. Box 68, Eureka, Montana 59917.
BRAND-S LUMBER COMPANY, P.O. Box 1033, Livingston, Montana 59047.
FOREST PRODUCTS COMPANY, P.O. Box 1039, Kalispell, Montana 59901.
PARK LUMBER COMPANY, P.O. Box 751, Livingston, Montana 59047.
ANACONDA FOREST PRODUCTS, P.O. Drawer 2, Bonner, Montana 59823.
EVANS PRODUCTS COMPANY, Trout Creek Operation, P.O. Drawer L, Missoula, Montana 59801.
ST. REGIS PAPER COMPANY, Lumber, Plywood & Door Division, P.O. Box V–X, Libby, Montana 59923.
ASHLAND LUMBER COMPANY, P.O. Box 78, Ashland, Montana 59003.
MICHIGAN RIVER TIMBER COMPANY, P.O. Box 778, Walden, Colorado 80480.
KREMMLING TIMBER COMPANY, P.O. Box 484, Kremmling, Colorado 80459.
HOMESTAKE MINING COMPANY, P.O. Box 472, Spearfish, South Dakota 57783.
ROCKY MOUNTAIN LUMBER CO., INC., P.O. Box A, Columbia Falls, Montana 59912.
KAIBAB INDUSTRIES, P.O. Box 654, Eagle, Colorado 81631.
YELLOWSTONE PINE COMPANY, P.O. Box 325, Belgrade, Montana 59714.
DOUGLAS STUDS, INC., P.O. Box 18, South Fork, Colorado.
WALESWOOD, INC., P.O. Box 375, Darby, Montana 59829.
PLUM CREEK LUMBER COMPANY, Fortine, Montana 59918.
S & W SAWMILL, INC., P.O. Box 395, Darby, Montana 59829.
BELLE FOURCHE SAW MILLS, Belle Fourche, South Dakota 57717.
INDUSTRIAL WOOD COMPONENTS, INC., P.O. Box 25021, Albuquerque, New Mexico 87125.
KAIBAB INDUSTRIES (Executive Offices), P.O. Box 20506, Phoenix, Arizona 85036.
DUKE CITY LUMBER COMPANY, INC., Sub. of U.S. Industries, Inc., P.O. Box 518, Espanola, New Mexico 87532.
SOUTHWEST FOREST INDUSTRIES, P.O. Box 418, McNary, Arizona 85930.
SAN JUAN LUMBER COMPANY, P.O. Box 3313, Durango, Colorado 81301.
SOUTHWEST FOREST INDUSTRIES (Executive Offices), P.O. Box 7548, Phoenix, Arizona 85011.
FORT APACHE TIMBER COMPANY, P.O. Box 1098, Whiteriver, Arizona 85941.
CALDWELL LUMBER COMPANY, INC., P.O. Box 107, Ponderosa, New Mexico 87044.
PIONEER LOGGING & MILLING CO., INC., P.O. Box 1798, Taos, New Mexico 87571.
NAVAJO FOREST PRODUCTS INDUSTRIES, P.O. Box 1280, Navajo, New Mexico 87328.
MONTEZUMA PLYWOOD COMPANY, Drawer YY, Cortez, Colorado 81321.
STAUTER LUMBER COMPANY, INC., P.O. Box 168, Hill City, South Dakota 57745.
SOUTHWEST FOREST INDUSTRIES, P.O. Box 1809, Flagstaff, Arizona 86001.
NEW MEXICO MILL & LUMBER CO., P.O. Box 28, Las Vegas, New Mexico 87701.
REIDHEAD LUMBER COMPANY, P.O. Box E, Show Low, Arizona 85901.
STAR STUDS, INC., P.O. Box 517, Afton, Wyoming 83110.
KAIBAB INDUSTRIES, P.O. Box 218, Fredonia, Arizona 86022.
LINDE, HARRY, LUMBER COMPANY, P.O. Box 296, Grass Creek, Wyoming 82425.
WHITE SANDS FOREST PRODUCTS, INC., P.O. Box 209, Alamogordo, New Mexico 88310.
DUKE CITY LUMBER COMPANY, INC., Sub. of U.S. Industries, Inc., P.O. Box 25807, Albuquerque, New Mexico 87125.
SKYLINE LUMBER COMPANY, P.O. Box 427, Chama, New Mexico 87520.
BATES LUMBER COMPANY, P.O. Box 7095, Albuquerque, New Mexico 87104.
SAN JUAN LUMBER COMPANY, P.O. Box 547, Pagosa Springs, Colorado 81147.
DUKE CITY LUMBER COMPANY, INC., Sub. of U.S. Industries, Inc., P.O. Box 1273, Winslow, Arizona 86047.
WYOMING SAWMILLS, INC., P.O. Box 6088, Sheridan, Wyoming 82801.
MORENO LUMBER COMPANY, P.O. Box 27, Eagle Nest, New Mexico 87718.
OTERO MILLS, INC., P.O. Box 51, Alamogordo, New Mexico 88310.
WESTERN PINE SALES, INC., P.O. Box 2657, Globe, Arizona 85501.
COCONINO FOREST PRODUCTS, Route 1, Box 820, Flagstaff, Arizona 86001.
WESTERN PINE SALES, INC., P.O. Box 40, Snowflake, Arizona 85937.
SOUTHWEST FOREST INDUSTRIES, P.O. Box 408, Eagar, Arizona 85925.
THE TIMBER COMPANY, P.O. Box 3308, Albuquerque, New Mexico 87110.
BAUMAN SAWMILLS, INC., P.O. Box 188, Lebanon, Oregon 97393.
KAIBAB INDUSTRIES, P.O. Box 430, Flagstaff, Arizona 86001.
WASATCH FOREST PRODUCTS, INC., P.O. Box 748, Evanston, Wyoming 82930.
NEW MEXICO TIMBER, INC., P.O. Box 3424, Albuquerque, New Mexico 87110.
KAIBAB INDUSTRIES, P.O. Box D, Payson, Arizona 85541.
SAGEBRUSH SALES, INC., P.O. Box 25021, Albuquerque, New Mexico 87125.
WILLAMETTE INDUSTRIES, INC., Foster Division, P.O. Box 128, Sweet Home, Oregon 97386.

The applicant states that all affected employees of its members have been notified of the application by posting a summary of the application where notices to employees are normally posted and by giving a copy of the application to the employees' authorized representatives. The applicant also states that all affected employees have been advised of their right to petition for a hearing.

Regarding the merits of the application, the applicant contends that either of the procedures described below, one of which is adhered to in every place of employment, provides a place of employment as safe as that would be if its members complied with the requirements of 29 CFR 1910.265(d)(1)(ii)(*b*). The procedures allegedly used by the association members are as follows:

PROCEDURE 1

(1) When a log truck arrives at a dry-deck storage area from the woods, it is parked adjacent to a set of safety stanchions (or rack). By prior determination the log truck driver knows on which sides of his load the binder releases should be placed so that he will be afforded maximum safety when releasing them. He releases his bindings by reaching through the openings between the uprights. If a log should become dislodged when the binding pressure is released the log truck driver is protected by the stanchions.

(2) At the end of the rack, instructions are posted for the truck drivers. State codes as well as company rules cover the subject in detail.

(3) After the binders are released, the driver pulls his truck into a predetermined unloading position where a stacker awaits.

(4) The stacker clamps the load, lifts it vertically and away (90 degrees to the longitudinal axis of the truck). The driver is in the cab out of the line of danger. After the stacker removes the load, the truck departs for another trip to the woods.

(5) The load that the stacker removed is positioned on the ground, or, in some cases on skids, for subsequent scaling by a scaler.

(6) Working at the far end of the yard a small stacker repositions the scaled logs into stacks by species.

(7) There is no foot or vehicular traffic in the yard. There are only workers operating stackers, normally one scaler, and individual truck drivers bringing in loads of logs. None of these workers are under or near a load where they would be in jeopardy if a malfunction should occur.

PROCEDURE 2

(1) This procedure differs from the previous one in that no rack is used. When a log truck arrives at the storage area, it parks at a predetermined unloading spot and waits until a stacker comes to secure the load. Instructions to truck drivers are posted, which direct the driver not to loosen the binders until the stacker has the load secured.

(2) When the load is secured, the driver loosens the binders. The binder releases are placed on the side of the load that will afford maximum safety and work room.

(3) When the binders are free, the driver moves clear and signals the stacker operator to remove the load from the truck.

(4) The stacker deposits the load on the ground for subsequent scaling.

(5) After scaling, a smaller stacker moves the logs to stacks arranged by species. There is no foot or vehicular traffic aside from that which is absolutely necessary to perform the function, and again, there are no workers under or near a load where their safety might be jeopardized.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, Room 508, 400 First Street NW., Washington, D.C. 20210, and at the following offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 506 Second Avenue, 1906 Smith Tower Building, Seattle, Washington 98104.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 526, Pittock Block, 921 SW. Washington Street, Portland, Oregon 97205.

U.S. Department of Labor, Occupational Safety and Health Administration, 100 McAllister Street, Room 1706, San Francisco, California 90802.

U.S. Department of Labor, Occupational Safety and Health Administration, Hartwell Building, Room 514, 19 Pine Avenue, Long Beach, California 90802.

U.S. Department of Labor, Occupational Safety and Health Administration, Suite 910-Amerco Towers, 2721 North Central Avenue, Phoenix, Arizona 85004.

U.S. Department of Labor, Occupational Safety and Health Administration, Squire Plaza Building, 8527 W. Colfax Avenue, Lakewood, Colorado 80202.

U.S. Department of Labor, Occupational Safety and Health Administration, Suite 525, Petroleum Building, 2812 First Avenue North, Billings, Montana 59101.

U.S. Department of Labor, Occupational Safety and Health Administration, Suite 309, Executive Building, 455 East Fourth South, Salt Lake City, Utah 59101.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 421, Federal Building, 1205 Texas Avenue, Lubbock, Texas 79401.

(b) *Interim Order.*—It appears from the application for a variance and interim order, and supporting data filed by Western Wood Products Association, that either of the procedures used by Western Wood Products Association members would provide employments and places of employment as safe as those which would prevail if the members were to make the changes necessary in order to comply with the requirements of 29 CFR 1910.265(d)(1)(ii)(*b*).

Therefore, in order to prevent undue hardships:

It is ordered, Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 and 29 CFR 1905.11(c), that each member of the Western Wood Products Association, listed above, be, and it is hereby, authorized to use either of the two outlined procedures, in lieu of complying with the requirement prescribed in 29 CFR 1910.265(d)(1)(ii)(*b*).

As soon as possible each member of the Western Wood Product Association shall give notice to all its affected employees of the terms of this interim order by the same means required to inform them of the application for variance.

III. Interested persons, including employers or employees who believe they would be affected by the grant or denial of any of the above applications for variances, are invited to submit written data, views, and arguments regarding the relative application by September 24, 1973. In addition, employers and employees who believe they would be affected by a grant or denial of any of the variances may request a hearing on the relative application by September 24, 1973, in conformity with the requirements of 29 CFR 1905.15. Submissions of written comments and requests for a hearing should be in quadruplicate, and shall be addressed to the Office of Standards, U.S. Department of Labor, Railway Labor Building, Room 508, 400 First Street NW., Washington, D.C. 20210.

IV. *Effective date.*—The above interim orders shall be effective as of August 23, 1973, and shall remain in effect until decisions are rendered on the respective applications for variances.

Signed at Washington, D.C., this 17th day of August 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-17912 Filed 8-22-73:8:45 am]

[V-73-18]

NATIONAL INSULATION CONTRACTORS ASSOCIATION

Notice of Application for Variance and Interim Order; Denial of Interim Order

I. *Notice of application.* Notice is hereby given that the National Insulation Contractors Association, 8630 Fenton Street, Silver Spring, Maryland 20910, on behalf of its members, has made application pursuant to section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1594), and 29 CFR 1905.10 for a temporary variance, and interim order pending a decision on the application for a variance, from the standards in 29 CFR 1910.93a(f) and (j), which require monitoring and medical examinations in areas of asbestos exposure.

The addresses of the places of employment affected by the application are as follows:

AC and S. Inc., 120 North Lime Street, Lancaster, Pennsylvania 17604.

Aad Thermal Insulation, Co., 122 Bel Air Street, Anaheim, California 90281.

Advance-Universal Insulation Eng. Corp., 11628 W. Dixon Street, Milwaukee, Wisconsin 53214.

All-Field Insulation Co., Inc., Post Office Box 25586, Albuquerque, N.M. 87125.

American Insulation Contractors, Inc., Post Office Box 2699, Jacksonville, Florida 32203.
Chicago Pipe & Boiler Covering Co., 5840 W. Irving Park Road, Chicago, Illinois 60610.
A & K Midwest Insulation Company, Post Office Box 806, Paducah, Kentucky 42001.
Adams Insulation, Inc., 132 Hu Esta Drive, Tempe, Arizona 85281.
Allied Services, Inc., Post Office Box 6249, Charleston, W. Va., 25303.
Alloyd Insulation Co., Inc., Post Office Box 14185, Northridge Br., Dayton, Ohio 45414.
Atlantic Insulation Corp., 18 John Street, North Quincy, Mass. 02171.
Close Insulation Co., Inc., Post Office Box 5134, Fort Wayne, Indiana 46805.
Construction Specialties Co., Post Office Box 927, Denver, Colorado 80201.
Crow's Insulation Co., 2102 S. Evans Avenue, Evansville, Indiana 47713.
Cummings Insulation Co., Inc., 198 State Street, Meriden, Conn. 06450.
A. Ball Insulation, Inc., 13 Hobby House Lane, Oakland, N.Y. 07436.
A. H. Bennett Company, 3201 Brighton Blvd., Denver, Colorado 80216.
Borinquen Insulation, Inc., G.P.O. Box 4804, San Juan, Puerto Rico 09936.
Brennan Insulation Co., Inc., Post Office Box 205, Knoxville, Tennessee 37901.
American Insulation Corp., 138 Kansas Street, Hackensack, N.Y. 07602.
Arnold Insulation Inc., 505 Harvester Court, Wheeling, Illinois 60090.
Asbestos & Insulating Company, Post Office Box 9275, So. Charleston, W. Va. 25309.
Asbestos Products, Inc., 2366 Rose Place, St. Paul, Minnesota 55113.
A C and S, Inc., Post Office Box 7236, 401 Delgado Street, San Antonio, Texas 78207.
Complete Insulation Service, Inc., 90 Vermont Avenue, Dayton, Ohio 45404.
Covil Insulation Co., Post Office Box 1804, Greenville, South Carolina 29602.
Culp Industrial Insulation Co., 134 Page Avenue, Kingston, Pennsylvania 18704.
B & B Insulation, Inc., Post Office Box 2531, Houston, Texas 77001.
E. J. Bartells Company, 700 Powell Avenue, S.W., Renton, Washington 98055.
Booher Insulation, Inc., 1970 Neva Drive, Dayton, Ohio 45414.
Breeding Insulation Company, Inc., Post Office Box 184, Nashville, Tennessee 37202.
Earl E. Bright, Inc., 970 Higgs Avenue, Columbus, Ohio 43212.
Arctic Insulation, Inc., Box 431, Fairbanks, Alaska 99701.
Asbestos Covg. & Roofing Co., Inc., 6215 Blair Road NW., Washington, D.C. 20011.
Asbestos & Magnesia Materials Co., 2614 N. Clybourn Avenue, Chicago, Illinois 60614.
The Asbestos Service Company, Post Office Box 1167, Youngstown, Ohio 44501.
Breeding Insulation Co., Inc., Post Office Box 1005, Little Rock, Arkansas 72201.
Atlas Insulation, Inc., Post Office Box 450, Carnegie, Pittsburgh, Pa. 15106.
W. J. Donahoe Company, 1820 Pickwick Avenue, Glenview, Illinois 60025.
Eastern Refractories Co., Inc., Post Office Box 156, Belmont, Massachusetts 02178.
Fuller-Austin Insulation Co., Post Office Box 36305, Houston, Texas 77036.
The Brower Company, 818 S. Dakota Street, Seattle, Washington 98108.
Burnett-Nobel Corporation, 11262 Old Baltimore Pike, Beltsville, Maryland 20705.
Central Insulation & Engineering, 2020 Wyandotte Street, Kansas City, Missouri 64108.
General Insulation, Inc., 129 McKinley Street, East Peoria, Illinois 61611.
George V. Hamilton, Inc., River Avenue, McKees Rocks, Pennsylvania 15136.
Herbert Construction Corp., 1425 Emerson Street, Rochester, New York 14606.
Hinman Asbestos Corporation, 24 Cross Street East, Somerville, Mass. 02145.
Industrial Insulation Company, 2211 W. Almeria Rd., Phoenix, Arizona 85009.
Elmer W. Davis, Inc., 195 Mt. Hope Avenue, Rochester, N.Y. 14620.
Douglass Insulation Co., Inc., 2233 Ingalls Street, San Francisco, California 94124.
Eagle Company, Inc., Post Office Box 1045, Lincoln, Nebraska 68501.
Frontier Insulation Contractors, Inc., 46-48 Leroy Avenue, Buffalo, New York 14214.
General Insulation Co., Inc., 5650 Second Street N.E., Washington, D.C. 20011.
Bullough Asbestos Supply Company, P.O. Box 16066, Salt Lake City, Utah 84116.
The Walter E. Campbell Company, 10721 Tucker Street, Beltsville, Maryland 20705.
Champaign A & K Insulation Co., P.O. Box 522, Champaign, Illinois 61820.
General Insulation & Supply Co., 531 South 15th Street, Louisville, Kentucky 40203.
Edward R. Hart Company, 437 McGregor Avenue, N.W., Canton, Ohio 44703.
Hickory Insulation Company, 704 Vandalia Street, St. Paul, Minnesota 55114.
Hunter Insulations, P.O. Box 15092, Salt Lake City, Utah 84115.
Industrial Insulations, Inc., 3142 Bellaire, P.O. Box 7935, Kansas City, Missouri 64129.
Insulation Engineers, Inc., P.O. Box 1883, Mobile, Alabama 36601.
Insulation Service, Inc., P.O. Box 7726, Tulsa, Oklahoma 74105.
Insulcon, Inc., 1911 West 45th Street, Kansas City, Kansas 66103.
Johns-Manville Sales Corp., 11525 Rock Island Ct., Maryland Heights, Missouri 63042.
Johns-Manville Sales Corp., 832 Fischer Building, Detroit, Michigan 48024.
Johns-Manville Sales Corp., 506 South Third Avenue, Mt. Vernon, New York 10550.
John Sore, Inc., 1726 East 172nd Street, New York, New York 10472.
Robert A. Keasbey Company, 320 Adams Street, Newark, New Jersey 07105.
R. E. Kramig & Co. Inc., 323 S. Wayne Avenue, Cincinnati, Ohio 45215.
L & L Insulations, Inc., 107 Third Street, Des Moines, Iowa 50305.
Ludeman Insulations, Inc., P.O. Box 888-235 N Waco, Wichita, Kansas 67201.
MacArthur Company, 936 Raymond Avenue, St. Paul, Minnesota 55114.
Insulation Distributors, Inc., P.O. Box 721, Buffalo, New York 14240.
Insulco, Inc., P.O. Box 375, Lima, Ohio 45801.
Iowa Asbestos Company, 112 S.W. Second Avenue, Des Moines, Iowa 50309.
Johns-Manville Sales Corp., Greenwood Plaza, Denver, Colorado 80217.
Johns-Manville Sales Corp., P.O. Box 1035, Tampa, Florida 33601.
Johnson Asbestos Corporation, P.O. Box 301, 164 Western Ave., West Springfield, Mass. 01101.
Robert A. Keasbey Company, 149 W. 19th Street N. New York, New York 10011.
Keene Corporation, U.S. Route 1—Box 145 Princeton, New Jersey 08450.
Paul J. Krez Company, 7333 N. Oak Park Avenue, Niles, Illinois 60648.
Louisville Insulating & Supply Co., 818 West Main Street, Louisville, Kentucky 40202.
Luse-Stevenson Company, 2050 N. 15th Avenue, Melrose Park, Illinois 60160.
The McCormick Asbestos Co., 3620 Woodland Avenue, Baltimore, Maryland 21215.
McLaughlin Insulation, Inc., P.O. Box 492, Niagara Falls, New York 14302.
Mar-Par Insulation Co., Inc., P.O. Box 189, Marietta, Ohio 45750.
Mechanical Insulation Co., P.O. Box 423, Kewanee, Illinois 61443.
Midwest Insulation Service, Inc., 1016 Douglas Street, Omaha, Nebraska 68134.
Mountain States Insulation Co., P.O. Box 1781, Albuquerque, N.M. 87103.
North Bros. Co., P.O. Box 252, Atlanta, Georgia 30301.
R. E. Orchard, Inc., P.O. Box 302, Fredonia, New York 14063.
Owens-Corning Fiberglas Corp., 15300 W. Eight Mile Road, Detroit, Michigan 48237.
Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 43659.
Ozark Insulation Co., Inc., P.O. Box 4033, Asher Station, Little Rock, Arkansas 72204.
E. H. Parker Company, Inc., 2621 Nova Drive, Dallas, Texas 75229.
Porter-Hayden Company, 32 South Street, Baltimore, Maryland 21202.
Mancini-Klimchuck Co., Inc., 129 Odell Avenue, Endicott, New York 13760.
McCarty Contracting Co., P.O. Box 6658, Lqiza Station, Santurce, Puerto Rico 00914.
Metalclad Insulation Co., P.O. Box 178, Torrance, California 90507.
Midwest Materials Co., Inc., P.O. Box 5, Joplin, Missouri 64801.
New England Insulation Company, P.O. Box 376, Canton, Massachusetts 02021.
Ohio Valley Insulating Co., Inc., 823 Adams Avenue, Huntington, W. Va. 25701.
Owens-Corning Fiberglas Corp., 5933 Telegraph Road, Los Angeles, California 90022.
Owens-Corning Fiberglas Corp., P.O. Box 80, Santa Clara, California 95052.
Owens-Corning Fiberglas Corp., 592 W. Swedesford Road, Berwyn, Pennsylvania 19312.
PACOR, Inc., 2010 North 10th Street, Philadelphia, Pennsylvania 19122.
Polytherm Insulation Co., Inc., 45-39 Davis Street, Long Island City, New York 11101.
Porter-Hayden Company, 68 Brunswick Ave., P.O. Box 476, Edison, New Jersey 08817.
Homer C. Porter Company, P.O. Box 4422, Jackson, Mississippi 39216.
Preston Insulation, 602 E. 24th Street, Tucson, Arizona 85716.
Rochester Industrial Insulators, 16-31 Dewey Avenue, Rochester, New York 14615.
F. O. Rutherford Insulation, 5701 Manchester Avenue, St. Louis, Missouri 63155.
Willard A. Selle, Inc., 215 Poplar Street, El Paso, Texas 79901.
Shook & Fletcher Insulation Co., P.O. Box 7496, Birmingham, Alabama 35223.
Starr Davis Co., Inc., 502 Guilford Avenue, P.O. Box 22022, Greensboro, North Carolina 27420.
William Summerhays Sons Corp., 620 Clinton Avenue, South Rochester, New York 14620.
Tempco Contracting & Supply Corp., P.O. Box 1332, Boise, Idaho 83701.
P. S. Thorsen Company of Mass., 45 L Street, South Boston, Massachusetts 02127.
Triangle Insulation Company, Route No. 7, Paducah, Kentucky 42001.
The Trybee Company, Inc., South 85 Farview Avenue, Paramus, New Jersey 07652.
Phoenix Insulation Company, P.O. Box 9516, Phoenix, Arizona 85020.
Ratican Insulation Company, 6324 Bartmer Avenue, St. Louis, Missouri 63130.
L. H. Rogers, Inc., 2711 Lance Drive, Dayton, Ohio 45409.
B. E. "Bud" Rymer Insulation Co., 2229 West Meadow Drive, Phoenix, Arizona 85023.
Service Products, Inc. of Toledo, 57 North Westwood Avenue, Toledo, Ohio 43607.
Sprinkmann Sons Corp., 12110 West Silver Spring Rd., Milwaukee, Wisconsin 53225.
State Insulation Company, 11120 S. Sante Fe Avenue, Lynwood, California 90262.
Taylor Insulation Company, 1609 2nd Avenue, Moline, Illinois 61265.
Thermal Products, P.O. Box 736, Wichita, Kansas 67202.
C. E. Thurston & Sons, Inc., P.O. Box 2411-850 Tidewater Drive, Norfolk, Virginia 23501.

Tri-City Insulation Company, Inc., 121 Troy Road, Menands, Albany, New York 12204.
Turpins, 738 S. Third West, Salt Lake City, Utah 84101.
Universal Insulation Co., Inc., P.O. Box 7594, Fort Worth, Texas 76111.
United Insulation Co., 13526½ Lakewood Blvd., Bellflower, California 90706.
Valley Asbestos Insulation Co., 801 1st Street, Richland, Washington 99352.
Wallace & Gale Company, 2832 Maisel Street, Baltimore, Maryland 21230.
Western State Insulation, Inc., P.O. Box 5332, Roanoke, Virginia 24012.
Woolsulate Corporation, 3 Just Road, Fairfield, New Jersey 07006.
Sussman Asbestos Co., P.O. Box 1285, Toledo, Ohio 43624.
A C and S, Inc., P.O. Box 10761, 2919 Third Avenue, N., Birmingham, Alabama 35202.
A C and S, Inc., 611 Cowan Street, Nashville, Tennessee 37207.
A C and S, Inc., 980 Silas Deane Highway, Wethersfield, Connecticut 06109.
A C and S, Inc., 246 Montcalm Street, Fairview, Massachusetts 01020.
Universal Insulation Co., Inc., 2621 Christian Street, Philadelphia, Pennsylvania 19146.
Vaughn Insulation Company, 2815 N. 22nd Street, East Omaha, Nebraska 68110.
Walker Jamar Company, 365 South First Ave. East, Duluth, Minnesota 55802.
Waters Asbestos & Supply Co., 401 Eagle Rock, Idaho Falls, Idaho 83401.
Williams Insulation Material, Inc., 3775 N. 36th Avenue, Phoenix, Arizona 85019.
Young Sales Corporation, 1054 Central Industrial Drive, St. Louis, Missouri 63110.
A C and S, Inc., P.O. Box 8363, Station F., 501 Amsterdam Avenue, N.E., Atlanta, Georgia 30306
A C and S, Inc., 6941-B North Trenholm Road, Columbia, South Carolina 29206.
A C and S, Inc., 808 Providence Highway, Dedham, Massachusetts 02026.
A C and S, Inc., Building Number 4, 530 Wellington Avenue, Cranston, Rhode Island 02910.
A C and S, Inc., 50 North Mohawk Street, Cohoes, New York 12047.
A C and S, Inc., 9620 Gerwig Lane, Guilford, Industrial Center, Columbia, Maryland 21046.
A C and S, Inc., 3113 Classen Boulevard, Oklahoma City, Oklahoma 73118.
A C and S, Inc., P.O. Box 38, 466 East Manlius Street, Dewitt, E. Syracuse, N.Y. 13057.
A C and S, Inc., 1708 MacTavish Avenue, Richmond, Virginia 23230.
A C and S, Inc., 107 Watts Street, P.O. Box 2027, Jacksonville, Florida 32201.
A C and S, Inc., Number 6 Enterprise Drive, P.O. Box 213, Savannah, Georgia 31402.
A C and S, Inc., 317 East Sixth Street, Des Moines, Iowa 50309.
A C and S, Inc., 4340 District Boulevard, Los Angeles, California 90058.
A C and S, Inc., 15 East 21st Street, Linden, New Jersey 07036.
A C and S, Inc., P.O. Box 4316, Harrisburg, Pennsylvania 17111.
A C and S, Inc., 3315 Capitol Trail, Wilmington, Delaware 19808.
A C and S, Inc., 223 Archer Street, Tulsa, Oklahoma 74103.
A C and S, Inc., 721 Jordan Parkway, Whitehall, Pennsylvania 18052.
A C and S, Inc., 80 Skillen Street, Buffalo, New York 14207.
A C and S, Inc., P.O. Box 14009, 7310 Ardmore, Houston, Texas 77021.
A C and S, Inc., P.O. Box 1347, 612 West Romana Street, Pensacola, Florida 32502.
A C and S, Inc., 1809 Liberty Street, Kansas City, Missouri 64102.
A C and S, Inc., 4229 Lafayette Avenue, Omaha, Nebraska 68131.
A C and S, Inc., 468 Park Avenue South, New York, New York 10016.
A C and S, Inc., 428 Pennsylvania Avenue, Fort Washington, Pennsylvania 19034.
A C and S, Inc., 4485 Campbells Run Road, Parkway West, Pittsburgh, Pennsylvania 15205.
A C and S, Inc., 6800 Odell Street, St. Louis, Missouri 63139.
A C and S, Inc., 25 East 76th Street, Cincinnati, Ohio 45216.
A C and S, Inc., 421 East Woodbine Street, Louisville, Kentucky 40208.
A C and S, Inc., 304 Shaw Road, S. San Francisco, Calif. 94080.
A C and S, Inc., 1902 Blank Street, Denver, Colorado 80202.
A C and S, Inc., 89 Main Street, Northboro, Massachusetts 01532.
A C and S, Inc., N57 W13252 Shenandoah Drive, P.O. Box 8207-P, Milwaukee, Wisconsin 53225.
A C and S, Inc., 7700 Wall Street, Valley View, Cleveland, Ohio 44125.
A C and S, Inc., 21357 West Eight Mile Road, Detroit, Michigan 48219.
A C and S, Inc., 9140 Premier Row, Dallas, Texas 75247.
Atlas Insulation Co., Inc., 1026 Goodale Boulevard, Columbus, Ohio 43212.
B & B Insulation, Inc., Post Office Box 3287, Port Arthur, Texas 77640.
E. J. Bartells Company, Post Office Box 948, Anchorage, Alaska 99501.
A C and S, Inc., 749 South Grant Street, Indianapolis, Indiana 46203.
A C and S, Inc., 504 Cumberland Street, Memphis, Tennessee 38112.
A C and S, Inc., 2356 N.W. 21st Place, Portland, Oregon 97210.
A C and S, Inc., 1206 Andover Park East, Tukwila, Washington 98188.
A C and S, Inc., 7112 North Barry Avenue, Rosemont, Illinois 60018.
A C and S, Inc., Mr. Hawley Industrial Park, 922 Detweiller Drive, Peoria, Illinois 61614.
A C and S, Inc., 1515 Delashmut Avenue, Columbus, Ohio 43212.
A C and S, Inc., 352 Morris Street, Toledo, Ohio 43602.
The Asbestos Service Company, P.O. Box 1446, Huntington, W. Va. 25700.
Atlas Insulation Co., Inc., 22 Helen Street, New Martinsville, W. Va. 26155.
E. J. Bartells Company, 1467 South 6th West, Salt Lake City, Utah 84110.
E. J. Bartells Company, 542 N. Tillamook Street, Portland, Oregon 97227.
E. J. Bartells Company, 1203 W. College Street, Spokane, Washington 99201.
A. H. Bennett Company, P.O. Box 142, Sioux City, Iowa 51102.
Breeding Insulation Company, P.O. Box 4031, 2431, 29 Avenue North, Birmingham, Alabama 35206.
Covil Insulation Company, Post Office Box 6174, Summit Station, Greensboro, North Carolina 27405.
Covil Insulation Company, Post Office Box 1934, Albany, Georgia 31705.
Eastern Refractories Co., Inc., 52 Plain Street, Pawtucket, R.I. 02178.
Johns-Manville Sales Corporation, 701 S. Main Street, Wilkes-Barre, Pennsylvania 18703.
Johns-Manville Sales Corporation, 1222 Quebec Street, N. Kansas City, Missouri 64116.
Johns-Manville Sales Corporation, P.O. Box 18307, Serna Station, San Antonio, Texas 78217.
Johns-Manville Sales Corporation, Post Office Box 1035, Tampa, Florida 33601.
Johns-Manville Sales Corporation, 2300 Cardigan Avenue, Columbus, Ohio 43215.
Johns-Manville Sales Corporation, 1407 Lake Lansing Road, Lansing, Michigan 48912.
Compac Corporation, Old Flanders Road, Netcong, New Jersey 07857.
Breeding Insulation Company, P.O. Box 1307, Knoxville, Tennessee 37901.
Breeding Insulation Company, P.O. Box 5307, Chattanooga, Tennessee 37406.
Covil Insulation Company, P.O. Box 265, Wilson, North Carolina 27893.
Covil Insulation, Post Office Box 1285, Augusta, Georgia 30903.
Fuller Austin Insulation Company, Post Office Box 323, Lake Charles, Louisiana 70601.
Johns-Manville Sales Corporation, 2825 W. 11th Street, Houston, Texas 77028.
Johns-Manville Sales Corporation, 16 Vatrano Road, Albany, New York 12205.
Johns-Manville Sales Corporation, 1161 Empire Central, Dallas, Texas 75247.
Johns-Manville Sales Corporation, Post Office Box 45350, Tulsa, Oklahoma 74145.
Johns-Manville Sales Corporation, 361 Norway Avenue, Post Office Box 8097, Huntington, West Virginia 25705.
Johns-Manville Sales Corporation, 2293 North 7th Street, Harrisburg, Pennsylvania 17110.
Johns-Manville Sales Corporation, 4859 Victor Street—P.O. Box 5730, Jacksonville, Florida 32207.
Johns-Manville Sales Corporation, 8741 American Blvd., Indianapolis, Indiana 46268.
Johns-Manville Sales Corporation, 2825 V Street N.E., Washington, D.C. 20018.
Robert A. Keasbey Company, 425 Orange Street, Albany, New York 12205.
Keene Corporation, 3449 A Hamilton Blvd. S.E., Hapeville, Georgia 30354.
Keene Corporation, 1300 E. Belnap Street, Fort Worth, Texas 76102.
Keene Corporation, P.O. Box 805, Buffalo, New York 14240.
Keene Corporation, P.O. Box 1378, Maryland Heights, Missouri 63042.
Keene Corporation, P.O. Box 7886 Lyell Station, Rochester, New York 14606.
Keene Corporation, 4206 North Orange Blossom Trail, Orlando, Florida 32804.
Keene Corporation, 807 38th Avenue, Long Island City, N.Y. 11101.
Luse Stevenson Co., Inc., 4934 West Fifth Avenue, Gary, Indiana 46406.
Johns-Manville Sales Corporation, 255 E. 69th Street, Miami, Florida 33138.
Johns-Manville Sales Corporation, 7 Parkway Center, Pittsburgh, Pennsylvania 15220.
Robert A. Keasbey Company, P.O. Box 185, Mattydale, New York 13211.
Keene Corporation, 14401 Prairie Avenue, Detroit, Michigan 48238.
Keene Corporation, P.O. Box 9448, Houston, Texas 77011.
Keene Corporation, P.O. Box 36, Station G, Jacksonville, Florida 32206.
Keene Corporation, 504 Swede Street, Norristown, Pa. 19404.
Keene Corporation, P.O. Box 6126, Cincinnati, Ohio 45206.
Keene Corporation, 3211 8th Avenue North, Birmingham, Alabama 35203.
LaCrosse Insulation Co., 316 Lang Drive, La Cross, Wisconsin 54601.
Louisville Insulating & Supply Co., Station B, Box 6137, Evansville, Indiana 47712.
Metaclad Insulation Corp., 17 S. Nevada Street, Seattle, Washington 98134.
Metalclad Kircher Asbestos, P.O. Box 6652, Phoenix, Arizona 85005.
Milwaukee Insulation Company, 16800 W. Glendale Avenue, New Berlin, Wisconsin 53151.
North Bros. Co., Ruffner Road (Irondale), Birmingham, Alabama 35210
North Bros. Co., P.O. Box 1788, Savannah, Georgia 31402.
North Bros. Co., Post Office Box 2205, Charleston, S. Carolina 29403.
North Bros. Co., 5641 N.W. 6th Avenue, Ft. Lauderdale, Florida 33309.

North Bros. Co., Post Office Box 7817, Orlando, Flordia 32804.
North Bros. Co., P.O. Box 8443-995 Hollywood Street, Memphis, Tennessee 38108.
North Bros. Co., P.O. Box 883, Knoxville, Tennessee 37901.
Owens-Corning Fiberglas Corp., P.O. Box 19093, Indianapolis, Indiana 47219.
Owens-Corning Fiberglas Corp., P.O. Box 138, Boise, Idaho 83701.
Owens-Corning Fiberglas Corp., P.O. Box 328, Houston, Texas 77008.
Metclad Pacific Asbestos, 5716 N.E. Massalo Street, Portland, Oregon 97213.
Mechanical Insulation Company, Inc., 2012 E. Lincoln Street, Apt. 208, Box 623, Bloomington, Illinois 61701.
North Bros. Co., P.O. Box 2659, Jackson, Mississippi 39207.
North Bros. Co., 1202 North 19th Street, Tampa, Florida 33605.
North Bros. Co., Post Office Box 1442, Lexington, Kentucky 40501.
North Bros. Co., Post Office Box 1451, Spartanburg, S. Carolina 29301.
North Bros. Co., Post Office Drawer 3338, Columbia, S. Carolina 29203.
North Bros. Co., 357 Oak Street, Macon, Georgia, 31201.
Owens-Corning Fiberglas Corp., P.O. Box 13188, San Diego, California 92112.
Owens-Corning Fiberglas Corp., 2987 Exon Drive, Cincinnati, Ohio 45241.
Owens-Corning Fiberglas Corp., 6601 Moravia Park Drive, Baltimore, Maryland 21237.
Owens-Corning Fiberglas Corp., 2462 Schuetz Road, Maryland Heights, Missouri 63043.
Owens-Corning Fiberglas Corp., 907 Post Road, Anchorage, Alaska 99501.
Owens-Corning Fiberglas Corp., P.O. Box F, Sacramento, California 95813.
Owens-Corning Fiberglas Corp., Thermal Box 2945, Spokane, Washington 99216.
Owens-Corning Fiberglas Corp., G-4099 Dolan Drive, Flint, Michigan 48504.
Owens-Corning Fiberglas Corp., 1207 Macon Street North Kansas City, Missouri 64116.
Owens-Corning Fiberglas Corp., 1055 36th Street SE., Grand Rapids, Michigan 49508.
Philadelphia Asbestos Corp., 1737 Fifth Street, Bethlehem, Pennsylvania 18017.
Porter-Hayden Company, 715 S. Haven Street, Baltimore, Maryland 21224.
Porter-Hayden Company, 4108 W. Clay St., P.O. Box 6205, Richmond, Virginia 23219.
Shook & Fletcher Insulation Co., P.O. Box 1363, Pascagoula, Mississippi 39567.
Shook & Fletcher Insulation Co., P.O. Box 7337, Mobile, Alabama 36607.
Shook & Fletcher Insulation Co., P.O. Box 7496, Birmingham, Alabama 35223.
Owens-Corning Fiberglas Corp., 320 N.W. Hoyt Street, Portland, Oregon 97209.
Owens-Corning Fiberglas Corp., 719 E. St. Joseph Street, Lansing, Michigan 48911.
Owens-Corning Fiberglas Corp., 477 Forbes Blvd. South, San Francisco, California 94080.
Owens-Corning Fiberglas Corp., P.O. Box 758, San Antonio, Texas 78206.
Owens-Corning Fiberglas Corp., 456 Industrial Road, San Bernardino, California 92110.
Philadelphia Asbestos Corp., 74 Parker Avenue, Trenton, New Jersey 08609.
Porter Hayden Company, P.O. Box 10002, Charlotte, North Carolina 28201.
Shook & Fletcher Insulation Co., P.O. Box 6664, Station G, Atlanta, Georgia 30315.
Mono-Therm Insulation Systems, Inc., 551 South Yosemite Avenue, Oakdale, California 95361.
Shook & Fletcher Insulation Co., P.O. Box 1822, Decatur, Alabama 35601.
Sprinkman Sons, Corporation, 1010-28 S. Washington Street, Peoria, Illinois 61602.
Starr Davis Company, Inc., P.O. Box 584, Charlotte, North Carolina 28201.
Syracuse Insulation Distributors, Inc., Old Liverpool Road, Liverpool, New York 13088.
C. E. Thurston & Sons, Inc., P.O. Box 1481, Roanoke, Virginia 24007.
Young Sales Corporation, 195 Washington Avenue, Memphis, Tennessee 38103.
Young Sales Corporation, P.O. Box 9187, Melrose Branch, Nashville, Tennessee 37204.
H. I. C., Inc., P.O. Box 26127, Dallas, Texas 75226.
Service Products Columbus, Inc., 3494 East Seventh Avenue, Columbus, Ohio 43219.
Otto Castrow Company & Associates, 2648 North Interstate, Portland, Oregon 97227.
R. L. Lawler, Inc., 6411 77th Avenue, S.E., Mercer Island, Washington 98040.
Insulation Services Company, 12037½ Regentview Avenue, Downey, California 90241
Thermoguard Insulation Co., East 8207 Trent Avenue, Spokane, Washington 99200.
B & B Engineering & Supply Co., 4831 Lakawana, Dallas, Texas 75232.
Allegheny Insulation Co., Inc., 126 Lincoln Avenue, Pittsburgh, Pennsylvania 15209.
Mid-West Insulation, Inc., 8815 Manderlay Drive, Indianapolis, Indiana 46240.
C. E. Thurston & Sons, Inc., P.O. Box 968, Richmond, Virginia 23207.
Tacoma Asbestos Company, P.O. Box 1135, Tacoma, Washington 98401.
Young Sales Corporation, P.O. Box 5098, Amarillo, Texas 79107.
Insulation, Inc., 3201 South Byers, Oklahoma City, Oklahoma 73129.
B&B Engineering & Supply Co., 4831 Lakawana, Dallas, Texas 75232.
Metro Insulation Corporation, 90 Clarendon Avenue, Somerville, Mass. 02144.
B&T Insulation, Inc., 11542 Anabel Avenue, Garden Grove, California 92643.
Norport Supply Co., Inc., 3441 Mangrove Avenue, Norfolk, Virginia 23502.
Phoenix Insulation Company, 3053 North 30th Avenue, Phoenix, Arizona 85020.
The McCarty Corporation, 3101 37th Street, Metairie, Louisiana 70802.
The McCarty Corporation, P.O. Box 53277, Baton Rouge, Louisiana 70805.
A. W. Kuettel & Sons, Inc., 38 E. Michigan Street, Duluth, Minnesota 55802.
Wolverine Insulation, Inc., 111 South Cedar, Lansing, Michigan 48933.
Valley Insulating Company, Inc., P.O. Box 414, Mishawaka, Indiana 46544.
Building Sprinkler Company, Inc., P.O. Box 2864, Fargo, North Dakota 58102.
Hinchliffe and Keener, Inc., P.O. Box 15007, Pittsburgh, Pennsylvania 15237.
AICO of Florida, Inc., 2160 Premier Row, Orlando, Florida 32809.
JAM Industries, Inc., 413 Stokes Avenue, Trenton, New Jersey 08638.
Thompson Company, P.O. Box 26, Edenville, Michigan 48620.
Parkway Insulation, Inc., 265 Huyler Street, So. Hackensack, New Jersey 07606.
George L. Simonds Company, P.O. Drawer 32, Winter Haven, Florida 33880.

The applicant, on behalf of its members, certifies that employees who would be affected by the variance have been notified by posting a copy of the application where notices to employees are normally posted. The applicant also states that all affected employees have been advised of their right to petition for a hearing.

Regarding the merits of the application, the applicant, on behalf of its members, states that additional time, until December 31, 1973, is necessary for them to comply with the requirements of the monitoring and medical examination provisions of 29 CFR 1910.93a(f) and (j).

The applicant states that the majority of its members are small business organizations without technical personnel to guide them or the knowledge of how to avail themselves of technical assistance. When 29 CFR 1910.93a was promulgated on June 7, 1972, the applicant established a special OSHA Task Force to facilitate compliance for its members on a national basis.

The applicant states that this OSHA Task Force has concluded that the only practical way of enabling insulation contractors to comply with the monitoring and medical examination requirements was for the applicant Association: (1) To identify or train persons who would be competent and available in all parts of the country to do monitoring for the contractors; (2) to identify or train persons who would be qualified and available to make the examination of the filter samples and identify and count the asbestos fibers; (3) to identify and arrange for the availability in all parts of the country of medical personnel who are qualified to make the necessary medical examinations and properly take and interpret the necessary roentgenograms; and (4) to employ a technical director or directors who would establish, coordinate and supervise these programs, check the validity of the results, review the opinions of the different medical examiners and provide for the retention and availability of the records.

The applicant further states that its OSHA Task Force has reported that certain conditions make it impossible to establish the above-mentioned program within the time limits imposed by the standard, and that by the time any such program could be established, the need therefor would no longer exist. The applicant contends that (1) trained professional and technical personnel are not available in all parts of the country to perform the required monitoring; (2) construction materials containing asbestos are being phased out with the result that by the end of 1973 contractors will be using asbestos-free materials; (3) the expected elimination of asbestos makes it impractical, if not impossible, to interest new people in the necessary training; (4) it is impossible to arrange a program for making available in all parts of the country medical personnel qualified to make the required medical examinations; and (5) the rapid elimination of asbestos materials from the market makes a medical examination program of limited use.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Room 508, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor Occupational Safety and Health Administration, Fourth Floor, 18 Oliver Street, Boston, Massachusetts 02110.
U.S. Department of Labor, Occupational Safety and Health Administration, 1515

Broadway (1 Astor Plaza), New York, New York 10036.
U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 617, 450 Main Street, Hartford, Connecticut 06103.
U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, 970 Broad Street, Room 635, Newark, New Jersey 07102.
U.S. Department of Labor, Occupational Safety and Health Administration, Condiminium San Alberto Building, 605 Condado Avenue, Room 328, Santruce, Puerto Rico 00907.
U.S. Department of Labor, Occupational Safety and Health Administration, 9470 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, California 94102.
U.S. Department of Labor, Occupational Safety and Health Administration, 506 Second Avenue, 1808 Smith Tower Building, Seattle, Washington 98104.
U.S. Department of Labor, Occupational Safety and Health Administration, 333 Queen Street, Suite 505, Honolulu, Hawaii 96813.
U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 227, 605 W 4th Avenue, Anchorage, Alaska 99501.
U.S. Department of Labor, Occupational Safety and Health Administration, Gateway Building, 3535 Market Street, Room 15220, Philadelphia, Pennsylvania 19104.
U.S. Department of Labor, Occupational Safety and Health Administration, 1375 Peachtree Street NE., Suite 587, Atlanta, Georgia 30309.
U.S. Department of Labor, Occupational Safety and Health Administration, 300 South Wacker Drive, Room 1201, Chicago, Illinois 60606.
U.S. Department of Labor, Occupational Safety and Health Administration, 7th Floor, Texaco Building, 1512 Commerce Street, Dallas, Texas 75201.
U.S. Department of Labor, Occupational Safety and Health Administration, 823 Walnut Street, Waltower Building, Room 300, Kansas City, Missouri 64106.
U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 15010, P.O. Box 3588, 1961 Stout Street, Denver, Colorado 80202.
U.S. Department of Labor, Occupational Safety and Health Administration, 1371 Filbert Street, Suite 1010, Philadelphia, Pennsylvania 19107.
U.S. Department of Labor, Occupational Safety and Health Administration, 3661 Virginia Beach Boulevard, Stanwick Building, Room 111, Norfolk, Virginia 23502.
U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 1110A, 31 Hopkins Plaza, Charles Center, Baltimore, Maryland 21201.
U.S. Department of Labor, Occupational Safety and Health Administration, 1371 Peachtree Street NE., Room 723, Atlanta, Georgia 30309.
U.S. Department of Labor, Occupational Safety and Health Administration, 847 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 6B1, Federal Building, 1100 Commerce Street, Dallas, Texas 75202.
U.S. Department of Labor, Occupational Safety and Health Administration, City National Bank Building, Room 803, Harney and 16th Streets, Omaha, Nebraska 68102.
U.S. Department of Labor, Occupational Safety and Health Administration, Suite 309, Executive Building, 455 East 4th South, Salt Lake City, Utah 84111.
U.S. Department of Labor, Occupational Safety and Health Administration, 9470 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, California 94102.
U.S. Department of Labor, Occupational Safety and Health Administration, 506 Second Avenue, 1808 Smith Tower Building, Seattle, Washington 98104.
U.S. Department of Labor, Occupational Safety and Health Administration, 333 Queen Street, Suite 505, Honolulu, Hawaii 96813.
U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 227, 605 W 4th Avenue, Anchorage, Alaska 99501.

Interested persons, including employers and employees who believe they would be affected by the grant or denial of the above application for temporary variance, are invited to submit written data, views, and arguments regarding the application by September 24, 1973. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application by September 24, 1973, in conformity with the requirements of 29 CFR 1905.15. Submissions of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Standards, U.S. Department of Labor, Railway Labor Building, Room 508, 400 First Street NW., Washington, D.C. 20210.

II. *Denial of interim order.*—The applicant has also requested, on behalf of all its members listed above, an interim order deferring the monitoring and medical examination requirements until a decision is made on the application for a variance.

Paragraph (f)(1) of § 1910.93a requires every employer to cause every place of employment where asbestos fibers are released to be monitored so as to determine whether every employee's exposure is below the prescribed limits. If the limits are exceeded the employer is required to undertake immediately the prescribed compliance program.

Paragraph (j) requires that preemployment, annual, and postemployment medical examinations be provided for each employee engaged in an occupation exposed to airborne concentrations of asbestos fibers. Records of the examinations are required to be kept.

The applicant contends that the supply of trained personnel available to the contracting industry to do the monitoring and analysis of samples is inadequate; that training programs are necessary to make available trained personnel in all parts of the country; that such programs are impossible because of the anticipated elimination of asbestos from insulation materials; and that a program to arrange for the availability in all parts of the country of medical personnel qualified to make the required medical examination is impossible and, if it were possible, it would serve its purpose only for a limited period of time.

It seems to us that the justification for the relief requested must be substantially as broad as the relief. The fact that an employer may find it impossible to comply with a standard would not warrant a variance for another employer who, for all that appears, may be able to comply.

The request for an interim order is made on behalf of hundreds of employers located all over the country, some in large metropolitan areas. There is no clear allegation in the application that none of the listed employers is able to comply. Moreover, even if such allegation were made, it does not seem probable that the petitioner would prove it.

In addition, monitoring and medical examinations are an essential part of an effective compliance program. In many cases, monitoring is necessary to determine whether any compliance program is to be implemented. A medical examination may reveal, not only a condition which would be aggravated by continued exposure to absestos fibers, but also conditions which would preclude normal functioning with the use of a respirator. To issue an interim order deferring the requirements for monitoring and medical examinations would be to the detriment of affected employees.

Accordingly, the petition for an interim order is denied, without prejudice to the application for a temporary variance.

Signed at Washington, D.C., this 17th day of August 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-17913 Filed 8-22-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 326]

ASSIGNMENT OF HEARINGS

AUGUST 20, 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 19105 Sub 37, Forbes Transfer Company, Inc., now assigned September 18, 1973, at Raleigh, N.C., will be held in Room 209, Federal Building, 310 Newbern Avenue.
MC 56553 Subs 15 and 24, Pulaski Highway Express, Inc., now being assigned hearing October 9, 1973 (2 weeks), at Columbia, Tenn., in a hearing room to be later designated.
MC-C-8039, P. C. White Truck Line, Inc., et al v. Ross Neely Express, Inc., now assigned September 18, 1973, will be held in G. S. A., Conference Room, 8th Floor, Aronov Bldg., 474 South Court Street, Montgomery, Ala.
MC-C-8075, Absco, Inc., The Collins Packing Company, the Selected Meat Company, The

Waldock Company, and Thomas Industries, Inc.—Investigation of Operations and Practices and Revocation of Permit, now assigned September 24, 1973 will be held in Room 2, State Office Bldg., 65 South Front Street, Columbus, Ohio.

MC–116763 Sub 233, Carl Subler Trucking, Inc., now assigned September 25, 1973, will be held in Room 4, State Office Bldg., 65 South Front Street, Columbus, Ohio.

MC–C–8088, Point Express, Inc.—Investigation and Revocation of Certificates—now assigned September 27, 1973, will be held in Room 255, Federal Office Bldg., 85 Marconi Boulevard, Columbus, Ohio.

MC–F–11804, Dallas & Mavis, Inc.—Control and Merger—Dallas & Mavis Forwarding Co., Inc., now assigned October 1, 1973, will be held in Room 1743, Tax Court, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC–F–11613, Brown Transport Corp—Control—Harper Motor Lines, Inc., FD 27338, Harper Motor Lines, Inc. Notes, now assigned September 24, 1973, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street NW.

MC 114290 Sub 64, Exley Express, Inc., now assigned October 9, 1973, at Olympia, Washington, is canceled and the application is dismissed.

MC–F–11885, United Truck Service—Control—Ephraim Freightways, Inc., now being assigned October 24, 1973 (3 days), at Denver, Colo., in a hearing room to be later designated.

MC 17094 Sub 1, Nate's Truck Line, Inc. Conversion Proceeding now reentitled: Nebraska Illinois Colorado Express, Inc. Conversion Proceeding, MC 113678 Sub 63, Curtis, Inc., now being assigned October 29, 1973 (1 week), at Denver, Colo., in a hearing room to be later designated.

MC 138100, Mellow Truck Express, Inc., now being assigned November 5, 1973 (1 week), in Portland, Oreg., in a hearing room to be later designated.

No. 35400, Increased Charges for Perishable Protective Service—1971, now being assigned hearing October 2, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35839, Chelsea Milling Company v. The Baltimore and Ohio Railroad Company, Et Al, now assigned September 18, 1973, at Washington, D.C., is canceled and transferred to modified procedure.

No. 35791, General Increase, February 1973, Bulk Carrier Conference, now assigned August 21, 1973, at Washington, D.C., is postponed to October 9, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–17895 Filed 8–22–73;8:45 am]

[Notice 339]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

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

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 12, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74603. By order of August 17, 1973, the Motor Carrier Board approved the transfer to Tiona Truck Line, Inc., Butler, Mo., of Certificates Nos. MC–118535 and numerous subs thereunder issued to Jim Tiona, Jr., Butler, Mo., authorizing the transportation of fertilizer, feed grade urea, animal and poultry feeds, chemicals, and similar commodities from and to points in 25 States. Mr. David E. Kinton, Attorney at Law, 1111 United Missouri Bank Building, Kansas City, Mo. 64106.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–17896 Filed 8–22–73;8:45 am]

[Rev. S.O. 994; I.C.C. Order 108, Amdt. 2]

CANADIAN RAILROADS

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 108 (Canadian Railroads) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 108 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.*—This order shall expire at 11:59 p.m., August 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 15, 1973, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 15, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73–17894 Filed 8–22–73;8:45 am]

[Notice No. 66]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

AUGUST 17, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application) are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended) published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that 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 REG-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

ISTER of a notice that the proceeding has *been assigned for oral hearing.*

No. MC 808 (Sub-No 47), filed July 16, 1973. Applicant: ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, new trucks, new chassis, automobile parts, and automobile show equipment* in initial movements, in truckaway and driveaway service from points of manufacture and assembly at Norwood, Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, under continuing contract or contracts with General Motors Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2202 (Sub-No. 452), filed June 22, 1973. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William Slabaugh (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Rhea and Hamilton Counties, Tenn., as off-route points in connection with applicant's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chattanooga, Tenn., Knoxville, Tenn., or Washington, D.C.

No. MC 2230 (Sub-No. 17) (AMENDMENT), filed April 26, 1973, and published in the FEDERAL REGISTER issue of June 28, 1973, and republished and amended, this issue. Applicant: MACK'S TRANSPORT SERVICE, INC., 1215 No. 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, Mead, Pennington, Butte, and Falls River Counties, S. Dak.) RESTRICTION: Service is restricted against traffic having had an immediately prior movement from the plant site of the Ford Motor Company.

NOTE.—Applicant indicates that tacking is not intended, and requests that the grant of authority be restricted against tacking. The purpose of this republication is: (1) to further restrict the requested operations against all traffic having a prior movement, in lieu of the restriction of prior movement "by rail" only; and (2) to indicate tacking information. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Lincoln, Nebr.

No. MC 10345 (Sub-No. 93), filed July 3, 1973. Applicant: C & J COMMERCIAL DRIVEAWAY, INC., 1905 West Mt. Hope Avenue, P.O. Box 689, Lansing, Mich. 48903. Applicant's representative: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks*, and *buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements in truckaway service, from Janesville, Wis., to points in the lower peninsula of Michigan.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 11220 (Sub-No. 132), filed June 27, 1973. Applicant: GORDONS TRANSPORT, INC., 185 W. McLemore Avenue, P.O. Box 59, Memphis, Tenn. 38101. Applicant's representative: W. F. Goodwin (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) Between Cincinnati, Ohio, and Toledo, Ohio, serving the intermediate point of Dayton: From Cincinnati over Interstate Highway 75 to Toledo and, return over the same route. RESTRICTION: Service at Toledo, Ohio, is restricted to traffic moving to or from Louisville, Ky., or points beyond Louisville, and at Dayton, Ohio, service is restricted to traffic moving to or from Cincinnati, Ohio, or points beyond Cincinnati.

NOTE.—Common control may be involved. The purpose of this application is to eliminate the necessity of serving the gateway of Hamersville, Ohio, and to provide through service between Cincinnati and Toledo, Ohio. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn. Washington, D.C., or Columbus, Ohio.

No. MC 11722 (Sub-No. 36), filed July 13, 1973. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper containers*, not corrugated, from Renton, Wash., to Patterson, Modesto, Turlock, Santa Clara, and Watsonville, Calif.

NOTE.—Applicant also holds contract carrier authority in MC 124658 and subs thereunder, 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 Seattle, Wash., or Portland, Oreg.

No. MC 19105 (Sub-No. 42), filed July 2, 1973. Applicant: FORBES TRANSFER COMPANY, INC., P.O. Box 3544, S. Goldsboro St. Ext., Wilson, N.C. 27893. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and 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 706, in vehicles equipped with mechanical refrigeration, (1) between points in North Carolina on and east of North Carolina Highway 18, on the one hand, and, on the other, Wilson, N.C., and Kinston, N.C., restricted to shipments having a continuing or subsequent movement via this carrier, and (2) from points in North Carolina on and east of North Carolina Highway 18, to points in Virginia.

NOTE.—Applicant states that the requested authority can be tacked in (1) above with its present authority in MC 19105 (Sub-Nos. 19, 23, and 24) at Wilston and Kinston, N.C., to serve points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, West Virginia, Massachusetts, Virginia, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 29120 (Sub-No. 164), filed July 6, 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: *Iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities which by reason of size or weight require the use of special equipment or special handling), between Broomfield, Colo., and Aberdeen, S. Dak.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls or Aberdeen, S. Dak.

No. MC 32166 (Sub-No. 8), filed August 6, 1973. Applicant: BRONAUGH MOTOR EXPRESS, INC., 1025 Nandino Blvd., Lexington, Ky. 40511. Applicant's representative: Robert M. Pearce, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *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 Corbin, Ky., and Knoxville, Tenn., serving no intermediate points: (a) From Corbin over U.S. Highway 25–E to Tazewell, Tenn., thence over Tennesee Highway 33 to Knoxville, Tenn,. and return over the same route; and (b) From Corbin over U.S. Highway 25–W to Knoxville, and return over the

same route, with service at Knoxville, Tenn., and points in its respective commercial zone restricted against the transportation of traffic originating at, destined to, or interchanged at Lexington and Louisville, Ky., and Cincinnati, Ohio, and points in their respective commerical zones; and (2) *used pallets*, from Berea, Ky., to Lynchburg, Va., Sunbury, Pa., and Plattsburgh, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lexington or Louisville, Ky.

No. MC 35807 (Sub-No. 40), filed July 16, 1973. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Melvin E. Ballet, P.O. Box 4313, Atlanta, Ga. 30302. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, negotiable and non-negotiable items, checks, deposit tickets, reports, and computer data*, between Denver, Colo., and Laramie and Cheyenne, Wyo., under a continuing contract or contracts with banks or banking institutions.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 52460 (Sub-No. 124), filed June 21, 1973. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant).

NOTE.—The Notice in the above-referenced application was previously published in the FEDERAL REGISTER issue of August 9, 1973, under Docket No. MC-52460 (Sub-No. 122). This notice serves to advise all interested parties that this application has been reassigned No. MC-52460 (Sub-No. 124).

No. MC 59856 (Sub-No. 54), filed May 17, 1973. Applicant: SALT CREEK FREIGHTWAYS, a Corporation, 3333 West Yellowstone, Casper, Wyo. 82601. Applicant's representative: John R. Davidson, Rm. 805, Midland Bank Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, commodities which because of size or weight require special equipment, and articles of unusual value) between Newcastle, Wyo., and Rapid City, S. Dak.: From Newcastle over U.S. Highway 16 to Rapid City, and return over the same route, serving all intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak.

No. MC 78040 (Sub-No. 9), filed July 9, 1973. Applicant: BOYD TRANSFER COMPANY, a Corporation, 4600 E. Fayette Street, Baltimore, Md. 21224. Applicant's representative: William J. Augello, 120 Main Street, P.O. Box Z, Huntington, N.Y. 11743. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copying and duplicating equipment, and materials and supplies*, necessary for operation and maintenance of such equipment, crated and uncrated, from Pennsauken and Moorestown, N.J., to points in Maryland, Virginia, and the District of Columbia.

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 78092 (Sub-No. 4), filed June 18, 1973. Applicant: TAYLOR FREIGHT SYSTEM, INC., H & Lycoming Streets, Philadelphia, Pa. 19124. Applicant's representative: Ronald N. Cobert, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes*, and *materials, equipment, and supplies* used in the manufacture and distribution of tires and tubes (except in bulk), between points in Chester and Montgomery Counties, Pa., on the one hand, and, on the other, Philadelphia, Pa., restricted to traffic having a prior or subsequent movement by rail, and moving from or to the plants or facilities of Lee Tire & Rubber Co. and its affiliated companies.

NOTE.—Applicant states that the requested authority can be tacked with applicant's existing authority at Philadelphia, Pa., and points in Montgomery County, Pa., to serve Camden and Trenton, N.J., Wilmington, Del., and points in Delaware, Montgomery, and Bucks Counties, Pa., on and east of U.S. Highway 202. Applicant indicates it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 83539 (Sub-No. 374) (AMENDMENT), filed July 1, 1973, published in the FEDERAL REGISTER issue August 16, 1973, and republished as amended, this issue. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled commodities*, weighing less than 15,000 pounds, from Nunda, N.Y., to points in the United States including Alaska (and excluding Hawaii), restricted to traffic originating at Nunda, N.Y.

NOTE.—The purpose of this republication is to add a restriction to the point or origin. This application is further restricted against tacking with any existing authority held. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 88300 (Sub-No. 33), filed July 16, 1973. Applicant: DIXIE TRANSPORT COMPANY, a Corporation, P.O. Box 395, Chicago Heights, Ill. 60411. Applicant's representative: Charles W. Singer, 2440 E. Commercial Blvd., Ft. Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in initial movement, in truck-a-way service, from West Palm Beach, Fla., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Chicago, Ill.

No. MC 104430 (Sub-No. 38), filed July 9, 1973. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 408, Highway 24 West, McComb, Miss. 39648. 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: *Liquid animal feed and liquid animal feed ingredients*, in bulk, in tank vehicles, from McComb, Miss., to points in Alabama, Arkansas, Florida, Georgia, Mississippi, Louisiana, Tennessee, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 105045 (sub-No. 42) (CORRECTION), filed May 4, 1973, published in the FEDERAL REGISTER issue July 26, 1973, and republished as corrected, this issue. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, Ind. 47701. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes, and highway freight trailers;* and (2) *parts, attachments, and accessories* of the commodities named in (1) above, between the plantsites of Hyster Company at or near Crawfordsville, Ind., on the one hand, and, on the other, points in the District of Columbia, Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, restricted to shipments originating at or destined to the above named plantsites.

NOTE.—The purpose of this republication is to add the destination States of Louisiana, Maryland, Michigan, Mississippi, Missouri, and Nebraska which were inadvertently omitted in the original notice. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 105813 (Sub-No. 188), filed July 12, 1973. Applicant: BELFORD TRUCKING CO., INC., 3500 N.W. 79th Avenue, Miami, Fla. 33148. Applicant's representative: Arnold L. Burke, 127

North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Pana, Ill., to points in Georgia and Florida.

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 105813 (Sub-No. 189), filed July 13, 1973. Applicant: BELFORD TRUCKING CO., INC., 3500 NW. 79th Avenue, Miami, Fla. 33148. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from South Edmeston and Walton, N.Y., Hagerstown, Md., and Elizabeth, N.J., to points in North Carolina, South Carolina, Georgia, Florida, Tennessee, and Alabama.

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 106674 (Sub-No. 111), filed July 11, 1973. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 122, Delphi, Ind. 46923. Applicant's representative: Carl L. Steiner, 39 So. LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, in bulk, from Tuscola, Ill., to points in Indiana; and (2) *dry fertilizer* in bags, and *pesticides* in containers, from the facilities and warehouses of W. R. Grace & Co., at Henry, Ill., to points in Indiana.

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 107012 (Sub-No. 170) (Amendment), filed December 8, 1972, published in the FEDERAL REGISTER issue of February 15, 1973, and republished, as amended this issue. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway East & Meyer Rd., Fort Wayne, Ind. 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* from points in North Carolina, Georgia, Mississippi, South Carolina, Virginia, and Morristown, Tenn., to points in Alabama, Louisiana, Florida, Virginia, North Carolina, South Carolina, Mississippi, Tennessee, and Georgia.

NOTE: The purpose of this republication is to indicate applicant's request to serve additional destination points in Georgia. Common control may be involved. Applicant states that the requested authority can be tacked with portions of its existing authority as follows: In No. MC 107012 it would be able to transport (a) *New Furniture*, uncrated, from Oklahoma City, Okla., to points in Alabama, Virginia, Georgia, North Carolina, and South Carolina via North Carolina and Mississippi; (b) *New Furniture*, from points in Mississippi, to points in Maine and New Hampshire via points within 150 miles of High Point, North Carolina, and West Virginia; (c) *New furniture*, from Galax, Roanoke, Damascus, Stanleytown, Bassett, Martinsville, and Pulaski, Va., and points in North Carolina and South Carolina, to points in Illinois, Indiana, Michigan, and Ohio via Tennessee; in MC-107012 (Sub-No. 61), *New furniture*, from points in Virginia, North Carolina, South Carolina, Georgia, and Mississippi, to points in the United States via Tennessee; and in MC 107012 (Sub-No. 90), *New furniture*, from Monroe, La., to points in Florida, South Carolina, North Carolina, and Virginia via Mississippi. The hearing originally scheduled for September 17, 1973, has been postponed indefinitely.

No. MC 107515 (Sub-No. 857), filed June 15, 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, meat, meat products, meat byproducts, and articles distributed by meatpacking houses*, (1) from points in North Carolina, to points in the United States (except Alaska and Hawaii); and (2) from points in Virginia, to points in the United States (except Virginia, Kentucky, North Carolina, Tennessee, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, Alaska, and Hawaii), restricted to traffic originating at the named origins.

NOTE.—Common control was approved in MC-F-11600. 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 Charlotte, N.C.

No. MC 109478 (Sub-No. 127), filed June 26, 1973. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable juices*, from Sodus and Lawton, Mich., to points in New York, New Jersey, and Pennsylvania.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 109478 (Sub-No. 128), filed June 26, 1973. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Banquet Foods Corporation at or near Wellston, Ohio, to points in Illinois, Indiana, Iowa, Minnesota, Missouri, 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., or New York, N.Y.

No. MC 109533 (Sub-No. 53) (AMENDMENT), filed June 12, 1973, published in the FEDERAL REGISTER issue of August 9, 1973, and republished as amended, this issue. Applicant: OVERNITE TRANSPORTATION COMPANY, a Corporation, 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: Eugene T. Liipfert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Charleston, W. Va., and Lexington, Ky.: (a) From Charleston over U.S. Highway 60 to Lexington, Ky.; and (b) From Charleston over U.S. Highway 60 to Huntington, W. Va., thence over Interstate Highway 64 to Lexington, Ky.; and return over the same routes in (a) and (b) above, serving all intermediate points and the off-route points of Campton, Clay City, and Stanton, Ky.

NOTE.—The purpose of this republication is to eliminate the request for authority to operate over Interstate Highway 64 between Charleston and Huntington, W. Va., as stated in previous notice. If a hearing is deemed necessary, applicant requests it be held at either Lexington, Ky., Charleston, W. Va., or Washington, D.C.

No. MC-109584 (Sub-No. 151), filed July 19, 1973. Applicant: ARIZONA-PACIFIC TANK LINES, a Corporation, 5773 South Prince Street, P.O. Box 192, Littleton, Colo. 80120. Applicant's representative: Kenneth E. Stolz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate*, in bulk, in tank vehicles, from Salinas, Calif., to Salt Lake City, Utah.

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 San Francisco, Calif.

No. MC-111476 (Sub-No. 3), filed June 28, 1973. Applicant: JOHN S. WISNESKI, 39 Avenue C, Bayonne, N.J. 07002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in New York, New Jersey, Connecticut, Massachusetts, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, Maine, Vermont, New Hampshire, and Rhode Island.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at New York, N.Y., to serve additional points in Connecticut, and the destination states named above. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC-112223 (Sub-No. 91), filed June 27, 1973. Applicant: QUICKIE TRANSPORT COMPANY, a Corporation, 501 11th Avenue South, Minneapolis, Minn. 55415. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, Minn. 55415. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, from points in Dakota, Ramsey, and Hennepin Counties, Minn., to points in Illinois and Michigan.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC-112822 (Sub-No. 282), filed July 12, 1973. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, 1401 N. Little St., Cushing, Okla. 74023. Applicant's representative: Jim R. Gardner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Wisconsin to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, 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 Milwaukee, Wis., or Chicago, Ill.

No. MC 113908 (Sub-No. 271), filed May 20, 1973. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour and blends of flour*, in bulk, in tank and hopper vehicles, from Millstadt, Ill., to Portsmouth, N.H.; (2) *alkaline etching compounds, cleaning compounds and chemicals*, in bulk, in tank and hopper vehicles, from Dallas, Tex., to Colorado Springs and Loveland, Colo.; Joplin and Springfield, Mo., and Salt Lake City, Utah (except (a) liquid silicate of soda, from Dallas, Tex., to Colorado Springs and Loveland, Colo. and (b) etchants, from Garland, Tex., to Joplin and Springfield, Mo.); (3) *spent commodities* in (2) above, from the destinations in (2) above, to Dallas and Houston, Tex. (except (c) spent dry chemicals, to Houston, Tex. and points within 50 miles thereof and (d) spent etchants, from Joplin and Springfield, Mo., to Garland, Tex.); (4) *liquid soap, cleaning commodities, and ingredients*, in bulk, in tank and hopper vehicles, from Denver, Colo., to points in Ohio on a line beginning at Kenton, Ohio, and extending easterly on U.S. Highway 30-S to its intersection with Ohio Highway 95, thence easterly along Ohio Highway 95 to its intersection with Ohio Highway 13, thence southeasterly along Ohio Highway 13 to its intersection with U.S. Highway 36, thence southerly along U.S. Highway 36 to its intersection with Ohio Highway 206, thence southerly along Ohio Highway 206 to its intersection with Ohio Highway 60, thence southerly along Ohio Highway 60 to its intersection with Ohio Highway 93, thence southerly along Ohio Highway 93 to its intersection with U.S. Highway 50, thence westerly along U.S. Highway 50 to Ohio Highway 72, thence northerly along Ohio Highway 72 to its intersection with U.S. Highway 68, thence northerly along U.S. Highway 68 to the point of beginning, including those points in the commercial zones of Marion, Mount Vernon, Zanesville, Chillicothe, Springfield, Urbana, and Bellefontaine, Ohio (except chemical and petroleum product ingredients, and soap and cleaning commodities classified as chemical or petroleum products); and (5) *distilled spirits*, in bulk, in tank and hopper vehicles, from Bardstown, Ky., to Lakeland, Fla.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Springfield or St. Louis, Mo.

No. MC-114004 (Sub-No. 134), filed July 10, 1973. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water craft*, exceeding 23 feet in length, from points in Arkansas, to points in the United States, including Alaska (but excluding Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 114290 (Sub-No. 69), filed June 7, 1973. Applicant: EXLEY EXPRESS, INC., 2610 SE. 8th Avenue, Portland, Oreg. 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) from points in Oregon and Washington, to points in Arizona and Nevada; and (2) from points in Yakima County, Wash., to points in Arizona, California, Nevada, and 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 either (1) Portland, Oreg.; (2) Seattle, Wash.; or (3) Spokane, Wash.

No. MC 115036 (Sub-No. 23), filed July 9, 1973. Applicant: VAN TASSEL, INCORPORATED, 5th and Grand, Pittsburg, Kans. 66762. Applicant's representative: Dean Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials* used in the manufacture of urethane and (2) *equipment* used in the mixture and discharge of the commodities described in (1) above, between Pittsburg, Kans., on the one hand, and, on the other points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with W. S. Dickey Clay Manufacturing Company, Pittsburg, Kans.

NOTE.—Applicant also holds common carrier authority in MC 119630 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Kansas City, Mo.

No. MC 115273 (Sub-No. 13), filed July 17, 1973. Applicant: ACME CARRIERS, INC., 216 Third Street, Brooklyn, N.Y. 11215. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bomb bodies*, from Garden City, N.Y., to the Naval Ammunition Depot at McAlester, Okla.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 115841 (Sub-No. 455), filed July 5, 1973. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner, P.O. Box 10327, Birmingham, Ala. 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery and related products* (except in bulk), and (2) *advertising matter, premium and display materials* when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from the plant site and warehouse facilities of M&M/Mars, Division of Mars, Incorporated, located at Doraville, Decatur, Atlanta, and Albany, Ga., to points in Alabama, Arkansas, Arizona, California, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, and Wisconsin, restricted to the transportation of traffic originating at the plant site and warehouse facilities of M&M/Mars, Division of Mars, Incorporated.

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 116073 (Sub-No. 281), filed July 9, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 4th Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and (2) *buildings*, complete and in sections, transported on wheeled undercarriages, from points in Crawford, Huron, Williams, and Wood Counties, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, Pennsylvania, New York, and West Virginia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116073 (Sub-No. 282), filed July 5, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 4th Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements and (2) *buildings*, complete or in sections, transported on wheeled undercarriages, from points in Burt County, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, Montana, North Dakota, South Dakota, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 116073 (Sub-No. 283), filed July 27, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 4th Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and (2) *buildings*, complete or in sections, transported on wheeled undercarriages, from points in Dakota County, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 116073 (Sub-No. 285), filed July 27, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 4th Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, complete or in sections, transported on wheeled undercarriages, from points in Vance County, N.C., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 117088 (Sub-No. 3), filed June 11, 1973. Applicant: ASPHALT TRANSPORT, INC., 3600 France Road, P.O. Box 26204, New Orleans, La. 70126. Applicant's representative: Henry F. O'Connor, Jr., 1440 Oil & Gas Building, New Orleans, La. 70112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blasting sand and mineral fillers*, in bulk and in bag, from Sun, La., to points in Mississippi on and south of U.S. Highway 82 and points in Mobile, Baldwin, and Escambia Counties, Ala.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 118159 (Sub-No. 134), filed June 14, 1973. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Jack R. Anderson (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packing houses*, 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 Emporia, Kans., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at the plantsite and storage facilities utilized by Iowa Beef Processors, Inc., and destined to the named destination states.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Tulsa, Okla.

No. MC 119441 (Sub-No. 37), filed July 12, 1973. Applicant: BAKER HIWAY EXPRESS, INC., Box 484, Dover, Ohio 44622. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubbish and trash compactors and containers* for compacted rubbish and trash, from Sugar Creek, Ohio, to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119489 (Sub-No. 31), filed July 6, 1973. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, P.O. Box 249, Norfolk, Nebr. 68701. Applicant's representative: Gailyn L. Larsen, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Kansas City, Mo., and the Williams Brothers Pipe Line Company, at or near Doniphan, Nebr., to points in Kansas, restricted to traffic originating at the named origins points.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Lincoln or Omaha, Nebr., or Chicago, Ill.

No. MC 119789 (Sub-No. 169), filed July 2, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 E. Irving Blvd., Dallas, Tex. ¶5222. 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: *Furniture* (other than uncrated), *furniture parts, and materials and supplies*, used in the production and distribution of furniture, between Little Rock, Ark., on the one hand, and, on the other, points in the United States (except Alaska, Arkansas, 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 Little Rock, Ark., or Dallas, Tex.

No. MC 119789 (Sub-No. 170), filed July 5, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC. P.O. Box 6188, 1612 E. Irving Blvd., Dallas, Tex. 75222. Applicant's representative: James Q. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in drums, in mechanically refrigerated equipment, from LaPorte, Tex., to points in New Jersey.

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 Houston or Dallas, Tex.

No. MC 119789 (Sub-No. 173), filed July 25, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 E. Irving Blvd., Dallas, Tex. 75222. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Electrical appliances, equipment and parts, tools, paints, stains and varnish, solvents and compounds, wire, magnets and parts thereof*, (except commodities requiring special equipment), between Columbus, Ohio, on the one hand, and, on the other, points in Washington, California, Oregon, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Louisiana, Georgia, 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 Columbus, Ohio, or Washington, D.C.

No. MC 119917 (Sub-No. 35), filed July 13, 1973. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta, Ga. 30316. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and shipping facilites of Nabisco, Inc., located in Henrico County, Va., to points in Florida, Georgia, Alabama, Mississippi, Louisiana, Tennessee, North Carolina, South Carolina, Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and shipping Facilities of Nabisco, Inc., located in Henrico County, Va., and destined to points in the above-described destination territory.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 121060 (Sub-No. 25), filed June 28, 1973. Applicant: ARROW TRUCK LINES, INC., P.O. Box 5568, Birmingham, Ala. 32507. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, parts and accessories; paint; plastic light diffusers; adhesive; furring; fasteners; lighting systems, parts and supplies; moldings; channels, steel, applicators and roofing caps; and materials and supplies* useful in the installation of any commodity named above, from the facilities of Litecraft-Luminous Ceilings, Division of The Celotex Corporation at or near Scottsboro, Ala. to points in the United States in and east of Minnesota, Iowa, Missouri, Kansas, Oklahoma, and Texas.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 6 at Scottsboro, Ala., but no new service will be rendered by tacking the authority requested herein, and therefore applicant has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Tampa, Fla., or Birmingham, Ala.

No. MC 123048 (Sub-No. 273), filed July 25, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representative: Paul C. Gartzke, 121 W. Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic fittings*, from Grinnell, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123407 (Sub-No. 131), filed July 2, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway #6, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, couplings, connections, valves and materials and supplies* for the installation thereof, from the plantsites of the Clow Corporation, at or near Bensenville, Ill., to points in Minnesota, Wisconsin, North Dakota, South Dakota, Iowa, Missouri, Nebraska, and the Upper Peninsula of Michigan.

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 123685 (Sub-No. 18), filed June 4, 1973. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon, Suite 1022, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, and products used in agriculture, water treatment, food processing, wholesale grocery, and institutional supply industries*, when shipped in mixed shipments with salt and salt products, (1) from St. Clair, Mich., to points in Virginia, Maryland, New York, Pennsylvania, and the District of Columbia, and (2) from Akron, Ohio to points in Virginia, Maryland, Michigan, Pennsylvania, New York, and the District of Columbia.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority under part (2) above, to provide a through service from points in Stark, Wayne, Franklin, Cuyahoga, and Richland Counties, Ohio, to destination points named in (2) above, via Akron, Ohio gateway. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124174 (Sub-No. 97), filed June 13, 1973. Applicant: MOMSEN TRUCKING CO., a Corporation, 2405 Hiway Boulevard, Spencer, Iowa 51301. Applicant's representative: Marshall D. Becker, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plant site of Bethlehem Steel Corporation at Lackawanna, N.Y., to Ft. Smith and Little Rock, Ark., Beatrice, Grand Island and Omaha, Nebr., and points in Illinois, Indiana, Iowa, Minnesota, Missouri, and Wisconsin.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at Auburn, Nebr., and points in Missouri and Iowa which are within 60 miles of Auburn, to serve points in Kansas within 60 miles of Auburn, and tack at Portage, Ind., to serve additional territory in Nebraska, but indicates that it has no *present* intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 124328 (Sub-No. 55), filed June 26, 1973. Applicant: BRINK'S, INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: John G. O'Keefe, O'Hara Plaza, Suite 650, 5725 East River Road, Chicago, Ill. 60631. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion, precious metals, coin and rare earths*, between points in the Chicago, Ill., Commercial Zone and Indiana, on the one hand, and, on the other, New York City and West Point, N.Y., Newark, N.J., and points in Essex, Middlesex, and Union Counties, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126154 (Sub-No. 11), filed June 6, 1973. Applicant: HERMAN SCHOMER, doing business as SCHOMER TRUCKING, P.O. Box 111, Iron Mountain, Mich. 49801. Applicant's representative: Robert W. Hansley, 120 North Sixth Street, Escanaba, Mich. 49829. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Minneapolis, and St. Paul, Minn., to points in Alger County, Mich.

NOTE.—Applicant indicates that the requested authority could be tacked at Minneapolis-St. Paul, Minn., and points in Alger County, Minn., but no new service could be performed. 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 either Lansing, or Detroit, Mich., or Chicago, Ill., or Milwaukee, Wis.

No. MC 127042 (Sub-No. 117) (AMENDMENT), filed May 3, 1973, published in the FEDERAL REGISTER issue of June 14, 1973, and republished, as amended, this issue. Applicant: HAGEN, INC., 4120 Floyd Blvd., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring, washing, buffing and polishing compounds, sodium hypoclorite solution*, and *soap base lubricants* (except commodities in bulk), from Joliet and Chicago, Ill., to points in Washington, Oregon, California, Montana, Idaho, Utah, Nevada, New Mexico, Arizona, Colorado, Iowa, North

Dakota, South Dakota, Nebraska, Missouri, Kansas, Minnesota, and Wyoming.

NOTE.—The purpose of this republication is to: (1) Indicate applicant's request for a restriction against the transportation of bulk commodities; and (2) indicate the tacking possibilities. Applicant states that the requested authority can be tacked at Eldora, Iowa, with its Sub-64 to serve points in the instant application on cleaning compounds. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128215 (Sub-No. 15), filed July 9, 1973. Applicant: MARTIN TRAILER TOTERS, INC., P.O. Box 39, Bogalusa, La. 70427. Applicant's representative: Fred W. Johnson, Jr., 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: *Trailers*, designed to be drawn by passenger vehicles, in secondary movements, between points in Mississippi, Texas, Arkansas, Alabama, Louisiana, 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 either Jackson, Miss., Shreveport, La., or Birmingham, Ala.

No. MC 128685 (Sub-No. 15), filed July 5, 1973. Applicant: DIXON BROS., INC., P.O. Box 636, Newcastle, Wyo. 82701. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feldspar ore, rock and stone*, from points in Natrona and Converse Counties, Wyo. to points in Custer and Pennington Counties, S. Dak.

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 Rapid City, S. Dak., or Cheyenne, Wyo.

No. MC 128988 (Sub-No. 25), filed July 9, 1973. Applicant: JO/KEL, INC., P.O. Box 1249, 159 South Seventh Avenue, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk), from the warehouse and distribution center of Westinghouse Electric Corporation at or near Irwin, Pa., to points in Arizona, California, Nevada, Oregon, and Washington, under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129282 (Sub-No. 18), filed June 11, 1973. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 1824, Longview, Tex. 75601. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Malt beverages and materials and supplies* necessary in the manufacture, sales and distribution thereof, between Galveston and Houston, Tex. and points in Louisiana.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority (1) at New Orleans, La., to serve Blytheville and Paragould, Ark., and (2) at points in Louisiana to provide a through service from Memphis, Tenn., to Galveston and Houston, Tex., But 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 Dallas, Tex.

No. MC 129631 (Sub-No. 37), filed April 19, 1973. Applicant: PACK TRANSPORT, INC., 3795 S. 300 West Street, Salt Lake City, Utah 84107. Applicant's representative: Max D. Eliason, P.O. Box 2602, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sea coal*, from points in Summit County, Utah, to points in Idaho, Montana, Oregon, and Washington; and (2) *stone, cast stone, brick, clay, and masonry products*, between points in Utah, Idaho, Montana, Oregon, and Washington.

NOTE.—Applicant currently holds contract carrier authority in MC 101741, therefore dual operations may be involved. Common control was approved in MC-F-74248. Applicant states that the requested authority can be tacked with its existing authority at points in Idaho and Utah to serve points in Wyoming as specified in the base certificate and Sub-No. 4, but 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 Salt Lake City, Utah.

No. MC 129784 (Sub-No. 6), filed July 10, 1973. Applicant: DAVISON TRANSPORT, INC., Farmerville Highway, P.O. Box 23, Ruston, La. 71270. Applicant's representative: James E. Davison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Residual fuel oil*, from Monroe, La.; Greenville and Vicksburg, Miss.; to the plantsites of International Paper Company, located at Pine Bluff and Camden, Ark.; Bastrop and Springhill, La.; Natchez and Vicksburg, Miss.; and Atlanta, Tex.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Shreveport or Monroe, La.

No. MC 134922 (Sub-No. 47) (AMENDMENT), filed July 2, 1973, published in the FEDERAL REGISTER issue of August 16, 1973, and republished as amended, this issue. 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: (1) *Candy and confectionery and related products* (except in bulk) and (2) *advertising matter, premium and display materials* when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of M&M/Mars, Division of Mars, Incorporated, at or near Atlanta, Decatur, Albany, and Doraville, Ga., to points in Alabama, Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of M&M/Mars, Division of Mars, Incorporated.

NOTE.—The purpose of this republication is to indicate the specific locations in Georgia of the origin plantsite and warehouse facilities of M&M/Mars, Division of Mars, Incorporated. 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 Newark, N.J., or Little Rock, Ark.

No. MC 135124 (Sub-No. 4), filed April 26, 1973. Applicant: DRESSING TRANSPORT, INC., Lake Street, Wilson, N.Y. 14172. Applicant's representative: Ronald W. Maline, Bankers Trust of Jamestown Building, Jamestown, N.Y. 14172. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salad dressing, sauces and loganberry juice concentrates* (except in bulk) from Wilson, N.Y. and Paramount, Calif. to points in the United States (except Alaska and Hawaii); (2) *materials, supplies and equipment* used in the manufacture or distribution of the commodities named in (1) above, from points in the United States (except Alaska and Hawaii) to Wilson, N.Y. and Paramount, Calif., in (1) and (2) above under a continuing contract with Pfeiffer's Foods Inc.; (3) *canned goods*, from Gorham, N.Y., to points in the United States (except Alaska and Hawaii); and (4) *materials, supplies and equipment* used in the manufacture or distribution of canned goods, from points in the United States (except Alaska and Hawaii) to Gorham, N.Y., in (3) and (4) above under a contract with Lohmann Foods, Inc.

NOTE.—Applicant states that MC-135124 Sub 1 may duplicate the requested authority, and will, therefore, submit that portion of the Sub 1 Certificate for revocation if the instant authority is granted. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 136640 (Sub-No. 4) (AMENDMENT), filed June 19, 1973, published in the FEDERAL REGISTER issue of August 9, 1973, and republished in part as amended, this issue. Applicant: ROBERT L. ALLEN, doing business as R. ALLEN TRANSPORT, P.O. Box 321, 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: (1) *Frozen onion rings*, made from diced, fresh onions, when moving in mixed shipments with agricultural commodities otherwise exempt from economic regulations under section 203 (b)(6) of the Act, from Boston, Mass., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Michigan, North Carolina, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia, and part (2) of the application will remain the same as previously published.

NOTE.—The purpose of this republication is to reflect the addition of 14 distination states to be served under part (1) of the notice. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 136987 (Sub-No. 5), filed July 11, 1973. Applicant: REMINGTON FREIGHT LINES, INC., 604 North Main Street, Remington, Ind. 47977. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds, pots scourers, steel or plastic, with or without soap, and steel wool*, from London, Ohio, to points in Illinois, Maryland, New Jersey, New York, Connecticut, Pennsylvania, and Massachusetts; Salem, Va., and St. Louis, Mo. under contract with Purex Corporation, Ltd., St. Louis, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 138039 (Sub-No. 2), filed June 14, 1973. Applicant: BAY DELIVERY CORP., 105 Price Parkway, Farmingdale, N.Y. 11735. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in or used by wholesale, retail and chain juvenile toy, sporting good and discount houses; (1) between Farmingdale, N.Y., on the one hand, and, on the other, points in Bergen, Burlington, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Sommerset, Sussex, Union and Warren Counties, N.J., and Fairfield County, Conn.; and (2) between points in Fairfield County, Conn., Bergen, Burlington, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J.; and points in Nassau, Suffolk, Westchester, and Rockland Counties, under continuing contract with Greenman Brothers, Inc., of Farmingdale, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138679 (Sub-No. 1), filed June 29, 1973. Applicant DENNIS BRATSCH, doing business as BRATSCH TRUCKING, Route I, Olivia, Minn. 56277. Applicant's representative: F. H. Kroeger, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*. from Milwaukee, Wis., to Olivia, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 138741 (Sub-No. 2), filed July 9, 1973. Applicant: E. K. MOTOR SERVICE, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, Suite 910, Fairfax Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Building and construction materials and supplies, and commodities* used in the manufacture, distribution and shipping thereof, between the plantsite and warehouse facilities of The Celotex Corporation located at or near Wilmington, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin.

NOTE.—Applicant holds contract carrier authority MC 107129 and subs thereunder, 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 Chicago, Ill., or Washington, D.C.

No. MC 138766 (Sub-No. 2), filed May 30, 1973. Applicant: THOMAS JOHNSON, doing business as: TEE JAY DELIVERY, 644 Chestnut Place, Secaucus, N.J. 07094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Knitwear*, (1) between the facilities of Lady Barbara at or near Carlstadt, N.J., on the one hand, and, on the other, New York, N.Y.; and (2) between the facilities of Vargish Knitwear at or near Carlstadt, N.J., on the one hand, and, on the other, New York, N.Y., under continuing contracts with Lady Barbara Knitting Mills, Inc. and Vargish Knitwear.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 138788 (Sub-No. 1), filed July 20, 1973. Applicant: DALLAS TRANSPORTATION CO., INC., 2001 Jeff Davis Avenue, Selma, Ala. 36701. Applicant's representative: J. Douglas Harris, Sr., 1110 Union Bank Bldg., Montgomery, Ala. 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by hardware stores, (1) from Birmingham, Ala., to the plantsite of Tissier Hardware at Selma, Ala.; (2) from Montgomery, Ala., to the plantsite of Tissier Hardware at Selma, Ala.; and (3) from the plantsite of Tissier Hardware at Selma, Ala., to points in Alabama, Crestview, Jay, Baker Hill and Walnut Hill, Fla., and State Line and Waynesboro, Miss.; restricted to shipments originating at or destined to the plantsite of Tissier Hardware Co., Inc., at Selma, Ala.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Montgomery or Birmingham, Ala., or Atlanta, Ga.

No. MC 138885 (Sub-No. 1), filed July 3, 1973. Applicant: BALDWIN LEASING COMPANY, INC., 801 Industrial Boulevard, Bay Minette, Ala. 36507. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from the plantsite of Standard Furniture Mfg. Co., Inc., located at Bay Minette, Ala., to points in the United States (except Hawaii and Alaska); and (2) *new furniture, and equipment, materials and supplies* used in the manufacture and distribution of new furniture (except commodities in bulk), from points in the United States (except Hawaii and Alaska), to the plantsite of Standard Furniture Mfg. Co., Inc., under a continuing contract with Standard Furniture Mfg. Co., Inc. at Bay Minette, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Mobile or Montgomery, Ala.

No. MC 138921, filed July 11, 1973. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster, Shelbyville, Ind. 46176. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool and mineral wool products, insulating material, and insulated air duct*, from Shelbyville and Indianapolis, Ind., to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin, under contract with Certain-Teed Products Corp.

NOTE.—Applicant also holds common carrier authority in MC 135052 and Subs 3, 4, 5, and 6 thereunder, therefore dual operation may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 138940, filed July 9, 1973. Applicant: COSMOPOLITAN CANINE CARRIERS, INC., 5 Brook Street, Darien, Conn. 06820. Applicant's representative: George R. Oleyer, 637 West Avenue, P.O.

Box 206, Norwalk, Conn. 06852. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dogs and cats, containers* for such animals and *supplies and equipment* incidental to the transportation thereof, between points in the United States, including Alaska and Hawaii, restricted to tariff having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., Hartford, Conn., or Boston, Mass.

No. MC 138941, filed June 27, 1973. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1315 E. Seventh Street, Los Angeles, Calif. 90021. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from the plantsite and warehouse facilities of Mobil Chemical Company, Division Mobil Oil Corporation at or near (1) Macedon and Canandaigua, N.Y., to points in California, Texas, Kentucky, Tennessee, Louisiana, Arkansas, Oklahoma, Missouri, Arizona, and New Mexico, (2) Jacksonville, Ill., to points in Texas, Arkansas, Oklahoma, New Mexico, Arizona, California, and Colorado, and (3) Temple, Tex., to points in Arizona, New Mexico, and California, under contract with Mobil Chemical Company, Division Mobil Oil Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 138943, filed June 28, 1973. Applicant: DECORATORS FURNITURE DELIVERY AND WAREHOUSE CORP., 9125 Southwest 77th Avenue, Miami, Fla. 33156. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, and carpets*, having a prior movement by motor, rail or water carriers, from points in Broward and Dade Counties, Fla., to points in Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Miami, Fla.

MOTOR CARRIER OF PASSENGERS

No. MC 74 (Sub-No. 9), filed July 1, 1973. Applicant: VALLEY TRANSIT COMPANY, INC., P.O. Box 1870, Harlingen, Tex. 78550. Applicant's representative: Phillip Robinson, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between the ports of entry on the International Boundary line between the United States and the Republic of Mexico located at or near Hidalgo, Tex., and San Antonio, Tex.: From the ports of entry on the International Boundary line between the United States and the Republic of Mexico located at or near Hidalgo, Tex., over U.S. Highway 281 to San Antonio and return over the same route, serving the intermediate points of McAllen and Edinburg, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Harlingen, Brownsville, or McAllen, Tex.

MC 107638 (Sub-No. 2), filed July 11, 1973. Applicant: EVERGREEN TRAILS, INC., 1936 Westlake Avenue, Seattle, Wash. 98101. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing or pleasure tours, beginning and ending at points in King and Snohomish Counties, Wash., and extending to points in the United States, including Alaska (but excluding Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 138828, filed June 11, 1973. Applicant: MAPLEWOOD EQUIPMENT COMPANY, a Corporation, 419 Anderson Avenue, Fairview, N.J. 07022. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Passaic, N.J., and New York, N.Y., serving Clifton as an intermediate point: From the junction of Van Houton Avenue and River Road over River Road to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction Interstate Highway 495, thence over Interstate Highway 495 via the Lincoln Tunnel to New York, N.Y., and return over Interstate Highway 495 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction New Jersey Highway 21 (also known as the Freeway), thence over New Jersey Highway 21 to junction the exit ramp of Van Houton Avenue, thence over the exit ramp to Van Houton Avenue.

NOTE.—Common control may be involved. Applicant proposes to join the above route between Paterson, N.J., and New York, N.Y., to provide service to and from Passaic and points on such route between Passaic and Paterson including Paterson and New York, N.Y., with the authority to be acquired in MC-F-11644. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 138943, filed July 9, 1973. Applicant: JOHN H. WOLFF, doing business as AURORA EDUCATIONAL TOURS, 731 South Highland, Aurora, Ill. 60507. Applicant's representative: Patrick H. Smyth, Suite 1000, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Kane and Kendall Counties, Ill., and extending to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, Wisconsin, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATION FOR FILING BROKERAGER LICENSES

No. MC 130205, filed June 25, 1973. Applicant: MAUPINTOUR, INCORPORATED, doing business as MAUPINTOUR, 900 Massachusetts Street, Lawrence, Kans. 66044. Applicant's representative: John W. Lungstrum, 502 1st National Bank Tower, Lawrence, Kans. 66044. Authority sought to engage in operation, in interstate or foreign commerce as a *broker* at Lawrence and Topeka, Kans.; and Kansas City, Mo., to sell or offer to sell the transportation of *groups of passengers and their baggage* in roundtrip pleasure and sightseeing tours in passenger vehicles, in special and charter operations, from points in Kansas and points in Jackson, Clay, and Platte Counties, Mo., to points in the United States (including Alaska but excluding Hawaii) and points of entry on the international boundary lines.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lawrence, Topeka, or Kansas City, Kans., or Kansas City, Mo.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-17757 Filed 8-22-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—AUGUST

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during August.

1 CFR

Page

Ch. 1 ... 20435

3 CFR

EXECUTIVE ORDERS:

EO of July 2, 1910 (revoked in part by PLO 5379) ... 22470
EO of July 22, 1913 (revoked in part by PLO 5379) ... 22470
EO of August 22, 1919 (revoked in part by PLO 5379) ... 22470
6143 (revoked in part by PLO 5374) ... 21168
6276 (revoked in part by PLO 5374) ... 21168
6583 (revoked in part by PLO 5374) ... 21168
10122 (amended by EO 11733) ... 20431
10400 (see EO 11733) ... 20431
11287 (amended by EO 11734) ... 20433
11548 (superseded by 11735) ... 21387
11708 (amended by EO 11736) ... 21387
11732 ... 20429
11733 ... 20431
11734 ... 20433
11735 ... 21243
11736 ... 21387

PROCLAMATIONS:

863 (partially revoked by PLO 5378) ... 22550
4231 ... 22115
4232 ... 22117
4233 ... 22213
4234 ... 22365
4235 ... 22367
4236 ... 22369

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Memorandum of June 29, 1973 ... 20805

4 CFR

PROPOSED RULES:

406 ... 21276

5 CFR

210 ... 22535
213 ... 21170, 21621, 21776, 21933, 22215, 22378, 22465, 22535
451 ... 22535
511 ... 22536
534 ... 22536
1001 ... 20817

6 CFR

102 ... 21972
130 ... 20461, 21170
140 ... 20609, 21592, 21933
150 ... 20462, 20463, 21170, 21592, 21933, 21978, 22119, 22536
155 ... 21981

7 CFR

15 ... 22465
26 ... 21639
70 ... 22130
210 ... 21777
215 ... 20440, 21777
220 ... 21777
225 ... 21497, 21777
270 ... 22465
271 ... 21917, 22465
272 ... 22466
301 ... 21639
354 ... 22466

7 CFR—Continued

Page

409 ... 21994
722 ... 20840
859 ... 21268
876 ... 22627
908 ... 20609, 21171, 21498, 22130, 22629
910 ... 20841, 22131, 22215
911 ... 20840, 21642
915 ... 21778
916 ... 21389
917 ... 20843, 21389
919 ... 20842, 21778
924 ... 21642
925 ... 20842, 21643
926 ... 21389, 21643
927 ... 21171
928 ... 21269
930 ... 22131
947 ... 21644
948 ... 21779, 21995, 22215
967 ... 22371
989 ... 21390, 22132
993 ... 22216
1050 ... 22216
1421 ... 20440, 21644, 22371, 22372, 22446, 22543, 22630
1427 ... 21995, 22543
1473 ... 20843, 21779
1822 ... 20440
1872 ... 22544

PROPOSED RULES:

29 ... 22239
44 ... 21416
52 ... 21785, 22406, 22654
56 ... 20896
301 ... 21935
722 ... 22560
910 ... 22149
928 ... 22240
929 ... 22554
931 ... 21271, 21499
946 ... 21648
959 ... 22240
989 ... 20898
991 ... 22040
993 ... 20899
1002 ... 22559
1050 ... 20626
1207 ... 21499
1701 ... 21181
1826 ... 21417

8 CFR

212 ... 21172
299 ... 21995

9 CFR

72 ... 21996
73 ... 21996
74 ... 21996
75 ... 20441
76 ... 21173
82 ... 21623, 21996
92 ... 20610, 22466
94 ... 20610, 20612
202 ... 22379
203 ... 21173
319 ... 22621

PROPOSED RULES:

91 ... 22040
304 ... 22041
305 ... 22041
317 ... 21648, 22041

10 CFR

Page

19 ... 22217
20 ... 22220, 22467
31 ... 22220
34 ... 22221
35 ... 22221
40 ... 21176, 22221
50 ... 22221
55 ... 22221
60 ... 21644
70 ... 22221
115 ... 22221
150 ... 22221

PROPOSED RULES:

71 ... 20482

11 CFR

11 ... 22202
14 ... 22202
19 ... 22202

12 CFR

217 ... 20442
329 ... 20442, 20818, 22120, 22544
400 ... 21582
401 ... 21487
402 ... 21489
404 ... 21490
523 ... 21391
545 ... 21624
613 ... 22467
614 ... 22467

PROPOSED RULES:

217 ... 20470
225 ... 21436
526 ... 21651
545 ... 21435, 22047
611 ... 22646
612 ... 22646
613 ... 22646
614 ... 22646
615 ... 22646
618 ... 22646

13 CFR

121 ... 20442, 21176

PROPOSED RULES:

121 ... 22561

14 CFR

39 ... 20443, 20612, 20818, 21391, 21624, 21625, 21917, 22223, 22621
71 ... 20613, 20818, 21392–21394, 21492, 21625, 21779, 21917, 22030, 22120, 22121, 22224, 22622
73 ... 21492, 21917, 21918, 22468
95 ... 22373
97 ... 20818, 21492, 22121, 22622
121 ... 21493, 22377
212 ... 20613
239 ... 21394
378 ... 21247
385 ... 22546
431 ... 22547
440 ... 22547

PROPOSED RULES:

39 ... 21936, 22042, 22634
71 ... 21181, 21274, 21434, 21502, 21503, 21795–

14 CFR—Continued Page

PROPOSED RULES—Continued

21797, 21937, 21938, 22043, 22243, 22492, 22634

73 ... 21938
75 ... 21274
221 ... 21274
298 ... 22494
421 ... 22561

15 CFR

377 ... 21177

16 CFR

13 ... 20444, 20446, 21396, 21625–21627, 22468, 22469
14 ... 20820, 21494
303 ... 21779
1700 ... 21247

PROPOSED RULES:

1100 ... 20902

17 CFR

0 ... 22381
1 ... 22031
211 ... 21782
231 ... 21782, 22121
240 ... 21250
241 ... 20820, 21782
249a ... 21250

PROPOSED RULES:

1 ... 20626
16 ... 22489
210 ... 20470
230 ... 20903
239 ... 20470
240 ... 20904
249 ... 20470
259 ... 20470

18 CFR Page

2 ... 22372

PROPOSED RULES:

2 ... 21182, 21652
3 ... 21652
9 ... 21652
141 ... 22142

19 CFR

1 ... 22382, 22547
4 ... 20821
7 ... 22382
10 ... 22548
11 ... 22548
133 ... 21396
145 ... 22548
148 ... 22548

PROPOSED RULES:

1 ... 22032
4 ... 20895
6 ... 20895
19 ... 22554
24 ... 20896
174 ... 21785

20 CFR

602 ... 20614, 21920

PROPOSED RULES:

405 ... 20466, 21437, 21936
416 ... 21188
422 ... 21271

21 CFR

1 ... 20702, 20706, 20716, 20718
3 ... 20708, 20717, 20718, 20723, 20725, 21397
5 ... 20708
8 ... 20714, 20715

21 CFR—Continued Page

11 ... 20726
80 ... 20730, 20737
100 ... 20740
102 ... 20740, 20742
121 ... 20725, 20821, 21254, 21783, 21920, 21921, 21997, 23122, 22224
125 ... 20708, 20717
128 ... 21397
135 ... 21178, 21397, 22622
135a ... 20821, 21255, 21997, 22469, 22623
135b ... 20821, 20822, 21179, 22623
135c ... 20822–20823, 21255
135e ... 21921, 22224, 22623
135g ... 22623
141 ... 21397
141b ... 21255
141d ... 21255
141e ... 21256
144 ... 21398
146d ... 21256
148 ... 21256
148n ... 21257
150g ... 21397
151c ... 21257
278 ... 21262
295 ... 21264

PROPOSED RULES:

1 ... 20745
3 ... 21271
10 ... 21499
18 ... 20627
19 ... 22408
20 ... 20745
21 ... 20745
25 ... 22490
27 ... 22408
102 ... 20746, 20748
121 ... 22041, 22241
125 ... 20749
130 ... 21935
141b ... 21500
141c ... 21500
141e ... 21500
146b ... 21500
146c ... 21500
146e ... 21500
148i ... 21500
148n ... 21500
301 ... 21271
311 ... 21271

22 CFR

205 ... 22549
214 ... 21398

24 CFR

275 ... 22383
1914 ... 20616, 21180, 21264, 21402, 21743–21745, 21998, 22123, 22226, 22471
1915 ... 21745, 21999

PROPOSED RULES:

135 ... 20906
200 ... 22415

25 CFR

43h ... 21403, 22227

PROPOSED RULES:

243 ... 22034

26 CFR

1 ... 20823, 20826, 21918, 22471, 22549

28 CFR

0 ... 21404, 21495

29 CFR Page

1601 ... 20829
1903 ... 22623
1952 ... 21628

PROPOSED RULES:

724 ... 21505
725 ... 21505
1201 ... 21186
1203 ... 21186
1207 ... 21186
1910 ... 22141, 22631
1915 ... 22632
1916 ... 22632
1917 ... 22632
1918 ... 22632
1927 ... 22141

31 CFR

260 ... 22373
332 ... 22549

PROPOSED RULES:

209 ... 22032

32 CFR

870 ... 21147, 21746
901 ... 22471
901b ... 22471
903 ... 22471
2000 ... 22624

32A CFR

PROPOSED RULES:

Ch. X:
OI Reg. 1 ... 22237, 22489
Ch. XIII:
EPO Reg. 1 ... 21797

33 CFR

117 ... 21631
127 ... 20831, 22123
204 ... 21495
207 ... 21404
401 ... 21921, 22030, 22626

PROPOSED RULES:

90 ... 20467
117 ... 21649, 21650, 22491
160 ... 21228
114–51 ... 20617

36 CFR

7 ... 20831, 21264
231 ... 22000

PROPOSED RULES:

7 ... 20896, 22633, 22634

38 CFR

3 ... 20831, 21923
36 ... 20615, 20832

PROPOSED RULES:

3 ... 21188, 21946, 22561, 22650

39 CFR

113 ... 21496
124 ... 21496
141 ... 22383
142 ... 22384
144 ... 22385
154 ... 22385
162 ... 21496
226 ... 21264

40 CFR

2 ... 22472
35 ... 22524

FEDERAL REGISTER PAGES AND DATES—AUGUST

Pages	Date
20423–20601	Aug. 1
20603–20798	2
20800–21139	3
21141–21235	6
21237–21380	7
21911–21965	14
21381–21479	Aug. 8
21481–21613	9
21615–21735	10
21737–21909	13
21967–22108	15
22109–22205	Aug. 16
22207–22358	17
22359–22457	20
22459–22527	21
22529–22614	22
22615–22758	23

federal register

THURSDAY, AUGUST 23, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 163

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

AIR PROGRAMS

Approval and Promulgation of Compliance Schedules

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval and Promulgation of Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations in 40 CFR Part 51, require each State to submit plans which provide for the implementation, maintenance, and enforcement of national ambient air quality standards throughout the State. These implementation plans are required to contain compliance schedules meeting the requirements of § 51.15, including the requirement that any compliance schedule extending over a period of more than 1 year and extending beyond January 31, 1974, contain legally enforceable increments of progress (37 FR 26310, December 9, 1972). A compliance schedule consists of dates by which specified actions are to be taken by an air pollution source toward meeting applicable emission limiting regulations.

Pursuant to § 51.15(a)(2), States were required to submit compliance schedules including increments of progress by no later than February 15, 1973. The Clean Air Act provides for a period of 4 months for review and approval or disapproval by the Administrator of any submission by a State of any portion of an implementation plan. If the Administrator disapproves a portion of an implementation plan, the Administrator is directed to promptly prepare and propose a substitute portion.

On June 20, 1973, the Administrator published approvals and disapprovals of compliance schedules submitted by the States (38 FR 16144). At the same time, he proposed substitute compliance schedules where the State submissions did not fully satisfy the requirements of § 51.15 (38 FR 16171). After a review of all relevant comments on the proposed compliance schedules, those submitted in writing as well as testimony at public hearings, the final regulations, with modifications based on the comments, are promulgated below.

Much of the comment on the proposed regulations related to the schedules applicable to fuel-burning sources of sulfur oxides emissions. There was conflicting testimony as to the availability of control equipment and the possibilities of meeting the regulations in all States by the final compliance dates, generally mid-1975. While these concerns are recognized by this agency, no major changes have been made to the proposed regulations for the following reasons.

In these regulations, the Administrator is authorized only to promulgate incremental steps towards final compliance where State regulations did not contain such steps. Under section 110 of the Act, the Administrator may not on his own initiative change an emission limiting regulation, either as to the limitation prescribed or the final compliance date, if such regulation is adequate for attainment and maintenance of the national ambient air quality standards. Thus, as a legal matter, the Administrator cannot delay final compliance dates as some companies requested merely because compliance by the date specified in the State regulations presents a hardship.

However, it is apparent that there is not enough low sulfur coal and stack gas cleaning equipment available to meet the regulations in all areas of all States in 1975. In recognition of this, the Administrator, on December 18, 1972, in a letter to the governors of the States in the areas where this fuels deficit exists, recommended that the States consider deferral of the effective dates of regulations affecting coal-burning sources of sulfur oxides where such deferral can be made without affecting attainment of the primary standards by the date required by the Act. Analysis shows that if this is done, adequate fuels and control equipment will be available for meeting all regulations necessary for attainment of the national primary ambient air quality standards by mid-1975, or mid-1977 where two-year extensions have been granted.

States are encouraged again to consider the alternatives available to them within the framework of the Clean Air Act. Modification of unnecessarily restrictive emission regulations, relaxation of final compliance dates for sources which need not be controlled to meet the primary standards, and requests for postponements under section 110(f) are all mechanisms to alleviate the short-term fuels problem. Any State needing further information on this subject is urged to contact this agency through the appropriate Regional Office.

Some changes were made in the sulfur oxides compliance schedules, however. The language "any facility" was changed to any "boiler or furnace" for greater clarity. In response to comments, some additional time was allowed for submission of plans for any boiler modifications and for the contracting for such modifications; the final compliance date is not affected, however.

One question of significance with respect to the proposed sulfur oxides schedule was the minimum length of the contract for fuels required. While each company affected obviously has to comply with the emission limitations as long as they remain applicable, it is recognized that a fuels contract will be for some finite period of time. It has been determined that one year is a reasonable period of time to specify as a minimum length of a contract, i.e., the contract must be sufficient to guarantee that the source will have available substantially all the low sulfur fuel necessary to enable compliance with the applicable regulation for at least one year past the final compliance date. The term "substantially" is used in recognition of the fact that while it is reasonable to require a substantial commitment by a company towards insuring at this time that it will have an adequate supply of low sulfur fuel when it is required, some flexibility should be allowed to companies to contract for the minimum reasonable projection of fuel needs and to supplement it later, as necessary, through spot orders.

In a few instances, States have revised or are expected to revise the State regulations which are presently part of the implementation plan. In these instances, noted specifically in the summary below, additional time has been allowed for meeting the first increment to allow the State to make the necessary changes to the applicable implementation plan before sources need to take any action based on the present plan. It should be noted, however, that until the State revises the implementation plan in accordance with 40 CFR 51.6, the regulation in the present plan remains in effect and enforceable as part of the plan, and sources will be required to comply with the promulgated schedule until it is revoked.

Various changes were made to schedules proposed for other classes of sources in certain States. Major changes, indicated by State, are as follows.

In Rhode Island, an opinion issued by the State attorney general now indicates that the compliance schedules submitted for the cities of Providence, Pawtucket, and Newport are legally enforceable. The agency concurs in this opinion. Since the only reason for their prior disapproval by the Administrator was the question of legal enforceability, these schedules are now being approved. No acceptable schedule for the city of Woonsocket has been submitted, however, and so the proposed schedule is being promulgated for Woonsocket at this time.

The schedule for coke ovens in New York has been modified slightly to change the final compliance date from October 31, 1974 to December 31, 1974. Testimony at the hearing indicated that even this date may be unrealistic but that is the date in the State regulation and, as indicated earlier, EPA cannot unilaterally change a final compliance date to extend it past the date approved in the implementation plan.

In West Virginia, the schedule has been modified to clarify that the recommended percentage fuel levels in section 9.02 of Regulation X are inapplicable to sections 3.01 and 3.03 of the regulation. In addition, the date for election between the alternative methods to be used to meet the 1978 requirements has been delayed to July 31, 1975, since the proposed date of September 15, 1973 required an election much earlier than was reasonably necessary. In addition, four sources for which a request for a one-year postponement has been submitted by the Governor pursuant to section 110(f) of the Act have been exempted from the sulfur oxides compliance schedule pending a decision on the approval of the request. At that time, an appropriate compliance schedule will be established.

Preliminary data indicates that air quality in the State of Maryland may

already be better than the national secondary sulfur oxides standards. However, additional data is required to establish this with sufficient certainty to allow for a revision of the State regulation. To prevent the requiring of possibly unnecessary commitments by sources in the State before this issue is resolved, the first incremental date in the Maryland schedule has been delayed until January 1, 1974. Suggestions that no schedule be promulgated at this time were rejected as being incompatible with the Administrator's obligation to establish compliance schedules for all regulations presently in the plan for which increments of progress are required and for which the State has not submitted approval compliance schedules.

Since the proposal of the compliance schedule for Kentucky, the United States Court of Appeals for the Sixth Circuit, in the case of Buckeye Power, Inc., et al. v. Environmental Protection Agency (No. 72-1628), vacated the Administrator's approval of the Kentucky implementation plan. Although the Administrator has petitioned for a rehearing in this case, promulgation of the proposed schedule for Kentucky would not be appropriate in light of this decision and further action on the Kentucky plan is being deferred.

The State of Florida has submitted compliance schedules for some, but not all, sources for which they are required. Many of these schedules may be approvable and approval of such schedules will be promulgated shortly. Since schedules have not been submitted for all sources, and EPA has not completed its review of the schedules submitted, the proposed schedules are being promulgated. Under the terms of the Federal compliance schedules, they are inapplicable to any source for which the Administrator has approved a State schedule.

The Tennessee proposal of May 10, 1973 (38 FR 12238) covered fuel-burning particulate sources, incinerators, sulfuric acid plants, and fuel-burning sulfur oxides sources. A revised State regulation (Chapter IX, Section 5 of the Tennessee air pollution control regulations) establishing acceptable increments of progress for the first three of these categories has been submitted and is approved by the Administrator in the regulations set forth below. Therefore, the Administrator is promulgating a schedule only for the State sulfur oxides regulation. In recognition of the fact that the State has repealed the sulfur oxides regulation presently in the applicable implementation plan and adopted a substitute regulation, the date for the first increment has been delayed until January 1, 1974, to allow time for the Administrator to complete his review of the revised regulation to determine its approvability as a plan revision. As to compliance schedules for local regulations, they are being promulgated essentially as proposed with certain corrections, most significantly a change in the final compliance date from July 1, 1975 to July 1, 1974 in Hamilton County to reflect the proper date in the approved local regulations.

In South Carolina, the sulfur oxides compliance schedule as proposed for sources outside the Charleston Intrastate Air Quality Control Region had a final compliance date of July 31, 1975, although the State regulation had a final compliance date of July 1, 1977. This was necessary for certain air quality control regions because the plan implied that the regulation was necessary for attainment of the secondary standards and the attainment date for secondary standards in those regions is July, 1975. State officials have now presented data indicating that the regulation may not be necessary for attainment of the secondary standards outside the Charleston Air Quality Control Region and that sources outside that region can therefore be allowed the full period under the State regulation. To permit the State to make necessary changes in the implementation plan before sources must submit control plans based upon the 1975 date, the date for the first requirement under the Federal schedule has been set back to January 1, 1974. In addition, for those regions where the original plan shows that air quality levels are presently below the secondary standards, the use of the July, 1975, date was in error since there is no attainment date limiting the final compliance date. Therefore, the July 1, 1977, date has been used in the promulgated regulation instead. Finally, the final compliance date for the regulation applicable to asphalt batch plants has also been changed to 1977 to properly reflect the final compliance date in the State regulation and the State's intent in submitting this regulation for purposes of maintenance of the standards only.

The proposed regulation for hydrocarbons in Wisconsin did not specifically recognize that one of the methods for meeting the requirements, and the one that testimony at the hearing seems to indicate is the option most sources will elect, is the switching of solvents. Therefore, the schedule as it is being promulgated today requires the source to notify the Administrator of his election to meet the regulations through either installation of control equipment or solvent switching and establishes a compliance schedule for each option.

The compliance schedule being promulgated for Colorado reflects the regulation which is presently part of the State's implementation plan for attainment and maintenance of the national secondary ambient air quality standards for sulfur oxides. However, the State has now promulgated a revised sulfur oxides regulation with a final compliance date of January 1, 1978 instead of January 1, 1975. The date for the first increment in the compliance schedule has been set back to January 1, 1974 to allow the State to formally revise the implementation plan requirements before any source is compelled to take any action based upon the 1975 date presently in the plan.

The Administrator proposed schedules for sources in Oregon in the following categories: Kraft pulp mill recovery furnaces, Kraft pulp mill lime kilns, sulfite pulp mills, primary aluminum plants, ferronickel plants, and gasoline tanks. The State has now submitted an acceptable compliance schedule for ferronickel plants and this schedule is being approved and the Federal proposal withdrawn. No schedules were submitted by the State for the regulations for primary aluminum plants and gasoline tanks. The regulation relating to gasoline tanks was not submitted as part of the State's implementation plan and, therefore, no compliance schedule is being promulgated for sources subject to that regulation. The schedule for primary aluminum plants is being promulgated essentially as proposed.

Permits submitted by the State of Oregon for sulfite and Kraft mills may adequately regulate some, but not all, point sources for which compliance schedules are required. In some instances, where the State has communicated to EPA its belief that a point source within a mill is in compliance with the applicable emission regulation, the permit in fact does not contain a requirement for immediate compliance by that point source, and thus does not satisfy the requirements of 40 CFR § 15.15. To meet the statutory deadline, EPA is today promulgating regulations broad enough to cover all point sources within the mill. It is expected that changes to the regulations promulgated below will be made following additional evaluation.

In Washington, regulations relating to combustion and incineration sources, general process sources and sources of sulfur oxides have been determined not to be part of the implementation plan and therefore no compliance schedule is being promulgated for sources subject to those regulations. Approvable compliance schedules have now been received for Kraft pulp mill recovery furnaces, Kraft pulp mill lime kilns, sulfite pulp mills and primary aluminum plants and these State schedules are being approved and the Federal proposal withdrawn. Prior disapprovals for schedules which have now been corrected are being revoked.

The State of Idaho has submitted an approvable compliance schedule for Kraft pulp mill lime kilns thereby obviating the need for a Federal compliance schedule for this source category. Schedules have not been submitted for all Kraft pulp mill recovery furnaces and sulfuric acid plants. The Federal compliance schedules are being promulgated substantially as proposed and are applicable to all sources for which no State schedule has been approved.

Based upon the testimony at the public hearing, certain modifications have been made to the proposed schedule for pulp mills in Alaska which utilize a recovery system to control particulate emissions. An additional four months has been allowed to complete testing of a new control system before a final control plan is required to be submitted. In addition, because of the submission of certain acceptable State schedules and the general applicability of the schedule being promulgated for industrial process and fuel-burning equipment, no separate schedule for wood-waste burners is being

promulgated. Other compliance schedules proposed for Alaska are being promulgated as proposed.

In addition, compliance schedules for the States of New Hampshire, the District of Columbia, Illinois, and Michigan, are being promulgated without significant changes, although there are some clarifications, corrections, and minor changes to the dates as they were proposed for certain increments, based upon comments received.

A more detailed analysis of comments and an explanation of the changes made to the proposals, as well as copies of all written comments received and transcripts of the public hearings held, are available for public inspection during normal business hours at the appropriate Regional Office.

Addresses of the Regional Offices, and the States covered by these regulations in each Region, are as follows:

Region	Address	States covered by regulation
I	JFK Federal Bldg., Boston, Mass. 02203.	New Hampshire and Rhode Island.
II	26 Federal Plaza, New York, N.Y. 10007.	New York.
III	6th and Walnut Sts., Curtis Bldg., Philadelphia, Pa. 19106.	District of Columbia, Maryland, and West Virginia.
IV	1421 Peachtree St. NE., Atlanta, Ga. 30309.	Florida, South Carolina, and Tennessee.
V	1 North Wacker Dr., Chicago, Ill. 60606.	Illinois, Wisconsin, and Michigan.
VIII	Lincoln Tower, 1860 Lincoln St., Denver, Colo. 80203.	Colorado.
X	1200 Sixth Ave., Seattle, Wash. 98101.	Alaska, Oregon, Idaho, and Washington.

Promulgation of these compliance schedules does not affect the ability of States to develop schedules for any or all sources covered by the schedules promulgated herein and States are encouraged to do so. Any schedule submitted by the State and approved by the Administrator will supersede the Federal schedule for the affected source or sources.

These regulations are effective September 24, 1973.

(42 U.S.C. 1857c-5)

Dated August 15, 1973.

JOHN QUARLES,
Acting Administrator.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

Subpart C—Alaska

1. In § 52.70, paragraph (c) is revised to read as follows:

§ 52.70 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) June 22, 1972, and

(2) August 2, 1973, by the State of Alaska Department of Environmental Conservation.

2. In § 52.84, paragraph (b) is revised and paragraphs (c) and (d) are added as follows:

§ 52.84 Compliance schedules.

* * * * *

(b) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are contained in the Alaska Administrative Code, Title 18, unless otherwise noted.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance
Golden Valley Electric Association, Inc.	Fairbanks	18AAC 50.030 50.040 50.050 50.120	June 18, 1973	Immediately	July 1, 1975
Municipal Utilities System	do	18AAC 50.030 50.040 50.050 50.120	do	do	Do.
University of Alaska	College	18AAC 50.030 50.040 50.050 50.120	do	do	Do.

(c) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of § 51.15 of this chapter. All regulations cited are contained in the Alaska Administrative Code, Title 18, unless otherwise noted.

(d) *Federal compliance schedules.* (1) Except as provided in subparagraph (9) of this paragraph, the owner or operator of any incinerator subject to the following emission-limiting regulation shall comply with the compliance schedule in subparagraph (2) of this paragraph: Alaska Administrative Code, Title 18, § 50.040 (appendix 1, section III of the Alaska Implementation Plan).

Source	Location	Regulation involved	Date of adoption
Alaska Lumber & Pulp Co.	Sitka	18AAC 50.060(a)(1) (2)	June 18, 1973
Ketchikan Pulp Co.	Ketchikan	do	Do.

(2) Compliance schedule for incinerators, defined as any furnace used in the process of burning solid waste for the primary purpose of reducing the volume of the waste by removing combustible matter:

(i) Within 30 days' after promulgation of the compliance schedule, submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) October 29, 1973—Negotiate and sign all necessary contracts for emission-control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) August 5, 1974—Complete on-site construction or installation of emission-control equipment or process modification.

(iv) September 2, 1974—Achieve compliance with applicable regulations, and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by September 2, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Within five days after the deadline for completing increments in subdivisions (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(3) Except as provided in subparagraph (9) of this paragraph, the owner or operator of any pulp mill subject to the following emission-limiting regulation and permit regulation in the Alaska Implementation Plan shall comply with the applicable compliance schedule in subparagraph (4), (5), or (6) of this paragraph: Alaska Administrative Code, Title 18, § 50.060(a)(1) (Sulfur oxides) and (2) (Particulate matter), § 50.120(a) (permits) (appendix III, 1 of the Alaska Implementation Plan).

(4) Any owner or operator of a recovery system or other source within a pulpmill subject to the sulfur oxide emission limitation of subparagraph (3) who elects to utilize a process modification not requiring installation of additional control equipment shall be subject to the following compliance schedule:

(i) October 1, 1973—Notify the Administrator of the intent to utilize a process modification.

(ii) November 30, 1973—Negotiate contract for achieving desired modification.

(iii) July 1, 1974—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(iv) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(5) Any owner or operator of a recovery system or other source within a pulp mill subject to the sulfur oxide emission limitation of subparagraph (3) who elects to utilize a control system requiring installation of additional control

equipment shall be subject to the following compliance schedule:

(i) October 1, 1973—Submit to the Administrator a final control plan which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) January 20, 1974—Negotiate and sign all necessary contracts for emission-control systems, or issue orders for the purchase of component parts to accomplish emission control.

(iii) December 31, 1974—Complete onsite construction or installation of emission control equipment.

(iv) July 1, 1975—Achieve compliance with the applicable regulations.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Five days after the deadline for completing increments in subdivisions (ii), (iii), and (iv) in this subparagraph, certify to the Administrator whether the increment has been met.

(6) Compliance schedule for recovery system particulate matter emissions:

(i) January 1, 1974—Submit to the Administrator a final control plan which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) March 1, 1974—Negotiate and sign all necessary contracts for emission-control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) April 1, 1975—Complete onsite construction or installation of emission-control equipment or process modification.

(iv) July 1, 1975—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Within five days after the deadline for completing increments in subdivisions (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(7) Except as provided in subparagraph (9) of this paragraph, the owner or operator of any industrial process or fuel-burning equipment subject to the following emission-limiting regulation and permit regulation in the Alaska Implementation Plan shall comply with the compliance schedule in subparagraph (8) of this paragraph: Alaska Administrative Code, Title 18, § 50.050 (industrial processes and fuel-burning equipment) and § 50.120 (a) and (e) (permits), (appendix, section III, 1 of the Alaska Implementation Plan).

(8) Compliance schedule for industrial process for fuel-burning equipment:

(i) Within 30 days after promulgation of the compliance schedule submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) December 18, 1973—Negotiate and sign all necessary contracts for emission-control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) May 31, 1975—Complete onsite construction or installation of emission-control equipment or process modification.

(iv) July 1, 1975—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Within five days after the deadline for completing increments in subdivisions (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(9) (i) The requirements of subparagraphs (1) through (8) of this paragraph shall not apply to any source which is presently in compliance with the applicable regulations and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule above may submit to the Administrator, no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final date of compliance in the applicable regulation. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(10) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule in this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart G—Colorado

3. Section 52.327 is amended by adding a new paragraph (b), as follows:

§ 52.327 **Compliance schedules.**

* * * * *

(b) *Federal compliance schedules.*

(1) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of Regulation 1, III.B.3., shall notify the Administrator, no later than January 1, 1974, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet the requirements of said regulation.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects low-sulfur fuel shall be subject to the following compliance schedule:

(i) January 31, 1974—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with Regulation 1, III.B.3 on January 1, 1975, and for at least one year thereafter.

(ii) March 31, 1974—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) April 30, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) May 31, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) December 1, 1974—Complete on-site modifications, if applicable.

(vi) January 1, 1975—Final compliance with the low-sulfur fuel requirements of Regulation 1, III.B.3.

(3) Any owner or operator of a stationary source subject to paragraph (1) of this section who elects to utilize stack gas desulfurization or any owner or operator of a stationary source subject to subparagraph (2) of this paragraph shall be subject to the following compliance schedule:

(i) January 31, 1974—Let necessary contracts for construction.

(ii) March 31, 1974—Initiate onsite construction.

(iii) December 1, 1974—Complete construction.

(iv) January 1, 1975—Final compliance with the requirements of Regulation 1, III.B.3.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by January 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(4) Any owner or operator subject to a compliance schedule above shall certify to the Administrator, within five days after the deadline for each increment of progress in that schedule, whether or not the increment has been met.

(5) (i) The requirements of subparagraphs (1) through (4) of this paragraph shall not apply to any source which is presently in compliance with the requirements of Regulation 1, III.B.3 and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule above may submit to the Administrator, no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after January 1, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(6) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule in this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart J—District of Columbia

4. Section 52.476 is amended by adding a new paragraph (b), as follows:

§ 52.476 Compliance schedules.

* * * * *

(b) *Federal compliance schedules.*—(1) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of section 8-2:705 of the Air Quality Control Regulations of the District of Columbia shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet the requirements of said regulation.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects low-sulfur fuel and the owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of section 8-2:704 of the Air Quality Control Regulations of the District of Columbia shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with sections 8-2:704 and 8-2:705 of the Air Quality Control Regulations of the District of Columbia on July 1, 1975, and for at least one year thereafter.

(ii) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) May 15, 1974—Initiate onsite construction, if applicable.

(vi) March 1, 1975—Complete onsite construction, if applicable.

(vii) July 1, 1975—Final compliance with the low-sulfur fuel requirements of either section 8-2:704 or section 8-2:705 of the Air Quality Control Regulations of the District of Columbia.

(3) Any owner or operator of a stationary source subject to subparagraph (2) of this paragraph who elects stack gas desulfurization shall be subject to the following compliance schedule:

(i) November 1, 1973—Let necessary contracts for construction.

(ii) March 1, 1974—Initiate onsite construction.

(iii) March 1, 1975—Complete onsite construction.

(iv) July 1, 1975—Final compliance with the requirements of section 8-2:705 of the Air Quality Control Regulations of the District of Columbia.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(4) Any owner or operator subject to the compliance schedule in either subparagraph (2) or (3) of this paragraph shall certify to the Administrator within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(5) (i) The requirements of subparagraphs (1) through (4) of this paragraph shall not apply to any source which is presently in compliance with the requirements of section 8-2:704 or section 8-2:705 of the Air Quality Control Regulations of the District of Columbia and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to the compliance schedule in either subparagraph (2) or (3) of this paragraph may submit to the Administrator, no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after July 1, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirement of this paragraph for the affected source.

(6) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraph (2) or (3) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart K—Florida

5. In § 52.520 paragraph (c) is revised as follows:

§ 52.520 Identification of plan.

* * * * *

(c) Supplemental information was submitted on April 10 and May 5, 1972, and on June 1 and August 6, 1973, by the State of Florida Department of Pollution Control.

6. Section 52.524 is amended by adding a new paragraph (b), as follows:

§ 52.524 Compliance schedules.

* * * * *

(b) *Federal compliance schedules.*—(1) Except as provided in subparagraph (6) of this paragraph, the owner or operator of any stationary source subject to the following emission limiting regulations in the Florida implementation plan shall comply with the compliance schedule in subparagraph (2) of this paragraph: Rules of the State of Florida, Department of Pollution Control, Air Pollution, subsections 17-2.04 (2); 17-2.04(3); 17-204(6)(a); 17-204 (6)(b); 17-2.04(6)(d); 17-2.04(6)(e) 2.a; 17-2.04(6)(e)3.b; 17-2.04(6)(f); and 17-2.04(6)(h).

(2) Compliance schedule.

(i) November 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) January 1, 1974—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) February 1, 1974—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1975—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(vi) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vii) Five days after the deadline for completing increments (ii) through (iv) in this subparagraph, certify to the Administrator whether the increment has been met.

(3) Except as provided in subparagraph (6) of this paragraph, the owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of Rules of the State of Florida, Department of Pollution Control, Air Pollution, subsections 17-2.04(6)(e)2.c. and d. contained as part of the Florida Implementation Plan shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or

stack gas desulfurization to meet these requirements.

(4) Any owner or operator of a stationary source subject to subparagraph (3) of this paragraph who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on July 1, 1975, and for at least one year thereafter.

(ii) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) June 15, 1974—Initiate onsite modifications, if applicable.

(vi) March 31, 1975—Complete onsite modifications, if applicable.

(vii) July 1, 1975—Achieve compliance with the requirements of Florida Air Pollution Rules subsections 17-2.04 (6) (e) 2. c. and d. and certify such compliance to the Administrator.

(viii) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(ix) Five days after the deadline for completing increments (ii) through (vi) of this subparagraph, certify to the Administrator whether the increment has been met.

(5) Any owner or operator subject to subparagraph (3) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the compliance schedule in subparagraph (2) of this paragraph.

(6) (i) None of the above subparagraphs shall apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Administrator, no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable regulation. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(7) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraph (2) or (4) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart N—Idaho

7. In § 52.670, paragraph (c) is revised to read as follows:

§ 52.670 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) February 23 and April 12, 1972, by the Idaho Air Pollution Control Commission and

(2) March 2, May 5, and June 9, 1972, and February 15, and July 23, 1973.

8. Section 52.677 is revised to read as follows:

§ 52.677 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since the compliance schedules for the control of sulfur oxides from smelters are not legally enforceable. In addition, the requirements of § 51.15(c) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for sulfuric acid plants and Kraft pulp mill recovery furnaces.

(b) The compliance schedule for the source identified below is approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are contained in the "Rules and Regulations for the Control of Air Pollution in Idaho."

Source	Location	Regulation Involved	Date of Adoption	Effective Date	Final Compliance
Potlatch Forest, Inc.[1]	Lewiston	Reg. O, Sec. 3 F	June 28, 1973	Immediately	Jan. 1, 1974

[1] Compliance schedules for the recovery furnaces are disapproved and promulgated in (c) and (d) respectively, below.

(c) The compliance schedule for the source identified below is disapproved as not meeting the requirements of § 51.15 of this chapter. All regulations cited are contained in the "Rules and Regulations for the Control of Air Pollution in Idaho."

Source	Location	Regulation Involved	Date of Adoption
Potlatch Forest, Inc.[2]	Lewiston	Reg. O, Sec. 3 E.	June 28, 1973

[2] The compliance schedule for lime kilns is approved in (b) above.

(d) *Federal compliance schedules.*

(1) Except as provided in subparagraph (5) of this paragraph, the owner or operator of any Kraft pulp mill subject to the following emission limiting regulation in the Idaho Implementation Plan shall comply with the compliance schedule in subparagraph (2) of this paragraph: "Rules and Regulations for the Control of Air Pollution in Idaho," regulation O, section 3, subsection E (chapter VII of the Idaho implementation plan).

(2) Compliance schedule for recovery furnaces.

(i) January 1, 1974—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(ii) If a performance test is determined necessary by the Administrator to certify compliance, such a test must be completed by January 15, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(3) Except as provided in subparagraph (5) of this paragraph, the owner or operator of any sulfuric acid plant subject to the following emission limiting regulation in the Idaho implementation plan shall comply with the compliance schedule in subparagraph (4) of this paragraph: "Rules and Regulations for the Control of Air Pollution in Idaho," regulation R, section 2, subsection A (chapter VII of the Idaho implementation plan).

(4) Compliance schedule for sulfuric acid plants.

(i) January 1, 1974—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) April 1, 1974—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) June 1, 1975—Complete on-site construction or installation of emission control equipment or process modification.

(iv) July 31, 1975—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 31, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Within five days after the deadline for completing increments in subdivisions (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(5) (i) The requirements of subparagraphs (1) through (4) of this paragraph shall not apply to any source which is presently in compliance with the applicable regulation and which has certified such compliance to the Adminis-

trator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule above may submit to the Administrator, no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable regulation. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(6) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule in this paragraph fails to satisfy the requirements of §§ 51.15(b) and (c) of this chapter.

Subpart O—Illinois

9. Section 52.730 is amended by adding a new paragraph (b), as follows:

§ 52.730 Compliance schedules.

* * * * *

(b) *Federal compliance schedules.*—(1) Except as provided in subparagraph (3) of this paragraph, the owner or operator of any stationary source subject to the following emission limiting regulations in the Illinois implementation plan shall comply with the applicable compliance schedule in subparagraph (2) of this paragraph: Illinois Air Pollution Control Regulations Rule 203 (d)(4), 203(d)(6)(B)(ii)(bb), 203(g)(1)(B), 203(g)(2), 203(g)(3), 203(g)(4), 204(c)(1)(A), 204(c)(2), 204(d), and 204(e).

(2) *Compliance schedules.*—(i) The owner or operator of any stationary source subject to Illinois Air Pollution Control Regulation Rule 203(d)(4) shall take the following actions with respect to the source no later than the date specified.

(*a*) September 30, 1973—Advertise for bids for purchase and construction or installation of equipment, or for materials requisite for process modification sufficient to control particulate emissions from the source.

(*b*) November 15, 1973—Award contracts for emission control systems or process modification, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(*c*) May 31, 1974—Initiate onsite construction or installation of emission control system or process modification.

(*d*) March 31, 1975—Complete onsite construction or installation of emission system or process modification.

(*e*) May 31, 1975—Complete shakedown operation and performance test on source, submit performance test results to the Administrator; achieve full compliance with State agency regulation.

(ii) The owner or operator of any stationary source subject to Illinois Air Pollution Control Regulation Rule 203(d)(6)(B)(ii)(bb) shall take the following actions with respect to the source no later than the date specified.

(*a*) September 30, 1973—Advertise for bids for purchase and construction or for modification of equipment sufficient to control particulate emissions from the source.

(*b*) November 15, 1973—Award contracts for emissions control systems or process modification, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(*c*) March 31, 1974—Initiate onsite construction or installation of emission control system.

(*d*) October 31, 1974—Complete onsite construction or installation of emission control system.

(*e*) December 31, 1974—Achieve final compliance with Illinois Air Pollution Control Regulations Rule 203(d)(6)(B)(ii)(bb).

(iii) (*a*) The owner or operator of any boiler or furnace of more than 250 million BTU per hour heat input subject to Illinois Air Pollution Control Regulation Rule 204(c)(1)(A), 204(c)(2), 204(d), and 204(e) shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to the requirements of said regulation.

(*b*) Any owner or operator of a stationary source subject to subparagraph (2)(iii)(*a*) of this paragraph who elects to utilize low sulfur fuel shall take the following actions with respect to the source no later than the date specified.

(*1*) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with Illinois Air Pollution Control Regulations Rule 204(c)(1)(A), 204(c)(2), 204(d), and 204(e) on May 31, 1975, and for at least one year thereafter.

(*2*) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(*3*) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(*4*) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(*5*) June 15, 1974—Initiate onsite modifications, if applicable.

(*6*) March 31, 1975—Complete onsite modifications, if applicable.

(*7*) May 31, 1975—Final compliance with the emission limitation of Rules 204(c)(1)(A), 204(c)(2), 204(d), and 204(e).

(*c*) Any owner or operator of a fuel combustion source subject to subparagraph (2)(iii)(*a*) of this paragraph who elects to utilize stack gas desulfurization shall take the following actions with respect to the source no later than the date specified.

(*1*) November 1, 1973—Let necessary contracts for construction.

(*2*) March 31, 1974—Initiate onsite construction.

(*3*) March 31, 1975—Complete onsite construction.

(*4*) May 31, 1975—Complete shakedown operations and performance test on source, submit performance test results to the Administrator; achieve full compliance with Rule 204(c)(1)(A), 204(c)(2), 204(d), and 204(e).

(iv) (*a*) The owner or operator of any stationary source subject to Illinois Air Pollution Control Regulations Rule 203(g)(1)(B), 203(g)(2), 203(g)(3), and 203(g)(4) shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low ash fuel or a stack gas cleaning system to meet the requirements of said regulation.

(*b*) Any owner or operator of a stationary source subject to subparagraph (2)(iv)(*a*) of this paragraph who elects to utilize low ash fuel shall take the following actions with respect to the source no later than the date specified.

(*1*) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with Illinois Air Pollution Control Regulations Rule 203(g)(1)(B), 203(g)(2), 203(g)(3), and 203(g)(4) on May 31, 1975, and for at least one year thereafter.

(*2*) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(*3*) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(*4*) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(*5*) June 15, 1974—Initiate onsite modifications, if applicable.

(*6*) March 31, 1975—Complete onsite modifications, if applicable.

(*7*) May 31, 1975—Final compliance with the emission limitation of Rule 203(g)(1)(B), 203(g)(2), 203(g)(3), and 203(g)(4).

(*c*) Any owner or operator of a stationary source subject to subparagraph (2)(iv)(*a*) of this paragraph who elects to utilize a stack gas cleaning system shall take the following actions with respect to the source no later than the date specified.

(*1*) January 15, 1974—Let necessary contracts for construction.

(*2*) April 1, 1974—Initiate onsite construction.

(*3*) April 1, 1975—Complete onsite construction.

(*4*) May 31, 1975—Complete shakedown operations and performance tests on source, submit performance test results to the Administrator; achieve full compliance with Rule 203(g)(1)(B), 203(g)(2), 203(g)(3), and 203(g)(4).

(v) Ten days prior to the conduct of any performance test required by this

paragraph, the owner or operator of the affected source shall give notice of such test to the Administrator to afford him the opportunity to have an observer present.

(vi) Any owner or operator subject to a compliance schedule above shall certify to the Administrator, within five days after the deadline for each increment of progress in that schedule, whether or not the increment has been met.

(3) (i) The requirements of subparagraphs (1) and (2) of this paragraph shall not apply to any source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule above may submit to the Administrator, no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable regulation. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(4) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedules in subparagraph (2) of this paragraph fail to satisfy the requirements of § 51.15(b) and (c) of this chapter.

Subpart V—Maryland

10. Section 52.1080 is amended by adding a new paragraph (b), as follows:

§ 52.1080 Compliance schedules.

* * * * *

(b) *Federal compliance schedules.*—(1) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of regulation 10.03.36.04B(3) or 10.03.36.04D(1), 10.03.37.04B(3) or 10.03.37.04D(1), 10.03.38.04B(3) or 10.03.38.04D(1), 10.03.39.04B(3) or 10.03.39.04D(1), 10.03.40.04B(3) or 10.03.40.04D(1), or 10.03.41.04B(3) or 10.03.41.04D(1) of the Maryland State Department of Health and Mental Hygiene, whichever is applicable in the air quality control region in which the source is located, shall notify the Administrator, no later than January 1, 1974, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet the requirements of said regulation.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects low-sulfur fuel shall be subject to the following compliance schedule:

(i) January 31, 1974—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the requirement of subsection .04B(3) of the applicable Maryland regulation referred to in subparagraph (1) of this paragraph on July 1, 1975, and for at least one year thereafter.

(ii) March 31, 1974—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) April 30, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) May 31, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) October 31, 1974—Initiate onsite modifications, if applicable.

(vi) June 1, 1975—Complete onsite modifications, if applicable.

(vii) July 1, 1975—Final compliance with the low-sulfur fuel requirement of subsection .04B(3) of the applicable Maryland regulation referred to in subparagraph (1) of this paragraph.

(3) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects to utilize stack gas desulfurization, as specified in subsection .04D(1) of the applicable Maryland regulation referred to in subparagraph (1) of this paragraph, shall be subject to the following compliance schedule:

(i) February 28, 1974—Let necessary contracts for construction.

(ii) May 1, 1974—Initiate onsite construction.

(iii) April 1, 1975—Complete onsite construction.

(iv) July 1, 1975—Final compliance with the requirements of subsections .04B(3) or .04D(1) of the applicable Maryland regulations referred to in subparagraph (1) of this paragraph.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(4) Any owner or operator subject to the compliance schedule in either subparagraph (2) or (3) of this paragraph shall certify to the Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(5) (i) The requirements of subparagraphs (1) through (4) of this paragraph shall not apply to any source which is presently in compliance with the requirements of subsections .04B(3) or .04D(1) of the Maryland regulations referred to in subparagraph (1) of this paragraph and which has certified such compliance to the Administrator no later than thirty days after the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to the compliance schedule in either subparagraph (2) or (3) of this paragraph may submit to the Administrator, no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after July 1, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirement of this paragraph for the affected source.

(6) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraph (2) or (3) of this paragraph fails to satisfy the requirements of § 51.15(b) and (c) of this chapter.

Subpart X—Michigan

11. Section 52.1175 is amended by adding a new paragraph (d), as follows:

§ 52.1175 Compliance schedules.

* * * * *

(d) *Federal compliance schedules.*—(1) Except as provided in subparagraph (3) of this paragraph, the owner or operator of any stationary source subject to the following emission-limiting regulations in the Michigan implementation plan shall comply with the applicable compliance schedule in subparagraph (2) of this paragraph: Air Pollution Control Commission, Department of Public Health, Michigan Rule 336.49.

(2) *Compliance schedules.*—(i) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to Rule 336.49 and located in the Central Michigan Intrastate AQCR, South Bend-Elkhart-Benton Harbor Interstate AQCR, or Upper Michigan Intrastate AQCR (as defined in Part 81 of this title) shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to comply with the limitations effective July 1, 1975, in Table 3 or Table 4 of Rule 336.49.

(ii) Any owner or operator of a stationary source subject to subparagraph (2) (i) of this paragraph who elects to utilize low-sulfur fuel shall take the following actions with respect to the source no later than the dates specified.

(*a*) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with Table 3 of Rule 336.49 on July 1, 1975, and for at least one year thereafter.

(*b*) December 31, 1973—Sign contracts with fuel suppliers for projected fuel requirements.

(c) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(d) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(e) June 15, 1974—Initiate onsite modifications, if applicable.

(f) March 31, 1975—Complete onsite modifications, if applicable.

(g) July 1, 1975—Achieve final compliance with the applicable July 1, 1975, sulfur-in-fuel limitation listed in Table 3 of Rule 336.49.

(iii) Any owner or operator of a stationary source subject to subparagraph (2) (i) of this paragraph who elects to utilize stack gas desulfurization shall take the following actions with respect to the source no later than the dates specified.

(a) November 1, 1973—Let necessary contracts for construction.

(b) March 1, 1974—Initiate onsite construction.

(c) March 31, 1975—Complete onsite construction.

(d) July 1, 1975—Achieve final compliance with the applicable July 1, 1975, emission limitation listed in Table 4 of Rule 336.49.

(e) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(iv) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to Rule 336.49 and located in the Central Michigan Intrastate AQCR, South Bend-Elkhart-Benton Harbor Interstate AQCR, or Upper Michigan Intrastate AQCR shall notify the Administrator, no later than January 31, 1974, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to comply with the limitation effective July 1, 1978, in Table 3 or Table 4 of Rule 336.49.

(v) Any owner or operator of a stationary source subject to subparagraph (2) (iv) of this paragraph who elects to utilize low-sulfur fuel shall take the following actions with respect to the source no later than the dates specified.

(a) October 15, 1976—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with Table 3 of Rule 336.49 on July 1, 1978, and for at least one year thereafter.

(b) December 31, 1976—Sign contracts with fuel suppliers for projected fuel requirements.

(c) January 31, 1977—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(d) March 15, 1977—Let contracts for necessary boiler modifications, if applicable.

(e) June 15, 1977—Initiate onsite modifications, if applicable.

(f) March 31, 1978—Complete onsite modifications, if applicable.

(g) July 1, 1978—Achieve final compliance with the applicable July 1, 1978, sulfur-in-fuel limitation listed in Table 3 of Rule 336.49.

(vi) Any owner or operator of a stationary source subject to subparagraph (2) (iv) of this paragraph who elects to utilize stack gas desulfurization shall take the following actions with regard to the source no later than the dates specified.

(a) November 1, 1976—Let necessary contracts for construction.

(b) March 1, 1977—Initiate onsite construction.

(c) March 31, 1978—Complete onsite construction.

(d) July 1, 1978—Achieve final compliance with the applicable July 1, 1978, emission limitation listed in Table 4 of Rule 336.49.

(e) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1978. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vii) Any owner or operator subject to a compliance schedule above shall certify to the Administrator, within five days after the deadline for each increment of progress in that schedule, whether or not the increment has been met.

(3) (i) The requirements of subparagraphs (1) and (2) of this paragraph shall not apply to any source which is presently in compliance with Table 3 or Table 4 of Rule 336.49 and which has certified compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in subparagraph (2) of this paragraph may submit to the Administrator by no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable regulation. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(4) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraph (2) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart EE—New Hampshire

12. Section 52.1524 is amended by adding a new paragraph (d), as follows:

§ 52.1524 Compliance schedules.

* * * * *

(d) *Federal compliance schedules.*—The compliance schedules for the sources identified below are promulgated herein in satisfaction of the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Effective date	Final compliance date
Brown Co.:				
(a) No. 11 Kraft recovery	Berlin, N.H.	15	Immediately	January 1973.
(b) No. 11 Kraft recovery	do	15	do	January 1974.
(c) No. 8 Kraft recovery boiler main stack	do	15	do	July 1974.
(d) No. 8 Kraft recovery smelt tank vent	do	15	do	December 1974.
(e) Heavy black liquor oxidation	do	15	do	June 1974.
(f) No. 1 lime kiln stack	do	15	do	January 1973.
(g) No. 2 lime kiln stack	do	15	do	December 1974.

Subpart HH—New York

13. Section 52.1677 is amended by adding a new paragraph (d) as follows:

§ 52.1677 Compliance schedules.

* * * * *

(d) *Federal compliance schedules.*—(1) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of §§ 225.3(c) and 230.2(c) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet the requirements of said regulation.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects low-sulfur fuel shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with sections 225.3(c) and 230.2 (c) of the codes, rules, and regulations cited in subparagraph (1) of this paragraph on June 30, 1975, and October 1,

1975, respectively, and for at least one year thereafter.

(ii) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) June 15, 1974—Initiate onsite modifications, if applicable.

(vi) February 28, 1975—Complete onsite modifications, if applicable.

(vii) (a) June 30, 1975—Final compliance with the low-sulfur fuel requirements of section 225.3(c) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations.

(b) October 1, 1975—Final compliance with the low-sulfur fuel requirements of section 230.2(c) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations.

(3) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) November 1, 1973—Let necessary contracts for construction.

(ii) March 31, 1974—Initiate onsite construction.

(iii) February 28, 1975—Complete onsite construction.

(iv) (a) June 30, 1975—Final compliance with the requirements of section 225.3(c) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations.

(b) October 1, 1975—Final compliance with the requirements of section 230.2(c) of subchapter A, title 6 of New York State's official compilation of codes, rules, and regulations.

(v) If a performance test is necessary for a determination as to whether compliance with subpart (3) (iv) (a) or (b) has been achieved, such a test must be completed by June 30, 1975, or October 1, 1975, respectively. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(4) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirement of section 230.2(d) of subchapter A, chapter III, title 6 of the New York State's official compilation of codes, rules, and regulations shall notify the Administrator no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet the requirements of said regulation.

(5) Any owner or operator of a stationary source subject to subparagraph (4) of this paragraph who elects low-sulfur fuel shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with section 230.2(d) of the codes, rules, and regulations cited in subparagraph (4) of this paragraph on October 1, 1974, and for at least one year thereafter.

(ii) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) June 15, 1974—Initiate onsite modifications, if applicable.

(vi) September 3, 1974—Complete onsite modifications, if applicable.

(vii) October 1, 1974—Final compliance with the low-sulfur fuel requirements of section 230.2(d) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations.

(6) Any owner or operator of a stationary source subject to subparagraph (5) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) November 1, 1973—Let necessary contracts for construction.

(ii) December 31, 1973—Initiate onsite construction.

(iii) September 1, 1974—Complete onsite construction.

(iv) October 1, 1974—Final compliance with the requirements of section 230.2(d) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by October 1, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(7) The owner or operator of any petroleum refinery subject to the requirements of section 223.1(a) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations shall comply with the compliance schedule in subparagraph (8) of this paragraph.

(8) Any owner or operator of a petroleum refinery subject to subparagraph (7) of this paragraph shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit final control plan to the Administrator.

(ii) February 28, 1974—Let necessary contracts for construction or installation of emission control equipment.

(iii) June 30, 1974—Initiate onsite construction or installation of emission control equipment.

(iv) November 30, 1974—Complete onsite construction or installation of emission control equipment.

(v) December 31, 1974—Final compliance with the requirements of § 223.1 (a) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations.

(9) The owner or operator of any coke oven battery subject to the requirements of part 214, sections 214.2 and 214.4, of subchapter A, chapter III, title 6 of the New York State's official compilation of codes, rules, and regulations for a facility with an environmental rating B as determined by part 212 of subchapter A, chapter III, title 6 of the New York State official compilation of codes, rules, and regulations, shall comply with the compliance schedule in subpargaraph (10) of this paragraph.

(10) Any owner or operator of a coke oven battery subject to subparagraph (9) of this paragraph shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit final control plan to the Administrator.

(ii) February 1, 1974—Let necessary contract for construction or installation of control equipment.

(iii) April 15, 1974—Initiate onsite construction or installation of control equipment.

(iv) November 30, 1974—Complete onsite construction or installation of control equipment.

(v) December 31, 1974—Final compliance with the requirements of part 214, sections 214.2 and 214.4, of the subchapter A, chapter III, title 6 of the New York State's official compilation of codes, rules, and regulations.

(11) Any owner or operator subject to a compliance schedule above shall certify to the Administrator, within five days after the deadline for each increment of progress in that schedule, whether or not the increment has been met.

(12) (i) The requirements of subparagraphs (1) through (11) of this paragraph shall not apply to any source which is presently in compliance with the applicable regulations and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule above may submit to the Administrator, no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable regulation. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(13) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraphs (2), (3), (5), (6), (8), and (10) of this

paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart MM—Oregon

14. In § 52.1970 paragraph (c) is revised to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) May 3, and October 26, 1972, and February 9, April 13, May 30, June 8, June 22, June 25, July 17, and August 3, 1973.

15. Section 52.1975 is amended by adding new paragraphs (b) and (c), as follows:

§ 52.1975 Compliance schedules.

* * * * *

(b) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are contained in the Oregon Administrative Rules, Chapter 340, unless otherwise indicated.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Crown Zellerbach Corp.	Wauna	OAR 340 Sec 25-170	Aug. 2, 1972	Immediately	May 1, 1975
Georgia Pacific Corp.	Toledo	do	do	do	Jan. 1, 1975
Hanna Nickel Co.	Riddle	OAR 340 Sec 25-415	Jan. 26, 1973	do	July 1, 1974

(c) *Federal compliance schedules.*—(1) Except as provided in subparagraph (11) of this paragraph the owner or operator of any primary aluminum plant subject to the following emission limiting regulation in the Oregon implementation plan shall comply with the compliance schedule in subparagraph (2) of this paragraph: Oregon Administrative Rules, chapter 340, section 25-265 (app. 2-A of the Oregon Implementation Plan).

(2) Compliance schedule for primary aluminum plants:

(i) December 1, 1973—Submit to the Administrator a final control plan which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) January 31, 1974—Negotiate and sign all necessary contracts for emission control systems or process modifications or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) December 9, 1974—Complete onsite construction or installation of emission control equipment or process modification.

(iv) January 1, 1975—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(3) Except as provided in subparagraph (11) of this paragraph, the owner or operator of any Kraft pulp mill subject to the following emission limiting regulation in the Oregon Implementation Plan shall comply with the compliance schedules in subparagraphs (2) and (3) of this paragraph: Oregon Administrative Rules, chapter 340, section 25-170 (2)(a) (recovery furnaces) and (b) (lime kilns) (app. 2-A of the Oregon Implementation Plan).

(4) Compliance schedule for recovery furnaces:

(i) October 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) December 17, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) May 26, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(iv) July 1, 1975—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(5) Compliance schedule for lime kilns:

(i) October 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) November 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) July 29, 1974—Complete onsite construction or installation of emission control equipment or process modification.

(iv) August 26, 1974—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(6) Except as provided in subparagraph (11) of this paragraph, the owner or operator of any sulfite pulp mill subject to the following emission-limiting regulation in the Oregon Implementation Plan shall comply with the compliance schedule in subparagraph (5) and (6), as applicable, of this paragraph: Oregon Administrative Rules, chapter, 340, section 25-36 (app. 2-A of the Oregon Implementation Plan).

(7) Compliance schedule for sulfite mills of 110 tons or greater of air dried unbleached pulp per day:

(i) October 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) November 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) May 20, 1974—Complete onsite construction or installation of emission control equipment or process modification.

(iv) July 1, 1974—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(8) Compliance schedule for sulfite mills of less than 110 tons of air dried unbleached pulp per day:

(i) October 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) February 1, 1974—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) August 1, 1974—Complete onsite construction or installation of emission control equipment or process modification.

(iv) November 1, 1974—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(9) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by the final compliance date in the applicable compliance schedule. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(10) Within five days after the deadline for completing increments (ii) and (iii) in a compliance schedule above, certify to the Administrator whether the increment has been met.

(11)(i) The requirements of subparagraphs (1) through (10) of this paragraph shall not apply to any source which is presently in compliance with the applicable regulations and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule above may submit to the Administrator, no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable regulation. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(12) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule in this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart OO—Rhode Island

16. In § 52.2077, paragraph (b) is amended by deleting from the table of sources the Providence, Pawtucket, and Newport Municipal Incinerators, and by adding new paragraphs (c) and (d) as follows:

§ 52.2077 Compliance schedules.

* * * * *

(c) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Providence Municipal Incinerator	Providence	12.2.2(c)	Apr. 24, 1973	Immediately	Jan. 31 1974
Pawtucket Municipal Incinerator	Pawtucket	12.2.2(c)	do	do	May 31, 1975
Newport Municipal Incinerator	Newport	12.2.2(c)	do	do	Dec. 31, 1973

(d) *Federal compliance schedules.*—The compliance schedules for the sources identified below are promulgated herein in satisfaction of the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Effective date	Final compliance date
Woonsocket Municipal Incinerator	Woonsocket	12.2.2(c)	Immediately	May 31, 1975

Subpart PP—South Carolina

17. Section 52.2123 is amended by adding new lines to the table in paragraph (b), and by adding a new paragraph (c), as follows:

§ 52.2123 Compliance schedules.

* * * * * * *

(b) * * *

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Duke Power Co., Lee Plant Unit 1.	Anderson County, S.C.	S2A-I R4A-II	Jan. 12, 1973	Immediately	Dec. 31, 1973
E. I. Dupont de Nemours and Co., May Plant.	Camden, S.C.	S1A S2A-I R4A-III	Jan. 11, 1973	do	July 1, 1974
W. R. Grace and Co.	Charleston, S.C.	S5A-I R4A	Oct. 19, 1973	do	July 1, 1973
J. P. Stevens and Co., Inc., Victor Plant.	Greer, S.C.	S2A-I S2A-II R4A	Jan. 11, 1973	do	July 12, 1973
U.S. Atomic Energy Commission, Savannah River Plant, Area 400-D Units 1, 2, 3, and 4.	Aiken County, S.C.	S2A-I R4A-II	Jan. 24, 1973	do	July 1, 1974

(c) *Federal compliance schedules.*—(1) Except as provided in subparagraph (14) of this paragraph, the owner or operator of any stationary source subject to emission limiting regulations of the South Carolina Implementation Plan shall comply with the applicable compliance schedule in subparagraphs (2) through (11) of this paragraph.

(2) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of South Carolina standard 2A, section II B and C, and located in an AQCR listed at the end of this subparagraph, shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet these requirements. Camden-Sumter AQCR; Charleston Intrastate AQCR; Columbia Intrastate AQCR; Florence Intrastate AQCR; Georgetown Intrastate AQCR; Greenville-Spartanburg Intrastate AQCR; Greenwood Intrastate AQCR.

(3) Any owner or operator of a stationary source subject to subparagraph (2) of this paragraph who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on July 1, 1977, and for at least one year thereafter, as well as a statement as to whether boiler modifications will be required. If so, final plans must be submitted for such modifications.

(ii) May 1, 1974—Sign contracts with fuel supplier for fuel requirements as projected above.

(iii) May 1, 1975—Let contracts for necessary boiler modifications, if applicable.

(iv) January 1, 1976—Initiate onsite modifications, if applicable.

(v) May 1, 1977—Complete onsite modifications, if applicable.

(vi) July 1, 1977—Achieve compliance with the requirements of South Carolina standard 2A, section II B and C, and certify such compliance to the Administrator.

(4) Any owner or operator of a stationary source subject to subparagraph (2) of this paragraph, who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a final control plan which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulation.

(ii) May 1, 1974—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) May 1, 1975—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1977—Complete onsite construction or installation of emission control equipment process modification.

(v) July 1, 1977—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(5) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of South Carolina standard 2A, section II B and C, and located in an AQCR listed at the end of this subparagraph, shall notify the Administrator, no later than January 1, 1974, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet the requirements of said regulations: Augusta-Aiken Interstate AQCR; Metropolitan Charlotte Interstate AQCR; Savannah-Beaufort Interstate AQCR.

(6) Any ower or operator of a stationary source subject to subparagraph (5) of this paragraph who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) January 31, 1974—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on July 1, 1975, and for at least one year thereafter.

(ii) March 31, 1974—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) April 30, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) May 31, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) October 31, 1974—Initiate onsite modifications, if applicable.

(vi) June 1, 1975—Complete onsite modifications, if applicable.

(vii) July 1, 1975—Achieve compliance with the requirements of South Carolina standard 2A, section II B and C, and certify such compliance to the Administrator.

(7) Any owner or operator of a stationary source subject to subparagraph (5) of this paragraph, who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) January 31, 1974—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) February 28, 1974—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) May 1, 1974—Initiate onsite construction of emission control equipment or process modification.

(iv) May 1, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1975—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(8) Compliance schedule for sources subject to standard 5A, section II of the air pollution regulations and standards for the State of South Carolina.

(i) October 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) December 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue order for the purchase of component parts to accomplish emission control or process modification.

(iii) January 1, 1974—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 31, 1975—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(9) Any owner or operator of a stationary source subject to the requirements of standard 5A, sections I and VI B and C of the air pollution control regulations and standards for the State of South Carolina shall be subject to the compliance schedule in subparagraph (4) of this paragraph.

(10) Compliance schedule for primary and secondary metals plants subject to standard 5A, section VII of the air pollution control regulations and standards for the State of South Carolina:

(i) October 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) December 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) January 1, 1974—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) March 1, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(v) May 1, 1975—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(11) Compliance schedule for sources subject to standard 2A, section I and standard 5A, sections III, IV, and V of the air pollution control regulations and standards for the State of South Carolina:

(i) September 15, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) November 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component part to accomplish emission control or process modification.

(iii) December 1, 1973—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) June 1, 1974—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1974—Achieve compliance with the applicable regulations and certify such compliance with the Administrator.

(12) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed on or before the final compliance dates listed in each subparagraph (2) through (11) of this paragraph. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(13) Five days after the deadline for completing increments (ii) through (v) in subparagraph (3), increments (ii) through (vi) in subparagraph (6), and increments (ii) through (iv) in subparagraphs (4), (7), (8), (10), and (11) of this paragraph, certification as to whether the increments were met shall be made to the Administrator.

(14) (i) None of the above subparagraphs shall apply to a source which is presently in compliance with the applicable regulations and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Administrator no later than thirty days after the effective date of this paragraph a proposed alternative compliance schedule. No such compliance schedule may provide final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(15) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule in this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart RR—Tennessee

18. Section 52.2220 is amended by adding a new paragraph (c)(4), as follows:

§ 52.2220 Identification of plan.

(see) * * *

* * * * *

(4) June 27, 1973, from the Division of Air Pollution Control, Tennessee Department of Public Health.

19. Section 52.2223 is amended by adding new paragraphs (a) and (e), as follows:

§ 52.2223 Compliance schedules.

(a) *Federal compliance schedules—State program.*—(1) Except as provided in subparagraph (4) of this paragraph, the owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of Tennessee air pollution control regulation chapter VI, section 4.B.1, as contained in the Tennessee implementation plan, shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet these requirements.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on July 1, 1975, and for at least one year thereafter.

(ii) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) May 31, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) October 31, 1974—Initiate onsite modifications, if applicable.

(vi) June 1, 1975—Complete onsite modifications, if applicable.

(vii) July 1, 1975—Achieve compliance with the requirements of Tennessee air pollution control regulations chapter VI, section 4.B.1, and certify compliance to the Administrator.

(viii) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed on or before July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(ix) Five days after the deadline for completing increments (ii) through (vi) in this subparagraph certification as to whether the increments were met shall be made to the Administrator.

(3) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) January 31, 1974—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) February 28, 1974—Negotiate and sign all necessary contracts for emission-control systems or process modification, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) May 1, 1974—Initiate onsite construction or installation of emission-control equipment or process modification.

(iv) May 1, 1975—Complete onsite construction or installation of emission-control equipment or process modification.

(v) July 1, 1975—Achieve compliance with the requirements of Tennessee air pollution control regulation chapter VI, section 4.B.1, and certify compliance to the Administrator.

(vi) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed on or before July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vii) Five days after the deadline for completing increments (ii) through (iv) in this subparagraph, certification as to whether the increments were met shall be made to the Administrator.

(4) (i) None of the above subparagraphs shall apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Administrator no later than thirty days after the effective date of this paragraph a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(5) The compliance schedules in subparagraphs (2) and (3) of this paragraph shall not excuse a source from complying with any interim emission limitations on the date prescribed in the Tennessee air pollution control regulation listed in subparagraph (1) of this paragraph.

(6) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedules in the above subparagraphs of this paragraph fail to satisfy the requirements of § 51.15(b) and (c) of this chapter.

* * * * *

(e) *Federal compliance schedules—Local programs.*—(1) Except as provided in subparagraph (16) of this paragraph, the owner or operator of any stationary source subject to the following emission limiting regulations of the Knox County Air Pollution Control Regulations and the City of Memphis Air Pollution Control Code and Shelby County Air Pollution Control Code contained as part of the Tennessee implementation plan shall comply with the compliance schedule in subparagraph (2) of this paragraph: Knox County Air Pollution Control Regulations, Sections 18.2C; 19.4B; 20.1D; and 23.1; City of Memphis Air Pollution Control Code and Shelby County Air Pollution Control Code Section 3-24(d).

(2) *Compliance schedule.*—(i) October 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) December 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) January 1, 1974—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1975—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(3) Except as provided in subparagraph (16) of this paragraph, the owner or operator of any stationary source subject to the following emission limiting regulation of the Knox County Air Pollution Control Regulations contained as part of the Tennessee implementation plan shall comply with the compliance schedule in subparagraph (4) of this paragraph: Knox County Air Pollution Control Regulations, Section 19.2C.

(4) *Compliance schedule.*—(i) October 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) December 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) January 1, 1974—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(v) June 1, 1975—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(5) Except as provided in subparagraph (16) of this paragraph, the owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of Knox County Air Pollution Control Regulations, section 18.4B; and City of Memphis Air Pollution Control Code and Shelby County Air Pollution Control Code, Section 3-24(b), contained as part of the Tennessee implementation plan shall notify the Administrator no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet these requirements.

(6) Any owner or operator of a stationary source subject to subparagraph (5) of this paragraph who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on July 1, 1975, and for at least one year thereafter.

(ii) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) June 15, 1974—Initiate onsite modifications, if applicable.

(vi) March 31, 1975—Complete onsite modifications, if applicable.

(vii) July 1, 1975—Achieve compliance with the requirements of Knox County Air Pollution Control Regulations, section 18.4B, and City of Memphis Air Pollution Control Code and Shelby County Air Pollution Control Code Section 3-24 (b) and certify such compliance to the Administrator.

(7) Any owner or operator of a stationary source subject to subparagraph (5) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulation.

(ii) January 1, 1974—Negotiate and sign all necessary contracts for emission control systems or process modification, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) February 1, 1974—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1975—Achieve compliance with the applicable regulation and certify such compliance to the Administrator.

(8) Except as provided in subparagraph (16) of this paragraph, the owner or operator of any stationary source subject to the following emission limiting regulation of the Hamilton County Air Pollution Control Regulations contained as part of the Tennessee implementation plan shall comply with the compliance schedule in subparagraph (9) of this paragraph: Hamilton County Air Pollution Control Regulations, rule 10 (particulate emissions from process operations).

(9) Compliance schedule. (i) September 15, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) November 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) December 1, 1973—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) June 1, 1974—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1974—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(10) Except as provided in subparagraph (16) of this paragraph, the owner or operator of any process (non-fuel burning) source of sulfur dioxide subject to the emission limiting requirements of the Hamilton County Air Pollution Control Regulations, rule 13, contained as part of the Tennessee implementation plan shall comply with the compliance schedule in subparagraph (9) of this paragraph.

(11) Except as provided in subparagraph (16) of this paragraph, the owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the sulfur dioxide emission limiting requirements of the Hamilton County Air Pollution Control Regulations, rule 13, contained as part of the Tennessee implementation plan shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet these requirements.

(12) Any owner or operator of a fuel burning facility subject to subparagraph (11) of this paragraph who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on July 1, 1974, and for at least one year thereafter.

(ii) December 1, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 1, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) February 1, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) February 15, 1974—Initiate onsite modifications, if applicable.

(vi) June 15, 1974—Complete onsite modifications, if applicable.

(vii) July 1, 1974—Achieve compliance with the requirements of Hamilton County Air Pollution Control Regulations, rule 13, and certify such compliance to the Administrator.

(13) Any owner or operator of a fuel burning facility subject to subparagraph (11) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) December 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) December 15, 1973—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) June 15, 1974—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1974—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(14) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by the final compliance date in the applicable regulation. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(15) Any owner or operator subject to a compliance schedule above shall certify to the Administrator, within five days after the deadline for each increment of progress in that schedule, whether or not the increment has been met.

(16) (i) None of the above subparagraphs shall apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Administrator no later than thirty days of the effective date of this paragraph a proposed alternative compliance schedule. No such compliance may provide for final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(17) No compliance schedule in this paragraph shall excuse a source from complying with an interim emission limitation that is applicable to such source.

(18) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule in this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart WW—Washington

20. In section 52.2460, paragraph (c) is revised to read as follows:

§ 52.2460 Identification of plan.

* * * * *

(c) Supplemental information was submitted on. (1) January 28, May 5, July 19, September 11, and December 12, 1972, February 15, April 13, and July 31, 1973, by the Department of Ecology.

21. Section 52.2481 is amended as follows: Paragraphs (a) and (b) are re-

vised, paragraph (c) is revoked and reserved, and paragraph (d) is added. As amended, § 52.2481 reads as follows:

§ 52.2481 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since a compliance schedule for control of sulfur oxides from a petroleum refinery has not been formally adopted and submitted.

(b) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are contained in the Washington Administrative Code (WAC) Title 18, unless otherwise noted.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance
Crown Zellerbach Corp.	Port Townsend.	WAC 18-36-030	July 17, 1973	Immediately	June 30, 1975
Do	Camas	do	do	do	Do.
Weyerhaeuser Co	Longview	do	do	do	Mar. 1, 1975
Do	Everett	do	do	do	Jan. 31, 1975
St. Regis Paper Co	Tacoma	do	do	do	Jan. 1, 1975
Boise Cascade Papers	Wallula	do	do	do	Do.
Longview Fibre Co	Longview	do	do	do	Jan. 1, 1974
Georgia Pacific Corp	Bellingham	WAC 18-38-030	Dec. 18, 1972	do	Immediately
Crown Zellerbach, Co	Camas	do	July 17, 1973	do	July 1, 1974
ITT Rayonier, Inc	Port Angeles	do	do	do	July 17, 1973
Do	Hoquiam	do	do	do	July 1, 1974
Weyerhaeuser Co	Everett	do	Feb. 9, 1973	do	May 31, 1974
Do	Longview	do	July 17, 1973	do	Dec. 1, 1973
Do	Cosmopolis	do	do	do	July 1, 1974
Scott Paper Co	Everett	do	do	do	Do.
Kaiser Aluminum & Chemical Corp.	Tacoma	WAC 18-52-030	Dec. 18, 1972	do	Sept. 1, 1974
Do	Mead	do	Jan. 22, 1973	do	July 1, 1974
Intalco Aluminum	Ferndale	do	Dec. 18, 1972	do	May 1, 1973
Martin-Marietta Aluminum	Goldendale	do	Feb. 9, 1973	do	Sept. 30, 1973
Reynolds Metal Co	Longview	do	Dec. 18, 1972	do	Nov. 1, 1974
Aluminum Co. of America	Vancouver	do	July 17, 1973	do	Do.
Do	Wenatchee	do	do	do	July 17, 1973
Witco Chemical Corp	Quincy	WAC 18-04-060	Feb. 9, 1973	do	Feb. 28, 1974
Lehigh Cement Co	Metaline Falls	do	do	do	Dec. 31, 1974
Shell Oil Co	Anacortes	NWAPA 2.12	do	do	Sept. 1, 1973

(c) [Reserved]

(d) *Federal compliance schedules.*—(1) Except as provided in subparagraph (9) of this paragraph, the owner or operator of any petroleum refinery subject to the following emission limiting regulation in the Washington Implementation Plan shall comply with the compliance schedule in subparagraph (2) of this paragraph: Northwest Air Pollution Authority, Regulation II, section 2.12, Paragraph E, where applicable (appendix B of the Washington Implementation Plan).

(2) Compliance schedule for petroleum refineries.

(i) March 1, 1974—Complete onsite construction or installation of emission control equipment or process modification.

(ii) July 1, 1974—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(iii) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(iv) Within five days after the deadline for completing increments in subdivisions (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(3) (i) The requirements of subparagraphs (1) and (2) of this paragraph shall not apply to any source which is presently in compliance with the applicable regulations and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule above may submit to the Administrator, no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable regulations. If promulgated by the Administrator, such schedules shall satisfy the requirements of this paragraph for the affected source.

(4) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule in this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart XX—West Virginia

22. Section 52.2524 is amended by adding a new paragraph (b), as follows:

§ 52.2524 Compliance schedules.

* * * * *

(b) *Federal compliance schedules.*—(1) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the emission limitation requirements of West Virginia Administrative Regulations, Chapter 16-20, Series X (hereinafter regulation X), section 3.01(a) or section 3.03(a), shall notify the Administrator, no later than October 1, 1973, of his intent to meet the requirements of said regulation by utilizing low-sulfur fuel, stack gas desulfurization, or a combination of stack gas desulfurization and low-sulfur fuel.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects to utilize low-sulfur fuel, either alone or in combination with stack gas desulfurization, shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on June 30, 1975, and for at least one year thereafter.

(ii) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) May 15, 1974—Initiate onsite modifications, if applicable.

(vi) February 28, 1975—Complete onsite modifications, if applicable.

(vii) June 30, 1975—Final compliance with the requirements of regulation X, section 3.01(a) or section 3.03(a).

(3) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects to utilize stack gas desulfurization, either alone or in combination with low-sulfur fuel, and any owner or operator of a stationary source subject to the emission limitation requirements of regulation X, section 3.05, shall be subject to the following compliance schedule:

(i) October 15, 1973—Let necessary contracts for construction.

(ii) February 28, 1974—Initiate onsite construction.

(iii) February 28, 1975—Complete onsite construction.

(iv) June 30, 1975—Final compliance with the requirements of regulation X, section 3.01(a), section 3.03(a), or section 3.05.

(4) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the emission limitation requirements of regulation X, section 3.01(b) or section 3.03(b) shall notify the Administrator, no later than July 31, 1975, of his intent to meet the requirements of said regulation by utilizing low-sulfur fuel, stack gas desulfurization, or a combination of stack gas desulfurization and low-sulfur fuel.

(5) Any owner or operator of a stationary source subject to subparagraph (4) of this paragraph who elects to utilize low-sulfur fuel, either alone or in combination with stack gas desulfurization, shall be subject to the following compliance schedule:

(i) August 31, 1975—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on June 30, 1978, and for at least one year thereafter, as well as a statement as to whether boiler modifications will be required. Submit final plans for modifications if they will be required.

(ii) October 31, 1975—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) December 31, 1975—Let contracts for necessary boiler modifications, if applicable.

(iv) April 30, 1976—Initiate onsite modifications, if applicable.

(v) April 30, 1977—Complete onsite modifications, if applicable.

(vi) June 30, 1978—Final compliance with the requirements of regulation X, section 3.01(b) or section 3.03(b).

(6) Any owner or operator of a stationary source subject to subparagraph (4) of this paragraph who elects to utilize stack gas desulfurization, either alone or in combination with low-sulfur fuel, shall be subject to the following compliance schedule:

(i) October 30, 1975—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) February 28, 1976—Let necessary contracts for construction.

(iii) August 31, 1976—Initiate onsite construction.

(iv) December 31, 1977—Complete onsite construction.

(v) June 30, 1978—Final compliance with the requirements of regulation X, section 3.01(b) or section 3.03(b).

(7) Any owner or operator subject to the compliance schedule in subparagraph (2), (3), (5) or (6) of this paragraph shall certify to the Administrator within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(8) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by the final compliance date in the applicable regulation. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(9) (i) The requirements of subparagraphs (1) through (8) of this paragraph shall not apply to any source which is presently in compliance with the requirements of the applicable regulation and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule above may submit to the Administrator, no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable regulation. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(iv) The requirements of this paragraph shall not apply to the following sources for which a request for a postponement of the applicability of regulation X had been submitted pursuant to section 110(f) of the Act prior to the date of publication of this regulation:

Source	*Location*
Kammer Station, Ohio Power Company.	Moundsville
Mitchell Station, Ohio Power Company.	Moundsville
Harrison Station, Monongahela Power Company.	Haywood
Fort Martin Station, Monongahela Power Company.	Maidsville

(10) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraphs (2), (3), (5), or (6) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart YY—Wisconsin

23. Section 52.2578 is amended by relettering a paragraph and adding a new paragraph (c) as follows:

§ 52.2578 Compliance schedule.

* * * * *

(b) The document revising Part 52 of Chapter 1 of Title 40 of the Code of Federal Regulations, published in the FEDERAL REGISTER on June 20, 1973, at 38 FR 16170, is corrected by relettering the paragraph designation from "§ 52.2578 (a)" to "§ 52.2578(b)."

(c) *Federal compliance schedules.*—(1) Except as provided in subparagraph (3) of this paragraph, the owner or operator of any stationary source in the Southeast Wisconsin AQCR subject to the following emission limiting regulation in the Wisconsin implementation plan shall comply with the applicable compliance schedule in subparagraph (2) of this paragraph: Wisconsin Air Pollution Control Regulation NR 154.13.

(2) (i) Compliance schedules. The owner or operator of any stationary source in the Southeast Wisconsin AQCR subject to NR 154.13 shall notify the Administrator no later than October 1, 1973, of his intent either to install necessary control systems per Wisconsin Air Pollution Control Regulation NR 154.13(2) or to switch to an exempt solvent per Wisconsin Air Pollution Control Regulation NR 154.13(3) to comply with the requirements of Wisconsin Air Pollution Control Regulation NR 154.13.

(ii) Any owner or operator of a stationary source subject to subparagraph (c) (2) (i) of this paragraph who elects to comply with the requirements of NR 154.13 by installing a control system shall take the following actions with respect to the source no later than the specified dates.

(*a*) November 1, 1973—Advertise for bids for purchase and/or construction of control system or purchase of requisite material for process modification sufficient to control hydrocarbon emissions from the source.

(*b*) December 15, 1973—Award contracts or issued order for purchase and/or construction of control system or purchase of requisite material for process modification sufficient to control hydrocarbon emissions from the source.

(*c*) April 15, 1974—Initiate onsite construction or installation of control system or process modification.

(*d*) November 1, 1974—Complete onsite construction or installation of control system or process modification.

(*e*) January 1, 1975—Achieve final compliance with Wisconsin Air Pollution Control Regulation NR 154.13.

(iii) Any owner or operator of a stationary source subject to subparagraph (c) (2) (i) of this paragraph, who elects to comply with the requirements of Wisconsin Air Pollution Control Regulation NR 154.13 by switching to an exempt solvent, shall take the following actions with respect to the source no later than the dates specified.

(*a*) April 1, 1974—Begin testing exempt solvents.

(*b*) June 1, 1974—Issue purchase orders for exempt solvents.

(*c*) December 1, 1974—Convert to complete use of exempt solvent.

(*d*) January 1, 1975—Achieve full compliance with Wisconsin Air Pollution Control Regulation NR 154.13.

(iv) Any owner or operator subject to a compliance schedule above shall certify to the Administrator, within five days after the deadline for each increment of progress in that schedule, whether or not the increment has been met.

(3) (i) The requirements of subparagraphs (1) and (2) of this paragraph shall not apply to any source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the require-

ments of this paragraph for the affected source.

(iii) Any owner or operator subject to the compliance schedule in subparagraph (2) of this paragraph may submit to the Administrator no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after January 1, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(4) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraph (2) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

[FR Doc.73-17416 Filed 8-22-73;8:45 a.m.]

federal register

THURSDAY, AUGUST 23, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 163

PART III

ENVIRONMENTAL PROTECTION AGENCY

■

WATER PROGRAMS

Public Participation in Water Pollution Control

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D—WATER PROGRAMS

PART 105—PUBLIC PARTICIPATION IN WATER POLLUTION CONTROL

Minimum Guidelines

On February 23, 1973 (38 FR 5038), the Administrator of the Environmental Protection Agency proposed regulations specifying minimum guidelines for public participation in certain processes under the Federal Water Pollution Control Act, as amended. Section 101(e) of the Act requires the Administrator, in cooperation with the States, to develop and publish such regulations, and to provide for, encourage, and assist public participation in the development, revision, and enforcement of any regulation, standard effluent limitation, plan, or program established by the Administrator or by any State under the Act.

The regulations are a general statement of policy, setting forth objectives in public participation. They describe the provisions required in a minimum public participation program at State and Federal levels of governmental activity for water pollution control, call for a summary report on public participation efforts in relation to certain actions, and give minimum procedural guidelines for public hearings. Other regulations in Chapter 40 provide more explicit requirements for public hearings and other procedures related to particular programs under the Act (for examples, see Part 135 on Citizen Suit procedures, § 124.31 thru 124.37 and §§ 125.31 thru 125.35 on the National Pollutant Discharge Elimination System, § 35.556 on State Program Grants, § 130.14 on the State Continuing Planning Process, among other provisions).

The regulations are based on the evident intent of Congress that public participation under the 1972 Act is to be accorded new significance, and that special attention and resources will be required. Emphasis for public involvement is placed at three levels: First, in development of statewide programs, including priority lists for allocation of resources; second, in preparation of basin and areawide plans involving selection among alternative systems and projects; and third, in the case-by-case consideration of local projects and permit applications.

The proposed regulations published had been developed with informal participation of and suggestions from numerous persons, including representatives of several citizen and conservation groups, trade organizations, governments, and other interests. The States had an opportunity to comment on the proposed regulations in draft form.

Further public and government comment was sought upon publication of the proposed rules. More than fifty sets of written comments, as well as a number of verbal comments, were received and reviewed. The Environmental Protection Agency has carefully considered all submitted comments. All written comments are on file with the Agency. Many suggestions have been adopted or substantially satisfied by editorial changes in, deletion from, or addition to, the guidelines. These and other principal comments are discussed below.

1. Several commenters expressed concern that the guidelines did not provide sufficient opportunity for public participation in establishment of the state program for public participation. The language of § 105.3, "Required Program and Reports", has been modified to clarify the concept that this is an integral part of the overall state program for water pollution control, subject to continuing public scrutiny and consideration, as well as to annual review and approval by the Regional Administrator.

2. In § 105.4, "Guidelines for Agency Programs", each of the §§ 105.4(a) through 105.4(c) has been edited in response to comment by citizens and conservation groups to describe more precisely the elements that should make up an agency public participation program.

3. In § 105.4(d), "Notification", some redundant language was deleted at the suggestion of several states.

4. In § 105.4(e), "Access to Information", the listing of specific material to be made available for public reference has been deleted. Specifying material increases the possibility that other relevant material might be overlooked or omitted. Certain information, such as grant applications, is more useful in final submission form than as working materials.

5. An industry group requested language protecting trade secrets be inserted in §§ 105.4(e) and 105.4(f), "Enforcement." This reference was not included since such safeguards are provided adequately in the Act and in Part 2 of this chapter, dealing with freedom of information.

6. Numerous commenters questioned the negative language originally proposed in § 105.4(f), "Enforcement." This has been changed to read: "Public efforts in reporting violations shall be encouraged * * *" Additional provision has been made to ensure followup to such reporting.

7. Conservation and citizen groups argued for stronger provision for prior public notice on out-of-court settlements under § 105.4(g) "Legal Proceedings." This provision has been modified to reflect the July 17, 1973, Statement of Policy by the Department of Justice providing for public comments on consent decrees involving discharge of pollutants in the environment.

8. An additional provision has been added to § 105.4(h), "Rulemaking," pertaining to the availability of information about proposed rulemaking.

9. Numerous comments, notably from State governments, called attention to the burden placed on their resources in efforts to meet the public participation requirements. These regulations have been prepared with full consideration for section 101(f) of the Act which focuses on the need for minimization of paperwork and the best use of available manpower and funds. The simple device of a public statement or "Summary of Public Participation" as called for in § 105.5, "Guidelines for Reporting," was strongly endorsed by many citizen groups as a means of encouraging agency efforts to improve public participation without generation of excessive paperwork.

10. Almost all citizen groups responding to publication of the proposed regulations called for stronger provision in § 105.6, "Guidelines for Evaluation," for action on the Summary of Public Participation. The opening paragraph has been revised to indicate clearly that a Regional Administrator may reject a plan or grant application if he finds inadequate public participation. Although many commenters wanted a separately published evaluation of the Summary of Public Participation, this was felt to be contrary to the objective of section 101 (f) of the Act. The findings on public participation, however, are to be incorporated into the action documents on a plan, grant application, or other matter.

11. Paragraphs (a) through (g) of the Evaluation section, § 105.6 have been omitted. To include these in the regulations would invite excessive legal interpretation, resulting in voluminous paperwork and records. These paragraphs proposed in the published guidelines as suggested measures of evaluation, will be incorporated into material for regional office guidance. The supplementary material, of less rigid format than regulations, will include additional points suggested in comments received.

12. Section 105.7(c), "Opportunity for Hearing," has been retitled and restated for consistency with language of the Act, and includes a provision responding to a number of comments calling for holding public hearings in cases of doubt.

13. In commenting on § 105.7(d), "Hearing Notices," numerous groups representing both industry and conservation interests stressed a need for more adequate time to prepare organizational response to proposed agency actions. Their comments recommended notice of 45 to 60 days in advance of hearings. The stated 30-day advance notice, however, is consistent with established practice.

14. A new § 105.9, "Applicability," has been added to make it clear that these guidelines cannot be retroactive, nor used to delay programs already under way.

15. Many commenters proposed funding support for state and local workshops similar to the previous effort under the Clean Air Act. This was felt to be inappropriate for coverage in these regulations since it is essentially a question of resources rather than procedures.

16. Several commenters raised questions on the right of appeal when citizen views had been ignored or not adequately provided for. This right is not separable from other aspects of the water pollution control programs in which normal channels of communication to administrators are open and provisions for citizen suit are available.

17. A few commenters representing varied interests requested specifically naming industrial groups or representa-

tives of the urban poor and minorities in relation to certain provisions for access or participation. It was felt that naming such interests would imply exclusion of other interests and it would be unwise to attempt to narrow the definition of "public" in any way.

Accordingly, the regulations providing guidelines for public participation in water pollution control programs are hereby promulgated, to take effect upon publication.

Dated August 17, 1973.

JOHN QUARLES,
Acting Administrator.

A new Part 105 is added to Subchapter D, Chapter 1, CFR, Title 40, as follows:

PART 105—PUBLIC PARTICIPATION IN WATER POLLUTION CONTROL

Sec.
105.1 Scope.
105.2 Policy and objectives.
105.3 Required program and reports.
105.4 Guidelines for agency programs.
105.5 Guidelines for reporting.
105.6 Guidelines for evaluation.
105.7 Guidelines for public hearings.
105.8 Coordination and non-duplication.
105.9 Applicability.

AUTHORITY.—Sec. 101(e), Federal Water Pollution Control Act (Sec. 2, Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500; 86 Stat. 816; 33 U.S.C.).

§ 105.1 Scope.

This part sets forth minimum guidelines for public participation in the processes of development, revision and enforcement of any regulation, standard, effluent limitation, plan or program under the Federal Water Pollution Control Act, as amended (Public Law 92-500; 86 Stat. 816; 33 U.S.C. 1251), in accordance with section 101(e) of the Act. This part is applicable to all Environmental Protection Agency (EPA) components concerned with the Federal Water Pollution Control Act, including EPA Headquarters program offices and divisions, and EPA Regional Offices, and to States and interstate agencies. These guidelines contain general requirements applicable to regulations, standards, effluent limitations, plans and programs. More specific requirements applicable in specific areas are contained in existing regulations on Public Information (Part 2 of this chapter) and in other regulations that have been or will be issued pertaining to various specific programs under the Act, as well as State and local laws pertinent to the subject.

§ 105.2 Policy and Objectives.

Participation of the public is to be provided for, encouraged, and assisted to the fullest extent practicable consistent with other requirements of the Act in Federal and State government water pollution control activities. The major objectives of such participation include greater responsiveness of governmental actions to public concerns and priorities, and improved popular understanding of official programs and actions. Although the primary responsibility for water quality decision-making is vested by law in public agencies at the various levels of government, active public involvement in and scrutiny of the intergovernmental decision-making process is desirable to accomplish these objectives. Conferring with the public after a final agency decision has been made will not meet the requirements of this part. The intent of these regulations is to foster a spirit of openness and a sense of mutual trust between the public and the State and Federal agencies in efforts to restore and maintain the integrity of the Nation's waters.

§ 105.3 Required Program and Reports.

Each agency cited in § 105.1 carrying out activities under the Act shall provide for and conduct a continuing program for public participation comprising substantially the elements listed in § 105.4. Staff responsibility and budgetary provisions shall be identified for such program in the administration element of the annual State program submission under Part 35 Subpart B of this chapter. Public participation activities shall be reported on annually and in relation to certain documents and actions as called for in § 105.5.

§ 105.4 Guidelines for Agency Programs.

The continuing agency program for public participation shall contain mechanisms or activity for each of the elements listed in this section. The exact mechanism and extent of activity may vary in relation to resources available, public response, and the nature of issues involved.

(a) *Informational Materials.*—Each agency shall provide continuing policy, program, and technical information at the earliest practicable times and at places easily accessible to interested or affected persons and organizations so that they can make informed and constructive contributions to governmental decision-making. News releases, newsletters and other publications may be used for this purpose. Special efforts shall be made to summarize complex technical materials for public and media use.

(b) *Assistance to Public.*—Each agency shall have an arrangement for providing technical and informational assistance to public groups for citizen education, community workshops, training, and dissemination of information to communities. Requests for information shall be promptly handled.

(c) *Consultation.*—Each agency shall have standing arrangements for early consultation and exchange of views with interested or affected persons and organizations on development or revision of plans, programs, or other significant actions prior to decision-making. Advisory groups, ad hoc committees, or workshop meetings may serve this purpose.

(d) *Notification.*—Each agency, for its appropriate geographic area, shall maintain a current list of interested persons and organizations, including any who ask to be on such list, for the periodic distribution of materials in paragraph (a) of this section. Each agency shall additionally comply, in connection with any public hearing or other proposed action, with any formal or specific requirements for public notice called for in the Act or in other regulations, to be supplemented wherever possible with informal notice to all interested persons or organizations having requested in advance such notice.

(e) *Access to Information.*—Each agency shall provide, either directly or through others, in an appropriate location or locations, one or more central public collections or depositories of water quality reports and data pertinent to the geographic area concerned. Examples of the materials available for public reference could include grant and permit applications, permits, effluent discharge information, compliance schedule reports, and materials specified in section 308(b) of the Act. Copying facilities at reasonable cost shall be available.

(f) *Enforcement.*—Each agency shall develop internal procedures for receiving and ensuring proper consideration of information and evidence submitted by citizens. Public effort in reporting violations of water pollution control laws shall be encouraged, and the procedures for such reporting shall be set forth by the agency. Alleged violations shall be promptly investigated by the agency.

(g) *Legal Proceedings.*—Each agency shall provide full and open information on legal proceedings under the Act, to the extent not inconsistent with court requirements, and where such disclosure would not prejudice the conduct of the litigation. Actions of the Environmental Protection Agency shall support and be consistent with the Statement of Policy issued by the Department of Justice with regard to affording opportunities for public comment before the Department of Justice consents to a proposed judgment in an action to enjoin dischargers of pollutants into the environment. (See Title 28, Code of Federal Regulations, Chapter 1, § 50.7.)

(h) *Rule Making.*—In addition to providing an opportunity for public hearings on proposed regulations, where appropriate or required under applicable statutes or regulations, agencies shall invite, receive, and consider comments in writing from any interested or affected persons and organizations. All such comments shall be part of the public record, and a single copy of each comment shall be routinely available for public inspection. Notices of proposed rule making, as well as final rules and regulations, shall be distributed to interested or affected persons as quickly as possible after publication. Each notice of proposed rule making shall include information as to the availability of the full texts of proposed rules and regulations (where these are not set forth in the notice itself) and as to the designated places where copying facilities shall be available at reasonable cost to the public.

(i) *Other Measures.*—The listing of specific measures in this section shall not preclude additional techniques for ob-

taining, encouraging, or assisting public participation.

§ 105.5 Guidelines for Reporting.

The annual report of each EPA unit or office, and the annual State program submission under Section 106 of the Act as required under Part 35 of this Chapter, shall include a description of public participation provisions and activities. In addition, and in order that the public and reviewing or approving officials may be fully aware of the actual extent of public input and involvement, a Summary of Public Participation related to particular actions or documents shall be publicly presented as follows:

(a) In the case of regulations and standards required to be published by the Administrator in the FEDERAL REGISTER or required to be published by a State agency in an official form, the Summary of Public Participation shall be published as part of the introductory material.

(b) In the case of Statewide or areawide plans or portions thereof (including the continuing planning process under section 303(e) of the Act and plans developed under such process), or comparable matters required to be approved by the Administrator, the Summary of Public Participation shall be submitted as a part of the plan or of the public transmittal document.

(c) In the case of applications for grants for construction projects other than those under section 206 of the Act, or for planning or annual program grants (including grants under sections 102(c), 106, and 208 of the Act), the Summary of Public Participation shall be a part of the application.

(d) Each Summary of Public Participation shall describe the measures taken by the agency to provide for, encourage, and assist public participation in relation to the matter; the public response to such measures; and the disposition of significant points raised.

§ 105.6 Guidelines for Evaluation.

The Administrator, Regional Administrator, or other approving official shall review and evaluate each Summary of Public Participation in relation to the matter submitted. He may call for additional information, or for the records of meetings or hearings. If he finds that there has been inadequate opportunity for public participation on the matter, he may disapprove or suspend action; or alternatively take measures, or require the sponsoring agency to take measures, to obtain additional public participation, prior to final action. Such final action shall include a statement of findings in regard of public participation.

§ 105.7 Guidelines for Public Hearings.

Any public hearing, whether mandatory or discretionary, to be held under the Act shall be in conformity with this section. If conflict exists between the minimum guidelines of this section and requirements of State or Federal law or other regulations pertaining to a particular hearing, the more stringent requirements shall be observed.

(a) *Purpose.*—Generally, a public hearing gives persons and organizations a formal opportunity to be heard on a matter prior to decision-making. Although public hearing testimony may focus on the prospective action to be taken in the form of a tentative plan or decision, the final actions shall benefit from and reflect consideration of the public hearing content.

(b) *Public Meetings.*—Agencies are encouraged to hold public meetings or workshops, jointly where feasible, on significant matters or proposed actions. Such meetings shall not supplant public hearings when such are required, and shall be informational in nature with opportunity for public response.

(c) *Opportunity for Hearings.*—Where the opportunity for public hearing is called for in the Act, and in other appropriate instances, a public hearing shall be held if the hearing official finds significant public interest (including the filing of requests or petitions for such hearing) or pertinent information to be gained. Instances of doubt should be resolved in favor of holding the hearing, or if necessary, of providing alternative opportunity for public participation.

(d) *Hearing Notices.*—In addition to any other formal legal requirements, a notice of each hearing or public meeting shall be well publicized and be mailed to interested or affected persons and organizations as soon as the hearing or meeting is scheduled by the agency and in the case of a hearing, at least thirty calendar days before the hearing is to take place. If it should be necessary to allow less than thirty days' notice prior to a hearing, the hearing notice shall state the reasons for such shorter time period.

(e) *Location and Time.*—In determining the locations and times for hearings, consideration shall be given to easing travel hardship and to facilitating attendance and testimony by a cross-section of interested or affected persons and organizations. Accessibility of hearing sites by public transportation shall be considered.

(f) *Documents.*—Reports, documents, and data to be discussed at the public hearing shall be available to the public for a reasonable time prior to the hearing. For complex matters, a Fact Sheet outlining major issues, tentative staff determinations if appropriate, bibliography, and procedures for obtaining further information, for requesting a public hearing, and for other appropriate actions shall be prepared and its availability made known in the notice called for in paragraph (d) of this section.

(g) *Agenda.*—The elements of the public hearing, proposed time schedule, and any constraints on statements shall be specified in the notice of the hearing.

(h) *Scheduling.*—Witnesses at public hearings shall be scheduled in advance when necessary to ensure maximum participation and allotment of adequate time for testimony, provided that such scheduling is not used as a bar to unscheduled testimony. Blocks of time shall be considered for major categories of witnesses. Evening and weekend schedules shall be considered.

(i) *Statements.*—Public hearing procedures shall not inhibit free expression of views by requirements of more than one legible copy of any statement submitted, or for qualification of witnesses beyond that needed for identification.

(j) Records.—A record of public hearing proceedings shall be made promptly available to the public at cost.

§ 105.8 Coordination and Non-Duplication.

In accordance with the policy of section 101(f) of the Federal Water Pollution Control Act, public participation activities and materials required under the Act or these regulations may be combined with closely related programs or activities of the agencies concerned, wherever such combination will enhance the economy, the effectiveness, or the timeliness of the effort, enhance the clarity of the issue, and not be detrimental to participation by the widest possible public. Hearings and meetings may be held jointly by more than one agency on the same matter under the Act, where such procedure does not conflict with other provisions. Interstate agencies particularly are encouraged to develop combined proceedings on behalf of the States concerned.

§ 105.9 Applicability.

The provisions of this part shall apply only to actions taken after the effective date of this part.

[FR Doc.73-17892 Filed 8-22-73;8:45 am]