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PART I

HIGHLIGHTS OF THIS ISSUE

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

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REMINDERS

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

Rules Going Into Effect Today

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

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

Rules and Regulations

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

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3205 is amended to show the deletion of obsolete positions and to bring the titles of those positions in which there has been no substantive change up to date to reflect organization changes.

Effective November 8, 1973, § 213.3205(a) is amended to read as set out below.

§ 213.3205 Treasury Department.

(a) Positions of Deputy Comptroller of the Currency, Chief National Bank Examiner, Assistant Chief National Bank Examiner, Regional Administrator of National Banks, Deputy Regional Administrator of National Banks, Assistant to the Comptroller of the Currency, National Bank Examiner, Associate National Bank Examiner, and Assistant National Bank Examiner, whose salaries are paid from assessments against national banks and other financial institutions.

* * * * *

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

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

[FR Doc.73-23795 Filed 11-7-73;8:45 am]

Title 7—Agriculture

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

[Naval Orange Reg. 298]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period November 9–15, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.598 Navel Orange Regulation 298.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel 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 Navel 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 Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel 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 Navel oranges has not yet been established, because of insufficient shipments. Prices f.o.b. averaged $5.23 a carton on a reported sales volume of 5 carlots last week, with no f.o.b. sales reported for the previous week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation of 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 Navel 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, 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 Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 6, 1973.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 9, 1973, through November 15, 1973, are hereby fixed as follows:

(i) District 1: 750,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement.

(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: November 7, 1973.

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

[FR Doc.73-23989 Filed 11-7-73;11:43 am]

PART 965—TOMATOES GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Expenses and Rate of Assessment

This document authorizes the Texas Valley Tomato Committee to spend not

more than $2,550 for its operations during the fiscal period ending July 31, 1974, and to collect $0.01 per 20 pound carton of assessable Saladette tomatoes handled by first handlers.

The committee was established under Marketing Order No. 965 (7 CFR Part 965), regulating the handling of tomatoes grown in the counties of Cameron, Hidalgo, Starr, and Willacy in Texas (Lower Rio Grande Valley). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Notice was published in the October 18 FEDERAL REGISTER (38 FR 28946) regarding the proposals. It afforded interested persons an opportunity to file written comments not later than October 23, 1973. None was filed.

After consideration of all relevant matters, including the proposals set forth in the notice, it is found that the following budget and rate of assessment should be issued:

§ 965.213 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Texas Valley Tomato Committee for its maintenance and functioning and for such other purposes as the Secretary determines to be appropriate, during the fiscal period ending July 31, 1974, will amount to $2,550.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be $0.01 per 20-pounds, or equivalent quantity, of Saladette tomatoes handled by him as the first handler thereof during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) The terms used in this section shall have the same meaning as when used in Marketing Order No. 965 (7 CFR Part 965).

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that the relevant provisions of this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable Saladette tomatoes from the beginning of such period.

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

Dated: November 2, 1973.

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

[FR Doc.73-23786 Filed 11-7-73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 73-1646]

PART 545—OPERATIONS

Savings Accounts

NOVEMBER 2, 1973.

The Federal Home Loan Bank Board considers it advisable to amend §§ 545.1-4 and 545.3-1 of Part 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545) in order to revise certain of the terms upon which Federal savings and loan associations may accept savings accounts. Accordingly, the Board hereby amends paragraph (c)(3) of said § 545.1-4 and paragraph (b)(3) of said § 545.3-1 to read as set forth below, effective November 2, 1973.

Paragraph (c)(3) of § 545.1-4 and paragraph (b)(3) of § 545.3-1 are each revised in order to decrease from 90 days to 30 days the minimum maturity of fixed-term savings deposits and variable rate certificate accounts of $100,000 or more.

Since the above amendments relieve restrictions, the Board hereby finds that notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments would, in the opinion of the Board, likewise be unnecessary for the same reason, the Board hereby provides that said amendments will become effective as hereinbefore set forth.

The text of §§ 545.1-4(c)(3) and 545.3-1(b)(3), as amended, is as follows:

§ 545.1-4 Other savings deposits.

* * * * *

(c) *Limitations.* In accepting savings deposits under the authority contained in paragraph (a) of this section, no Federal association shall:

* * * * *

(3)(i) Accept any fixed-term savings deposit of less than $100,000 for a term of less than 90 days or more than 10 years; or (ii) Accept any fixed-term savings deposit of $100,000 or more for a term of less than 30 days or more than 10 years. (iii) Any savings deposit issued pursuant to this section may provide for renewal, at the option of the association, for successive periods not exceeding 10 years for each renewal.

* * * * *

§ 545.3-1 Distribution of earnings at variable rates.

* * * * *

(b *Eligibility requirements.* * * *

(3) *Accounts evidenced by certificates.* (i) A savings account of less than $100,000 which is evidenced by a certificate meeting the requirements of paragraph (c) of this section may receive earnings at a rate higher than the regular rate, but not in excess of the applicable maximum rate of return prescribed for certificate accounts in Part 526 of this chapter, if such account is maintained at not less than the minimum amount required by such Part for such rate of return, and for such continuous period of not less than 90 days, nor more than 10 years, commencing on the date of such certificate, as the association may determine. (ii) A savings account of $100,000 or more which is evidenced by a certificate meeting the requirements of paragraph (c) of this section may receive earnings at a rate higher than the regular rate, but not in excess of the applicable maximum rate of return prescribed for certificate accounts in Part 526 of this chapter, if such account is maintained at not less than such minimum amount, for such continuous period of not less than 30 days, nor more than 10 years, commencing on the date of such certificate, as the association may determine. (iii) Any savings account issued pursuant to this section may be evidenced by more than one certificate.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 107)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73-23833 Filed 11-7-73;8:45 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 73-1647]

PART 563—OPERATIONS

Savings Accounts

NOVEMBER 2, 1973.

The Federal Home Loan Bank Board considers it advisable to amend §§ 563.3-1 and 563.3-2 of Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 563) in order to revise certain provisions regarding savings accounts accepted by institutions insured by the Federal Savings and Loan Insurance Corporation. Accordingly, the Board hereby amends paragraph (b)(4) of

said § 563.3–1 and paragraph (b) (4) of said § 563.3–2 to read as set forth below, effective November 2, 1973.

Paragraph (b) (4) of § 563.3–1 and paragraph (b) (4) of § 563.3–2 are each revised in order to decrease from 90 days to 30 days the minimum maturity of fixed-rate, fixed-term accounts and other certificate accounts of $100,000 or more.

Since the above amendments relieve restrictions, the Board hereby finds that notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be unnecessary for the same reason, the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

The text of said §§ 563.3–1(b) (4) and 563.3–2(b) (4), as amended, is as follows:

§ 563.3–1 Fixed-rate, fixed-term accounts.

* * * * *

(b) *Limitations.* In issuing certificates evidencing fixed-rate, fixed-term accounts pursuant to the approval contained in paragraph (a) of this section, no insured institution shall:

* * * * *

(4) (i) Accept any fixed-rate, fixed-term account of less than $100,000 for a term of less than 90 days or more than 10 years; or (ii) Accept any fixed-rate, fixed-term account of $100,000 or more for a term of less than 30 days or more than 10 years. (iii) Any fixed-rate, fixed-term account issued pursuant to this section may provide for renewal at the option of the institution, for successive periods not exceeding 10 years for each renewal.

* * * * *

§ 563.3–2 Certificates evidencing other accounts.

* * * * *

(b) *Limitations.* In issuing certificates pursuant to the approval contained in paragraph (a) of this section, no insured institution shall:

* * * * *

(4) (i) Issue any certificate account of less than $100,000 with a time eligibility period of less than 90 days or more than 10 years; or (ii) Issue any certificate account of $100,000 or more with a time eligibility period of less than 30 days or more than 10 years; or

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73–23834 Filed 11–7–73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 72–CE–34–AD; Amdt. 39–1740]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 50, 65, 65–80, and 70 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive (AD) applicable to Beech Models 50, 65, 65–80, and 70 series airplanes was published in the FEDERAL REGISTER on July 13, 1973 (38 FR 18684, 18685). This proposal would require the installation of Beech Nacelle Interior Fire Seal Kit No. 65–9008–1.

Interested persons were afforded an opportunity to participate in the making of the amendment. Four comments were received, none of which objected to the proposal.

The Notice stated that the agency would conduct further investigation to determine if aircraft modified per STC SA444SW (Excaliber modification) should be exempted from this AD action. The FAA has completed that investigation and has established that Beech Kit No. 65–9008–1 would be incompatible with airplanes so modified as well as those modified in accordance with STC SA76-SW and SA587SW (also Excaliber conversions) due to modifications of the powerplant nacelle in these airplanes. Accordingly, the applicability statement in the Rule as adopted will exempt aircraft modified per these STC's.

One commentator related incidents of fuel leakage on an Excaliber version of a Beach D50 model aircraft operated by him and recommended that Excaliber converted Beech Models 50 B and D aircraft should be included in the AD because of the possibility of fuel line leakage due to vibrating and chafing of the lines. Although the agency does not minimize the seriousness of engine fuel line leakage there have been no reports of engine fire problems on aircraft modified in accordance with the Excaliber STCs. Therefore, these aircraft are not being included in the final rule.

The manufacturer has advised that the design of the powerplant installation of the Model 65–88 requires a different modification kit and has made Kit No. 65–9008–3 applicable to these aircraft available. Accordingly, the AD will be modified to include the No. 68–9008–3 Kit.

The manufacturer will be unable to supply Beech Kits No. 65–9008–1 and No. 65–9008–3 until approximately January 1, 1974. Accordingly, the effectivity of the AD will be 100 hours' time in service after that date.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new AD.

BEECH: Applies to Model 65 (Serials L–1, L–2, L–6, LF–7, and up, and LC–1 through LC–239); Model A65 and A65–8200 (Serials LC–240 through LC–335); Model 65–80 (Serials LD–1 through LD–150 [except LD–34 and LD–46]); Model 65–A80 and 65–A80–8800 (Serials LD–34, LD–46, LD–151 through LD–269); Model 65–B80 (Serials LD–270 through LD–475); Model 65–88 (Serials LP–1 and up [except LP–27 and LP–29]); Model 70 (Serials LB–1 and up); Model E50 (Serials EH–1 through EH–70); Model F50 (Serials FH–71 through FH–96 [except FH–94]); Model G50 (Serials GH–94; GH–97 through GH–119); Model H50 (Serials HH–120 through HH–149); Model J50 (Serials JH–150 and up) airplanes, except those airplanes modified per STC's SA444SW, SA76SW or SA587SW (Excaliber conversions).

Compliance: Required within the next 100 hours' time in service after January 1, 1974, unless already accomplished.

To reduce the possibility of an inflight fire penetrating critical areas of the aircraft wing and nacelle, install Beech Nacelle Interior Fire Seal Kits No. 65–9008–1 or No. 65–9008–3 as applicable to the specific model aircraft, or any equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

NOTE: Beech Nacelle Interior Fire Seal Kit No. 65–9008–1 is applicable to all models listed in the applicability statement except Model 65–88 airplane. Beech Nacelle Interior Fire Seal Kit No. 65–9008–3 is applicable to the Model 65–88 airplane.

This amendment becomes effective January 1, 1974.

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

Issued in Kansas City, Missouri, on October 30, 1973.

JOHN R. WALLS,
Acting Director,
Central Region.

[FR Doc.73–23790 Filed 11–7–73;8:45 am]

[Docket No. 73–CE–17–AD; Amdt. 39–1741]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Musketeer Airplanes

There have been reports that the carburetor induction air flexible ducts which supply air to the engines of Beech Musketeer airplane deteriorate allowing the interior layer to separate. If this layer collapses it can block off air to the engine with resultant engine power loss. The manufacturer has issued Service Instruction No. 0566–241 advising owners/operators of the air duct wall separation condition and recommending replacement with single wall ducts. Since the condition described herein could exist or develop in other aircraft of the same or similar type design, an Airworthiness Directive (AD) is being issued applicable to Beech Musketeer airplanes, making compliance with the aforementioned Service Instruction mandatory.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the

Federal Aviation Regulations is amended by adding the following new AD.

BEECH: Applies to Models A23-19, 19A, M19A, and B19 (Serial Numbers MB-1 thru MB-603); Models 23, A23, A23A, B23, and C23 (Serial Numbers M-2 thru M-1476); and Models A23-24 and A-24 (Serial Numbers MA-2 thru MA-368) airplanes.

NOTE: 19 series (Serial Numbers 507 thru 603) airplanes, 23 series (Serial Numbers 1325 thru 1476) airplanes, and A23-24 (Serial Numbers 364 thru 368) airplanes were equipped with single wall ducts when delivered from the factory. These airplanes are included in the AD to assure that if the double walled ducts were installed in the field, they are removed.

Compliance: Required as indicated, unless already accomplished.

To preclude separation of the inner liner and possible blockage of carburetor induction air flexible ducts which may cause partial or complete engine power loss, accomplish the following within 100 hours' time in service after the effective date of this AD.

(A) Remove the engine cowl as necessary to expose the carburetor induction air flexible ducts and visually inspect these ducts to determine whether they are single wall (reinforcing wire exposed inside the duct) or double wall (reinforcing wire sandwiched between the duct material). If the installed ducts are single wall, no further action is required.

(B) If the installed carburetor induction air flexible ducts are double wall, prior to further flight, replace them with single wall ducts of applicable Beech part numbers specified in Beechcraft Service Instructions No. 0566-241, or later FAA-approved revisions or equivalent field fabricated duct or any other modification approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

NOTE: Equivalent ducts may be fabricated in the field using BEMCO Part Number 2W2WC duct material of the same diameter and length as the duct removed. This material is manufactured by BEMCO, Post Office Box 68, Centerton, Arkansas 72719.

This amendment becomes effective November 13, 1973.

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

Issued in Kansas City, Missouri, on October 30, 1973.

JOHN R. WALLS,
Acting Director,
Central Region.

[FR Doc.73-23791 Filed 11-7-73;8:45 am]

[Airspace Docket No. 73-EA-65]

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

Alteration of Transition Area

Correction

In FR Doc. 73-22877 appearing on page 29804 in the issue for Monday, October 29, 1973, the agency designation in brackets should read as set forth above.

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—EXPORT ADMINISTRATION REGULATIONS

CHANGES IN DESIGNATIONS

Title 15, Chapter III, Subchapter B, Code of Federal Regulations, is amended to redesignate the "Office of Export Control," Bureau of East-West Trade as the "Office of Export Administration," Bureau of East-West Trade, and to redesignate respectively "Export Regulations" and "Export Control Bulletins" as "Export Administration Regulations" and "Export Administration Bulletins". All references relating to said Office, Regulations, and Bulletins are hereby amended to reflect the above changes in designations.

Dated: November 5, 1973.

RAUER H. MEYER,
Director, Office of Export Administration Bureau of East-West Trade Department of Commerce.

[FR Doc.73-23826 Filed 11-7-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2465]

PART 13—PROHIBITED TRADE PRACTICES

American Thrift and Finance Plan, Inc. and State Farm Acceptance Corp.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905-40 Insurance coverage; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605.) [Cease and desist order, American Thrift and Finance Plan, Inc., et al., New Orleans, La., Docket No. C-2465, October 12, 1973.]

In the Matter of American Thrift and Finance Plan, Inc., a corporation, and State Farm Acceptance, a corporation.

Consent order requiring two New Orleans, Louisiana, money lenders, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

It is ordered, That respondents, American Thrift and Finance Plan, Inc., a corporation and State Farm Acceptance, a corporation, their successors and assigns and their officers, agents, representatives and employees, directly or through any corporate or other device, in connection with any extension or arrangement for the extension of consumer credit or offer to extend or arrange for the extension or consumer credit, as consumer credit is defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-312, 15 U.S.C. 1601 et seq.) do forthwith cease and desist from:

1. Failing to furnish the consumers with a duplicate of the instrument containing the disclosures required by § 226.8, or a statement by which the required disclosures are made, as prescribed by § 226.8(a) of Regulation Z.

2. Failing, in any credit transaction, to include and to itemize the amount of premiums for credit life as part of the finance charge, unless the amount of such premiums is excluded from the finance charge because of appropriate exercise of the option available pursuant to § 226.4(a)(5) of Regulation Z.

3. Failing to disclose the annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as prescribed by § 226.8(b)(2) of Regulation Z.

4. Failing to disclose the finance charge determined in accordance with § 226.4 of Regulation Z as prescribed by § 226.8(c)(8)(i) of Regulation Z.

5. Failing to disclose accurately the correct total of payments, in accordance with § 226.6 (a) of Regulation Z, as prescribed by § 226.8(b)(3) of Regulation Z.

6. Failing in any consumer credit transaction in which the charges for credit life insurance and/or credit disability insurance are not included in the finance charge, to provide the following statements which shall be read to the consumer before consummation of any consumer loan transactions:

"Credit Life Insurance and/or Credit Disability Insurance is not required to obtain this loan. No charge is made and no insurance is provided unless the borrower signs the appropriate statement(s) below.

Cost of Credit Life Insurance is $ _____
Cost of Credit Disability Insurance is $_____"

In conjunction with the above statements in conspicuous print the following statement, dated and signed by the consumer and initialed by respondents' employees:

"I acknowledge by my signature below that the above insurance statement was read before signing."

_____ _____ _____
(Initial) (Date) (Signature)

7. Failing to place the following separate statements on the loan disclosure to be dated and signed by the consumer:

"I do not desire credit life or disability insurance."

_____ _____
(Date) (Signature)

"I desire credit life insurance."

_____ _____
(Date) (Signature)

"I desire credit disability insurance."

_____ _____
(Date) (Signature)

8. Failing, in any consumer credit transaction or advertising, to make all disclosured determined in accordance with §§ 226.4 and

226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That Respondents' corporation deliver a copy of this order to cease and desist to all present and future personnel of Respondents engaged in the consummation of any extension of consumer credit, and that Respondents secure a signed statement acknowledging receipt of said Order from each such person.

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

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

By the Commission.

Issued: October 12, 1973.

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

[FR Doc.73-23783 Filed 11-7-73;8:45 am]

[Docket No. 8887]

PART 13—PROHIBITED TRADE PRACTICES

Amstar Corporation, et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly*; § 13.20 *Comparative data or merits*; § 13.20–20 *Competitor's products*; § 13.110 *Endorsements, approval and testimonials*; § 13.135 *Nature of product or service*; § 13.170 *Qualities or properties of product or service*; § 13.170–52 Medicinal, therapeutic, healthful, etc. 13.170–64 Nutritive; § 13.190 *Results*; § 13.205 *Scientific or other relevant facts*; § 13.280 *Unique nature or advantages*. Subpart—Claiming or using endorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using endorsements or testimonials falsely or misleadingly*; 13.330–60 National organizations; 13.330–64 Olympic or other sporting events. Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 *Comparative data or merits*; § 13.1665 *Endorsements*; § 13.1685 *Nature*; § 13.1710 *Qualities or properties*; § 13.1730 *Results*; § 13.1740 *Scientific or other relevant facts*; § 13.1770 *Unique nature or advantages*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist orders, Amstar Corporation, et al., New York City, Philadelphia, Pa. and Los Angeles, Calif., Docket 8887, Oct. 2, 1973]

In the Matter of Amstar Corporation, a corporation, Lewis & Gilman, Inc., a corporation and Dailey and Associates, a corporation

Consent order requiring a New York City manufacturer of sugar, among other things to cease making false nutritional claims and from using false endorsements regarding its products. Further, respondent is prohibited from advertising Domino sugar for a one-year period unless it runs corrective advertising.

Consent order requiring two advertising agencies located in Philadelphia, Pennsylvania and Los Angeles, California, which handle the advertising for Amstar Corporation, among other things to cease misrepresenting the nutritional value of sugar and to cease using false endorsements in advertising refined sugar.

The orders to cease and desist, including further orders requiring reports of compliance therewith, are as follows:

ORDER AS TO RESPONDENT AMSTAR CORPORATION

I. *It is ordered*, That respondent Amstar Corporation, a corporation, and its officers, agents, successors and assigns, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of refined sugar forthwith cease and desist from:

1. Disseminating, or causing the dissemination of, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents, directly or by implication, that:

a. The consumption of any such product is indispensable for proper or good health.

b. The consumption of any such product, in and of itself, will increase one's athletic ability, or that any such product is a special or unique source of strength, energy or stamina.

c. The consumption of any such product is indispensable to enable one to lead an active life.

d. The consumption, of any such product, in and of itself, will satisfy the concern of parents for the health of their families.

2. Disseminating, or causing the dissemination of, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which misrepresents the value of any such product in an athlete's diet.

3. Disseminating, or causing the dissemination of, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such product, in commerce, as "commerce" is defined in the Federal Trade Commission Act which contains any of the representations prohibited in subparagraph 1 above, and the misrepresentation prohibited in subparagraph 2, above.

II. *It is further ordered*, That respondent Amstar Corporation, a corporation, and its officers, agents, successors and assigns, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any food product forthwith cease and desist from:

1. Disseminating, or causing the dissemination of, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents, directly or by implication, that:

a. Any such product has been chosen for use by an athletic association, league, or any other athletic organization, due to the contribution it makes to athletic performance or physical fitness, where said choice is based primarily on monetary consideration flowing to such association, league, or organization.

b. Any such product is used by an athletic association, league, or any other athletic organization, due to the contribution it makes to athletic performance or physical fitness, unless said contribution is substantial when the product is used in the quantity and manner in which it is used or intended to be used by those at whom the advertisement is directed and unless the nature of said contribution is clearly and conspicuously and truthfully disclosed.

c. Any such product is in any way more nutritious than any other product to which it is identical or virtually identical in composition.

2. Disseminating, or causing the dissemination of, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such product, in commerce, as "commerce" is defined in the Federal Trade Commission Act which contains any of the representations prohibited in subparagraph 1 above.

III. *It is ordered*, That respondent Amstar Corporation, a corporation, and its officers, agents, successors and assigns, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, labeling, offering for sale, sale or distribution of refined sugar forthwith cease and desist from making, directly or by implication, any statement or representation that:

1. The consumption of any such product is indispensable for proper or good health.

2. The consumption of any such product, in and of itself, will increase one's athletic ability, or specifically that any such product is a special or unique source of strength, energy, or stamina.

3. The consumption of any such product is indispensable to enable one to lead an active life.

4. The consumption of any such product, in and of itself, will satisfy the concern of parents for the health of their families.

IV. *It is ordered*, That respondent Amstar Corporation, a corporation, and its officers, agents, successors and assigns, representatives and employees directly

or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any food product, forthwith cease and desist from making, directly or by implication, any statement or representation that:

1. Any such product has been chosen for use by an athletic association, league, or any other athletic organization, due to the contribution it makes to athletic performance or physical fitness, where said choice is based primarily on monetary consideration flowing to such association, league or organization.

2. Any such product is used by an athletic association, league, or any other athletic organization, due to the contribution it makes to athletic performance or physical fitness, unless said contribution is substantial when the product is used in the quantity and manner in which it is used or intended to be used by those at whom the advertisement is directed and unless the nature of said contribution is clearly, conspicuously, and truthfully disclosed.

3. Any such product is in any way more nutritious than any other product to which it is identical or virtually identical in composition.

A statement as to the qualities or attributes of a product can amount to an implied uniqueness claim if it is made in a context which conveys an impression of uniqueness for the product. However, statements as to the qualities or attributes of any product covered by this Order will not constitute a violation thereof for the sole reason that such statements could also be made with respect to other products.

It is provided, however, That nothing contained in this Order shall be deemed to prohibit advertisements or labeling complying with any guidelines or regulations with respect to product endorsements that hereafter from time to time may be promulgated by the Commission or enacted by Congress.

It is further provided, That Amstar Corporation shall not be held accountable under this Order for advertising and labeling of products which it packaged, manufactured or otherwise processed but which bear labels other than those of Amstar or any of its subsidiaries or operating divisions, unless Amstar conceived or aided in the conception of said advertising or labeling and that Amstar Corporation shall not be held liable under this Order for advertising by or on behalf of any trade association where such advertising does not refer directly or by implication to the trademark or trade name of any particular manufacturer.

V. *It is further ordered*, That respondent Amstar Corporation forthwith cease and desist from disseminating, or causing the dissemination of, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for Domino refined sugar for a period of one year from the date this order is served upon it, unless not less than twenty-five per cent (25%) of the media expenditures (excluding production costs and costs for advertisements directed exclusively to members of the food industry and industrial sugar users) for each medium in each market, or, in the alternative, unless at least one (1) out of every four (4) advertisements (excluding advertisements directed exclusively to members of the food industry and industrial sugar users) of equal time or space for each medium in each market, be devoted to advertising containing a clear and conspicuous disclosure as follows:

Do you recall some of our past messages saying that Domino sugar gives you strength, energy and stamina? Actually, Domino is not a special or unique source of strength, energy and stamina. No sugar is, because what you need is a balanced diet and plenty of rest and exercise.

In the case of radio and television advertising, such advertising is to be disseminated in the same time periods and during the same seasonal periods as other advertising of Domino sugar; in the case of print advertising, such advertising is to be disseminated in the same print media as other advertising of Domino sugar. Such advertising shall be prepared in a manner consistent with normal technical and artistic standards of production, and shall not contain material which is in any way inconsistent with the required disclosure.

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

It is further ordered, That if respondent hereafter proposes to make any change in its corporate structure which may affect compliance obligations arising out of the Order, including such changes as dissolution, assignment, or sale resulting in the emergence of a successor corporation or the creation or dissolution of subsidiaries, respondent shall notify the Commission of such change at least thirty (30) days in advance, except that if respondent has less than thirty (30) days prior knowledge of a proposed change, respondent shall notify the Commission as promptly as possible and in no event more than thirty (30) days after respondent has such knowledge.

It is further ordered, That respondent shall, within sixty (60) days after service of this Order upon it, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this Order.

ORDER AS TO RESPONDENT LEWIS & GILMAN, INC., AND DAILEY AND ASSOCIATES

I. *It is ordered*, That respondents Lewis & Gilman, Inc., and Dailey and Associates, corporations, and their officers, agents, successors and assigns, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of refined sugar forthwith cease and desist from:

1. Disseminating, or causing the dissemination of, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents, directly or by implication, that:

a. The consumption of any such product is indispensable for proper or good health.

b. The consumption of any such product, in and of itself, will increase one's athletic ability, or that any such product is a special or unique source of strength, energy, or stamina.

c. The consumption of any such product is indispensable to enable one to lead an active life.

d. The consumption of any such product, in and of itself, will satisfy the concern of parents for the health of their families.

e. Any such product is any way more nutritious than any other product to which it is identical or virtually identical in composition.

2. Disseminating, or causing the dissemination of, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which misrepresents the value of any such product in an athlete's diet.

3. Disseminating, or causing the dissemination of, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such product, in commerce, as "commerce" is defined in the Federal Trade Commission Act which contains any of the representations prohibited in subparagraph 1, above, and the misrepresentation prohibited in subparagraph 2, above.

II. *It is further ordered*, That respondents Lewis & Gilman, Inc., and Dailey and Associates, corporations, and their officers, successors and assigns, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any food product forthwith cease and desist from:

1. Disseminating, or causing the dissemination of, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents, directly or by implication, that:

a. Any such product has been chosen for use by an athletic association, league, or any other athletic organization, due to the contribution it makes to athletic performance or physical fitness, where said choice is based primarily on monetary consideration flowing to such association, league or organization.

b. Any such product is used by an athletic association, league, or any other athletic organization, due to the contribution it makes to athletic performance or physical fitness, unless said contribution is substantial when the product is used in the quantity and manner in which it is used or intended to be used by those at whom the advertisement is directed and unless the nature of said contribution is clearly and

conspicuously and truthfully disclosed.

2. Disseminating, or causing the dissemination of, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such product, in commerce, as "commerce" is defined in the Federal Trade Commission Act which contains any of the representations prohibited in subparagraph 1 above.

A statement as to the qualities or attributes of a product can amount to an implied uniqueness claim if it is made in a context which conveys an impression of uniqueness for the product. However, statements as to the qualities or attributes of any product covered by this Order will not constitute a violation thereof for the sole reason that such statements could also be made with respect to other products.

It is provided, however, That nothing contained in this Order shall be deemed to prohibit advertisements or labeling complying with any guidelines or regulations with respect to product endorsements that hereafter from time to time may be promulgated by the Commission or enacted by Congress.

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

It is further ordered, That if any respondent hereafter proposes to make any change in its corporate structure which may affect compliance obligations arising out of the Order, including such changes as dissolution, assignment, or sale resulting in the emergence of a successor corporation or the creation or dissolution of subsidiaries, such respondent shall notify the Commission of such change at least thirty (30) days in advance, except that if such respondent has less than thirty (30) days prior knowledge of a proposed change, respondent shall notify the Commission as promptly as possible and in no event more than thirty (30) days after respondent has such knowledge.

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

Issued: October 2, 1973.

By the Commission.

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

[FR Doc.73-23846 Filed 11-7-73;8:45 am]

[Docket C-2463]

PART 13—PROHIBITED TRADE PRACTICES

Bergen Brunswig Corp.

Subpart — Discriminating between customers: § 13.685 *Discriminating between customers.* Subpart—Discriminating in price under Section 5, Federal Trade Commission Act: § 13.892 *Knowingly inducing or receiving discriminating payments.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1928 *Customer connection or action.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.) [Cease and desist order, Bergen Brunswig Corporation, Los Angeles, California, Docket C-2463, October 4, 1973.]

In the Matter of Bergen Brunswig Corporation, a corporation.

Consent order requiring a Los Angeles, California, wholesale distributor of druggists' sundries, among other things to cease knowingly inducing or receiving discriminatory payments. Respondent is further required to provide each person or organization invited to participate in its trade shows, a copy of this order for a period of five (5) years.

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

It is ordered, That respondent, Bergen Brunswig Corporation, a corporation, and its officers, representatives, agents and employees, successors and assigns, directly or indirectly, through any corporate or other device, in or in connection with the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of products for resale by the respondent, or in connection with any other transactions between respondent and its various suppliers involving or pertaining to the regular business of the respondent in purchasing, promoting, advertising, distributing and selling commodities and products in commerce, as "commerce" is defined in the Federal Trade Commission Act, shall cease and desist from:

1. Inducing and receiving, receiving or contracting for the receipt of anything of value from any supplier of druggists' sundries as compensation or in consideration for services and facilities furnished by or through respondent in connection with the processing, handling, sale or offering for sale of such supplier's products at respondent's trade shows, when respondent knows or has reason to know that such compensation is not affirmatively offered and otherwise made available by such supplier on proportionally equal terms to all of its other customers competing with respondent, including customers who purchase from intermediaries and compete with respondent in the resale of such supplier's products.

2. Inducing and receiving, receiving or contracting for the receipt of, the furnishing of services or facilities, including but not limited to inducing prizes or gifts awarded to retail druggist customers attending respondent's trade shows, connected with respondent's offering for sale or sale of such products so purchased, when respondent knows or has reason to know that such services or facilities are not affirmatively offered or otherwise made available by such supplier on proportionally equal terms to all of its customers competing with the respondent, including customers who purchase from intermediaries and compete with respondent in the resale of such supplier's products.

It is further ordered, That respondent shall cease and desist from offering or providing to its customers, directly or indirectly, any material inducement, monetary or otherwise, to attend its trade shows whenever such customers' receipt of the inducement depends upon their purchases or volume of purchases of merchandise from respondent.

It is further ordered, That a copy of this Order shall be delivered to each person or organization invited to participate in any trade show sponsored, organized or held by respondent, at the time such invitation is extended, for a period of five (5) years from the date of service of this Order.

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

It is further ordered, That respondent shall forthwith distribute a copy of this Order to each of its operating wholesale drug divisions.

It is further ordered, That respondent shall, within sixty (60) days of service of this Order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the Order.

It is further ordered, That the effective date for compliance with this order shall commence September 1, 1973.

By the Commission.

Issued: October 4, 1973.

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

[FR Doc.73-23782 Filed 11-7-73;8:45 am]

[Docket No. 8830]

PART 13—PROHIBITED TRADE PRACTICES

Dura-Hair International, Inc.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.170 *Qualities or properties of product or service:* 13.170-24 Cosmetic or beautifying; § 13.195 *Safety:* 13.195-60 Product. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition;* § 13.1710 *Qualities or properties;* § 13.1730 *Results.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1885 *Qualities or properties;* § 13.1890 *Safety;* § 13.1892 *Sales contract, right-to-cancel provision.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Dura-Hair International, Inc., Beverly Hills, Calif., Docket No. 8830, October 2, 1973]

In the Matter of Dura-Hair International, Inc., a corporation

Consent order requiring a Beverly Hills, Calif., corporation which acquired assets, including patent rights, from the

now-bankrupt franchisor of the "Medi-Hair" hair replacement system (see 37 FR 10351), to cease representing that the system will restore the customer's hair so well that there will be no need for further attention; to disclose that the system involves the application of wire sutures in the scalp which may cause pain and risk of infection; to notify prospective customers to consult with their personal physicians; to advise purchasers that contracts may be canceled up until the third day; and not to negotiate a customer's note to a finance company prior to midnight of the fifth day.

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

It is ordered, That Dura-Hair International, Inc., a corporation, its successors and assigns, and its agents, representatives, and employees (hereinafter collectively referred to as "Dura-Hair"), directly or through any corporation, subsidiary, division, or other device, or through its franchisees, licensees or through its patent licensees, in connection with the advertising, offering for sale, sale, or distribution of the hair replacement system covered by United States Patent 3553737, or other hair replacement product or process involving surgery (hereinafter sometimes referred to as the "System"), in commerce, as "commerce" is defined by the Federal Trade Commission Act, or by the United States mails within the meaning of section 12(a)(1) of the Federal Trade Commission Act do forthwith cease and desist from representing, directly or by implication:

1. That the System does not involve wearing a device or cosmetic which is like a hairpiece or toupee;

2. That after the System has been applied, the hair applied becomes part of the anatomy like natural hair, teeth, and fingernails and has the following characteristics of natural hair:

a. The same appearance in all applications as natural hair, upon normal observation, and upon extreme close-up examination;

b. It may be cared for like natural hair where care involves possible pulling on the hair;

c. The wearer may engage in physical activity and movement with the same disregard for his hair as he would if he had natural hair.

3. That after the System has been applied, the wearer can care for it himself, and will not have to seek professional or skilled assistance in maintaining the system, and that the customer will not incur maintenance costs over and above the cost of applying the System.

It is further ordered, That Dura-Hair, in advertising or otherwise promoting the System by radio, television, newspapers, or periodicals, disclose clearly and conspicuously that the System involves a surgical procedure, requiring the use of a local anesthetic, resulting in the implantation of sutures in the scalp, to which hair is affixed.

It is further ordered, That Dura-Hair, in advertising or otherwise promoting the System other than by radio, television, newspapers, or periodicals, and in offering for sale, selling, or distributing the System, disclose clearly and conspicuously that:

1. The System involves a surgical procedure, requiring the use of a local anesthetic, resulting in the implantation of sutures in the scalp, to which hair is affixed.

2. By virtue of the surgical procedure involving implantation of sutures in the scalp, and by virtue of the sutures remaining in the scalp, there is a risk of discomfort, pain, infection, scarring, and other skin disorders.

3. Continuing special care of the System is necessary to minimize the risks referred to in Subparagraph Two of this Paragraph, and such care may involve additional costs for medications and assistance.

4. The purchaser is advised to consult with his personal physician about the System before deciding whether to purchase it.

It is further ordered, That Dura-Hair, in connection with the sale of the System, provide prospective purchaser with a separate disclosure sheet containing the information required in the immediately preceding Paragraph of this Order, Subparagraphs One (1) through Four (4) thereof, and that Dura-Hair require that, prior to executing any contract to purchase said System, such prospective purchasers, sign and date the disclosure sheet after the sentence, "I have read the foregoing disclosures and understand what they mean," and that Dura-Hair provide a copy of said disclosure sheet to the customer and retain such signed disclosure sheet for at least three years.

It is further ordered, That, in connection with the sale of the System, no contract for application of the System shall become binding on the purchaser prior to midnight of the third day, excluding Sundays and legal holidays, after the day on which said contract for application of the System was executed, and that:

1. Dura-Hair shall clearly and conspicuously disclose, orally prior to the time of sale, and in writing on any contract, promissory note, or other instrument executed by the purchaser in connection with the sale of the System, that the purchaser may rescind or cancel any obligation incurred by mailing or delivering a notice of cancellation to the office responsible for the sale prior to midnight of the third day, excluding Sundays and legal Holidays, after the day on which said contract for application of the system was executed.

2. Dura-Hair shall provide a separate and clearly understandable form which the purchaser may use as a notice of cancellation.

3. Dura-Hair shall not negotiate any contract, promissory note, or other instrument of indebtedness to a finance company or other third party prior to midnight of the fifth day, excluding Sundays and legal holidays, after the day on which said contract for application of the system was executed.

It is further ordered, That Dura-Hair, in connection with the advertising, offering for sale, sale, or distribution of the System, serve a copy of this order upon each present and every future licensee or franchisee, upon each present and every future patent licensee, and upon each physician participating in application of Dura-Hair's System, and obtain written acknowledgment of the receipt thereof; and that Dura-Hair obtain from each present and future licensee or franchisee, and from each present and future patent licensee, an agreement in writing (1) to abide by the terms of this order, and (2) to cancellation of their license or franchise, or patent license, for failure to do so; and that Dura-Hair cancel the license or franchise, or patent license of any licensee or franchisee or patent licensee, that fails to abide by the terms of this order. Dura-Hair shall retain such acknowledgments and agreements for so long as such persons or firms continue to participate in the application or sale of Dura-Hair's system.

It is further ordered, That Dura-Hair, in connection with advertising, offering for sale, sale, or distribution of the System, forthwith distribute a copy of this order to each of their operating divisions or departments.

It is further ordered, That Dura-Hair notify the Commission at least thirty (30) days prior to any proposed change in said Dura-Hair, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, licensees, or franchisees, or patent licensees, or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That in the event that Dura-Hair merges with another corporation or transfers all or a substantial part of its business or assets to any other corporation or to any other person, Dura-Hair shall require such successor or transferee to file promptly with the Commission a written agreement to be bound by the terms of this order; provided that if said Dura-Hair wishes to present to the Commission any reason why said order should not apply in its present form to said successor or transferee, it shall submit to the Commission a written statement setting forth said reasons prior to the consummation of said succession or transfer.

It is further ordered, That Dura-Hair International, Inc. shall within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, signed by Dura-Hair, setting in detail the manner and form of their compliance with this order.

Issued: October 2, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-23845 Filed 11-7-73;8:45 am]

[Docket C-2443]

PART 13—PROHIBITED TRADE PRACTICES

Howell's Discount Furniture, et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages or connections;* 13.15–5 Authorized distributor; 13.15–260 Retailer as wholesaler, jobber, factory, distributor; § 13.155 *Prices;* 13.155–35 Discount savings; 13.155–40 Exaggerated as regular and customary. Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051–20 Adequate. Subpart — Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1550 *Retailer as wholesaler, jobber, or factory distributor;* — Prices: § 13.1805 *Exaggerated as regular and customary.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.) [Cease and desist order, Howell Liquidating Company, Inc. t/a Howell's Discount Furniture, et al., Beaumont and Port Arthur, Texas, Docket C-2466, October 12, 1973.]

In the Matter of Howell Liquidating Company, Inc., a corporation, d/b/a Howell's Discount Furniture, and C. Aubrey Cheatham, individually and as an officer of Howell Liquidating Company, Inc. Quality Discount Furniture, a partnership, trading and d/b/a Howell's Discount Furniture. C. Aubrey Cheatham and W. Thurman Witt, individually and copartners of Quality Discount Furniture.

Consent order requiring two furniture stores located in Beaumont and Port Arthur, Texas, among other things to cease misrepresenting the amount of savings accorded customers who purchase respondents' merchandise; misrepresenting prices as customary or regular when in fact they are not; representing themselves as authorized factory outlets; and failing to maintain adequate records to substantiate their claims.

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

It is ordered, That respondent Howell Liquidating Company, Inc., a corporation, d/b/a Howell's Discount Furniture and Quality Discount Furniture, a partnership, d/b/a Howell's Discount Furniture, and C. Aubrey Cheatham, individually and as an officer of the said corporation and W. Thurman Witt and C. Aubrey Cheatham, individually and as copartners in the said partnership, and respondents' agents, representatives, employees, successors and assigns, directly or through any corporation, subsidiary, division or other device, in connection with the offering for sale, sale or distribution of furniture, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Regular Price" and "Regular" or any other words of similar import and meaning, to refer to any amount which is in excess of the price at which such merchandise has been sold or offered for sale in good faith by respondents for a reasonably substantial period of time in the recent, regular course of their business and unless respondents' business records establish that said amount is the price at which such merchandise has been sold or offered for sale in good faith by respondents for a reasonably substantial period of time in the recent, regular course of their business.

2. Using the words "one-half price," or representing, in any manner, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such merchandise has been sold or offered for sale in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of their business.

3. Misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise at retail.

4. Representing, in any manner, that respondents' stores are authorized factory outlets.

5. Failing to maintain adequate records:

(a) Which disclose the facts upon which any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 1–3 of this order and based, and

(b) From which the validity of any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 1–3 of this order can be determined.

6. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

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

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

It is further ordered, That respondents distribute a copy of this order to all firms and individuals involved in the formulation and implementation of advertising of respondents' products.

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

By the Commission.

Issued: October 12, 1973.

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

[FR Doc.73-23780 Filed 11-7-73;8:45 am]

[Docket C-2462]

PART 13—PROHIBITED TRADE PRACTICES

Rejuvenation Center, Ltd.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* 13.15–195 Nature; 13.15–225 Personnel or staff; 13.15–250 Qualifications and abilities; § 13.135 *Nature of product or service;* § 13.170 *Qualities or properties of product or service;* 13.170–24 Cosmetic or beautifying; 13.170–76 Rejuvenating; § 13.190 *Results;* § 13.195 *Safety;* § 13.205 *Scientific or other relevant facts.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1520 *Personnel or staff;* § 13.1535 *Qualifications;* —Goods: § 13.1685 *Nature;* § 13.1710 *Qualities or properties;* § 13.1730 *Results;* § 13.1740 *Scientific or other relevant facts.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 *Nature;* § 13.1890 Safety; § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1895 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52.) [Cease and desist order, Robert Sheldon, et al., trading as Rejuvenation Center, Ltd., San Antonio, Texas, Docket C-2462, October 4, 1973.]

In the Matter of Robert Sheldon, Beverlee Sheldon, also known as Beverlee Choate, and Terry Lee Armas, III, individuals trading and doing business as Rejuvenation Center, Ltd.

Consent order requiring a San Antonio, Texas, firm operated principally to promote a cosmetic process called a rejuvenation treatment, among other things to cease misrepresenting the nature, safety, and results of its cosmetic rejuvenation process which involves chemical skin peeling. Further, the firm is required to obtain from each prospective customer a physician's certificate specifying the client's ability to undergo the process; to provide a 3-day cooling-off period during which clients may cancel their contracts, and to devote no less than 15 percent of their advertising to disclosures as to the procedures used and dangers inherent in the process. The Commission was successful in obtaining from the United States District Court for the Western District of Texas, a temporary injunction enjoining respondent from engaging in the challenged practices pending disposition of the Commission proceeding.

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

It is ordered, That respondents Robert Sheldon, Beverlee Sheldon, also known as Beverlee Choate, and Terry Lee Armas, III, trading and doing business as Rejuvenation Center, Ltd., individually, their successors or assigns and respondents' agents, representatives, employees either directly or through any corporate or other device, or through any franchisees or licensees, in connection with the offering for sale, sale, or distribution of any cosmetic chemical application resembling a chemo-surgical process of face lifting or face peeling or any other like process in commerce, as "commerce" is defined in the Federal Trade Commission Act, or by the United States mails within the meaning of section 12(a)(1) of the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing directly or by implication that:

1. Any cosmetic process involving skin peeling or any other like process does not involve chemical surgery.

2. Any cosmetic process involving skin peeling is painless and involves no caustics or caustic chemicals.

3. The potential discomfort possibly resulting from the application of said cosmetic process is no more severe than that normally associated with a sunburn.

4. Any cosmetic skin-peeling process will permanently remove signs of aging.

5. Respondents are professionals in the field of medicine, or that any of them is a registered nurse, chemist or pharmacist.

6. Prospective clients should not seek medical advice or have skin sensitivity or allergy tests conducted prior to receiving the skin-peeling process.

7. Said cosmetic process will cause their clients to appear any specific number of years younger than their actual chronological age.

8. Said cosmetic process is a procedure free from possible serious side effects or complications.

9. Said cosmetic process is widely accepted by the medical profession as performed by respondents.

10. Respondents are duly licensed to practice medicine or to prescribe or dispense drugs or cosmetics which by law may be prescribed or dispensed only by a doctor or pharmacist.

B. Advertising, offering for sale, selling or in any manner applying or dispensing any chemical skin-peeling process or treatment, or any other like process or treatment, unless respondents make clear and conspicuous disclosures in all advertising and in all oral sales presentations, that:

1. Any such chemical process or treatment involves a surgical procedure by which the upper layers of skin are burned chemically and are later peeled away.

2. Because of the chemical process resembling a chemo-surgical procedure, there is a probability of discomfort, pain, and a risk of infections, and permanent scarring.

3. Should the above-described side effects result, respondents are not professionals equipped nor trained to provide the necessary medical aid and attention to their clients.

4. Many cosmetic and plastic surgeons refuse to perform skin peeling procedures on the majority of those requesting the treatment due to the possibility of complications arising, and further that professional medical experts will perform such procedures on selected patients under clinical conditions only after a consultation and review of their medical history.

5. Respondents are not licensed to practice medicine or to prescribe or dispense drugs or cosmetics which by law may be prescribed or dispensed only by a doctor or pharmacist.

Respondents shall set forth the above disclosures separately and conspicuously from the balance of each advertisement or presentation used in connection with the advertising, offering for sale, sale, or distribution of respondents' cosmetic process, and shall devote no less than 15 percent of each advertisement or presentation to such disclosures. Provided, however, that in advertisements which consist of less than ten column inches in newspapers or periodicals, and in radio or television advertisements with a running time of one minute or less, respondents may substitute the following statement, in lieu of the above rquirements:

Warning: This application involves a process resembling chemo-surgery whereby chemicals are applied to various parts of the body and skin is peeled away. Discomfort, pain, and medical problems may occur. Continuing care is necessary. Consult your own physician.

No less than 15 percent of such advertisements shall be devoted to this disclosure, such disclosure shall be set forth clearly and conspicuously from the balance of each of such advertisements, and if such disclosure is in a newspaper or periodical, it shall be in at least eleven-point type.

It is further ordered, That respondents provide prospective clients with a separate disclosure sheet containing the information required in the immediately preceding paragraph of this order and that respondents require that such prospective clients, subsequent to receipt of such disclosure sheet, consult with a duly licensed physician who is not associated, directly or indirectly, financially or otherwise, with the respondents regarding the nature of the surgery to be done, the probabilities of discomfort and pain, and risks of infection, and scarring.

It is further ordered, That no contract for application of respondents' cosmetic process shall become binding on the purchaser prior to midnight of the third day, excluding Sundays and legal holidays after the day of the purchaser's above-described consultation with a duly licensed physician who is not associated, directly or indirectly, financially or otherwise, with the respondents, or after the day on which said contract for application of the System was executed, whichever day is later, and that:

1. Respondents shall clearly and conspicuously disclose, orally prior to the time of sale, and in writing on any contract, promissory note or other instrument executed by the purchaser in connection with the sale of their process, that the purchaser may rescind or cancel any obligation incurred, by mailing or delivering a notice of cancellation to the office responsible for the sale prior to midnight of the third day, excluding Sundays and legal holidays, after the day of the purchaser's above-described consultation with a duly licensed physician or after the day on which said contract for application of the System was executed, whichever day is later.

2. Respondents shall provide a separate and clearly understandable form which the purchaser may use as a notice of cancellation.

3. Respondents shall not negotiate any contract, promissory note, or other instrument of indebtedness to a finance company or other third party prior to midnight of the fifth day, excluding Sundays and legal holidays, after the day of the purchaser's above-described consultation with a duly licensed physician, or after the day on which said contract for application of the System was executed, whichever day is later.

4. Respondents shall obtain from each purchaser of their chemical skin peeling process or any other process in which caustic chemicals are applied to the skin, a certificate signed by the physician who was consulted as required by this order, such certificate specifying that the said physician has conducted skin sensitivity and allergic reaction tests appropriate to determine said purchaser's ability to undergo respondents' process, and specifying the date and approximate time of such consultation; further, respondents shall obtain from each purchaser as aforesaid, a signed and dated certificate stating that said purchaser has been informed by respondents of the nature of the chemical skin peeling process to be performed, and that he or she has been advised of the probabilities of discomfort and pain, and the risks of infection, and scarring; and respondents shall retain all such certificates for three years.

It is further ordered, That respondents serve a copy of this order upon each employee or agent participating in application of any process by respondents and obtain written acknowledgements for so long as such persons continue to participate in the application of said process.

It is further ordered, That respondents maintain files containing all inquiries of complaints from any source relating to acts or practices prohibited by this order, for a period of two years after their receipt, and that such files be made available for examination by a duly authorized agent of the Federal Trade Commission during the regular hours of the respondents' business for inspection and copying.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this Order file with the Commission a report, in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with this Order.

By the Commission.

Issued: October 4, 1973.

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

[FR Doc.73-23781 Filed 11-7-73;8:45 am]

[Docket No. C-2271]

PART 13—PROHIBITED TRADE PRACTICES

United Systems, Inc., et al.

Subpart—Misrepresenting oneself and goods—Goods: § 13.1823 *Terms and*

conditions.—Services: § 13.843 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Order reopening proceedings and modifying order of August 18, 1972 (37 F.R. 18446, 81 F.T.C. 267), Docket C-2271, October 16, 1973]

In the Matter of United Systems, Inc., Skyline Deliveries, Inc., Express Parcel Deliveries, Inc., Truck Line Distribution Systems, Inc., Sheridan Truck Lines, Inc., and Advance Systems, Inc., corporations, and George Eyler, individually and as an officer of said corporations

The order reopening proceedings and modifying order of August 18, 1972, is as follows:

It is ordered, That the proceedings in this matter be reopened and that Paragraph 8(c) of the Order to Cease and Desist issued against respondent on August 18, 1972, be modified to read as follows:

Representing, directly or by implication, orally or in writing that respondents will handle or secure the financing of any portion of the cost of respondents' course unless such financing is, in fact, made available to all prospective purchasers.

Issued: October 16, 1973.

By the Commission.

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

[FR Doc.73-23844 Filed 11-7-73;8:45 am]

Title 29—Labor

CHAPTER II—OFFICE OF THE ASSISTANT SECRETARY FOR LABOR-MANAGEMENT RELATIONS, DEPARTMENT OF LABOR

PART 202—REPRESENTATION PROCEEDINGS

PART 206—MISCELLANEOUS

Granting of Official Time for Elections and Hearings

On September 27, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 26919), with regard to amending Parts 202 and 206 of Chapter II, Subtitle B, of Title 29 of the Code of Federal Regulations to authorize the granting of official time status to representation election observers and to necessary employees participating in hearings held pursuant to the Assistant Secretary's authority under section 6(a) of Executive Order 11491 as amended. Interested persons were given to October 12, 1973, to submit written comments, suggestions, or objections, regarding the proposed regulations.

After consideration of all relevant matter presented, and pursuant to sections 6(d) and 18(d) of Executive Order 11491 (34 FR 17605) as amended by Executive Order 11616 (36 FR 17319), I have decided to adopt the proposed regulations with certain changes:

Chapter II, Subtitle B, of Title 29 is amended as follows:

1. In § 202.17, the section heading and paragraph (f) are revised and paragraphs (g) and (h) are added.

§ 202.17 Election procedure; request for authorized representation election observers.

* * * * *

(f) Any party may be represented at the polling place(s) by observers of its own selection, subject to such limitations as the Area Administrator may prescribe. Representation election observers shall be on official time during the period in which they act as observers in the election. Where there is a dispute as to whether a representation election observer should serve on official time, a party to the proceeding may move that the Area Administrator issue a "Request for Appearance of Authorized Representation Election Observers."

(g) A party's motion to the Area Administrator shall be in writing and filed with the Area Administrator not less than fifteen (15) days prior to an election to be conducted pursuant to this Part. The motion shall name and identify the authorized representation election observers sought, and state the reasons therefor. Simultaneously with the filing of the motion with the Area Administrator, copies shall be served on the other parties and a written statement of such service shall be filed with the Area Administrator. Within five (5) days after service of a copy of the motion, a party may file objections to the motion with the Area Administrator and state the reasons therefor. Simultaneously with the filing of the objections with the Area Administrator, copies shall be served on the other parties and a written statement of such service shall be filed with the Area Administrator. The Area Administrator shall rule upon the motion not later than five (5) days prior to the date of the election. However, for good cause shown by a party, or on his own motion, the Area Administrator may vary the time limits prescribed in this paragraph.

(h) An employee serving as an authorized representation election observer shall be granted official time only during such portion of his participation as occurs during his regular work hours and when he would otherwise be in a work or paid leave status. In addition, necessary transportation and per diem expenses shall be paid by the employing agency or activity.

2. The title and text of § 206.7 is amended to read as follows:

§ 206.7 Requests for appearance of witnesses and production of documents at hearing.

(a) Assistant Regional Directors for Labor-Management Services, Hearing Officers, or Administrative Law Judges, as appropriate, upon their own motion or upon the motion of any party to a proceeding, may issue a "Request for Appearance of Witnesses" or a "Request for Production of Documents" at a hearing held pursuant to Parts 202, 203, 204, and 205 of this chapter. However, where the parties are in agreement that the appearance of witnesses or the production of documents is necessary, and the agency or activity will permit the employee witnesses to participate on official time or a party will produce the documents, no such Request need be sought.

(b) A party's motion shall be in writing and filed with the Assistant Regional Director for Labor-Management Services not less than fifteen (15) days prior to the opening of a hearing or with the Hearing Officer or Administrative Law Judge during the hearing. All such motions shall name and identify the witnesses or documents sought, and stated the reasons therefor. Simultaneously with the filing of the motion with the Assistant Regional Director for Labor-Management Services, copies shall be served on the other parties and a written statement of such service shall be filed with the Assistant Regional Director for Labor-Management Services.

(c) Within five (5) days after service of a copy of the motion on the Assistant Regional Director for Labor-Management Services, a party may file objections to the motion with the Assistant Regional Director for Labor-Management Services and state the reasons therefor. Simultaneously with the filing of the objections with the Assistant Regional Director for Labor-Management Services, copies shall be served on the other parties and a written statement of such service shall be filed with the Assistant Regional Director for Labor-Management Services. The Assistant Regional Director for Labor-Management Services shall rule upon the motion, or refer it to the Hearing Officer or Administrative Law Judge for an appropriate ruling, not later than five (5) days prior to the hearing. However, for good cause shown by a party, or on his own motion, the Assistant Regional Director for Labor-Management Services may vary the time limits prescribed in this paragraph and paragraph (b) of this Section.

(d) Objections to a motion referred to or filed with a Hearing Officer or Administrative Law Judge may be stated orally on the record.

(e) A motion shall be granted by the Assistant Regional Director for Labor-Management Services, Hearing Officer or Administrative Law Judge, after careful consideration of any objections and upon determination that the testimony or documents appear(s) to be necessary to the matters under investigation and that the motion describes with sufficient particularity the documents sought. Service of an approved "Request for Appearance of Witnesses" or "Request for Production of Documents" is the responsibility of the requesting party. If any party, officer, or official of any party fails to comply with such Request(s), or obstructs service of the Request, the Assistant Regional Director for Labor-Management Services, Hearing Officer, Administrative Law Judge, or the Assistant Secretary may disregard all related evidence offered by the party failing to comply, or take such other action as may be appropriate.

(f) A denial of a motion shall be explained fully and it shall become a part of the hearing record.

(g) Employees who have been determined to be necessary as witnesses at a hearing shall be granted official time

only for such participation as occurs during their regular work hours and when they would otherwise be in a work or paid leave status. Participation as witnesses includes the time necessary to travel to and from the site of a hearing, and the time spent giving testimony and waiting to give testimony, when such time falls during regular work hours. In addition, necessary transportation and per diem expenses shall be paid by the employing agency or activity.

Effective date: These amendments shall become effective November 8, 1973.

Signed at Washington, D.C., this 5th day of November 1973.

PAUL J. FASSER, Jr.,
Assistant Secretary of Labor for Labor-Management Relations

[FR Doc.73-23852 Filed 11-7-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Miscellaneous Amendments

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, State plans for implementation of the national ambient air quality standards for the States of Hawaii, Iowa, Kansas, Massachusetts, Missouri, Rhode Island, and Wisconsin. This publication contains amendments to the previous actions involving these States. The Administrator's approval/disapprovals are amended as a result of supplemental information submitted by Kansas and Missouri and corrections to previous publications involving Hawaii, Massachusetts, Rhode Island, and Wisconsin. Also, the approval/disapproval notice for the State of Iowa is amended and substitute regulations promulgated pursuant to an order issued by the U.S. Court of Appeals for the Eighth Circuit.

Subpart A, General Provisions, is also amended to clarify the Agency's policy involving compliance schedule approvals.

On June 14, 1972 (37 FR 11826), the Administrator proposed a new paragraph § 52.09(c) to make clear the Agency's policy regarding the approval of variances to compliance schedules. This proposed paragraph is no longer necessary due to the amendments to the general provisions in § 52.07(a) and § 52.20 which clarify the requirements relating to variances and other compliance schedules. Therefore, the proposed paragraph (c) to § 52.09 has been withdrawn.

A new § 52.09(c) is promulgated below to make clear that approval of any compliance schedule by the Administrator does not release the source owner or operator of any responsibility to comply with applicable emission limitations on and after the final compliance date specified in any schedule. The retention of this responsibility is necessary because the complexity of control technology, variations in operating parameters and operating capability make it impossible to fully establish control engineering and design adequacy through plan review.

For Hawaii, a date for submission of supplemental information was inadvertently omitted in the May 14, 1973, FEDERAL REGISTER (38 FR 12712); this error is corrected below by adding the omitted date (June 15, 1972) to § 52.620, *Identification of plan.*

On July 27, 1973, the United States Court of Appeals for the Eighth Circuit decided the case of "Natural Resources Defense Council, Inc., et al. v. Environmental Protection Agency," Case No. 72-1380. This case was filed pursuant to section 307(b)(1) of the Act and challenged the Administrator's approval of certain portions of the Iowa implementation plan. The Court ordered that the Administrator disapprove portions of this plan. In rendering this decision, the Court referenced the order of the United States Court of Appeals for the First Circuit (April 11, 1973; Case Nos. 72-1219 and 72-1224) in a similar case involving the implementation plans for Massachusetts and Rhode Island.

The Court found that Iowa has variance statutes which allowed the Air Quality Commission of the Iowa Department of Environmental Quality to grant variances even after the mandatory dates for attainment of the national ambient air quality standards established in section 110 of the Clean Air Act. The Clean Air Act was interpreted to preclude States from granting variances after such dates except as provided in section 110(f) of the Clean Air Act. The Court agreed with the First Circuit Court that the provisions of the Clean Air Act "not only empower, but also require, the Administrator to disapprove State statutes and regulations, or portions thereof, which are not in accordance with the requirements of the Clean Air Act." Accordingly, the Iowa variance statutes and the State regulations implementing that authority are herein disapproved insofar as they permit the granting of variances beyond the statutory attainment dates, without the approval of the Administrator, and under conditions inconsistent with the Court's opinion.

The authority of the Iowa State Department of Environmental Quality to issue abatement orders was also challenged and the Court applied the same interpretation of the Clean Air Act to this part of the Iowa law as it did to the variance procedure. That portion of the Iowa statutes is also disapproved below.

The Court also required the Administrator to promulgate regulations amending the Iowa plan in accordance with the terms of its order. Thus, regulations are promulgated which specify the procedures and circumstances under which Iowa will be authorized to issue variances to sources subject to provisions of its implementation plan. These regulations are promulgated below.

The amendments set forth below regarding Iowa are effective from November 8, 1973, since they are made to comply with the Court order.

The Kansas Department of Health submitted supplemental information on April 6, 1972 and February 15, 1973, in the form of Communication Emergency Episode Operations Manuals for the Priority I Regions. This supplemental information meets the requirements of 40 CFR 51.16(e) and is approved below.

On April 17, 1973, the Governor of Kansas submitted supplemental information changing emergency episode criteria which were previously disapproved. These changes meet the requirements of § 51.16(b)(1); thus, the previous disapproval is revoked below. Also on April 17, 1973, the Governor submitted revised regulations involving the review of new or modified sources. The original plan did not provide legally enforceable procedures for preventing construction of sources which would interfere with the attainment and maintenance of all national standards. After notice and public hearing, the Administrator promulgated on September 22, 1972 (37 FR 19806), a regulation to correct this deficiency. The Administrator finds the revised regulations approvable; therefore, the previous disapproval and promulgation involving new source review are revoked below.

The revised rules and regulations which the Governor of Kansas submitted on April 17, 1973, also delete the emission limitation for sulfur dioxide from sulfuric acid plants in Regulation 28-19-22. There is only one sulfuric acid plant in Kansas. EPA has performed a point source diffusion model for this source based on stack parameters and existing emissions supplied by the Kansas Department of Health. The model results predict maximum hourly concentrations in the area of the plant of approximately 500 $\mu g/m^3$. Since the source is relatively isolated, control measures for this source are not necessary to attain or maintain the national ambient air quality standards for sulfur dioxide, hence the Administrator approves this revision below.

The revision to the Kansas plan also deletes Regulation 28-19-25, emission limitations for nitrogen dioxide from nitric acid plants. Since all regions in Kansas are Priority III for nitrogen oxide and no violation to air quality standards is expected or known to occur, no control strategy is required. Therefore, this revision is approvable. Finally, Regulation 28-19-23, hydrocarbon emission limitations, and Regulation 28-19-24, emission limitations for carbon monoxide, have been amended to apply only to sources installed after January 1, 1972. Since the Federal Motor Vehicle Control Program is adequate to attain and maintain the national ambient air quality standards for carbon monoxide, nitrogen dioxide and photochemical oxidants in Kansas, these changes do not impair the plan's adequacy with respect to the attainment and maintenance of the national standards for these pollutants. The revision to the Kansas regulations include several

minor changes such as the elimination of Ringelmann Number in favor of an opacity provision, which do not affect the control strategy. These revisions are approved below.

On July 27, 1973, the Governor of Kansas submitted supplemental information which corrects a deficiency in the State's authority to make emission data obtained from stationary sources available to the public; thus, the previous disapproval is revoked below.

This notice also includes a revision to the regulations for compliance schedules promulgated by the Administrator for the State of Kansas on September 22, 1972 (37 FR 19806). The revision extends the date for achieving compliance with the applicable regulations from December 31, 1973, to January 31, 1974. This change is made to be consistent with the provisions of 40 CFR Part 51.15(c) as amended December 9, 1972 (37 FR 26310), which specifies January 31, 1974, as the date of compliance after which increments of progress are required for a compliance schedule.

On May 24, 1973, the Missouri Air Conservation Commission submitted as supplemental information Emergency Operations/Communication Manuals for three air quality control regions within the State of Missouri. The regions covered are the St. Louis Interstate Region, the Southwest Missouri and the Northern Missouri Intrastate Regions. This supplemental information meets the requirements of 40 CFR 51.16(e) and is approved below. With the submission of these manuals, all Priority I and II regions are covered by approved procedures.

For Wisconsin, a date for submission of supplemental information was listed incorrectly in the May 14, 1973, FEDERAL REGISTER (38 FR 12713) and is corrected below. Also, errors in the citation of section numbers involving disapproval and promulgation actions for the Massachusetts and Rhode Island plans appearing on July 16, 1973 (38 FR 18878 and 38 FR 118879), are corrected below.

These approval actions are effective on the date of publication in the FEDERAL REGISTER. The agency finds that good cause exists for not publishing these substantive actions as a notice of proposed rulemaking and for making them effective immediately upon publication for the following reasons:

1. The implementation plan provisions were adopted in accordance with procedural requirements of State and Federal law, which provided for adequate public participation through notice and public hearings and comments, and further participation is unnecessary and impracticable.

2. Immediate effectiveness of the actions enable the sources involved to proceed with certainty in conducting their affairs, and persons wishing to seek judicial review of the actions may do so without delay.

(42 U.S.C. 1857c-5)

Dated: November 1, 1973.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

Part 52 of Chapter I Title 40 of the Code of Federal Regulations is amended as follows:

Subpart A—General Provisions

1. In § 52.09, a new paragraph (c) is added as follows:

§ 52.09 Compliance schedules.

* * * * *

(c) The Administrator's approval or promulgation of any compliance schedule shall not affect the responsibility of the owner or operator to comply with any applicable emission limitation on and after the date for final compliance specified in the applicable schedule.

Subpart M—Hawaii

2. In § 52.620, paragraph (c)(2) is revised to read as follows:

§ 52.620 Identification of plan.

* * * * *

(c) * * *

(2) May 8, May 22, June 15, and November 21, 1972.

Subpart Q—Iowa

3. Subpart Q is amended by adding new §§ 52.828 and 52.829 as follows:

§ 52.828 Enforcement.

(a) Sections 23(1)(b) and 13(7) of Senate File 85, Division II for Iowa are disapproved insofar as they permit the Air Quality Commission of the Iowa Department of Environmental Quality to issue abatement orders (1) that defer compliance with plan requirements beyond the dates required for attainment of the national standards, (2) without the approval of the Administrator, and (3) for reasons not permitted by the Clean Air Act.

(b) Regulation limiting administrative abatement orders:

(1) No order deferring compliance with a requirement of the Iowa Implementation Plan shall be issued by the Air Quality Commission of the Iowa Department of Environmental Quality which does not meet the following requirements:

(i) An order must require compliance with the plan requirement within the times and under the conditions specified in § 51.15(b) (1) and (2) of this chapter.

(ii) An order may not defer compliance beyond the last date permitted by section 110 of the Act for attainment of the national standard which the plan implements unless the procedures and conditions set forth in section 110(f) of the Act are met.

(iii) An order shall not be effective until it has been submitted to and approved by the Administrator in accordance with §§ 51.6, 51.8, 51.15 (b) and (c), and, if applicable, 51.32 (a)–(e) of this chapter.

(2) Notwithstanding the limitations of paragraph (b)(1)(ii) of this section, an order may be granted which provides for compliance beyond the statutory attainment date for a national standard where compliance is not possible because of breakdowns or malfunctions of equipment, acts of God, or other unavoidable occurrences. However, such order may not defer compliance for more than three (3) months unless the procedures and conditions set forth in section 110(f) of the Act are met.

§ 52.829 Variances.

(a) Section 3.2(3)(a) of the Iowa Rules and Regulations relating to air pollution control and section 23(1)(b) of Senate File 85, Division II for Iowa are disapproved insofar as they permit the granting of variances (1) beyond the dates required for attainment of the national standards; (2) without the approval of the Administrator, and (3) for reasons not permitted by the Clean Air Act.

(b) Regulation limiting variances:

(1) No variance from any requirement of the Iowa Implementation Plan shall be granted which does not meet the following requirements:

(i) A variance must require compliance with the plan requirement within the times and under the conditions specified in § 51.15(b) (1) and (2) of this chapter.

(ii) A variance may not defer compliance beyond the last date permitted by section 110 of the Act for attainment of the national standard which the plan implements unless the procedures and conditions set forth in section 110(f) of the Act are met.

(iii) A variance shall not be effective until it has been submitted to and approved by the Administrator in accordance with §§ 51.6, 51.8, 51.15 (b) and (c), and if applicable, 51.32 (a)–(e) of this chapter.

(2) Notwithstanding the limitations of paragraph (b)(1)(ii) of this section, a variance may be granted which provides for compliance beyond the statutory attainment date for a national standard where compliance is not possible because of breakdowns or malfunctions of equipment, acts of God, or other unavoidable occurrences. However, such variance may not extend for more than three (3) months unless the procedures and conditions set forth in section 110(f) of the Act are met.

Subpart R—Kansas

4. In § 52.870, paragraph (c) is revised and paragraph (d) is added. As amended, § 52.870 reads as follows:

§ 52.870 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) March 24 and April 6, 1972, and February 15, 1973, by the Kansas Department of Health, and

(2) April 17 and May 29, 1973.

(d) Plan revisions were submitted on April 17, 1973.

§ 52.375 [Revoked]

5. Section 52.875 is revoked.

§ 52.876 [Amended]

6. In § 52.876(b)(1), the date "December 31, 1973" is changed to "January 31, 1974".

§§ 52.877, 52.878 [Revoked]

7. Section 52.877 is revoked.

8. Section 52.878 is revoked.

Subpart W—Massachusetts

9. In order to correct the citation in 38 FR 18878 at 18879 (July 16, 1973), the reference to § 52.1129 is changed to read § 52.1133.

Subpart AA—Missouri

10. In § 52.1320, paragraph (c) is revised to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) February 28, March 27, May 2, May 11, and July 12, 1972, and May 11, 21, and 24, 1973, by the Missouri Air Conservation Commission, and

(2) August 8, 1972.

Subpart OO—Rhode Island

11. In order to correct the citations in 38 FR 18878 at 18879 (July 16, 1973) and 38 FR 18879 at 18880 (July 16, 1973), the references to §§ 52.2077(a) and 52.2077 (b) are changed to read § 52.2080(a) and § 52.2080(b) respectively.

Subpart YY—Wisconsin

12. In FR Doc. 73-9329 appearing at page 12713 in the issue of Monday, May 14, 1973, in § 52.2570(c)(2) the date now reading "January 10, 1973", should read "January 19, 1973".

[FR Doc.73-23816 Filed 11-7-73;8:45 am]

Title 45—Public Welfare

CHAPTER IX—ADMINISTRATION ON AGING, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 910—MODEL PROJECTS ON AGING

The regulations set forth below are hereby promulgated to implement the Model Projects program under section 308 of the Older Americans Act of 1965, added by P.L. 93-29, the Older Americans Comprehensive Services Amendments of 1973. Funds for this program, from fiscal year 1973, are available, under the Second Supplemental Appropriations Act, 1973 (P.L. 93-50), only until December 31, 1973. In order to begin operation of the program as quickly as possible, it has been determined to publish regulations immediately without notice of proposed rule-making, as any delay of program implementation would be contrary to the public interest and would delay the benefits which older persons will receive under this program.

The regulations state, in § 910.2, the types of projects which will receive special consideration for funding. In addition to the priorities stated in the Act, and additional ones established by the Commissioner, special consideration will be given, in the awarding of FY 1973 funds, to projects to expand information and referral service capabilities, including outreach efforts to locate hard-to-reach individuals, in connection with new resources and services that are being made available for older persons. This initiative, in providing basic services to help people get other services, will lay the groundwork for full-scale implementation of the program. Information from these projects will also provide additional information about the needs of older persons, and help the Administration on Aging, and State and local agencies, meet the needs of older persons more effectively.

The regulations are subject to revision, and interested parties are encouraged to submit written comments, suggestions or objections concerning the relations to the Commissioner on Aging, U.S. Department of Health, Education, and Welfare, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201. All such submissions received on or before December 15, 1973 will be considered prior to promulgation of final regulations for the program.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, apply to grants under this part to State and local governments as those terms are defined in Subpart A of that Part 74. The relevant portions of Part 74 also apply to grants to all other grantees to the extent prescribed by 45 CFR 901.5.

Federal financial assistance extended under Part 910 is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

(Catalog of Federal Domestic Assistance Program No. 13.756—Special Programs for the Aging)

Effective date. This amendment is effective November 8, 1973.

Dated: October 12, 1973.

ARTHUR S. FLEMMING,
Commissioner on Aging.

Approved: October 15, 1973.

STANLEY B. THOMAS, Jr.,
Assistant Secretary for Human Development.

Approved: November 2, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Chapter IX of Title 45 of the Code of Federal Regulations is amended by adding a new Part 910, reading as follows:

Sec.

AUTHORITY: Sec. 308, P.L. 93-29, 87 Stat. 44-45 (42 U.S.C. 3028).

§ 910.1 General.

The Commissioner may, after consultation with the State agency designated under § 903.13 of this chapter, make grants to any public or nonprofit private agency or contracts with any agency or organization within such State for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city or community model projects which will expand or improve social services or otherwise promote the well-being of older persons. Sections 910.2–910.11 deal with grants and § 910.12 with contracts.

§ 910.2 Project awards.

(a) In making grants under this part, the Commissioner will give special consideration to projects designed to:

(1) Assist in meeting the special housing needs of older persons by:

(i) Providing financial assistance to such persons who own their own homes, necessary to enable them to make the repairs and renovations to their homes which are necessary for them to meet minimum standards;

(ii) Studying and demonstrating methods of adapting housing or construction of new housing to meet the needs of older persons suffering from physical disabilities;

(iii) Demonstrating alternative methods of relieving older persons of the burden of real property taxes on their homes;

(2) Provide continuing education to older persons designed to enable them to lead more productive lives by broadening the educational, cultural, or social awareness of such older persons, emphasizing, where possible, free tuition arrangements with colleges and universities;

(3) Provide preretirement education, information, and relevant services (including the training of personnel to carry out such programs and the conducting of research with respect to the development and operation of such programs) to persons planning retirement; or

(4) Provide services to assist in meeting the particular needs of the physically and mentally impaired older persons including special transporation and escort services, homemaker, home health and shopping services, and other services designed to assist such individuals in leading a more independent life.

(b) The Commissioner will also give special consideration to projects designed to:

(1) Serve those older persons in greatest need, particularly low income and minority older persons; and

(2) Further efforts to foster the development of coordinated and comprehensive service systems for older persons.

(c) In awarding fiscal year 1973 funds, available until December 31, 1973, the Commissioner will give special consideration to projects designed to expand information and referral service capabilities, including outreach efforts to locate hard-to-reach individuals, in con-

nection with new resources and services that are being made available to older persons. The Commissioner will give priority to State agencies in the making of awards to carry out this purpose.

§ 910.3 Application submission and review procedures.

(a) Application for funds under this part shall be submitted in writing and in accordance with guidelines established by the Commissioner. The application shall be executed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of any award, including the regulations of this chapter.

(b) When applications are submitted by agencies or organizations other than the State agency, the State agency shall have the opportunity for review and comment. Comments, if any, and recommendations made by the State agency shall be part of the application for a Model Project on Aging. If the proposed project is located within a planning and service area with an area agency designated under § 903.63 of this chapter, the area agency shall have the opportunity for review and comment.

(c) Applicants may be requested to submit additional information while a project application is being considered by the Commissioner. All applications which meet the legal requirements for an award will be considered for funding. The Commissioner will determine the action to be taken with respect to each application and notify the applicant accordingly in writing.

§ 910.4 Condition of awards.

Within the limits of funds available for such purpose, the Commissioner will award a grant to those applicants whose proposed projects will, in his judgment, best promote the purposes of this part and title III of the Act. All awards shall be in writing, shall set forth the amount of funds awarded, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award. The initial award shall also specify the project period for which support is contemplated if the project is carried out satisfactorily and Federal funds are available. For continuation support within the project period, grantees must make separate application in accordance with the guidelines established.

§ 910.5 Confidentiality.

No information about, or obtained from, an individual, and in possession of an agency providing services to such individual under a project under this part, shall be disclosed in a form identifiable with the individual without the individual's informed consent.

§ 910.6 Project revisions.

Projects shall be conducted in accordance with the provisions of the application as approved by the Commissioner. A recipient of an award shall request in writing that the approved plan of operation or method of financing will be materially changed. The request for revision shall be submitted for approval in the same manner as the original application. Project revisions may be initiated by the Commissioner, if, on the basis of reports, it appears that the project is ineffective, or if changes are made in Federal appropriations, laws, regulations, or policies governing Model Projects on Aging.

§ 910.7 Payments.

The Commissioner shall from time to time make payments to a recipient of an award of all or a portion of any award either in advance or by way of reimbursement for expenses to be incurred or incurred in the project period, to the extent he determines such payments are necessary to promote prompt initiation and advancement of the approved project. Amounts paid shall be available for obligation by the recipient of an award in accordance with the provisions of this part throughout the project period subject to such limitations as the Commissioner may prescribe.

§ 910.8 Reports.

Recipients of awards shall make such reports to the Commissioner including reports of findings and results of evaluation, in such form and containing such information as may reasonably be necessary to enable him to perform his functions under this part and shall keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

§ 910.9 Expenditures.

Grants under this part will be available to pay part or all of the costs of the project necessary to carry out the objectives set forth under this part. Allowable costs for Federal financial participation must be both reasonable and necessary for the conduct of activities under this part. Determination of allowable costs, expenditures of grant funds pursuant thereto, and the administration of all grant activities under this part shall be carried out in accordance with 45 CFR Part 74, and with guidelines and policies issued by the Administration on Aging.

§ 910.10 Audits.

All fiscal transactions by recipients of awards relating to grants under this part are subject to audit in accordance with 45 CFR Part 74.

§ 910.11 Evaluation.

Projects supported under this part will be evaluated in accordance with the criteria set forth in the notice published in the FEDERAL REGISTER on June 28, 1973 (38 FR 17030) which promulgates the evaluation standards for programs and projects under the Older Americans Act of 1965, as amended.

(a) *Eligibility.* Subject to applicable provisions in this part, the Commissioner may enter into contracts with any public or private agency or organization to carry out the purposes of title III and this part.

(b) *Provisions.* Any contract under this part shall be entered into in accordance with, and shall conform to all applicable laws, regulations and Department policy.

(c) *Payments.* Payments under any contract under this part may be made in advance or by way of reimbursement and in such installments and on such conditions as the Commissioner may determine.

[FR Doc.73-23784 Filed 11-7-73;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 116, 2nd Rev., Amdt. 1]

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

The Maritime Subsidy Board hereby amends its regulations governing the operating-differential subsidy program with respect to vessels engaged in carrying bulk raw and processed agricultural commodities from the United States to the Union of Soviet Socialist Republics. The regulations affecting this program (46 CFR Part 294) were most recently published in the FEDERAL REGISTER on August 3, 1973 (38 FR 20807).

Vessels engaged in the carriage of agricultural commodities pursuant to this part may be directed by their charterers to call upon more than one port of loading or discharge during a voyage. In such event, the charter parties provide that additional amounts per long ton or cargo carried be paid by the charterers on the entire cargo. These additional amounts offset additional costs of operation and are not subject to abatement under § 294.9 of this part. The amendment of paragraphs (a)(3) (i) and (ii) and (b)(2)(iii) of this section clarifies this exclusion from abatement.

An additional amendment is included which clarifies an incorrect reference to § 294.8(b) (8) and (9). No substantive change is intended.

Rulemaking involving the operating-differential subsidy program is exempt from the requirements of 60 Stat. 238, section 4, as amended (5 U.S.C. § 553), and these amendments to 46 CFR, Part 294 are adopted without proposed rulemaking procedures.

Part 294 to Title 46, Chapter II, Code of Federal Regulations is hereby amended as follows:

1. Amend § 294.9(a)(3) (i) and (ii) to read as follows:

§ 294.9 Charter rate determination and abatement of subsidy.

(a) *Fixtures made before July 1, 1973.*

* * * * * *

(3) *Abatement determination.* * * *

(i) To the extent that the charter rate, exclusive of any additional amount paid for calling upon more than one port of

loading or discharge at the request of the charterer, exceeds the three-year average rate for the cargo and route involved as established under that Agreement and related letters, the amount of the rate premium abatement shall be equal to 100 percent of the revenue per ton attributable to the 10-percent rate premium. The commission attributable to the amount subject to abatement will be deducted from the abatement. For example, if the current market charter rate is $7.80 per ton, the minimum rate under the Agreement is 110 percent of $7.80 or $8.58 per ton. The amount subject to abatement in this case would be $.53 per ton, which is the amount by which the premium causes the charter rate to exceed the three-year average rate of $8.05 per ton. The abatement would be reduced by the amount of commission paid by the operator which is attributable to the $.53 per ton.

(ii) The amount of the current market charter rate abatement per ton shall be determined by multiplying the freight rate increments in the left hand column of the table below by the percentages in the right hand column. The commission attributable to the amount subject to abatement will be deducted from such abatement.

Charter rate increment	*Percentage*
For the first $.95 per ton that the rate in paragraph (a)(1)(ii), exclusive of the rate premium and any additional amount paid for calling upon more than one port of loading or discharge at the request of the charterer, exceeds the rate in paragraph (a)(1)(i), the percentage is	0
For the amount that such excess is between $.95 per ton and $1.95 per ton, the percentage is	50
For the amount that such excess is over $1.95 per ton, the percentage is	75

* * * * *

2. Amend § 294.9(b)(2)(iii) to read as follows:

§ 294.9 Charter rate determination and abatement of subsidy.

* * * * *

(b) *Fixtures made on or after July 1, 1973.*

* * * * *

(2) *Abatement determination.*

* * * * *

(iii) *Abatement.* To the extent that the charter rate, exclusive of any additional amount paid for calling upon more than one port of loading or discharge at the request of the charterer, exceeds the Abatement Level, the payment of subsidy will be abated as indicated below. The commission payable under the charter party attributable to the amount subject to abatement will be deducted from the abatement.

Excess of charter rate above abatement level	*Percent of abatement per long ton*
$1 or less	50
$1 to $7	75
Over $7	90

* * * * *

3. The numeral "7" appearing before "(b) (8) and (9)" in § 294.8(b)(1) is hereby deleted. The paragraph should read as follows:

§ 294.8 Leased vessels.

* * * * *

(b) *Calculation of vessel depreciation and interest expense attributable to vessel indebtedness.* (1) *In general.* For purposes of determining the U.S. cost of vessel depreciation and interest expense attributable to vessel indebtedness in paragraphs (b)(8) and (9) of § 294.7 for leased vessels, the appropriate data of the owner shall be used. In the event that the charterer cannot obtain such data from the owner, no subsidy will be paid in respect to those items.

* * * * *

Effective date: These clarifying amendments are effective on November 5, 1973, and are applicable to the determination of abatement commencing with the original date of publication of this part on October 21, 1972.

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

Dated: November 5, 1973.

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

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

[FR Doc.73-23858 Filed 11-7-73;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-22; Notice No. 73-27]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Vehicle Interior Noise Levels

The Director of the Bureau of Motor Carrier Safety is adding a new § 393.94 to the Motor Carrier Safety Regulations. The new section establishes a maximum interior sound level for commercial trucks and buses operated in interstate or foreign commerce. The maximum interior sound level is 90 dB(A) generated by the vehicle in a stationary test. The purpose of the new section is to protect the hearing of drivers.

On October 28, 1970, the Bureau of Motor Carrier Safety issued an advance notice of proposed rulemaking, soliciting comments on the feasibility and need for regulating the interior noise levels of commercial motor vehicles (35 FR 17194). At approximately the same time, the Bureau undertook an extensive research effort into the subject. The comments, the results of testing, and a thorough search of the available literature culminated in the issuance of a notice of proposed rulemaking on December 22, 1972, in which the Bureau proposed to issue interior noise criteria pegged to a maximum allowable noise level of 828 dB(A) (38 FR 800).

Forty-nine comments were received in response to the invitation contained in the Notice. Three of the comments contained data on the interior noise levels of vehicles presently in use on the highways. In addition, the Bureau tested 77 vehicles at Grass Lake, Michigan, and Dumfries, Virginia. In all, 339 vehicles were tested. The tests followed the procedure specified in the notice of proposed rulemaking. Of the 339 vehicles tested, 194 produced noise levels of 90 dB(A) or less, 53 vehicles produced noise levels of 91 or 92 dB(A), and 92 vehicles had noise levels exceeding 92 dB(A). The data for these tests are in the docket and are available for public inspection.

Additional research correlating the proposed stationary test with drivers' normal over-the-road exposure to noise was performed by Wyle Laboratories under the sponsorship of the Motor Vehicle Manufacturers Association. The results of those tests[1] correlated closely with the results of research that had previously been done by the Department of Transportation.[2] The data derived from both of these sources show that if a vehicle, when stationary, produces a maximum noise level of 90 dB(A), measured at a point six inches from the driver's right ear, the noise levels of the vehicle in operation will be below the dangerous levels developed in 1970 by the intersociety committee and upon which existing Federal occupational noise control regulations are based.

In general, the comments received by the Bureau supported the rulemaking action proposed in the Notice. Persons filing comments generally agreed that the stationary test procedure that had been proposed in the Notice was both practicable and adequately reliable. Some motor carriers and vehicle manufacturers said that the imposition of a maximum interior noise level for commercial vehicles would produce an unreasonable cost burden on vehicle operators who sought to bring their equipment into compliance with the regulation. The study of 339 vehicles mentioned above indicates that many of the vehicles presently in service have interior noise levels that exceed both the 88 dB(A) limit proposed in the Notice and the 90 dB(A) limit found in the final rule. However, both the Bureau's own studies and the Wyle Laboratories report demonstrate that an upper limit on interior noise of 90 dB(A), measured in accordance with the methodology specified in the Notice, is required for proper protection of the hearing of drivers. Furthermore, the study of those 339 vehicles

[1] Sharp, Ben H. and Weiss, William R., *Correlation of Truck Cab Interior Noise to Existing Regulatory Limits*, Wyle Laboratories Report WCR 73-2, prepared for the Motor Vehicle Manufacturers Association, Detroit, Mich., March 1973.

[2] Close, William H. and Clarke, Robert M., *Truck Noise—II, Interior and Exterior A-Weighted Sound Levels of Typical Highway Trucks*, Department of Transportation, Washington, D.C., July 1972.

indicated that inadequate maintenance may have been the cause of the excessive noise levels that many of them generated, since virtually identical makes and models of vehicles had readings that varied by as much as 5 decibels. The data also indicate that many of the vehicles found to produce excessive noise levels were the product of one manufacturer and of a single type of design. The Director has concluded that the manufacturer has ample technical resources in the field of noise reduction and can offer modification kits to users of his equipment by the time the new rules become applicable to vehicles now in use.

The Bureau received comments recommending that the maximum permissible interior noise level be reduced to 83 dB (A) from the level proposed in the Notice. These recommendations were based upon a paper issued by the Department of Health, Education, and Welfare's National Institute of Occupational Safety and Health.[2] The paper urges that, for more complete protection of employees, the present 90 dB(A) limit for an 8-hour working day should be reduced to 85 dB(A). However, the NIOSH recommendations have not been accepted as a regulatory standard by the Labor Department's Occupational Safety and Health Administration. It would also be inappropriate at this time to issue a ruling requiring vehicles to meet a lower interior noise level criterion than the 88 dB(A) limit proposed in the Notice, since interested persons have not had the opportunity to comment on the impact of such a lower limit. The Bureau will, however, consider for future rulemaking a noise level limit lower than the 90 dB(A) maximum prescribed in the new rule. It is possible that a lower noise level limit would be practicable for application to new motor vehicles, particularly those that are manufactured with a view to compliance with noise emission standards that the Environmental Protection Agency will issue under the authority of the Noise Control Act of 1972, 42 U.S.C. 4917. Given the dearth of extant experience with interior noise level regulation in the motor carrier industry, it is better policy at this time to establish a criterion that carriers can confidently be expected to meet. Future rulemaking can be based upon the foundation of the Bureau's experience in administering and enforcing the rules issued today, the known costs and capabilities of manufacturers and carriers, and parallel regulatory actions by other agencies (such as the Occupational Safety and Health Administration).

Some comments expressed the view that a stationary test could not properly take account of such factors as tire noise, varying vehicle noise levels, and varying driver recovery periods; it was also said that the results of a stationary test of limited duration could not accurately be extrapolated to a driver's experience during a run of up to 10 hours. The Bureau has done a substantial amount of work to ensure that a reasonable correlation exists between the results of its test procedure and the actual experience of drivers. Both the results of the Wallops Island study[4] and the data stemming from the Wyle Laboratories study[5] tend to validate the Bureau's conclusions in this respect. Although the stationary test may not be a 100 percent accurate measurement technique, the available information indicates that it is a feasible procedure that is well within the limits of existing enforcement resources, and that it produces data which correlate well with drivers' normal noise exposure under many and varied conditions. Use of the prescribed test procedure should enable the Bureau to pinpoint vehicles that generate unacceptable noise levels without penalizing carriers who operate acceptable equipment. The Bureau knows of no other practicable way to regulate commercial motor vehicles so as to protect the hearing of their drivers.

It was suggested that "slow," rather than "fast," meter response should be used during the proposed test. The Bureau has evaluated both techniques and has found no noticeable difference between them. The choice of test procedure is, with respect to this particular issue, based principally on the virtues of standardization. It appears that the Environmental Protection Agency may opt in favor of "fast" meter response when it issues the Interstate Motor Carrier Noise Standards under section 18 of the Noise Control Act of 1972. The task of enforcing those Standards will be given to the same Federal motor carrier safety investigative staff that will enforce the new § 393.94 of the Motor Carrier Safety Regulations. In these circumstances, it is preferable from an administrative standpoint to have both sets of measurements taken with the sound-level meter set for "fast" meter response.

Other technical details mentioned in the comments have been fully considered. Several suggestions relating to testing and measurement techniques will be useful in preparing guidelines for the Bureau's field staff to use in enforcing the new rules. The comment that the new rules should exempt vehicles having a gross vehicle weight rating of 10,000 pounds or less will be decided in the near future since a proceeding to dispose of petitions for the total exemption of lightweight vehicles from the Motor Carrier Safety Regulations is now under consideration in Docket No. MC-50.

In summary, the Director has determined that a maximum interior sound level of 90 dB(A) at the driver's seating position will provide adequate protection for the hearing of commercial vehicle drivers under presently-accepted standards. More restrictive criteria will be considered when these generally-accepted standards are modified or if future research indicates that noise-induced fatigue adversely affects the safety of commercial vehicle operations. Compliance with the 90 dB(A) maximum noise limit should cause little or no significantly increased costs to purchasers of new commercial motor vehicles. The Bureau estimates that approximately 40 percent of the vehicles now in service produce interior noise levels in excess of 90 dB(A), when measured as prescribed in the new rules. However, a substantial proportion of these vehicles can be brought into compliance by relatively simple maintenance procedures. The rules become effective on April 1, 1975 with respect to vehicles in use, and the compliance target date of almost one-and-a-half years between their issuance and their effective date provides ample time for any retrofitting that may be required.

In consideration of the foregoing, Subchapter B of Chapter III of title 49, CFR is amended by adding a new § 393.94, reading as set forth below.

Effective dates. As prescribed in paragraph (a) of the new § 393.94, the rules therein are effective with respect to vehicles manufactured on or after October 1, 1974 on and after the date when those vehicles are first operated subject to the jurisdiction of the Bureau. Vehicles manufactured before October 1, 1974 and operated subject to the Bureau's jurisdiction must conform to the rules in § 393.94 on and after April 1, 1975.

(Sec. 204, Interstate Commerce Act, as amended (49 U.S.C. 304); sec. 6, Department of Transportation Act (49 U.S.C. 1655); delegations of authority at 49 CFR 1.48, 389.4)

Issued on October 29, 1973.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

§ 393.94 Vehicle interior noise levels.

(a) *Application of the rules in this section.* This section applies to all motor vehicles manufactured on and after October 1, 1974. On and after April 1, 1975, this section applies to all motor vehicles manufactured before October 1, 1974.

(b) *General rule.* The interior sound level at the driver's seating position of a motor vehicle must not exceed 90 dB(A) when measured in accordance with paragraph (c) of this section.

(c) *Test procedure.*[1] (1) Park the vehicle at a location so that no large reflecting surfaces, such as other vehicles, signboards, buildings, or hills, are within 50 feet of the driver's seating position.

(2) Close all vehicle doors, windows, and vents. Turn off all power-operated accessories.

(3) Place the driver in his normal seated position at the vehicle's controls. Evacuate all occupants except the driver and the person conducting the test.

[2] National Institute for Occupational Safety and Health, Health Services and Mental Health Administration, U.S. Department of Health, Education, and Welfare, *Criteria for a Recommended Standard * * * Occupational Exposure to Noise*, HSM 73-11001, Washington, D.C. 1972.

[4] See note 2, supra.

[5] See note 1, supra.

[1] Standards of the American National Standards Institute are published by the American National Standards Institute. Information and copies may be obtained by writing to the Institute at 1430 Broadway, New York, N.Y. 10018.

(4) Use a sound level meter which meets the requirements of the American National Standards Institute Standard ANSI S1.4–1971 Specification for Sound Level Meters, for Type 2 Meters. Set the meter to the A-weighting network, "fast" meter response.

(5) Locate the microphone, oriented vertically upward, 6 inches to the right of, in the same plane as, and directly in line with, the driver's right ear.

(6) With the vehicle's transmission in neutral gear, accelerate its engine to either its maximum governed engine speed, if it is equipped with an engine governor, or its speed at its maximum rated horsepower, if it is not equipped with an engine governor. Stabilize the engine at that speed.

(7) Observe the A-weighted sound level reading on the meter for the stabilized engine speed condition. Record that reading, if the reading has not been influenced by extraneous noise sources such as motor vehicles operating on adjacent roadways.

(8) Return the vehicle's engine speed to idle and repeat the procedures specified in paragraphs (c)(6) and (c)(7) of this section until two maximum sound levels within 2 dB of each other are recorded. Numerically average those two maximum sound level readings.

(9) The average obtained in accordance with paragraph (c)(8) of this section is the vehicle's interior sound level at the driver's seating position for the purpose of determining whether the vehicle conforms to the rule in paragraph (b) of this section. However, a 2 dB tolerance over the sound level limitation specified in that paragraph is permitted to allow for variations in test conditions and variations in the capabilities of meters.

[FR Doc.73-23768 Filed 11-7-73;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 33—SPORT FISHING

Tewaukon National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on November 8, 1973.

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

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, Cayuga, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas are Lake Tewaukon, Mann Lake, and Sprague Lake, comprising 1,435 acres, and are shown on maps available at refuge headquarters and from the office of the Area Manager, Bureau of Sport Fisheries and Wildlife, Box 1897, Bismarck, North Dakota 58501. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from December 15, 1973, through March 24, 1974, inclusive.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through March 24, 1974.

HERBERT G. TROESTER,
Refuge Manager, Tewaukon National Wildlife Refuge, Cayuga, North Dakota.

OCTOBER 29, 1973.

[FR Doc.73-23806 Filed 11-7-73;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 73-312]

Entries, Withdrawals, and Invoices

On September 28, 1973, a notice of a proposed rulemaking was published in the FEDERAL REGISTER (38 FR 27094), proposing to amend the Customs Regulations to conform with a proposed amendment to the General Statistical Headnotes of the Tariff Schedules of the United States Annotated which would require the importer to furnish additional information on all imported merchandise concerning its purchase price (i.e., its actual transaction value) or the equivalent thereof for merchandise not acquired by purchase, and separately itemize the aggregate costs incurred in bringing merchandise from the port of exportation in the country of exportation to the first port of entry in the United States. The General Statistical Headnotes of the Tariff Schedules of the United States Annotated have been amended necessitating the amendment of § 25.18(a) of the Customs Regulations relating to extensions of time for compliance with bond requirements and stipulations, of § 141.61 (e) relating to the statistical information required to be shown on entries, and of § 141.86(a)(8) relating to the charges to be itemized on invoices. Sections 10.60 (a), 19.14(a), 144.11(a), 144.36(d), 144.37(a), 144.38(a), 144.41(b), 144.42(b)(1), and 145.12(a)(4) of the Customs Regulations must also be amended to provide for the inclusion of the statistical information required by amended § 141.61(e) in the preparation of entries or withdrawals in various Customs situations.

After consideration of all comments received, the following changes have been made in the proposed amendments:

(1) The proposed amendment to § 4.14 (b) has been withdrawn inasmuch as the additional information that would have been required to be shown on Customs Form 7535 by reason of that amendment can be obtained from other sources.

(2) Section 141.61(e)(1)(v) has been reworded, for clarity, to substitute the concepts "related" and "not related" for "arm's-length" and "not arm's-length," "not arms-length," respectively, in describing the buyer and the seller of the imported merchandise. Corresponding changes have also been made in § 141.61 (e)(3)(ii) and (iii).

(3) In § 141.61(e)(2), a provision has been added permitting the use of estimates of certain required information when that information cannot be readily obtained.

(4) In § 141.61(e)(3), proposed subdivisions (v) and (vii) have been deleted as being unnecessary in view of the withdrawal of the proposed amendments to §§ 4.14(b) and 143.12, and proposed subdivision (vi) has been redesignated (v) to reflect these deletions.

(5) The proposed amendment to § 143.12 has been withdrawn inasmuch as the additional information that would have been required to be shown on Customs Form 7500 by reason of that amendment has been determined to be unnecessary.

(6) Several other minor editorial changes have been made.

The proposed amendments including these changes are adopted as set forth below.

Effective date. These amendments shall become effective on December 10, 1973.

VERNON D. SCREE,
Commissioner of Customs.

Approved: November 6, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

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

1. The first two sentences of paragraph (a) of § 10.60 are amended to read as follows:

§ 10.60 Forms of withdrawals; bonds.

(a) Withdrawals from warehouse shall be made on Customs Form 7506 (Warehouse Withdrawal Conditionally Free of Duty). Each withdrawal shall contain the statement prescribed for withdrawals in § 144.32 of this chapter and all of the statistical information as provided in § 141.61(e) of this chapter. * * *.

* * * * *

(R.S. 251, as amended, secs. 484, 624, 46 Stat. 722, as amended, 759; 19 U.S.C. 66, 1484, 1624)

PART 19—CUSTOM WAREHOUSES, CONTAINER STATIONS, AND CONTROL OF MERCHANDISE THEREIN

2. The second sentence of paragraph (a) of § 19.14 is amended to read as follows:

§ 19.14 Materials for use in manufacturing warehouse.

(a) * * *. Such form shall be prepared in 5 copies and shall contain all of the statistical information as provided in § 141.61(e) of this chapter. * * *.

* * * * *

(R.S. 251, as amended, secs. 484, 624, 46 Stat. 722, as amended, 759; 19 U.S.C. 66, 1484, 1624)

PART 25—CUSTOMS BONDS

Paragraph (a) of § 25.18 is amended to read as follows:

§ 25.18 Extensions of periods for compliance with requirements of bonds and stipulations.

(a) If a document (other than an invoice or document which must be produced within 2 months as provided in § 141.61(e) of this chapter) referred to in § 25.16(c) is not produced within 6 months from the date of the transaction in connection with which the bond or stipulation was given, the district director, upon written application of the importer, in his discretion, may extend the period for one further period of 2 months.

* * * * *

(R.S. 251, as amended, secs. 484, 624, 46 Stat. 722 as amended, 759; 19 U.S.C. 66, 1484, 1624)

PART 141—ENTRY OF MERCHANDISE

3. Paragraph (e) of § 141.61 is amended to read as follows:

§ 141.61 Completion of entry papers.

* * * * *

(e) *Statistical information.*

(1) *Information required.* Each invoice shall be listed separately on the entry or withdrawal form, and for each class of merchandise within each invoice subject to a separate statistical reporting number the following shall be shown:

(i) The information required by the General Statistical Headnotes of the Tariff Schedules of the United States Annotated where applicable;

(ii) Description in terms of the Tariff Schedules of the United States Annotated or in more specific terms that will clearly identify the merchandise and its entered classification;

(iii) The aggregate entered value for such classification, except in the case of entry by appraisement;

(iv) The entered rate of duty and internal revenue tax; and

(v) A notation identifying the transaction as one between a buyer and seller who are related in any manner specified in section 402(g)(2) of the Tariff Act of 1930, as amended (19 U.S.C. 1401a(g)(2)), or as one between a buyer and seller who are not so related.

(2) *Responsibility.* The responsibility for obtaining and providing the information rests with the person making the entry or withdrawal. In the event that the information requested by subparagraphs (xiv), (xv), and (xvi) of General Statistical Headnote 1(a) of the Tariff Schedules of the United States Annotated cannot be readily obtained, the person making the entry or withdrawal shall provide reasonable estimates of such information. The acceptance of an estimate for a particular transaction does not necessarily relieve the person making the entry or withdrawal from obtaining the necessary information for similar future transactions. The district director may, at his discretion, require further documentation to substantiate the itemized charges. The importer shall give an appropriate bond for the production of the required documents within 2 months after the date of entry or withdrawal unless a reasonable extension of time has been granted by the district director upon good cause shown.

(3) *Preparation of form.* In addition to the information required by subparagraph (1) of this paragraph, statistical information for which spaces are not provided on the appropriate entry or withdrawal forms shall be shown as follows:

(i) The name or code of the country of registry of the vessel (flag) expressed in terms of Annex B of the Tariff Schedules of the United States Annotated shall be placed in the importing vessel or carrier block on the entry document.

(ii) On Customs Forms 7501, 7502, 7505, 7506, and 7521 the appropriate notations "related" or "not related" shall be placed in the body of the form at the top of columns 3, 4, and 5.

(iii) On Customs Forms 7512 and 7519, the appropriate notation "related" or "not related" shall be placed in the top right hand portion of the body of the form.

(iv) The transaction value, charges, and equivalent value shall be listed on Customs Forms 7501, 7502, 7505, 7506, and 7521 in column 4 immediately below the Tariff Schedules of the United States Annotated reporting number. They shall be identified by placing (in the same order as follows) PEXT (PEX transaction value), CHGS (aggregate cost of freight, insurance and all other charges), and EPEX (PEX equivalent value) in column 3 immediately below the entered value and to the left of each statistical value and charge.

(v) On Customs Forms 7512 and 7519, the value and charges shall be listed in the rate column with the descriptions (PEXT, CHGS, EPEX) immediately to the left of the value and charges.

* * * * *

3. Paragraph (a)(8) of § 141.86 is amended to read as follows:

§ 141.86 Contents of invoices and general requirements.

(a) *General information required by Tariff Act.* * * *

* * * * *

(8) All charges upon the merchandise, itemized by name and amount when known to the seller or shipper; or all charges by name (including commissions, insurance, freight, cases, containers, coverings, and cost of packing) included in the invoice prices as provided in General Statistical Headnote 1(a)(xvi) of the Tariff Schedules of the United States Annotated. Where the required information does not appear on the invoice as originally prepared, it shall be shown on an attachment to the invoice; and

* * * * *

(R.S. 251, as amended, secs. 484, 624, 46 Stat. 722, as amended, 759; 19 U.S.C. 66, 1484, 1624)

PART 144—WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

The first sentence of paragraph (a) of § 144.11 is amended to read as follows:

§ 144.11 Form of entry.

(a) *CF 7502.* Entry for warehouse shall be executed in duplicate on Customs Form 7502 (Warehouse or Rewarehouse Entry) and shall contain all of the statistical information as provided in § 141.61(e) of this chapter * * *.

* * * * *

4. Subparagraph (4) and (5) of paragraph (d) of section 144.36 are amended, and a new subparagraph (6) is added, to read as follows:

§ 144.36 Withdrawal for transportation.

* * * * *

(d) Information required. * * *:

* * * * *

(4) The entered value of the merchandise;

(5) The estimated duty; and

(6) All of the statistical information as provided in § 141.61(e) of this chapter.

* * * * *

Paragraph (a) of § 144.37 is amended to read as follows:

§ 144.37 Withdrawal for exportation.

(a) *Form.* A withdrawal for either direct or indirect exportation shall be filed on Customs Form 7512 (Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit) in 5 copies or on Customs Form 7506 (Warehouse Withdrawal Conditionally Free of Duty, and Permit) in 3 copies for merchandise being exported under cover of a TIR carnet, accompanied by Customs Form 7512–C (Transportation Entry and Manifest of Goods) in duplicate. Customs Form 7512 or Customs Form 7506 shall contain all of the statistical information as provided in § 141.61(e) of this chapter. The district director may require an extra copy or copies of Customs Form 7512 or 7506 for use in connection with the delivery of merchandise to the carrier.

* * * * *

Paragraph (a) of § 144.38 is amended to read as follows:

§ 144.38 Withdrawal for consumption.

(a) *Form.* Withdrawals for consumption of merchandise in bonded warehouses shall be filed on Customs Form 7505 (Warehouse Withdrawal for Consumption-Duty Paid), in triplicate, and shall contain all of the statistical information as provided in § 141.61(e) of this chapter.

* * * * *

The first sentence of paragraph (b) of § 144.41 is amended to read as follows:

§ 144.41 Entry for rewarehouse.

* * * * *

(b) *Form of entry.* An entry for rewarehouse shall be made in duplicate on Customs Form 7502 (Warehouse or Rewarehouse Entry) and shall contain all of the statistical information as provided in § 141.61(e) of this chapter. * * *

* * * * *

The first sentence of paragraph (b) (1) of § 144.42 is amended to read as follows:

§ 144.42 Combined entry for rewarehouse and withdrawal for consumption.

* * * * *

(b) *Procedure for entry.* * * *:

(1) *Form of entry.* A combined entry for rewarehouse and withdrawal for consumption shall be made on Customs Form 7519 (Combined Rewarehouse Entry and Withdrawal for Consumption, and Permit), in 4 copies, and shall contain all of the statistical information as provided in § 141.61(e) of this chapter, one copy to be used as the permit.* * *;

* * * * *

(R.S. 251, as amended, secs. 484, 624, 46 Stat. 722, as amended, 759; 19 U.S.C. 66, 1484, 1624)

PART 145—MAIL IMPORTATIONS

Paragraph (a)(4) of § 145.12 is amended by adding a last sentence to read as follows:

§ 145.12 Entry of merchandise.

(a) *Formal entries.*

* * * * *

(4) *Notice of formal entry requirement.* * * *. When a formal entry is filed, it shall contain all the statistical information as provided in § 141.61(e) of this chapter.

* * * * *

[FR Doc.73-23976 Filed 11-7-73;9:35 am]

Proposed Rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 971]

LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Proposed Handling Regulation

This proposal, designed to promote the orderly marketing of lettuce grown in the Lower Rio Grande Valley in South Texas, sets forth pack, container and inspection requirements to standardize the pack of lettuce being shipped to consumers.

Consideration is being given to the issuance of a handling regulation, hereinafter set forth, which was recommended by the South Texas Lettuce Committee. The Committee has been established pursuant to Marketing Agreement No. 144 and Marketing Order No. 971 (7 CFR Part 971) which regulates the handling of lettuce grown in the Lower Rio Grande Valley in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Texas harvested 3,600 acres of winter lettuce (January–March) in 1973, with a production 648,000 hundredweight, for which they received a seasonal average price of $5.49 per hundredweight. There is presently no official estimate of 1974 U.S. winter lettuce production. The committee estimates that planted acreage of both fall (October–December) and winter lettuce in the Lower Rio Grande Valley will amount to 5,500 acres. Last year South Texas harvested 4,400 acres of fall and winter lettuce. The 1974 season average price for lettuce grown in the Lower Rio Grande Valley is not expected to exceed parity.

This proposal is in accord with the committee's recommendations and marketing policy and reflects its appraisal of the composition of the 1973–74 crop of lettuce in the Lower Valley and marketing prospects for the season.

The South Texas lettuce industry as well as other lettuce shipping areas are accustomed to operating on a six day shipping week. The experience has been that a six day shipping week is adequate for five days distribution in terminal markets. Experience has shown that these "packaging holidays" on Sundays and Christmas are beneficial in promoting more orderly marketing.

The pack and container requirements are needed to maintain the accepted commercial practices of the South Texas lettuce industry of packing specified numbers of heads of lettuce in specific sized containers limited to those found acceptable to the trade for safe transportation of the lettuce and to avoid deceptive practices.

No purpose would be served by regulating the pack or requiring the inspection and assessment of insignificant quantities of lettuce. Therefore quantities up to two cartons of lettuce per day may be handled without regard to such requirements.

Provision with respect to special purpose shipments, including export, are designed to meet the different requirements for other than commercial channels of trade. Because of the production area's proximity to the Mexican border, Mexican buyers have been accustomed to acquiring small lots of production area lettuce for their home market; these buyers can utilize lettuce which fails to meet the domestic pack and container regulations. Inasmuch as such shipments have negligible effect on the domestic market, they should be permitted provided certain safeguard requirements are met.

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than November 19, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposal is as follows:

§ 971.314 Handling regulation.

During the period November 27, 1973, through March 31, 1974, no person shall handle any lot of lettuce grown in the production area unless such lettuce meets the requirements of paragraphs (a), (b), (c), and (d) of this section, or unless such lettuce is handled in accordance with paragraphs (e) or (f) of this section. Further, no person may package lettuce during the above period on any Sunday or on Christmas Day.

(a) (Reserved)

(b) *Pack.* (1) Lettuce heads, packed in container Nos. 7303, 7306, or 7313, if wrapped may be packed only 18, 20, 22, 24, or 30 heads per container; if not wrapped, only 18, 24, or 30 heads per container.

(2) Lettuce heads in container No. 85–40 may be packed only 24 or 30 heads per container.

(c) *Containers.* Containers may be only—

(1) Cartons with inside dimensions of 10 inches x 14¼ inches x 21⁹⁄₁₆ inches (designated as carrier container No. 7303), or

(2) Cartons with inside dimensions of 9¾ inches x 14 inches x 21 inches (designated as carrier container Nos. 7306 and 7313), or

(3) Cartons with inside dimensions of 21½ inches x 16⅛ inches x 10¾ inches (designated as carrier container No. 85–40—flat pack).

(d) *Inspection.* (1) No handler shall handle lettuce unless such lettuce is inspected by the Texas-Federal Inspection Service and an appropriate inspection certificate has been issued with respect thereto, except when relieved of such requirement pursuant to paragraphs (e) and (f) of this section.

(2) No handler may transport, or cause the transportation of, any shipment of lettuce by motor vehicle, for which inspection is required unless each such shipment is accompanied by a copy of an appropriate inspection certificate or shipment release form (SPI–23) furnished by the inspection service verifying that such shipment meets the current grade, pack and container requirements of this section. A copy of such inspection certificate or shipment release form shall be available and surrendered upon request to authorities designated by the committee.

(3) For administration of this part, such inspection certificate or shipment release form required by the committee as evidence of inspection is valid for only 72 hours following completion of inspection, as shown on such certificate or form.

(e) *Minimum quantity.* Any person may handle up to, but not to exceed two cartons of lettuce a day without regard to inspection, assessment, grade, and pack requirements, but must meet container requirements. This exception may not be applied to any shipment of over two cartons of lettuce.

(f) *Special purpose shipments.* Lettuce not meeting grade, pack or container requirements of paragraphs (a), (b), or (c) of this section may be handled for any purpose listed, if handled as prescribed in paragraph (f) (1) and (2) of this section. Inspection and assessments are not required on such shipments. These special purpose shipments are as follows:

(1) For relief, charity, experimental purposes, or export to Mexico, if, prior to handling, the handler pursuant to §§ 971.120–971.125 obtains a Certificate of Privilege applicable thereto and reports thereon; and

(2) For export to Mexico, if the handler of such lettuce loads and transports it only in a vehicle bearing Mexican registration (license).

(g) *Definitions.* (1) "Wrapped" heads of lettuce refers to those which are enclosed individually in parchment, plastic, or other commercial film (Cf AMS 481) and then packed in cartons or other containers.

(2) Other terms used in this section have the same meaning as when used in Marketing Agreement No. 144 and this part.

Dated: November 2, 1973.

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

[FR Doc.73-23785 Filed 11-7-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 318]

MEAT PLANT QUALITY CONTROL PROGRAMS

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Animal and Plant Health Inspection Service is considering amending Part 318 of the meat inspection regulations (9 CFR Part 318), pursuant to section 21 of the Federal Meat Inspection Act, as amended (21 U.S.C. 621), to permit an official establishment where meat food product is prepared which has a complete quality control program to submit its plans and records of such program to the Deputy Administrator, Scientific and Technical Services, for his determination whether it is adequate to comply with the requirements of the Act.

Statement of considerations. Not only is the ratio of processed to fresh meat increasing yearly, but so too is the proportion of processed meat items in the form of the so-called convenience foods. There has been a resultant rapid advance in food processing technology, development of new ingredients, new formulations and new products. Consumers are demanding more knowledge of the products they purchase. Producers are meeting these demands with nutritional labeling, open dating, and different packaging techniques.

The result has been an increase in the number and type of analyses which must be performed to ascertain compliance with the regulations and labeling requirements. Many of these analyses require sophisticated laboratory procedures and skilled professionals to perform them.

An effective means of extending inspectional coverage and increasing consumer protection is to have available for the inspector not only results of his own sampling programs, but those of the producer as well.

Some establishments with established quality control programs have offered to share their program results with this Department. By having the Department's inspectors direct their efforts toward the appropriate surveillance and auditing of a complete and competent plant quality control program, and when the Department's confidence in the plant program is assured by an adequate monitoring system and product sampling, then the consumer has the added assurance of the safety of the meat food product supply.

Therefore, it is proposed to amend § 318.4 of the regulations (9 CFR 318.4) by adding a new paragraph (c) as follows:

§ 318.4 Preparation of products to be officially supervised; responsibilities of official establishments.

* * * * *

(c) Any establishment where meat food products are further prepared after ante-mortem and post-mortem inspection of the livestock involved, as required by Parts 309 and 310 of this Chapter, and which has a complete quality control program which tests such products through all stages of production, may submit the plans and records of such programs to the Deputy Administrator, Scientific and Technical Services, for his determination whether it is adequate to assure compliance with the requirements of the Act with respect to such further preparation. Such program must include control of sanitation; raw ingredient and product sampling, testing and observation; and control of the handling, assembling, formulating, processing, packaging, and labeling of such products. The program must include the recording, maintenance, and continued use of all test data in determining compliance of such products and any need for change in operations to assure compliance. These records, as a minimum, must indicate the nature of the tests or observations; the number made; the number and type of deficiencies found; the acceptability of the products, process, sanitation, or equipment; the action taken; and identification of the portion of product or process represented by the sample. When such a submission is received by the Deputy Administrator, a complete analysis of the establishment's quality control program will be made by the Program. If on the basis of an evaluation of the program at each specific establishment, its program is found to be adequate to meet the requirements of this paragraph, the establishment will be designated as an accepted product control establishment. Such establishment shall be responsible for efficient operation of the program to assure sanitation of the establishment and its equipment and procedures, and the wholesomeness, compliance with standards and label requirements, and freedom from adulteration of meat food products prepared or handled thereat. Official inspectional controls will be designed and used by the Program to determine that the establishment program as submitted is being effectively and accurately carried out, that errors, if any, are found and corrected quickly, and that products released for distribution meet all requirements of the Act and the regulations. Such controls will constitute supervision of processing for purposes of paragraph (a) of this section, but will not relieve the establishment operator from responsibility under paragraph (b) of this section. The cooperative program between the establishment and the Program shall be subject to periodic review, and may be terminated at any time by either party.

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by March 22, 1974.

Any person desiring opportunity for oral presentation of views should address such requests to the Systems Development and Sanitation Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on: November 5, 1973.

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

[FR Doc.73-23863 Filed 11-7-73;8:45 am]

[9 CFR Part 381]

POULTRY PLANT QUALITY CONTROL PROGRAMS

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Animal and Plant Health Inspection Service is considering amending Part 381 of the poultry products inspection regulations (9 CFR Part 381), pursuant to section 14 of the Poultry Products Inspection Act, as amended (21 U.S.C. 463), to permit an

official establishment where poultry products are prepared, which has a complete quality control program, to submit its plans and records of such program to the Deputy Administrator, Scientific and Technical Services, for his determination whether it is adequate to comply with the requirements of the Act.

Statement of considerations. Not only is the ratio of sales of "further processed" to "fresh" poultry increasing yearly, but so too is the proportion of "further processed" poultry items in the form of the so-called convenience foods. There has been a resultant rapid advance in food processing technology, development of new ingredients, new formulations and new products. Consumers are demanding more knowledge of the products they purchase. Producers are meeting these demands with nutritional labeling, open dating, and different packaging techniques.

The result has been an increase in the number and type of analyses which must be performed to ascertain compliance with the regulations and labeling requirements. Many of these analyses require sophisticated laboratory procedures and skilled professionals to perform them.

An effective means of extending inspectional coverage and increasing consumer protection is to have available for the inspector not only results of his own sampling programs, but those of the producer as well.

Some establishments with established quality control programs have offered to share their program results with this Department. By having the Department's inspectors direct their efforts toward the appropriate surveillance and auditing of a complete and competent plant quality control program, and when the Department's confidence in the plant program is assured by an adequate monitoring system and product sampling, then the consumer has the added assurance of the safety of the poultry product supply.

Therefore, it is proposed to amend § 381.145 by removing the paragraph *designation* "(c)", and adding the text of that paragraph to the end of paragraph (b). Section 381.145 would then be further amended by adding a new paragraph (c) to read as follows:

§ 381.145 Poultry products and other articles entering or at official establishments; examination and other requirements.

* * * * *

(c) Any establishment where poultry products are further processed after ante-mortem and post-mortem inspection of the poultry involved, as required by this Part, and which has a complete quality control program which tests such products through all stages of production, may submit the plans and records of such program to the Deputy Administrator, Scientific and Technical Services, for his determination whether it is adequate to assure compliance with the requirements of the Act with respect to such further processing. Such program must include control of sanitation; raw ingredient and product sampling, testing and observation; and control of the handling, assembling, formulating, processing, packaging, and labeling of such products. The program must include the recording, maintenance, and continued use of all test data in determining compliance of such products and any need for change in operations to assure compliance. These records, as a minimum, must indicate the nature of the tests or observations; the number made; the number and type of deficiencies found; the acceptability of the products, process, sanitation, or equipment; the action taken; and identification of the portion of product or process represented by the sample. When such a submission is received by the Deputy Administrator, a complete analysis of the establishment's quality control program will be made by the Inspection Service. If on the basis of an evaluation of the program at each specific establishment, its program is found to be adequate to meet the requirements of this paragraph, the establishment will be designated as an accepted product control establishment. Such establishment shall be responsible for efficient operation of the program to assure sanitation of the establishment and its equipment and procedures, and the wholesomeness, compliance with standards and label requirements, and freedom from adulteration of poultry products prepared or handled thereat. Official inspectional controls will be designed and used by the Inspection Service to determine that the establishment program as submitted is being effectively and accurately carried out, that errors, if any, are found and corrected quickly, and that products released for distribution meet all requirements of the Act and the regulations. Such controls will constitute inspection of processing for purposes of this Part, but will not relieve the establishment operator from responsibility under the provisions of this Part. The cooperative program between the establishment and the Inspection Service shall be subject to periodic review, and may be terminated at any time by either party.

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by March 22, 1974.

Any person desiring opportunity for oral presentation of views should address such requests to the Systems Development and Sanitation Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the Federal Register.

Done at Washington, D.C., on: November 5, 1973.

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

[FR Doc.73-23864 Filed 11-7-73;8:45 am]

Commodity Exchange Authority

[17 CFR Part 19]

REPORTS BY MERCHANTS, PROCESSORS, AND DEALERS

Clarification of Language; Time of Filing

Notice is hereby given, in accordance with Administrative Procedure Provisions of 5 U.S.C. section 553, that the Secretary of Agriculture, pursuant to the authority of section 8a(5) of the Commodity Exchange Act (7 U.S.C. 12a(5)), is considering the amendment of §§ 19.00 and 19.10 of the regulations under the Commodity Exchange Act (17 CFR 19.00 and 19.10). The purpose in amending § 19.00 would be to clarify the language with reference to the term "reportable position". The purpose in amending § 19.10 would be to extend the period allowed for filing such reports. Traders have found it difficult to meet the current requirements; accordingly, they would be given two additional days to meet this weekly reporting requirement.

1. Section 19.00, as amended, would read as follows:

§ 19.00 Information to be furnished by merchants, processors, and dealers.

Every person engaged in merchandising, processing, or dealing in any of the commodities or products listed in §§ 19.01, 19.02, 19.03, or 19.04, who holds or controls a reportable position in such commodity or commodities (as specified in Part 15, §§ 15.00(b) and 15.03), shall submit a report to the Commodity Exchange Authority on the appropriate series 04 form, which shall show the information hereinafter specified. All such

reports shall show such information as of the close of business on Friday of each week, unless a different reporting period is authorized in writing by the Commodity Exchange Authority.

2. Section 19.10, as amended, would read as follows:

§ 19.10 Time and place of filing reports.

If the reporting merchant, processor, or dealer is located in a city in which the Commodity Exchange Authority has an office, reports shall be filed with such office not later than the third business day following the week or other period covered by the report. If the reporting merchant, processor, or dealer is located elsewhere, reports shall be transmitted by mail, postmarked not later than midnight of the second business day following the week or other period covered by the report, as follows:

(a) Reports with respect to transactions in wheat, corn, oats, rye, barley, flaxseed, soybeans, grain sorghums, and eggs—to the Commodity Exchange Authority office in Chicago, Illinois, unless otherwise specifically authorized by the Commodity Exchange Authority.

(b) Reports with respect to transactions in cotton and potatoes—to the Commodity Exchange Authority office in New York, New York.

It is proposed that these amendments, if adopted, be made effective 30 days after publication of a notice of the amendments in the FEDERAL REGISTER.

Any person who wishes to submit written data, views, or arguments on the proposed amendments to the regulations may do so by filing them with the Administrator, Commodity Exchange Authority, United States Department of Agriculture, Washington, D.C. 20250, by December 10, 1973.

All written submissions made pursuant to this notice will be available for public inspection in the office of the Administrator, Commodity Exchange Authority, United States Department of Agriculture, Washington, D.C. 20250, between the hours of 8:30 a.m. and 5:00 p.m. on any business day.

Issued: November 5, 1973.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.73-23862 Filed 11-7-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 14]

EMPLOYEES' PERSONAL PROPERTY CLAIMS

Proposed Procedures

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that pursuant to the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240–243), the Environmental Protection Agency (EPA) is considering amending Title 40 CFR by adding a new Part 14, Employees' Personal Property Claims.

The proposed regulations would establish the means whereby employees who believe they have a valid claim against EPA can present that claim to EPA, and the procedures under which the Agency will process, compromise, or disallow the claim. The regulations are generally similar to those of several other agencies, and are designed to implement the Military Personnel and Civilian Employees' Claims Act.

Interested parties may submit, in triplicate, comments concerning the proposed amendment, to the Claims Officer, Environmental Protection Agency, Room 2104–B, Waterside Mall, Washington, D.C. 10460. Communications received within 45 days from publication of this notice in the FEDERAL REGISTER will be considered prior to adoption of the final regulations. A copy of each communication received will be placed on file for public inspection in Room 2104–B, Waterside Mall, Washington, D.C.

Dated: November 1, 1973.

JOHN QUARLES,
Acting Administrator.

PART 14—EMPLOYEES' PERSONAL PROPERTY CLAIMS

Sec.
14.1 Scope of regulations.
14.2 Definitions.
14.3 Investigation, examination, and determination, of claim.
14.4 Who may file claim.
14.5 Time limits for filing.
14.6 Principal types of claims allowable.
14.7 Principal types of claims not allowable.
14.8 Computation of award and finality of settlement.
14.9 Relation to other Agency regulations.

AUTHORITY: Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240–243).

§ 14.1 Scope of regulations.

This part prescribes regulations under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, for the settlement of a claim against the United States made by an officer or employee of the Environmental Protection Agency (EPA) for damage to, or loss of, personal property incident to service.

§ 14.2 Definitions.

As used in this part:

(a) "Act" means the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240–243).

(b) "Employee" means an officer or employee of EPA.

(c) "Settle" means consider, ascertain, adjust, determine, and dispose of any claim, whether by full or partial allowance or disallowance.

§ 14.3 Investigation, examination, and determination of claim.

Employees shall present claims filed under this part through their supervisors and/or safety officers to the EPA Claims Officer, Facilities and Support Services Division, Washington, D.C. 20460, who will settle such claims.

§ 14.4 Who may file claim.

A claim may be filed by an employee, by his spouse in his name as authorized agent, or by any other authorized agent or legal representative of the employee. If the employee is dead, his (a) spouse, (b) child, (c) father or mother, or both, or (d) brother or sister, or both, may file the claim and is entitled to payment in that order.

§ 14.5 Time limits for filing.

(a) A claim under this part may be considered only if:

(1) Except as provided in paragraph (b) of this section, the claim is filed in writing within 2 years after accrual.

(b) A claim that cannot be filed within the time limits of paragraph (a) of this section because of circumstances attendant on a war or armed conflict involving one of the armed forces of the United States that exists at the time the claim accrues, or within the 2-year period after the claim accrued, may be considered if filed in writing within 2 years after the circumstances permit filing or within 2 years after the end of the war or armed conflict, whichever is earlier.

§ 14.6 Principal types of claims allowable.

(a) In general, a claim may be allowed only for tangible personal property of a type and quantity that was reasonable, useful, or proper for the employee to possess under the circumstances at the time of the loss or damage.

(b) Claims that will ordinarily be allowed include, but are not limited to, cases in which the loss or damage occurred:

(1) In quarters assigned or provided in kind, by the Government, wherever situated;

(2) In quarters outside the 50 States and the District of Columbia whether or not assigned or provided in kind by the Government, unless the claimant is a local or native resident;

(3) In a place officially designated for storage of property such as a warehouse, office, garage, or other storage place;

(4) In a marine, rail, aircraft, or other common disaster or a natural disaster such as a fire, flood, hurricane;

(5) When the property, including personal clothing and vehicle, was subjected to extraordinary risks in the employee's performance of duty, such as in connection with civil disturbance, public disorder, common or natural disaster, or efforts to save Government property or human life;

(6) When the property was used for the benefit of the Government at the direction of a superior; or

(7) When the property was money or other valuables deposited with an authorized Government agent for safekeeping.

§ 14.7 Principal types of claims not allowable.

(a) Claims that will ordinarily not be allowed include, but are not limited to, claims for:

(1) Losses or damages totaling less than $10 or more than $6,500;

(2) Money or currency except when deposited with an authorized Government agent for safekeeping or except when lost incident to a marine, rail, aircraft, or other common disaster or a natural disaster such as a fire, flood, or hurricane;

(3) Transportation losses involving baggage, household goods, or other shipments which could have been insured;

(4) Articles of extraordinary value;

(5) Articles being worn (unless allowable under section 14.6);

(6) Intangible property such as bank books, checks, notes, stock certificates, money orders, or travelers checks;

(7) Property owned by the United States unless the employee is financially responsible for it to another Government agency;

(8) Claims for loss or damage to motor vehicles or trailers (unless allowable under § 14.6);

(9) Losses of insurers and subrogees;

(10) Losses recoverable from insurers and carriers;

(11) Losses in quarters within the United States not assigned or otherwise provided in kind by the Government;

(12) Losses recovered or recoverable pursuant to contract;

(13) Claims for damage or loss caused, in whole or in part, by the negligent or wrongful act of the employee or his agent;

(14) Property used for business or profit;

(15) Theft from the possession of the employee unless due care was used to protect possession; or

(16) Property acquired, possessed or transported in violation of law or regulations.

§ 14.8 Computation of award and finality of settlement.

(a) *Some computation principles.* The amount awarded on any items or property may not exceed the adjusted cost, based either on the price paid or value at the time of acquisition. The amount normally payable for property damaged beyond economical repair is found by determining its depreciated value immediately before loss or damage, less any salvage value. If the cost of repair is less than the depreciated value, it will be considered to be economically repairable and only the cost of repair will be allowable.

(b) *Attorney's fee.* Under the terms of the Act, no more than 10 percent of the amount paid in settlement of a claim submitted and settled under this part may be paid or delivered to or received by any agent or attorney on account of services rendered in connection with that claim, any contract to the contrary notwithstanding; any person violating this or any other provision of the Act is guilty of a misdemeanor and on conviction shall be fined not to exceed $1,000.00.

(c) *Finality of settlement.* Notwithstanding any other provision of law, settlement of a claim under the Act and this part is final and conclusive.

§ 14.9 Relationship to other Agency regulations.

Each of the four pre-existing agencies that contributed parts of its organization to the Environmental Protection Agency had published regulations or policy issuances governing the administrative disposition of claims under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, at the time Reorganization Plan No. 3 of 1970 became effective; namely, Department of the Interior; Department of Health, Education , and Welfare; Department of Agriculture; and Atomic Energy Commission. The regulations and policy issuances that are currently applicable to the various constituent units of the Environmental Protection Agency are hereby superseded upon publication of the Agency's regulations with respect to employees' claims asserted under the Act involving employees of the Agency.

[FR Doc.73-23815 Filed 11-7-73;8:45 am]

Notices

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

DEPARTMENT OF STATE

[Public Notice 406]

BLAINE COUNTY, MONTANA

Notice of Application for Presidential Permit

The Secretary of State has received an application from the Koch Oil Company, a subsidiary of Koch Industries, Inc., for a permit to construct, maintain, and operate 4,382 feet of pipeline from existing storage tanks located in the northeast quarter of Section 2, Township 37N Range 25E Blaine County, Montana, to a point located in the Municipality of Lone Tree No. 18, Saskatchewan, Canada. Koch Industries is requesting this permit in order that it may transport crude oil from two oil fields (identified by the Montana Oil and Gas Association as Bowes Dome and Rabbit Hills located near the town of Chinook, Blaine County, Montana), to Koch's refinery located in Pine Bend, Minnesota. Public comments are invited. Anyone wishing to review the application may do so in Room 6420, Department of State, Washington, D.C.

For the Secretary of State.

[SEAL] J. DAPRAY MUIR,
Assistant Legal Adviser for Economic and Business Affairs.

OCTOBER 30, 1975.

[FR Doc.73-23802 Filed 11-7-73;8:45 am]

[Public Notice 405]

MARYSVILLE, MICHIGAN

Notice of Issuance of Permit for Pipeline

The Secretary of State has issued a permit to Dome Pipeline Corporation to construct, operate, and maintain a pipeline at the international boundary line between the United States and Canada on the St. Clair River. The purpose of the pipeline is to transport liquid hydrocarbons comprised of mixtures of propane, butane, ethane and associated pentanes plus, between Marysville, Michigan and Sarnia, Ontario. The liquid will be used as a feed stock for a reforming plant for the production of synthetic natural gas.

For the Secretary of State.

[SEAL] J. DAPRAY MUIR,
Assistant Legal Adviser for Economic and Business Affairs.

OCTOBER 30, 1973.

[FR Doc.73-23803 Filed 11-7-73;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

COLLECTION OF F.O.B. AND C.I.F. DATA ON IMPORTS

Amendment of General Statistical Headnote 1 of the Tariff Schedules of the United States Annotated (TSUSA)

CROSS REFERENCE

For a document pertaining to the collection of F.O.B. and C.I.F. data on imports, issued jointly by the Department of Commerce, Department of the Treasury, and the Tariff Commission, see F.R. Doc. 73-23975, infra.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 73-12]

FOUR CORNERS PHARMACY, INC.

Revocation of Certificate of Registration

On June 11, 1973, the Director of the Bureau of Narcotics and Dangerous Drugs (a predecessor agency of the Drug Enforcement Administration), issued an Order to Show Cause to Four Corners Pharmacy, Inc., 1749 Victory Boulevard, Staten Island, New York 10314, as to why its Certificate of Registration (BNDD Registration AF5345435), issued on December 22, 1972, should not be revoked for the reason that "* * * Merwin Birch, the owner and/or officer of the Respondent, on November 5, 1971, was adjudged guilty of violating section 331(g)(2), Title 21, United States Code, to wit, unlawful delivery of controlled substances in violation of section 360(a)b of said Title 21 * * *," at the United States District Court for the Eastern District of New York. This violation relates to a felony provision of a former law of the United States relative to controlled substances.

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

On July 10, 1973, the Respondent requested a hearing in the matter and on July 27, 1973, an Administrative Hearing was held before Abraham Gold, Administrative Law Judge, in Washington, D.C. Following that hearing, Proposed Findings of Fact and Conclusions of Law were submitted to Judge Gold by counsel for the Government and the Respondent.

On September 12, 1973, Judge Gold filed the following recommended findings of fact and conclusions of law, and his recommended decsion with the Drug Enforcement Administration:

This action arose under section 304 of the Controlled Substances Act (21 U.S.C. 824) and came up for hearing on July 27, 1973, at Washington, D.C. Briefs were received from both parties on August 17, 1973.

On December 22, 1972, Respondent was issued Bureau of Narcotics and Dangerous Drugs Registration No. AF5345435 by said Bureau,[1] pursuant to section 303(f) of the Controlled Substances Act.[2] Under section 302(a) of the Act, every person who dispenses any controlled substance must obtain annually a registration issued by the Attorney General.

The term "person" is defined in 21 CFR 301.02(f) as including "any individual, corporation, government or governmental subdivision or agency, business trust, partnership, association, or other legal entity."

On June 11, 1973, the Bureau issued an Order to Show Cause, notifying Respondent that Certificate of Registration AF5345435 was immediately suspended, and that Respondent was being afforded an opportunity to show cause on July 23, 1973, or as soon thereafter as this matter may be heard, as to why the registration should not be revoked for the reason that Merwin Birch was on November 5, 1971, adjudged guilty of violating section 331(g)(2), Title 21, United States Code, to wit, unlawful delivery of controlled substances in violation of section 360a(b) of Title 21.

Respondent corporation, a retail pharmacy, was authorized by the Certificate of Registration to dispense certain controlled substances listed in section 202 of the Act. That

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[1] On July 1, 1973, the Bureau was abolished and its functions involved herein were transferred to the newly created Drug Enforcement Administration, established in the Department of Justice. Reorganization Plan No. 2 of 1973, 38 FR 18380 (1973).

[2] Section 303(f) of the Act, as relevant here, reads: Pharmacies (as distinguished from pharmacists) when engaged in commercial activities, shall be registered to dispense controlled substances in Schedules II, III, IV, or V if they are authorized to dispense under the law of the State in which they regularly conduct business.

section contains five schedules of controlled substances. Respondent was registered to dispense the substances in Schedules II, III, IV and V.

Section 304 of the Act specifies the prerequisites for suspension or revocation of a registration:

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

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

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

(3) has had his State license or registration suspended, revoked, or denied by competent State authority and is no longer authorized by State law to engage in the manufacturing, distribution, or dispensing of controlled substances.

* * * * *

(c) Before taking action pursuant to this section, or pursuant to a denial of registration under section 303, the Attorney General shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked, or suspended. The order to show cause shall contain a statement of the basis thereof and shall call upon the applicant or registrant to appear before the Attorney General at a time and place stated in the order, but in no event less than thirty days after the date of receipt of the order. Proceedings to deny, revoke, or suspend shall be conducted pursuant to this section in accordance with subchapter II of chapter 5 of Title 5 of the United States Code. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or other proceedings under this title or any other law of the United States.

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

Merwin D. Birch, while Vice-President and Chief Pharmacist of Respondent corporation, was convicted of violating section 331(q)(2), Title 21, United States Code "in that on or about January 29, 1971, the defendant, a person not acting in the ordinary and authorized course of his business as required by Title 21, U.S.C. section 360(b)(1) at Staten Island, delivered and otherwise disposed of approximately 17,000 capsules of amobarbital, secobarbital, dextroamphetamine, pentobarbital and various combinations of the above, as defined by Title 21, U.S.C., section 321(v) in violation of 21 U.S.C., section 360a(b)."[2]

On February 10, 1972, the defendant was sentenced by the United States District Court for the Eastern District of New York to imprisonment for three years and fined $2,500.00. He did not begin serving the sentence until December 8, 1972.

The drugs named in the record of conviction come within the purview of the Controlled Substances Act; detroamphetamine [sic], a stimulant, is a Schedule II substance and the other three drugs, barbiturates and depressants, fall within Schedule III of the listings in section 202 of the Act. It is clear that Merwin Birch was convicted of a felony under a law of the United States relating to controlled substances.

It is obvious from the record that Merwin Birch failed to maintain records of controlled substances as required by law, and that he unlawfully delivered controlled substances; but said illegal practices of Merwin Birch are not material to the central issue in this case. The specific basis on which the Government bottoms its case for revocation of the registration, as set forth in the order to show cause, is the felony conviction.

The registration was issued, not to Merwin Birch, but to Four Corners Pharmacy, Incorporated. Since the corporation itself has not been convicted, the Government urges that the conviction of Birch be imputed to the corporation.

A corporation can be criminally convicted for acts or omissions of its agents within the scope of their employment. Such liability may attach without proof that the conduct was within the agent's actual authority, and even though it may have been contrary to express instructions. *United States* v. *Hilton*, 467 F.2d 1004 (9 Cir. 1972). However, there is no legal or logical basis for the Government's proposal that the conviction of Respondent's agent be deemed the conviction of Respondent corporation. Section 304(a)(2) of the Controlled Substances Act requires a conviction of the registrant as a condition precedent to the forfeiture of the registration; [3] nothing less than a conviction of the pharmacy corporation itself can satisfy the requirements of section 304(a)(2).

The Government has failed, on this record, to establish that the certificate of registration is subject to revocation.

Upon consideration of the entire record, the undersigned recommends the following:

Findings of Fact

1. On December 22, 1972, Respondent was issued Registration AF5345435, authorizing Respondent to dispense controlled substances listed in Schedules II, III, IV and V of section 202 of the Controlled Substances Act.

2. Merwin Birch, while Vice-President and Chief Pharmacist of Respondent corporation, was on November 5, 1971, convicted of a felony under a law of the United States relating to controlled substances.

3. On June 11, 1973, the Bureau of Narcotics and Dangerous Drugs, predecessor of the Drug Enforcement Administration, issued a Notice to Show Cause, notifying Respondent that certificate of registration AF5345435 was suspended immediately, and that Respondent was being afforded an opportunity to show cause why the registration should not be revoked for the reason that Merwin Birch was on November 5, 1971, adjudged guilty of violating a law of the United States relating to unlawful delivery of controlled substances.

4. The Government has failed to establish that Respondent corporation has been convicted of a felony under any law of the United States, or of any State, relating to any substance defined as a controlled substances by the Controlled Substances Act.

Conclusion of Law

Registration AF5345435, issued to Respondent corporation pursuant to section 303(f) of the Controlled Substances Act, is not subject to revocation under section 304(a)(2) of said Act predicated on the felony conviction of Merwin Birch.

* * * * *

Relying on a 1931 Kentucky Court of Appeals case, Judge Gold held that:

* * * nothing less than a conviction of the pharmacy corporation itself can satisfy the requirements of section 304(a)(2).

It has consistently been the position of the Drug Enforcement Administration that such a reading of the section would bring about absurd results which could not possibly have been intended by Congress.

Under this interpretation of the statute, felony convictions of corporate officers or agents would not constitute grounds for revocation of a corporate license, so long as a single officer remained apart from this conduct. Even were a corporation convicted, there would be nothing to prevent the same persons from assuming another corporate identity in order to obtain a registration to handle controlled substances. The proposed construction of the section would render the new corporation eligible for registration on the technical grounds that it had never been convicted of a drug-related felony and would disregard the conviction of its closely related predecessor. A potentially endless series of these corporate transmutations would divest section 304 of its clearly intended impact.

It could not have been the intent of Congress to allow such a simple legal subterfuge to evade the reach of regulatory legislation in such a critical and closely controlled industry. A reading of the legislative history of the Controlled Substances Act reveals that the problem of diversion of controlled substances from legitimate sources was of major concern to the Congress in its enactment of this legislation. The report of the Senate Committee on the Judiciary states that:

* * * the overall purpose of the bill [the Controlled Substances Act] is to improve the administration and regulation of the manufacture, importation and exportation of the controlled dangerous substances covered under its provisions, so that the widespread diversion presently occurring can be halted.[4]

It is equally clear from the legislative history that Congress intended the Act to create a system of flexible penalties (criminal, civil and regulatory) to ac-

[1] Government Exhibit 1.

[3] See *Commonwealth* v. *Kentucky Jockey Club*, 38 S.W. 2d 987 (1931).

[4] Senate Report 91-613, Senate Committee on the Judiciary, page 3.

complish the necessary control of illicit diversion.

In his decision on the matter in which this contention was first raised, the Director authoritatively dismissed it by stating that:

> It would seem a sophistry to argue that a pharmacy is innocent because it is its proprietor who violates the law. Lest that argument be made in this or in any future matter, it is the position of the Director that an act violative of laws relating to controlled substances committed by an owner, proprietor, partner, or corporate officer of a pharmacy justifies the denial of an application for registration or the revocation or suspension of a certificate of registration of the pharmacy.[2]

This rationale has been adhered to each time the issue has been raised and there is no reason to depart from it now.[3]

Applicable Federal law on the liability of corporations for criminal activity of their officers and recent State court decisions indicate that a strict interpretation of section 304(a)(2) runs counter to the recent developing case law in this area.

As the Recommended Decision recognizes, it is now firmly established that a corporation may be held liable for the criminal acts of its officers. *N.Y. Central and Hudson River Railroad Co.* v. *United States*, 212 U.S. 481 (1909); *U.S.* v. *Dotterweich*, 320 U.S. 134 (1943); *U.S.* v. *Wise*, 82 S.Ct. 1354 (1962). There is further legal and logical basis for holding, especially in areas where public health and safety are concerned, that the conviction of a corporate officer should be imputed to the corporation.

In *Arenstein* v. *California State Board of Pharmacy*, 71 Cal. Rptr. 357, 265 C.A. 179 (1968), officers of the corporation, which held a California pharmacy permit, had filled unauthorized prescriptions for dangerous drugs while on duty as pharmacists. In an ensuing disciplinary action, the California State Board of Pharmacy had revoked the corporation's pharmacy permit. The California Court of Appeals affirmed the Board's action.

The California Court of Appeals has also rejected lack of knowledge as a defense in a license revocation proceeding. In *Randle* v. *California*, 49 Cal. Rptr. 485, 240 Cal. App. 2d 254 (1966), the pharmacy owner's permit was revoked because her husband who managed and operated the pharmacy had sold methamphetamine without a prescription. The Court of Appeals affirmed the Board's action, even though the licensee had neither known of nor authorized the sales.

Arenstein and *Randle* closely parallel the facts in the case under consideration. As in *Arenstein*, Merwin Birch was an officer of Four Corners Pharmacy, Inc., and, as in *Randle*, the other corporate officers (Birch's father, mother and brother), deny any knowledge of his misconduct. Taken together, the *Arenstein* and *Randle* cases establish more than adequate support for the proposition that the Government is justified in revoking a corporate license to handle controlled substances, even where other officers deny any knowledge of wrongdoing.

In fact, the *Dotterweich* case mentioned above is often cited for the broader proposition that criminal penalties are properly imposed on a corporate officer whose firm engages in illegal activities, even "though consciousness of wrongdoing be totally wanting." *U.S.* v. *Freed*, 91 S.Ct. 1112, 1118 (1971); *Holdridge* v. *U.S.*, 282 F. 2d 302 (1960); *U.S.* v. *American Stores Co.*, 183 F. Supp. 852 (1960). If criminal penalties have been found appropriate in this situation, then certainly administrative action could legitimately extend to license revocation on the facts in the case at bar.

The evidence in this record suggests that in actuality the corporation was convicted in the Four Corners matter because " * * * Merwin Birch was in fact the corporation." (Transcript, page 65, line 16 through page 66, line 10). Only a highly technical construction of the term "registrant," as used in section 304(a)(2), would require the criminal conviction of each and every corporate officer to meet its requirements. As a practical matter, such convictions may very often be impossible to obtain. The record reveals that neither of the other corporate officers involved themselves at all in the operation of the pharmacy. (Transcript, page 67, lines 2–7), Judge Gold's ruling would require the complicated, costly and often ineffective prosecution of corporation rather than individuals before the sanctions of section 304(a)(2) could be invoked.

In short, due to the seriousness of the nature of Mr. Birch's conviction for unlawful delivery of controlled substances, the Respondent's unwillingness or inability to comply with certain recordkeeping, reportmaking, order form, and prescription requirements of the Controlled Substances Act and implementing Administrative Regulations, and the obvious misconstruction of section 304(a)(2) of the Act by the Administrative Law Judge, the Administrator hereby adopts in substance, pursuant to § 1316.65, Title 21, Code of Federal Regulations, the findings of fact, but does not accept the conclusions of law and recommended decision submitted by the Administrative Law Judge.

Therefore, in accordance with the provisions of § 1316.66, Title 21, Code of Federal Regulations, and in view of the foregoing, it is the Administrator's opinion that the Vice-President and Chief Pharmacist of the Respondent corporation, Merwin Birch, was convicted of a drug related felony violation of Federal law, to wit, the unlawful distribution of controlled substances; and has admitted to various other violations of the Controlled Substances Act and implementing Administrative Regulations in the operation of the Respondent pharmacy.

Therefore, under the authority vested in the Attorney General by section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824), and redelegated to the Administrator of the Drug Enforcement Administration by § 0.100, as amended, Title 28, Code of Federal Regulations, and the Reorganization Plan No. 2 of 1973, the Administrator hereby orders that the Certificate of Registration of Four Corners Pharmacy, Inc., (BNDD Registration AF5345435) be, and hereby is, revoked, effective November 8, 1973.

Dated: November 2, 1973.

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

[FR Doc.73-23789 Filed 11-7-73;8:45 am]

[2] *In the Matter of Leonard S. Cohen, t/a Senate Drug Store*, 38 FR 73, April 17, 1973, page 9523–4.

[3] *In the Matter of River Forest Pharmacy, Inc.*, 38 FR 191, October 3, 1973, page 27417; *In the Matter of Afro-American Pharmacy, Inc.*, 38 FR 192, October 4, 1973, page 27534.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

BOWDOIN NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88–577; 78 Stat. 890–896; 16 U.S.C. 1131–1136), that a public hearing will be held beginning at 7:30 p.m. on January 11, 1974, at Malta City Hall, Legion Room, Malta, Montana, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Bowdoin Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within Bowdoin National Wildlife Refuge, which is located in Phillips County, State of Montana.

A study summary containing a map and information on the Bowdoin Wilderness proposal may be obtained from the Refuge Manager, Bowdoin National Wildlife Refuge, Box J, Malta, Montana 59538, or the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, P.O. Box 25486, Denver Federal Center, Denver, Coloradoe 80225.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by February 11, 1974.

Dated: November 1, 1973.

LYNN A. GREENWALT,
Director Bureau of Sport Fisheries and Wildlife.

[FR Doc.73-23779 Filed 11-7-73;8:45 am]

Bureau of Land Management

BURNS DISTRICT GRAZING ADVISORY BOARD

Notice of Meeting

The Burns District Grazing Advisory Board, Oregon 2, will meet at 9 a.m. on

December 10, 1973, at the Bureau of Land Management District Office, 74 South Alvord, Burns, Oregon. The purpose of the meeting will be to elect advisory board officers, review and act upon grazing applications and transfers of grazing privileges, discuss proposed rulemaking concerning livestock grazing, and discuss wild horse claims and proposed gathering schedules as well as any other topics of interest.

The meeting will be open to the public. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration. The Advisory Board Chairman is Mr. James Sitz. Mr. Sitz may be contacted by writing a letter in care of the Bureau of Land Management, 74 South Alvord, Burns, Oregon 97720. Telephone number 503-573-2071.

Dated: October 31, 1973.

L. CHRISTIAN VOSLER,
District Manager.

[FR Doc.73-23807 Filed 11-7-73;8:45 am]

IDAHO: BOISE DISTRICT

Snake River Birds of Prey Natural Area; Notice of Closure Order on Discharge of Firearms

OCTOBER 30, 1973.

Notice is hereby given that the national resource lands (public lands) within the Snake River Birds of Prey Natural Area in Idaho are closed to the discharge of firearms during certain portions of the year to protect the resource in accordance with the provisions of 43 CFR Parts 6010.4 and 6010.5, and Part 24.3. This closure order does not preclude hunting for wildlife species for which the Idaho Fish and Game Commission has established hunting seasons during the period between September 1 and the last day of February, inclusive. Further, the closure order does not apply to privately-owned or State of Idaho-owned lands within the boundaries of the Snake River Birds of Prey Natural Area.

The Snake River Birds of Prey Natural Area, as established by the Public Land Order 5133, dated October 12, 1971, is a sanctuary for raptorial birds. Closure is effective each year from March 1 to August 31, inclusive.

Restrictions on the use of firearms on the national resource lands within this area are consistent with the planning for the future management of this part of the Kuna Planning Unit. The objective of the restriction of the use of firearms is to prevent the disturbance of the annual reproductive activities of the golden eagle, the prairie falcon and other raptorial species inhabiting the area.

The Snake River Birds of Prey Natural Area embraces a 33-mile reach of the Snake River in Idaho, commencing about 5 miles downstream from Grand View and terminating 5 miles upstream from Walter's Ferry, and includes the canyon, the canyon walls and the contiguous lands up to as much as 2½ miles on each side of the Snake River. The boundaries of the area are posted and maps of the area can be seen at the Boise District Office of the Bureau of Land Management located at 230 Collins Road, Boise, Idaho.

ROBERT C. KRUMM,
District Manager.

Approved:

WILLIAM L. MATHEWS,
State Director.

[FR Doc.73-23767 Filed 11-7-73;8:45 am]

[CA 734]

CALIFORNIA

Proposed Withdrawal and Reservation of Lands

NOVEMBER 2, 1973.

The Corps of Engineers, Department of the Army, has filed an application, serial No. CA 734, for the withdrawal of the national resource land described below from all forms of appropriation under the public land laws including the mining and mineral leasing laws, subject to valid existing rights, for recreational purposes exclusively, in connection with the operation of the Isabella Lake project.

On or before December 11, 1973, all persons wishing to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

The Department's regulations provide that the authorized officer will undertake such investigations as are necessary to determine the existing and potential demands for the land and its resources. Adjustments will be made as necessary to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's and to reach agreement on the concurrent management of the land and its resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

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

The land involved in the application is:

MOUNT DIABLO MERIDIAN

T. 26 S., R. 33 E.,
Sec. 20, all that portion of the NW¼SE¼ lying southeasterly of the relocated California State Highway No. 57.

The area described aggregates approximately 20.07 acres.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.73-23836 Filed 11-7-73;8:45 am]

CHIEF, DIVISION OF TECHNICAL SERVICES AND CHIEF, BRANCH OF CADASTRAL SURVEY

Redelegation of Authority

NOVEMBER 1, 1973.

A. Pursuant to the authority contained in section 1.1, Bureau Order No. 701 (29 FR 10526, July 29, 1964), as amended, the following officials of the Montana State Office are hereby redelegated authority to act for the State Director on sections of above order as follows:

1. Chief, Division of Technical Services, or Chief, Branch of Cadastral Survey, authority to take action for the State Director in matters listed under section 1.4a(1) through 1.4a(3).

EDWIN ZAIDLICZ,
State Director.

[FR Doc.73-23840 Filed 11-7-73;8:45 am]

[ES 10957]

ILLINOIS

Survey Group 14; Notice of Filing of Plat of Survey

1. The plat of survey of the islands described below, accepted on July 6, 1972, will be officially filed in this office effective at 10 a.m. on December 20, 1973:

SECOND PRINCIPAL MERIDIAN

T. 30 N., R. 13 W.,
Sec. 15, tract 37, tract 38, tract 39;
Sec. 22, tract 40.

These island tracts aggregate 19.29 acres.

2. These islands in the Iroquois and Kankakee Rivers were depicted on the plat and mentioned in the field notes of the original survey, but not returned as surveyed on the plat of this township approved August 16, 1839.

3. The islands are similar to the opposite mainland in all respects. This fact, along with the portrayal of the islands on the plat of survey approved on August 16, 1839, is taken as evidence that the islands existed in 1818, the year Illinois was admitted to the Union. The islands were, therefore, omitted from the original survey.

4. Timber on the islands is predominantly black oak with some white oak, bur oak, and hickory. Tree diameters range up to 30 inches.

5. The surveyed islands, designated as tracts 37 to 40, are known locally as Hog or 2nd, Picnic, 3rd, and Gooseberry Islands, respectively. Tracts 37 and 39 have a considerable number of improvements on them varying from overnight shelters to summer cabins. Tracts 38 and 40 contain no improvements.

6. The islands are over 50 percent upland in character within the interpreta-

tion of the Swampland Act of September 28, 1850.

7. Except for valid existing rights, these islands will not be subject to application, petition, selection, or to any other appropriation under any public land law, including the mineral leasing laws, until a further order is issued.

8. All inquiries relating to these lands should be addressed to the Director, Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

LOWELL J. UDY,
Director,
Eastern States Office.

NOVEMBER 2, 1973.

[FR Doc.73-23839 Filed 11-7-73;8:45 am]

[OR 10887]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 30, 1973.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 10887, for withdrawal of the lands described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for a public recreation area.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than December 6, 1973, to the undersigned officer of the Bureau of Land Management, Department of the Interior (729 N.E. Oregon Street), P.O. Box 2965, Portland, Oregon 97208.

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

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

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

The lands involved in the application are:

WILLAMETTE MERIDIAN

ROGUE RIVER NATIONAL FOREST SQUAW LAKES RECREATION AREA

T. 40 S., R. 3 W.,
Sec. 35, SE¼SW¼, SE¼;
T. 41 S., R. 3 W.,
Sec. 1, W½SW¼NW¼;
Sec. 2, NE¼, E½NW¼, N½SE¼.

The areas described aggregate approximately 540 acres, in Jackson County, Oregon.

IRVING W. ANDERSON,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.73-23835 Filed 11-7-73;8:45 am]

[OR 9651]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 31, 1973.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 9651, for withdrawal of the lands described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for a research natural area and public recreation areas.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than December 7, 1973 to the undersigned officer of the Bureau of Land Management, Department of the Interior (729 N.E. Oregon Street), P.O. Box 2965, Portland, Oregon 97208.

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

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested part of record.

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

The lands involved in the application are:

ROGUE RIVER NATIONAL FOREST

ASHLAND RESEARCH NATURAL AREA

Willamette Meridian

A tract of land within Sections 21, 27, 28, 33, and 34, T. 39 S., R. 1 E., and Sections 3, 4, 9, and 10, T. 40 S., R. 1 E., described as follows:

Beginning at a point 231 feet south and 825 feet west of the section corner common to Sections 21, 22, 27, and 28, T. 39 S., R. 1 E., which point is on the centerline of Forest Service Road No. 3963 (Ashland Loop Road), thence southerly along the centerline of said road to its junction with Forest Service Road No. 3935 (Horn Gap Road), thence southerly, westerly, and northerly along the centerline of said Road No. 3935 to its junction with Forest Service Road No. 3935D (Winburn Point Road), thence northerly along the centerline of said Road No. 3935D to a point on the north section line of Section 33, T. 39 S., R. 1 E., which point is 1,782 feet west of the section corner common to Sections 27, 28, 33, and 34, T. 39 S., R. 1 E., thence N. 49°00' W. 495 feet along crest of a ridgetop, the divide between the East Fork and West Fork of Ashland Creek, thence N. 22°00' W. 726 feet, descending along crest of said ridge, thence N. 45°00' W. 1,320 feet, descending along crest of said ridge, thence N. 23°00' W. 891 feet along said ridge, thence N. 55°00' W. 858 feet to West Fork of Ashland Creek, thence N. 55°00' E. 726 feet along the southeastern edge of Reeder Reservoir, thence northerly 1,980 feet along the west ⅛ line of Section 28, T. 39 S., R. 1 E., to the top of a small ridge, thence N. 64°00' E. 1,716 feet, ascending along the top of said ridge, thence S. 74°00' E. 1,221 feet along the top of a ridge labeled "3842", thence S. 27°00' E. 1,188 feet, descending a spur of said ridge to the point of beginning.

The area described aggregates approximately 1,518 acres in Jackson County, Oregon.

Jackson Campground Extension

T. 40 S., R. 3 W.,
Sec. 5, E½ of lot 3, NE¼SE¼NW¼, W½SE¼NW¼, W½NE¼SW¼, SE¼NE¼SW¼, E½NW¼SW¼, SE¼SW¼.

The area described aggregates approximately 139.66 acres in Jackson County, Oregon.

Kanaka Campground

T. 40 S., R. 3 W.,
Sec. 19, lots 1, 2, 3, 4, and 6.

The area described aggregates approximately 196.00 acres in Jackson County, Oregon.

The above-described areas aggregate approximately 1,853.66 acres, in Jackson County, Oregon.

IRVING W. ANDERSON,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.73-23837 Filed 11-7-73;8:45 am]

National Park Service

GRAND TETON NATIONAL PARK, WYOMING

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of Section 5, of the Act of October 9, 1963 (79 Stat. 69; 16 U.S.C. 20), public notice is hereby given that on December 30, 1973, the

Department of the Interior, through the Superintendent, Grand Teton National Park, Wyoming, proposes to issue a concession permit to George N. Clover authorizing him to provide concession facilities and services for the public at Grand Teton National Park for a period of five years from January 1, 1974, through December 31, 1978.

The foregoing concessioner has performed his obligations under a prior permit 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 permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before December 10, 1973.

Interested parties should contact the Superintendent, Grand Teton National Park, P.O. Box 67, Moose, Wyoming 83012, for information as to the requirements of the proposed permit.

Dated October 1, 1973.

GARY EVERHARDTS,
Superintendent, Grand Teton National Park, Wyoming

[FR Doc.73-23764 Filed 11-7-73;8:45 am]

SEQUOIA AND KINGS CANYON NATIONAL PARKS

Notice of Intention To Continue Concession Facilities and Services

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on December 10, 1973, the Department of the Interior, through the Director of the National Park Service, proposes to authorize Government Services, Inc., to continue to provide concession facilities and services for the public at Sequoia and Kings Canyon National Parks, for a period of 19 years from January 1, 1973, through December 31, 1991, pursuant to the concession contract under which it is authorized to provide accommodations, facilities, and services for the public within National Capital Parks and such other areas of the National Park System as the Secretary may designate.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the human environment, and that it is not a major Federal action under the Environmental Quality Act and the guidelines of the Council on Environmental Quality. The environmental assessment may be reviewed in the office of the Superintendent, Sequoia and Kings Canyon National Parks, National Park Service, Three Rivers, California 93271.

The foregoing concessioner has performed its obligations under the expired 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. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before December 10, 1973.

Interested parties should contact the Assistant Director, Concessions, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: November 1, 1973.

RUSSELL E. DICKENSON,
Acting Director, National Park Service.

[FR Doc.73-23765 Filed 11-7-73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-21]

CIMARRON COAL CORP.

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), Cimarron Coal Corporation has filed a petition to modify the application of 30 CFR 71.400 through 30 CFR 71.402 to its Volunteer Mine located at Madisonville, Kentucky.

30 CFR § 71.400 reads as follows:

§ 71.400 *Bathing facilities; change rooms; sanitary flush toilet facilities.* Each operator of a surface coal mine shall provide bathing facilities, clothing change rooms, and sanitary flush toilet facilities, as hereinafter prescribed, for the use of miners employed in the surface installations and at the surface worksites of such mine. (Note: Sanitary facilities at surface work areas of underground mines are subject to the provisions of § 75.1712 of this chapter et seq.)

Sections 71.401 and 71.402 contain regulations concerning the location and minimum requirements for the required facilities. Petitioner states that there is no fresh water available at the mining site and that fresh water cannot feasibly be provided within the next year. The nearest water system is approximately 10,000 feet away from the property of Cimarron Mine and is part of the water system of the city of Madisonville. Petitioner avers that there is no suitable surface soil for septic tanks in the area and that there is only a small area of unmined surface at the job site. Petitioner states that the remainder of the mine area is gob fill and there is insufficient percolation to support a septic tank system necessary for permanent toilet facilities. At the close of each shift of the mine operation the workers at the mine are scattered across an area approximately ten miles wide and it is not practical, nor do the men desire to travel back to a central location for the purpose of taking a bath. Petitioner states that approximately 85 percent of the employees have signed a statement waiving their right to the facilities required by the mandatory standard. Portable sanitary toilet facilities are furnished at the surface of the worksite.

As an alternative method petitioner requests that the requirement that it construct surface bathing facilities and change rooms be waived and that it be allowed to use its presently existing system of sanitary portable toilets rather than flush toilets. Petitioner contends that the employees of surface mines in the area of the Western Kentucky Coal Field by custom and desire have refused to use bathhouses, change rooms, or other sanitary facilities contemplated by the mandatory safety standard.

Petitioner contends that portable toilets have been installed and that this alternative proposal guarantees no less than the same measure of protection afforded the miners at the affected mine by the mandatory standards. Also, petitioner contends that the installation of the facilities required by the mandatory standard would result in a diminution of safety to the miners in the affected area in that it is impossible to install and operate a septic tank that would be acceptable to the public health authorities of the State of Kentucky.

Persons interested in this petition may request a hearing on the petition or furnish comments by December 10, 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,
Office of Hearings and Appeals, Acting Director.

OCTOBER 25, 1973.

[FR Doc.73-23766 Filed 11-7-73;8:45 am]

[Docket No. M 74-9]

H & W COAL CO.

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. section 861(c) (1970). H & W Coal Company has filed a petition to modify the application of 30 CFR 7.1605(k) to its No. 2 Underground Mine located at Anderson County, Tennessee.

30 CFR 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 it would be virtually impossible to have guardrails along the mountainous roads leading to his mine and that the roads do not have sufficient width to have berms. As an alternative method petitioner requests that it be allowed to continue operating its roads in their presently existing condition. Application of the mandatory standard would result in a diminution of

safety to miners in the affected area in that berms would create hazardous conditions during the winter months because the roads would be covered with ice. Petitioner contends that guardrails would be ineffective and would cause many collisions since the road is very narrow in places with rock ledges on each side. Petitioner also avers that homes constructed in low areas would be flooded during the rainy season and the roadbeds would be destroyed by improper drainage on the road. Also, berms along the road would increase the danger of mountain slides.

Persons interested in this petition may request a hearing on the petition or furnish comments by December 10, 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.

OCTOBER 25, 1973.

[FR Doc.73-23778 Filed 11-7-73;8:45 am]

[Docket No. M 74-16]

MAURICE JENNINGS

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. section 861(c) (1970), Maurice Jennings has filed a petition to modify the application of 30 CFR 77.403 to its Scotch Hill Strip Mine located at Newburg, West Virginia.

30 CFR 77.403 reads as follows:

§ 77.403 *Mobile equipment; canopies and roll protection.* Forklift trucks, front-end loaders, and bulldozers shall be provided with substantial canopies and roll protection when necessary to protect the operator.

In support of its petition, petitioner states that it has three TD-24 bulldozers which are 15 to 20 years old. None of the bulldozers is equipped with a rollover cab, but petitioner is adding steel pieces over the operator on the existing canopies as an alternative to the mandatory safety standard.

Petitioner contends that the addition of the steel pieces will provide the same measure of protection to miners in the affected area as the application of the mandatory safety standard.

Persons interested in this petition may request a hearing on the petition or furnish comments by December 10, 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.

OCTOBER 25, 1973.

[FR Doc.73-23776 Filed 11-7-73;8:45 am]

[Docket No. M 74-26]

PREMIUM COAL COMPANY, INC., ET AL.

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. section 861(c) (1970), Premium Coal Company, Incorporated and Rock Creek Mining Company, Incorporated, have filed a petition to modify the application of 30 CFR 77.1605(k) to the Premium Strip Mine and the Rock Creek Mine No. 1, both located at Lake City, Tennessee.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

In support of the petition, petitioner contends that State law may not permit berms on the side of the road due to slides and drainage. It is averred that installation of berms and guard rails would probably be ineffective as this would not prevent a heavy truck from going over the mountain.

As an alternative method, petitioner would continue using the road and maintaining it in its presently existing condition. The application of the mandatory standard would result in a diminution of safety to miners in the affected area. Petitioner states that most of the company-owned roads are at elevations up to 3,000 feet. Petitioner contends that the installation of berms would make it virtually impossible to remove snow from the roads in the winter.

Persons interested in this petition may request a hearing on the petition or furnish comments by December 10, 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.

OCTOBER 25, 1973.

[FR Doc.73-23777 Filed 11-7-73;8:45 am]

Office of the Secretary

CURRENT DEFENSE MOBILIZATION AND EMERGENCY PREPAREDNESS PROGRAMS

Memorandum of Agreement With the Department of Commerce

In the matter of responsibilities for ongoing mobilization activities and for emergency preparedness and actions in national defense emergencies with respect to designated products and equipment, including chemicals, associated with output of petroleum and gas.

This Agreement delineates the respective responsibilities of the Department of the Interior and the Department of Commerce for certain actions involving current defense mobilization programs as well as emergency preparedness programs as they relate to: (1) The production and distribution of certain chemicals and fluids made especially for use in the petroleum industry, (2) the production and distribution of certain chemicals derived from the processing of petroleum and gas, (3) the distribution of certain oil/gas field machinery and equipment, and (4) the claimancy aspects of the foregoing.

This Agreement relates to provisions of Executive Order 10480 (3 CFR 1949-1953 Comp., p. 962; 50 U.S.C. App. 2153 (1970)), as amended, and Defense Mobilization Order 8400.1 (32A CFR 15). Under the foregoing certain authorities contained in the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), including priorities and allocations functions, are delegated for performance by named officers and agencies of the United States including the Secretary of the Interior and the Secretary of Commerce. It also relates to Executive Order 11490, as amended (3 CFR 1969 Comp., p. 151), which assigns to the Secretary of the Interior emergency preparedness planning functions with respect to petroleum and gas, and assigns to the Secretary of Commerce similar emergency preparedness planning functions covering all industrial materials and facilities not assigned to other officials, including chemicals, materials and facilities.

Within Interior, responsibility and authority for these matters have been delegated to the Director, Office of Oil and Gas.

Within Commerce, responsibility and authority for these matters have been delegated to the Deputy Assistant Secretary for Competitive Assessment and Business Policy.

Pursuant to section 201(a) of Executive Order 10480, Defense Mobilization Order 8400.1 delegates to the Secretary of the Interior responsibility for administration of priorities and allocations functions necessary to the defense mobilization program with respect to petroleum, gas, solid fuels, and electric power. With the exception of delegations to the Secretary of Agriculture for food and the domestic distribution of farm equipment and commercial fertilizer, and delegations to the appropriate Commissioner of the Interstate Commerce Commission in the field of domestic transportation, storage and port facilities, or the use thereof, priorities and allocations functions are delegated to the Secretary of Commerce with respect to all other materials and facilities.

Section 301 of Executive Order 10480 also places responsibility upon the Secretaries of the Interior and Commerce in connection with their mobilization functions, to "* * * develop and promote measures for the expansion of productive capacity and of production and supply of materials and facilities necessary for the national defense."

Executive Order 11490 delegates to the Secretary of the Interior and the Secretary of Commerce the responsibility of preparing national emergency plans and developing preparedness programs covering the respective categories of products and facilities specified in the Order. The Order, in section 702 defines the term "petroleum" to mean crude oil, synthetic liquid fuel, their products and

associated hydrocarbons, including pipelines for their movement and facilities specially designed for their storage; and, the term "gas" to mean natural gas (including helium) and manufactured gas, including pipelines for their movement and facilities specially designed for their storage. Among the specified exceptions to the areas of responsibility of the Secretary of Commerce set forth in Executive Order 11490 are the production and distribution of and use of facilities for petroleum and gas, responsibility for which is assigned to the Secretary of the Interior.

The production, and in some instances the utilization, of certain chemicals is so closely associated or integrated with petroleum and gas operations that a clear understanding of the division of responsibilities between the Secretary of the Interior and the Secretary of Commerce is necessary for defense mobilization and emergency preparedness activities and effective resources management in the event of a national emergency.

Accordingly, the Office of Oil and Gas or the Emergency Petroleum and Gas Administration (EPGA), if activated, would carry out Interior's petroleum and gas emergency responsibilities in a national emergency, and the Bureau of Competitive Assessment and Business Policy would carry out Commerce's responsibilities for defense mobilization and emergency preparedness and resource management over all industrial products, including chemicals, not specifically exempted by E.O. 10480 and E.O. 11490, in accordance with the following agreement and delineations:

PRODUCTION RESPONSIBILITY

A. *Interior.* Interior will be responsible for the production of: (1) petroleum and/or gas fuels and petroleum lubricants, including "refinery finished products" and "unfinished oils"; (2) "petrochemical intermediates" from processing units located within a petroleum refinery where the weight of "petrochemical intermediates" in the output of the processing unit constitutes less than 30 percent by weight of the net input; (3) n-paraffin "petrochemical intermediates"; (4) "special petroleum chemical supplies"; (5) elemental sulfur, except for special grades.

B. *Commerce.* Commerce will be responsible for the production of: (1) "chemicals" including all "petrochemicals," "petroleum processing catalysts," and "fuel combustion improvers"; (2) "petrochemical intermediates," including those from processing units located within a petroleum refinery where the weight of "petrochemical intermediates" in the output of the processing unit constitutes 30 percent or more of the weight of the net input to the unit; (3) special grades of sulfur.

DISTRIBUTION RESPONSIBILITY

A. *Interior.* Interior will be responsible for the distribution of: (1) all petroleum and/or gas fuels and petroleum lubricants; (2) all "special petroleum chemical supplies," "petroleum processing catalysts," and "fuel combustion improvers"; (3) "heavy liquid feedstocks"; (4) "light hydrocarbon feedstocks," except those produced and/or gathered specifically for a chemical operation.

B. *Commerce.* Commerce will be responsible for the distribution of: (1) all chemicals including "petrochemical intermediates," but excluding those chemical product groups assigned to Interior in section A(2); (2) "light hydrocarbon feedstocks" specifically produced and/or gathered for a chemical operation; (3) "non - fuel/non - lubricant petroleum products"; (4) special grades of elemental sulfur.

CLAIMANCY RESPONSIBILITY

Interior will assume claimant responsibility for all facilities over which production responsibility has been assigned to it by this Agreement. Commerce assumes claimant responsibility for facilities over which production responsibility has been assigned to it by this Agreement.

It is agreed that Interior and Commerce jointly will prepare a list, and revise it every two years, which specifies those facilities and plants in the United States, its possessions and territories, for which production and distribution responsibilities have been assigned in this Agreement.

PRODUCT DEFINITIONS

For the purpose of assigning responsibilities under this Agreement the following product definitions shall apply:

A. *"Light Hydrocarbon Feedstocks".* Paraffin and cycloparaffin hydrocarbons in the range C_3–C_4 which are used for the production of "petrochemical intermediates."

B. *"Heavy Liquid Feedstocks".* The feedstocks used as input to "heavy liquids plants" for the production of "petrochemical intermediates" which feedstocks include:

1. crude oil;
2. mixture of hydrocarbons derived from crude oil or from natural gas liquids, having a carbon content of C_5 or greater, and in which weight of paraffins plus cycloparaffins exceeds the weight of olefins and aromatics—which include products commonly designated as "naphtha" and/or "gas oil."

C. *"Refinery Finished Products".* Any of one or more of the petroleum oils or mixtures of oils which can be used without further processing, including:

1. Liquified petroleum gases (LPG);
2. Gasoline;
3. Jet Fuel;
4. Naphtha;
5. Distillate fuel oils;
6. Lube oils and greases;
7. Residual fuel oils;
8. Asphalt;
9. Natural gas products—natural gasoline.

D. *"Unfinished Oils".* Semi-finished refinery products, or unseparated mixtures of refinery products, which are further processed for production of "refinery finished products."

E. *"Petrochemical Intermediates".* Chemical grade (minimum 90 percent by weight) aliphatic and/or aromatic hydrocarbons which can be used as raw materials for chemical processing into "petrochemicals," such as:

1. n-paraffins (normal-paraffins) in the range of C_{10}–C_{20};
2. mono-olefins, in the range of C_3–C_{18};
3. diolefins, in the range of C_3–C_{18};
4. acetylenes, in the range of C_2–C_{18};
5. aromatics, including benzene, toluene, the xylenes and higher aromatic hydrocarbons.

F. *"Chemicals".* For the purpose of this Agreement "chemicals" shall comprise those products listed under Major Group 28, Chemical and Allied Products, Standard Industrial Classification Manual, 1972 Edition; shall specifically include "petrochemical intermediates," "petrochemicals," "petroleum processing catalysts," "fuel combustion improvers"; but shall exclude "special petroleum chemical supplies" and all elemental sulfur other than special grades.

G. *"Petrochemicals".* Petrochemical products include but are not limited to compounds produced by chemical reaction of "petrochemical intermediates." Petrochemicals are typified by products listed in section 9B(k) of Oil Regulation 1—Oil Import Regulation, 37 FR 10933 (1972). Attachment B.[1]

H. *"Special Petroleum Chemical Supplies".* Products made especially for use in the production, refining and compounding of petroleum fuels and lubricants, including:

Hydrogen produced in a refinery for use in petroleum processing.

Special additives—for fuels and lubricants; to facilitate the drilling of oil and gas wells; to stimulate the production of oil and gas, and to facilitate the pipeline transmission of petroleum.

I. *"Non-fuel/Non-lubricant Petroleum Products".* Certain products produced in the course of the refining of petroleum whose primary uses are other than as fuels and/or lubricants, such as: Coke, petroleum—green and calcined; cresylic acids; naphthenic acids; oils, rubber extending; solvents—aliphatic and aromatic hydrocarbons; waxes, refined—paraffin and micro-crystalline; white oils petrolatums, and other oils for medicinal, pharmaceuticals and cosmetic purposes.

J. *"Petroleum Processing Catalysts".* Solid inorganic compositions used in petroleum refining to facilitate the conversion of hydrocarbons by chemical reaction, including: Catalytic cracking; hydrocracking; reforming; isomerization; desulfurization; hydrotreating.

K. *"Fuel Combustion Improvers".* Chemical compositions added to liquid petroleum fuels to improve combustion characteristics, including: Tetraethyl lead and tetramethyl lead, and their blends for use as anti-knock materials; other products such as amyl nitrate, hexyl nitrate, n-methyl aniline, and the

[1] Filed as part of the original document.

manganese-methyl cyclopentadiene complexes.

L. *"Sulfur, Special Grades"*. Elemental sulfur which has been given a special physical or chemical processing to render it suitable for specific applications.

To assure that the signatories hereto have full authority to implement their responsibilities under Executive Orders 10480 and 11490, as amended, and Defense Mobilization Order 8400.1, as well as to effectuate the provisions of this Agreement, the signatories hereby delegate to each other the requisite authority for the exercise of the allocations and priorities functions vested in them in accordance with the understanding and agreement expressed herein.

This Agreement revokes and supersedes the National Production Authority (NPA) and the Petroleum Administration for Defense (PAD) agreements dated November 15, 1950, and January 15, 1951. It is expressly agreed, however, that the Department of the Interior will be responsible for the distribution of oil/gas field machinery and equipment as identified in Attachment A to this Agreement.

This Memorandum of Agreement also supersedes Petroleum Administration for Defense Delegation 1 to the Administrator, National Production Authority dated April 17, 1951 (16 FR 3389), and BDC Delegation 4 (formerly National Production Authority Delegation 9), U.S. Department of Commerce to the Secretary of the Interior, dated February 26, 1951 (16 FR 1908).

This Agreement is effective October 30, 1973.

STEPHEN A. WAKEFIELD,
Department of the Interior.

TILTON H. DOBBIN,
Department of Commerce.

ATTACHMENT A

The following machinery and equipment is required for the discovery, development or depletion of oil or gas wells:

Beams, drilling machinery, nonportable-oil field.
Bits, cable tool subsurface drilling-oil field.
Bits, rotary subsurface drilling, oil field.
Blocks, crown, surface rotary drill, oil field.
Blocks, traveling, surface rotary drill, oil field.
Casing and tubing head supports, flowing oil well.
Cementing equipment, rotary drilling oil field.
Chokes, flowing oil and gas well.
Christmas tree assemblies, flowing oil well.
Connectors, subsurface drilling, oil field.
Connectors, surface rotary drilling-oil field.
Coring equipment, subsurface drilling, oil field.
Cutting tools, subsurface drilling, oil field.
Derricks, substructures and accessories, oil field.
Draw works, surface rotary drilling-oil field.
Drill collars, subsurface drilling, oil field.
Drilling machine accessories, surface, except portable-oil field.
Drilling machines, surface, except portable-oil field.
Drilling rigs, cable tool, portable, blast hole.
Drilling rigs, cable tools, portable-oil gas field.
Drilling rigs, rotary, portable, blast hole.
Drilling rigs, rotary, portable-oil field.
Elevators, surface rotary drilling-oil field.
Fishing tools, subsurface drilling, oil field.
Float collars, oil field drilling.
Guide and float shoes combination, oil field drilling.
Guide shoes, oil field drilling.
Gun perforating equipment, oil field.
Hooks, surface rotary drilling-oil field.
Indicators, surface rotary drilling-oil field.
Jars, cable tool subsurface drilling, oil field.
Kelly joints, subsurface drilling, oil field.
Lifting machinery, rodless, oil field.
Links, surface rotary drilling-oil field.
Manifolds, flowing oil and gas well.
Metering equipment, oil and gas field.
Packers, oil and gas field.
Pitmans, drilling machine, nonportable-oil field.
Pull and polish rod equipment, oil field.
Pumping jacks, oil and gas field.
Pumping parts and accessories, oil field.
Pumping units and accessories, oil field.
Reamers, rotary subsurface drilling, oil field.
Reels, drilling machine, nonportable-oil field.
Rig irons, surface drilling, except portable, oil field.
Rigs, consolidated, surface rotary drill-oil field.
Rotary tables, surface drilling-oil field.
Screens, oil and gas field.
Separating equipment, oil and gas field.
Slips, surface rotary drilling-oil field.
Sockets, cable tool subsurface drilling, oil field.
Spiders, surface rotary drilling-oil field.
Subs, subsurface drilling, oil field.
Sucker, rod equipment, oil field.
Surveying machinery, well, oil field.
Swivels, surface rotary drilling-oil field.
Tool joints subsurface drilling, oil field.
Treating equipment, oil and gas field.
Tubing catchers, oil and gas field.
Well-control equipment, oil, surface rotary drilling (Blow-out preventers, etc.).
Wheels, drilling machine, non-portable-oil field.

[FR Doc.73-23761 Filed 11-7-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

MILK IN SOUTHEASTERN MINNESOTA-NORTHERN IOWA AND MINNEAPOLIS-ST. PAUL, MINNESOTA, MARKETING AREAS

Determination of Equivalent Prices in October 1973 for New York Grade AA (93-Score) Butter

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable provisions of the orders, as amended, regulating the handling of milk in the aforesaid milk marketing areas, hereinafter referred to as the "orders", it is hereby found and determined as follows:

(1) Due to the limited number of days on which a price for Grade AA (93-score) butter at New York was reported by the Dairy and Poultry Market News Service, U.S. Department of Agriculture, Agricultural Marketing Service, we conclude that the prices reported do not provide an adequate basis for computing an average price for such grade of butter for October 1973.

Dairy and Poultry Market News Service regularly reports wholesale bulk butter prices for New York Grade AA (93-score) butter on Tuesday, Thursday, and Friday of each week. The average of such prices during the month is used to determine the Class II butterfat differentials pursuant to the Southeastern Minnesota-Northern Iowa and Minneapolis-St. Paul milk orders. For the first 18 days of October 1973, four price quotations were reported for New York 93-score butter. Two quotations were at 86.500 cents and two quotations were at 84.500 cents. On October 19 the butter market experienced a dramatic drop which held for the remainder of the month. During this period, there were two quotations at 72.250 cents and one quotation at 72.125 cents. An average of these seven prices is not representative for the month since these quotations do not give proper weight to the higher level of prices in the beginning of the month. It is therefore determined to be necessary to provide equivalent prices for those reporting days on which the wholesale prices at New York for Grade AA (93-score) butter were lacking.

Such equivalent prices have been determined based on spot market prices for New York Grade AA (93-score) butter on the New York Mercantile Exchange plus a normal differential between such spot prices and wholesale bulk selling prices. Using these equivalent prices in conjunction with the wholesale bulk New York Grade AA (93-score) butter prices reported during the month, it is hereby determined that the average New York Grade AA (93-score) butter price for October 1973, for purposes specified in the aforesaid orders, is 80.89 cents.

(2) Notice of proposed rulemaking, public procedure thereon, and 30 days prior notice of the effective date hereof are impracticable, unnecessary and contrary to the public interest, in that (a) the daily wholesale bulk selling price for New York Grade AA (93-score) butter has been reported by the Dairy and Poultry Market News Service, U.S. Department of Agriculture, Agricultural Marketing Service, on a limited number of days during October 1973, and such prices are not representative prices for the entire month of October 1973; (b) the need for determination of equivalent prices could not be known until the end of October 1973, and such determination could not be made until all available data for the month had been obtained; (c) the determination of such equivalent prices is necessary to make possible the announcement of butterfat differentials pursuant to the Southeastern Minnesota-Northern Iowa and Minneapolis-St. Paul orders on November 5, 1973; (d) this determination is necessary to give notice to all interested persons that the average of the New York Grade AA (93-score) wholesale bulk butter prices reported by the Dairy and Poultry Market News Service during October 1973 will not be the price used in computing butterfat differentials under the aforesaid orders; and (e) this determi-

nation does not require substantial or extensive preparation by any person.

Signed at Washington, D.C., on November 5, 1973.

JAMES H. LAKE,
Deputy Assistant Secretary.

[FR Doc.73-23861 Filed 11-7-73;8:45 am]

Agricultural Stabilization and Conservation Service

[Docket No. SH-313-RO1]

PROPORTIONATE SHARES—MAINLAND CANE SUGAR AREA

Notice of Determination

Basis and purpose. This notice is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (7 U.S.C. 1101) hereinafter referred to as the "Act". The purpose of this notice is to inform all interested parties of the determination made herein pursuant to section 302 of the Act.

Section 302(b)(5) of the Sugar Act reads as follows: "Whether farm proportionate shares are or are not determined, the Secretary shall, insofar as practicable, protect the interests of new producers and small producers and the interest of producers who are cash tenants, share tenants, adherent planters, or sharecropers and of the producers whose past production has been adversely, seriously, and generally affected by drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions."

STATEMENT OF BASES AND CONSIDERATIONS

General. Subsequent to a public hearing held in Atlanta, Georgia, on April 13, 1973, the Department determined that proportionate shares (acreage allotments) would not be in effect in the Mainland Cane Sugar producing area for the 1974 crop (38 FR 19111). That action removed the acreage controls that had been in effect each year since 1965 and provided the Mainland Cane Area with the opportunity to increase its sugar production to a level sufficient to meet its annual quota and provide a normal carryover inventory of sugar. Subsequent to that determination, a group of independent producers in Florida requested protection under section 302(b)(5) of the Act in the event their processor expands its acreage in sugarcane and does not offer independent producers an opportunity to expand their acreage proportionally. Consequently, the Department reopened the proportionate share hearing of April 13 to afford all interested persons an opportunity to present evidence on whether there is sufficient justification for establishing provisions in the proportionate share regulation to protect the interests of independent sugarcane producers. Such provisions would have the effect of requiring processors who are also producers of sugarcane to afford independent producers the opportunity to increase their acreage proportionally with that of the processor-producer.

Public hearing. The reopened hearing was held in West Palm Beach, Florida, on August 24, 1973, to afford all interested persons an opportunity to present evidence, for consideration by the Secretary, on whether there is sufficient and practicable justification for establishing provisions in the proportionate share determination to protect the interests of independent sugarcane producers.

Witnesses for the Glades Association of Independent Sugarcane Growers, Inc., a group of growers who produce and deliver sugarcane to Osceola Farms Company, a processor-producer of sugarcane in Florida, recommended that the Department issue regulations to protect the interests of independent sugarcane producers under circumstances where a processor expands its own acreage for growing sugarcane and does not offer the independent growers who produce and deliver sugarcane to the mill an opportunity to expand their acreages proportionally. The witnesses stated that by their definition, a "small producer" is any producer who qualifies as an independent grower for Sugar Act payment purposes (i.e. any sugarcane grower who is not a processor/producer). In support of their testimony, the witnesses stated that in their view, under section 205 of the Act, in addition to establishing marketing allotments for processors, the Secretary must see that each sugar producing farm receives its fair share of the available market and that the purpose in assigning specific shares to farms when shares are in effect is to adjust crop output to the area's quota and normal carryover inventory to assure that each farm will share equitably in any adjustment on the basis of past production and the ability to produce sugarcane. They further testified that the processor-producer enjoys a more advantageous and privileged posture in the sugar industry than an independent producer and that it is necessary for Department regulations under the Act to regulate processors' practices to prevent subterfuges or devices which may have an adverse effect on small producers. The witnesses further pointed out that all growers in their Association had their entire acreages harvested during the 1972-73 season with the cane which was in excess of their contractual agreement with the processor being harvested either directly before or after the normal harvesting season and that a similar agreement has been reached for the 1973-74 crop. They pointed out, however, that if the same arrangements continue and unfortunate weather conditions occur near the end of the grinding season they will bear a disproportionate risk of freeze damage. This risk will increase if the acreage covered by grinding contracts expands more rapidly than factory capacity thereby lengthening the grinding season.

A representative of the American Sugar Cane League, whose membership is comprised of sugarcane producers who produce more than 95 percent of the cane grown in Louisiana and of all Louisiana processors of sugarcane, recommended that no amendment be made to the proportionate shares regulation for the Mainland Cane Area which would have the effect of adopting a "Hawaiian-type" approach to protect the interest of small producers and that in the event of such an amendment was issued then it would only apply to Florida. In support of his recommendation, the witness testified that the percentage of total sugarcane represented by independent producers is increasing in Louisiana and there is no problem with respect to the ratio existing between independent grower and processor-producer sugarcane. He further pointed out that a "Hawaii-type" approach would impede changes that were needed in the industry in that some factories are too small to make a profit and that they could become economically feasible only by expanding their own cane growing operations rather than by allowing independent growers to expand acreage. The Chairman of the Sugar Advisory Committee of the Louisiana Farm Bureau Federation testified in strong support of the recommendation of the American Sugar Cane League and further stated that his organization strongly endorses the section in the Sugar Act relating to protection of small producers but that they are not aware of any problems in Louisiana to cause such action to be taken at this time.

A representative of the Florida Sugar Cane League, Inc., whose membership includes six of the seven raw sugar processors in Florida and 93 percent of the sugarcane growers, strongly opposed any institution of a "Hawaiian-type" system or any modification thereof in the proportionate share regulations for the Mainland Cane Area. The witness supported his recommendation by stating that only a few producers in Florida could be classed as "small producers" under the meaning of section 302(b)(5) of the Act and that adoption of the Hawaiian system would force processors who want to expand to accept cane from growers who want to expand, but who do not want to share in the investment costs associated with such mill expansion. He further pointed out that the Florida and Hawaii sugar areas are very dissimilar, particularly as to average farm size; that he did not believe that such an approach would operate fairly and impartially under conditions existing in Florida; and that it was doubtful if such a method could meet the tests of due process of law and equal protection of the laws. The witness stated that situations involving increased acreage should be left up to negotiation between the growers and processors and not to the Department.

A spokesman testifying for Osceola Farms Company, a firm engaged in the producing and processing of sugarcane and also a member of the Florida Sugar Cane League, concurred in the testimony of the League and stated that there is no justification for the Department to establish provisions in the determination of proportionate shares to protect the in-

terest of independent sugarcane producers so that they may increase their acreage proportionally with that of the processor-producer. In support of his testimony, the witness stated that seven of their independent growers who had lands available for expansion had reached an agreement with Osceola for additional grinding rights; that 15 growers have advised Osceola that they did not want to expand their acreages; and that the independent growers who wished to expand, but did not want to reach an agreement for increasing grinding rights, were limited to members of a single family group who operate six farms. The witness further testified that Osceola has offered to grind the cane in excess of their contractual agreements with their independent growers either prior to or after completion of the normal crop schedule and that they will continue to consider the grinding of excess cane in the same manner in future years. The witness stated that the definition of a small producer for purposes of protection under section 302(b)(5) of the Act could not conceivably include a grower of 1,000 acres; and that it is not practicable for the Department to protect the interests of small producers by defining that interest as their right to increase production. The witness further pointed out that Osceola had no intention of canceling any of the grinding agreements they had with their growers when the agreements expire; that Osceola was willing to negotiate with any grower who wanted to increase his grinding commitment; and that Osceola intends to abide by their contracts with their growers.

Determination. Although the requirements of section 302(b)(5) have been in effect since the enactment of the Sugar Act in 1937, it has been invoked in only one administrative regulation issued by the Department. That covers the proportionate share regulation in effect for Hawaii which was issued in 1955. The situation which prevailed in Hawaii at that time was such that it was believed necessary for individual companies to limit production within their mill areas since it appeared that sugar yields would exceed proportionate shares and acreage restrictions would be needed. The purpose of the Hawaiian determination was to assure that any cutback in acreage would be distributed equally among all growers, both the processor-producer and the small independent producers. The determination established a proportionate share for any farm at its level of production, except that the establishment of the proportionate share for the farm of a processor-producer was subject to conditions designed to maintain a prorata relationship in the acreage used for the production of sugarcane between the processor-producer and the small producers in the event of a downward adjustment in production.

The situation in the Mainland Cane Area today is just the opposite of that which has prevailed in Hawaii. In Hawaii, it was feared that acreage cutbacks would be necessary and the ruling of the Department was necessary to assure that any cutback in acreage would apply equally to both the independent producer and the processor-producer. A determination which would amend the 1974-crop proportionate shares regulation for the Mainland Cane Area is neither relevant nor practicable in either Florida or Louisiana since acreage restrictions have been removed for the 1974-crop expressly to allow producers, both independents and processor-producers, to plant any acreage they desire to sugarcane subject only to the capacity of the factory with which they are associated.

In Louisiana, representatives for both the producers and processors strongly recommended against the adoption of a Hawaii-type approach stating that it would impede needed changes in their industry. In Florida, the independent producers who are seeking protection under the meaning of section 302(b)(5) of the Act are limited to a single group of independent producers who are in a dispute with their processor, Osceola Farms Company. Placing restrictions on processor-producers which would have the effect of preventing them from investing in expanded mill capacity without first allowing independent producers to expand proportionally at no expense to themselves could throttle increased domestic sugar production at a time when more sugar is needed.

The contention of the affected group of independent growers that section 205(a) of the Act applies to them is unpersuasive. That section states clearly that allotments of sugar quotas shall be made to persons who market sugar. It does not, therefore, apply to producers who market sugarcane to processors for processing into sugar. Sugar Regulation 814 has established marketing allotments of sugar for individual raw sugar processors in the Mainland Cane Area each year since 1964. The three factors used as the basis for establishing such allotments are "processings of raw sugar", "past marketings of raw sugar", and the "ability to market raw sugar". Although the size of an individual processor's allotment is determined to some extent by the cane marketed from proportionate share acreage, including independent grower acreage, the Department has never interpreted the Act as allowing regulation of marketing allotments at the individual producer level.

The disputes the affected independent growers have with the Osceola Farms Company have arisen basically from provisions contained in cane grinding contracts between the two parties which were originally signed in 1963. The contracts provided, among other things, that the independent growers were to purchase preferred stock in Osceola at a par value of $300 per share and that one share was to be purchased for each acre of sugarcane that Osceola would process for the grower. With the exception of a few of the original contracts which have been renegotiated between the two parties, most will expire at the end of the 1979–80 crop year and are renewable only at the option of Osceola. However, the contracts of one group of growers are renewable at the growers' option for four—ten successive year periods.

Although it is deemed that it is neither practicable nor necessary for the Department to take any action at this time on behalf of independent growers, the Department is taking into account Osceola's expression of their intent to renew the contracts with their producers as they expire unless absolute breach of contract is proven. The Department expects Osceola to abide by their contracts with their growers and also to be willing to negotiate reasonably with any producer who wants to increase his cane grinding commitment. The Department also recognizes the promise of Osceola to continue in future years to accept and process sugarcane grown by the independent producers beyond their contractual commitments in the manner agreed upon for the 1972–73 crop.

If restrictive proportionate shares become necessary, and are imposed under the provisions of the present Sugar Act, farm shares would have to be determined on the basis of "past production" and "ability to produce". In such event, the Department would give consideration to establishing farm bases for the crop for which restrictions were imposed in a manner which would minimize the effects of the independent producers' inability to participate in acreage increases resulting from the removal of restrictions.

Conclusion. On the basis of the record of the hearing and the findings and conclusions stated herein, it is hereby determined that no action is necessary pursuant to the provisions of paragraph (b)(5) of section 302 of the Sugar Act.

Signed at Washington, D.C. on November 5, 1973.

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

[FR Doc.73-23860 Filed 11-7-73;8:45 am]

Forest Service

NATIONAL FOREST GRAZING BOARDS

Notice of Meeting

The North End District Grazing Advisory Board will meet at 9:30 a.m., December 3, 1973, in the Conference Room (Room 3), Federal Building, 4th and Rood, Grand Junction, Colorado.

The purpose of the meeting is to provide National Forest grazing permittees a means for the expression of their recommendations concerning the management and administration of National Forest grazing lands.

The meeting will be open to the public. Persons who wish to attend should notify Acting District Ranger Roy Kuehner, P.O. Box 1150, Grand Junction, Colorado 81501; telephone 242–8211.

Written statements may be filed with the Board before or after the meeting.

The Board has established the following rule for public participation: to the extent that time permits, interested persons may be permitted by the Board Chairman to present oral statements at the meeting.

The Grand Mesa National Forest Grazing Advisory Board will meet at 2 p.m., December 3, 1973, in the Conference Room (Room 3), Federal Building, 4th and Rood, Grand Junction, Colorado.

The purpose of the meeting is to provide National Forest grazing permittees a means for the expression of their recommendations concerning the management and administration of National Forest grazing lands.

The meeting will be open to the public. Persons who wish to attend should notify District Ranger Roy Kuehner, P.O. Box 1150, Grand Junction, Colorado 81501; telephone 242-8211 or District Ranger Doyne Mayberry, P.O. Box 338, Collbran, Colorado 81624; telephone 487-3249.

Written statements may be filed with the Board before or after the meeting.

The Board has established the following rules for public participation: To the extent that time permits, interested persons may be permitted by the Board Chairman to present oral statements at the meeting.

JOHN T. MINOW,
Forest Supervisor.

OCTOBER 31, 1973.

[FR Doc.73-23808 Filed 11-7-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

VESSELS ENGAGED IN OFFSHORE OIL AND GAS DRILLING OPERATIONS

Notice of Intention To Prepare an Environmental Impact Statement

Notice is hereby given that the Maritime Administration intends to prepare an Environmental Impact Statement pursuant to the requirements of section 102(2)(c) of the National Environmental Policy Act of 1969 for vessels engaged in offshore oil and gas drilling operations to be constructed with Title XI Ship Financing Guarantees and other financial assistance under the Merchant Marine Act, 1936, as amended. These vessels are drilling units such as jack-ups and semi-submersibles, and service vessels such as tugs, supply vessels, crew boats, pipeburying and pipelaying barges.

The Maritime Administration's proposed date for beginning the development of the draft environmental impact statement is December 21, 1973, with a proposed issuance date for the draft environmental impact statement of March 6, 1974. Following the issuance of the draft environmental impact statement a 60-day period will be made available for commenting by interested persons.

Interested persons are invited to participate in the development of the draft environmental impact statement. This participation should be in the form of written comments, submitted to the Maritime Administration, Chief, Environmental Activities Group, 14th & Constitutional Ave. NW., Washington, D.C. 20230. All written comments received before January 2, 1974, will be fully considered and evaluated for inclusion in the draft environmental impact statement.

Date: November 5, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-23859 Filed 11-7-73;8:45 am]

National Oceanic and Atmospheric Administration

FILING APPLICATIONS REGARDING WAIVERS OF MORATORIUM

Statement of Policy and Instructions

The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407, Public Law 92-522), enacted October 21, 1972, expressed the finding of Congress that marine mammals should be protected and encouraged to develop to the greatest extent feasible commensurate with sound policies of resource management, and the maintenance, health and stability of the marine ecosystem. The Act established a moratorium on the taking and importing of marine mammals and marine mammal products, with certain specified exemptions. Rules and regulations have been proposed (50 CFR 216, August 16, 1973), to implement provisions of the Act, replacing Interim Regulations which were effective December 21, 1972. Section 216.33 of the proposed regulations is reserved for the promulgation of rules governing waivers of the moratorium.

It shall be the policy of the National Marine Fisheries Service to consider each request for a waiver of the moratorium, in accordance with section 101(a)(3)(A) of the Act, on an individual basis and promulgate specific regulations and permits for each determination. If the Director, National Marine Fisheries Service, determines that the scientific evidence is sufficient, he shall then process the application by following the procedures set forth in said section 101(a)(3)(A).

This policy is based on the intent of the Act to consider marine mammals in terms of species and population stocks. Waivers of the moratorium will constitute major actions involving species and population stocks of specific individual dimension; therefore, NMFS will not prescribe waiver regulations until a waiver has been granted and hearings have been held on the waiver and proposed regulations.

Therefore, notice is hereby given that application to waive the moratorium will be subject to a determination on the basis of the best scientific evidence and in consultation with the Marine Mammal Commission as to the extent of waiver justified. Such determinations, and regulations as may be prescribed, will be subject to an agency hearing and other provisions as prescribed in section 103(d) of the Act.

Applicants are hereby advised to be cognizant of the time required for review by NMFS and the Marine Mammal Commission, preparation of required Environmental Impact Statements, promulgation of regulations, and public hearings required, and make timely applications according to their circumstances.

It will be to the Applicant's benefit to furnish complete information in the required number of copies. Incomplete information will delay processing of the application or may result in rejection. Only completed applications will be forwarded to the Marine Mammal Commission.

An original and four copies of applications are required. Send completed applications to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235. Assistance may be requested or questions may be submitted by writing or calling the Law Enforcement and Marine Mammal Protection Division, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202-343-4543.

Specific instructions are not prescribed for preparation of waiver applications.

Applicants are referred to FEDERAL REGISTER, Vol. 38, No. 184, page 26622, September 24, 1973, "Permits to Take or Import Marine Mammals," which contains instructions for preparing applications to take or import marine mammals for scientific research or public display permits. At a minimum, applications must contain information called for in instructions Nos. 1 (Application for waiver of the moratorium), 2, 3, 4, 6, 10, and 12, of FR Vol. 38, No. 184, page 26622 referred to above. Additional information at the discretion of the Applicant should be submitted which will permit a complete review and substantiation of the proposed waiver.

Dated: October 26, 1973.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.73-23787 Filed 11-7-73;8:45 am]

SCARPUZZI ENTERPRISES, INC.

Letter of Exemption Under Marine Mammal Protection Act

Notice is hereby given that, on October 17, 1973, as authorized by section 101(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq., 86 Stat. 1027 (1972)), and § 216.13 of the Regulations Governing the Taking and Importing of Marine Mammals (37 FR 28177, 28182, December 21, 1972), a Letter of Exemption from the provisions of the Act on grounds of undue economic hardship was issued to the following named Applicant authorizing him to engage in the

following described activities, subject to the conditions specified in the Letter.

Louis Scarpuzzi, Scarpuzzi Enterprises, Inc., 339 Riverside Drive, Fort Myers, Florida 33905, to take or import one Atlantic bottle-nose dolphin (*Tursiops truncatus*) and one California sea lion (*Zalophus californianus*), between October 17 and 21, 1973, for the purposes of public display. This dolphin and the sea lion shall not be transported and displayed outside of the United States. A notice containing a summary of this application was published in the FEDERAL REGISTER on September 4, 1973 (38 FR 23813).

Copies of the application for the exemption, of the Letter of Exemption and of all supporting documents, except documents containing information exempt from public disclosure pursuant to the Freedom of Information Act (5 U.S.C. 522 (b)), are available for inspection at the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and at the National Marine Fisheries Service Regional Offices. The Regional Offices are located at the following addresses: Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213–831–9281; Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, telephone 617–281–0640; Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, telephone 813–893–3141; Northwest Region, Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109, telephone 206–442–7575; Alaska Region, P.O. Box 1668, Juneau, Alaska 99801, telephone 907–586–7221.

Dated: November 1, 1973.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.73-23788 Filed 11-7-73;8:45 am]

[Loan Case No. B-527]

LLOYD C. CUSHING

Notice of Transfer of Fishery

NOVEMBER 1, 1973.

Lloyd C. Cushing, 5 Chester Avenue, Falmouth, Maine 04105, owner of the vessel MISS JULI, purchased with the aid of a Fisheries Loan to engage in the fishery for lobsters, has requested permission to extend his fishing operations to engage in the fishery for lobsters, groundfish (cod, cusk, haddock, hake, ocean perch and pollock), and bluefish.

Notice is hereby given that the above request is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, on or before December 10, 1973. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.73-23770 Filed 11-7-73;8:45 am]

Office of the Secretary

CURRENT DEFENSE MOBILIZATION AND EMERGENCY PREPAREDNESS PROGRAMS

Memorandum of Agreement With Department of Interior

CROSS REFERENCE: For a memorandum of agreement issued jointly by the Department of the Interior and the Department of Commerce, see FR Doc. 73-23761, infra.

COLLECTION OF F.O.B. AND C.I.F. DATA ON IMPORTS

Amendment of General Statistical Headnote 1 of the Tariff Schedules of the United States Annotated (TSUSA)

CROSS REFERENCE: For a document pertaining to the collection of F.O.B. and C.I.F. data on imports, issued jointly by the Department of Commerce, Department of the Treasury, and the Tariff Commission, see FR Doc. 73-23975, infra.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 3B2833]

PPG INDUSTRIES, INC.

Notice of Withdrawal of Petition for Food Additives

Correction

In FR Doc. 21571, appearing at page 28101, in the issue of Thursday, October 11, 1973, on page 28102 third line, the section reference "§ 121.151" should read "§ 121.2514."

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION (LEGISLATIVE COMMITTEE)

Notice of Meeting and Agenda

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the National Advisory Council on Indian Education (Legislative Committee) will be held on November 16, 1973, from 9 a.m. to 5 p.m., at One Dupont Circle, Suite 610, Washington, D.C.

The National Advisory Council on Indian Education is established under section 401 of the Indian Education Act (P.L. 92-318, Title IV). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under Section 318 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering Indian Education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to Indian Education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The proposed agenda includes:

1. Provide a systematic approach to Congress and the President in getting legislation passed.
2. Soliciting the help and advice of experts in the field of Indian Education in the analysis of legislation as it pertains to the field.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at ROB 3 GSA Building, Room 5018, 7th and D Street SW., Washington, D.C. 20202).

Signed at Washington, D.C. on November 2, 1973.

DWIGHT A. BILLEDEAUX,
Executive Director, National Advisory Council on Indian Education.

Concur: November 5, 1973.

PURNELL SWETT,
Acting Deputy Commissioner for Indian Education.

[FR Doc.73-23799 Filed 11-7-73;8:45 am]

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Notice of Meeting and Agenda

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the National Advisory Council on Indian Education will be held on November 17, 18, and 19 from 9 a.m. to 5 p.m., at One Dupont Circle, Suite 610, Washington, D.C.

The National Advisory Council on Indian Education is established under section 401 of the Indian Education Act (P.L. 92-318, Title IV). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under Section 318 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and

other programs offering Indian Education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other general laws relating to Indian Education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The proposed agenda includes:

1. Planning Session.
2. Director's Report.
3. Preparation for reviewing applications.
4. Regular Council Business.

Records shall be kept of all Council proceedings (and shall be availabe for public inspection at the Office of the National Advisory Council on Indian Education located at ROB 3 GSA Building, Room 5018, 7th and D Street SW., Washington, D.C. 20202).

Signed at Washington, D.C. on November 2, 1973.

Concur: November 5, 1973.

PURNELL SWETT,
Acting Deputy Commissioner for Indian Education.

DWIGHT A. BILLEDEAUX,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.23798 Filed 11-7-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-269A, etc.]

DUKE POWER CO.

Notice and Order for Prehearing Conference

In the matter of Duke Power Company (Oconee Units 1, 2, and 3; McGuire Units 1 and 2) Docket Nos. 50-269A, 50-270A, 50-287A, 50-369A, 50-370A.

Take notice that a Prehearing Conference in the above entitled matter will be held commencing at 9:30 a.m., November 20, 1973, at 811 Vermont Avenue NW., Room 111, Washington, D.C. (Veterans' Administration Building).

It is so ordered.

Issued at Washington, D.C. this 2d day of November 1973.

ATOMIC SAFETY AND LICENSING BOARD,
WALTER W. K. BENNETT,
Chairman.

[FR Doc.73-23763 Filed 11-7-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIRPORT TRAFFIC CONTROL TOWER; HICKORY, N.C.

Notice of Commissioning

Notice is hereby given that on September 26, 1973, the Airport Traffic Control Tower at Hickory, North Carolina, Airport began operation as an FAA facility. This information will be reflected in the FAA Organization Statement the next time it is issued. Communications to the tower should be as follows:

Federal Aviation Administration, Airport Traffic Control Tower, P.O. Box 2010, Hickory, N.C. 28601.

Issued in East Point, Georgia, on October 16, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-23792 Filed 11-7-73;8:45 am]

Federal Highway Administration

NEW MEXICO

Notice of Proposed Action Plan

The New Mexico State Highway Department has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe, and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. New Mexico State Highway Department, Room 214, 1120 Cerrillo Road, Santa Fe, N. Mex. 87501.
2. New Mexico State Highway Department, East on U.S. 70-80, P.O. Box 231, Deming, N. Mex. 88030.
3. New Mexico State Highway Department, 4600 West Second, P.O. Box 1457, Roswell, N. Mex. 88201.
4. New Mexico State Highway Department, I-25 East Frontage Road NE., P.O. Box 3768, Station D, Albuquerque, N. Mex. 87110.
5. New Mexico State Highway Department, 1440 Grand, P.O. Box 30, Las Vegas, N. Mex. 87701.
6. New Mexico State Highway Department, South on U.S. 85, P.O. Box 4127, Coronado Station, Sante Fe, N. Mex. 87501.
7. County Clerk's Office, 415 Tijeras NW., Albuquerque, N. Mex. 87101.
8. County Clerk's Office, Catron County Courthouse, Reserve, N. Mex. 87830.
9. County Clerk's Office, Chaves County Courthouse, Roswell, N. Mex. 88201.
10. County Clerk's Office, Colfax County Courthouse, Raton, N. Mex. 87740.
11. County Clerk's Office, Curry County Courthouse, Clovis, N. Mex. 88101.
12. County Clerk's Office, De Baca County Courthouse, Fort Sumner, N. Mex. 88119.
13. County Clerk's Office, Dona Ana County Courthouse, Las Cruces, N. Mex. 88001.
14. County Clerk's Office, Eddy County Courthouse, Carlsbad, N. Mex. 88220.
15. County Clerk's Office, Grant County Courthouse, Silver City, N. Mex. 88061.
16. County Clerk's Office, Guadalupe County Courthouse, Santa Rosa, N. Mex. 88435.
17. County Clerk's Office, Harding County Courthouse, Mosquero, N. Mex. 87733.
18. County Clerk's Office, Hidalgo County Courthouse, Lordsburg, N. Mex. 88045.
19. County Clerk's Office, Lea County Courthouse, Lovington, N. Mex. 88260.
20. County Clerk's Office, Lincoln County Courthouse, Carrizozo, N. Mex. 88301.
21. County Clerk's Office, Los Alamos County Courthouse, Los Alamos, N. Mex. 87544.
22. County Clerk's Office, Luna County Courthouse, Deming, N. Mex. 88030.
23. County Clerk's Office, McKinley County Courthouse, Gallup, N. Mex. 87301.
24. County Clerk's Office, Mora County Courthouse, Mora, N. Mex. 87732.
25. County Clerk's Office, Otero County Courthouse, Alamogordo, N. Mex. 88310.
26. County Clerk's Office, Quay County Courthouse, Tucumcari, N. Mex. 88401.
27. County Clerk's Office, Rio Arriba County Courthouse, Tierra Amarilla, N. Mex. 87575.
28. County Clerk's Office, Roosevelt County Courthouse, Portales, N. Mex. 88130.
29. County Clerk's Office, Sandoval County Courthouse, Bernalillo, N. Mex. 87004.
30. County Clerk's Office, San Juan County Courthouse, Aztec, N. Mex. 87410.
31. County Clerk's Office, San Miguel County Courthouse, Las Vegas, N. Mex. 87701.
32. County Clerk's Office, Santa Fe County Courthouse, Santa Fe, N. Mex. 87501.
33. County Clerk's Office, Sierra County Courthouse, Truth or Consequences, N. Mex. 87901.
34. County Clerk's Office, Socorro County Courthouse, Socorro, N. Mex. 87801.
35. County Clerk's Office, Taos County Courthouse, Taos, N. Mex. 87571.
36. County Clerk's Office, Torrance County Courthouse, Estancia, N. Mex. 87016.
37. County Clerk's Office, Union County Courthouse, Clayton, N. Mex. 88415.
38. County Clerk's Office, Valencia County Courthouse, Los Lunas, N. Mex. 87031.
39. New Mexico Division Office—FHWA, 117 U.S. Courthouse, Santa Fe, N. Mex. 87501.
40. FHWA Regional Office—Region 6, 819 Taylor Street, Fort Worth, Tex. 76102.

41. U.S. Department of Transportation, Federal Highway Administration, Environmental Development Division, Nassif Building, Room 3246, 400 Seventh Street SW., Washington, D.C. 20590.

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before December 6, 1973.

Issued on November 2, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-23793 Filed 11-7-73;8:45 am]

CIVIL AERONAUTICS BOARD

BLACK AND DECKER MANUFACTURING CO.

[Docket 25802; Order 73-11-5]

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of November 1973.

The Black and Decker Manufacturing Co. (Black and Decker) has filed an application seeking a disclaimer of jurisdiction pursuant to section 408 of the Federal Aviation Act of 1958, as amended, (the Act) over its proposed acquisition of McCulloch Corp. (Corporation), or, in the alternative, such approvals or waivers as may be required under the Act.

Black and Decker is engaged in the manufacture, sale and servicing of power tools and labor-saving devices used in homes and home workshops, in manufacturing industries generally, building and construction industries, automotive servicing, service and maintenance trades and on farms. In 1972 its sales totaled approximately $350 million and its total assets were approximately $275 million. The company is neither an air carrier, a surface carrier, nor a person engaged in a phase of aeronautics. Nor is it a person controlling an air carrier, a surface carrier or a person engaged in a phase of aeronautics. Its president and at least two-thirds of its board of directors and other managing officers are United States citizens and at least 75 percent of the voting interest in the company is owned and controlled by United States citizens.

Corporation, a privately held corporation owned by Mr. Robert P. McCulloch (individually and as trustee for his children) and other members of his immediate family, designs, manufactures, and sells various mechanical products. Its principal products are two-cycle gasoline engines and gasoline chain saws. It has several wholly owned foreign subsidiaries engaged in distribution and several wholly owned domestic corporations engaged in manufacturing and servicing. On a consolidated basis Corporation's 1972 sales were approximately $59.6 million. Neither Corporation nor any of its subsidiaries is an air carrier. Nor has any of the companies transacted significant business with carriers or persons engaged in any phase of aeronautics with the exception of McCulloch Computer Systems, Inc. (a subsidiary) which has provided some services to Hughes Aircraft Co.[1]

Corporation owns approximately 12.7 percent of the stock of McCulloch Oil Corp. (Oil) which is engaged in oil and gas exploration in most of the oil producing states of the United States. Through wholly-owned subsidiaries, it operates gas extraction plants and gas transmission pipelines and owns and operates coal mines. Its subsidiaries include McCulloch Properties, Inc. (Properties) and McCulloch International Airlines, Inc. (Airlines). At the end of 1972, Oil's total consolidated assets were in excess of $352.8 million with current liabilities of approximately $179.8 million. The consolidated revenue of Oil in 1972 was approximately $123.7 million. Neither Oil nor any of its subsidiaries, with the exception of Airlines, is an air carrier or is a person engaged in a phase of aeronautics, nor controls any carrier or any person engaged in any phase of aeronautics.

Properties, a wholly-owned subsidiary of Oil, is engaged principally in developing "total community" new cities.[2]

Airlines, which is wholly owned by Properties, is an air carrier authorized to engage in supplemental air transportation in the United States, Canada and Mexico. Most of Airlines' business consists of so-called "land sale charters" whereby Airlines transports potential home-site buyers to Properties' land development projects. The control and interlocking relationships among Airlines and the various McCulloch companies were approved in The Acquisition of Vance International Airways[3] in which the Board approved the acquisition by Properties of 100 percent of the stock of Vance International Airways.[4]

According to the application, Black and Decker desires to consummate this acquisition because it believes that the products manufactured by Corporation will complement its product line. Allegedly, it has no desire to gain or exercise control over Oil, Properties or Airlines, will regard its ownership of stock in Oil as a passive investment, and does not intend to seek representation on Oil's board of directors or to participate in the active management thereof. At present there are no interlocking relationships between Black and Decker and the various McCulloch enterprises.

In support of its request that the Board disclaim jurisdiction over the transaction, Black and Decker submits that it will not own any shares of Airlines and section 408 of the Act would be invoked only if the separate corporate identities of Oil, Properties and Airlines are ignored and they are treated as a single entity; and that the public interest does not require the Board to "pierce the corporate veils" of these corporations in this case. It further states that in various contexts the Board has held, on the one hand, that the identities of separate corporations will be ignored only in extraordinary circumstances where required in the public interest and "where failure to do so might defeat the legislative purpose behind section 408,"[5] and, on the other, that in situations such as the present where the proposed transaction presents no regulatory or public interest problems, the Board has respected the identities of the separate corporations and refused to exercise jurisdiction over the transaction.[6]

The applicant believes that the acquisition of 12.7 percent of the stock of Oil, a corporation twice removed from the air carrier, will not, in fact, transfer control of the air carrier to Black and Decker, and there is therefore no basis for the Board to assume jurisdiction. It states that even if the stock interest were deemed direct stock ownership in Airlines there would, under section 408(f), be only a threshold presumption of control which yields where the facts of the individual case do not evidence de facto control. The applicant further states that it cannot be reasonably inferred that it will acquire control of Airlines through its purchase of a portion of the stock of Oil, for the acquisition will not alter the control and management of Oil.[7]

Should the Board exercise jurisdiction over the transaction, the applicant submits that the transaction satisfies all requirements for approval; that Black and Decker is a "citizen of the United States" within the meaning of section 101(13) of the Act; that there is no basis for finding that any acquisition of control will be inconsistent with the public interest; that there is no basis for finding that the conditions of section 408(b) will not be fulfilled; and that the acquisition will not result in creating a monopoly which will restrain competition or jeopardize another air carrier not a party to the acquisition.

The applicant believes there is no need for a hearing on this transaction should

[1] Primarily it provides computer services for the various McCulloch enterprises.

[2] Properties is currently developing such new communities at Lake Havasu City, Arizona; Pueblo West, Colorado; Holiday Island, Arkansas; Fountain Hills, Arizona, and Elko, Nevada.

[3] Orders 70-9-99/100, September 18, 1970.

[4] Orders 70-11-12 and 70-11-63, November 3 and 16, 1970, respectively.

[5] Application of Caledonian Airways (Prestwick), Ltd., Order 70-5-113; Applications of Harllee Branch, Jr., et al., Order 69-7-120; and Application of Consolidated Freightways, Inc., Order 70-1-124.

[6] Application of Caledonian Airways, supra; and Application of Universal Airlines, Inc., et al., Order 68-7-98.

[7] In this context, the applicant states that Robert P. McCulloch, the founder of McCulloch, has been and was recently reelected chairman of the board; that there are ten other directors, nine of whom are officers of Oil and/or one of its subsidiaries; that the only "outside" director is the company's investment advisor; that no director has any affiliation with Black and Decker; and that the latter does not intend to seek representation on Oil's board. The applicant also reiterates its statement that it is acquiring Oil's stock as a "passive investment" only and does not intend to take any part in the management of Oil.

the Board determine that approval is required. Thus, it requests that the Board invoke its show cause procedures in order to expedite approval as invoked most recently by the Board in The Application of San Francisco & Oakland Helicopter Airlines, Inc., et al., Orders 73–7–101 and 73–8–5. The applicant believes that the reasons for invoking the show cause procedure in that case apply here since there do not appear to be any disputed facts in issue which require a hearing and the salient facts are matters of public record and are set forth in full in the application. Further, the applicant states that a protracted hearing could adversely affect the parties to the transaction and result in inevitable delays or prevent the acquisition.

Finally the applicant states that the transaction was consummated on October 1, 1973 and therefore requests, in the event the Board asserts jurisdiction over the transaction, a waiver of the Sherman Doctrine,[8] subject to final Board action.

No comments in opposition to the application have been received.

Upon careful consideration of the foregoing, the Board has decided to assume jurisdiction over the transaction and will therefore dismiss the applicant's request for a disclaimer of jurisdiction under section 408 of the Act. Even a literal reading of sections 408(a)(5), 408(f), and 413 indicates that Board approval would be required. Moreover, the Board has stated that it will be guided by substance rather than form in determining whether jurisdiction is present.[9] Furthermore, the Board has held that in appropriate situations it will disregard the separate corporate entities where failure to do so might defeat the legislative purpose behind section 408.

In this instance, we note that Black and Decker will be the largest stockholder in Oil (12.7 percent) which, through Properties, controls Airlines. Although assurances have been provided that this investment will be passive in nature and that Black and Decker does not intend to seek representation on Oil's board of directors or to participate in the active management of the company, it does not appear to be outside the realm of possibility that these circumstances could change within the foreseeable future. As the largest single stockholder of Oil,[10] it is extremely doubtful that Black and Decker would not be in a position to influence the destinies of Airlines even accepting the existence of an intermediate company, namely, Properties. To ignore this potentiality, particularly in the light of the ten percent presumption of control established by section 408(f) of the Act, hardly would fall within the Board's mandate under the Act.

Upon consideration of the foregoing, the Board finds that the acquisition of Corporation by Black and Decker constitutes the acquisition of an air carrier within the meaning of section 408(a)(5) of the Act.[11] However, the Board has tentatively decided that the acquisition is consistent with the public interest and will not result in creating a monopoly and thereby restrain competition and jeopardize another carrier not a party to the transaction and should be approved pursuant to section 408(b) of the Act; that there do not appear to be any disputed facts in issue which require a hearing for their resolution; that the salient facts are matters of public record since they are fully set forth in the application; and that a protracted hearing on the matter could adversely affect the interests of the parties to the transaction and result in delays or prevent the acquisition. In its final order the Board intends to retain jurisdiction in this proceeding for the purpose of imposing such terms or conditions on its approval of the relationships as may be required in the public interest.

Therefore, consistent with similar past procedures utilized by the Board,[12] the Board has decided to direct all interested persons[13] to show cause why the tentative findings, conclusions and proposed approval should not be made final.[14]

Accordingly, it is ordered, That:

1. Interested persons are directed to show cause why the Board should not issue an order granting approval under section 408 of the Federal Aviation Act of the proposed transaction discussed herein;

2. Any person disclosing a substantial interest in the acquisition discussed herein and supporting or objecting to the issuance of an order making final the tentative findings and conclusions set forth herein or desiring the imposition of additional conditions upon approval, shall file comments with the Board within seven days of the date of service of this order; [15] and

3. A copy of this order shall be served upon the Department of Justice, Antitrust Division.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-23832 Filed 11-7-73;8:45 am]

[8] Sherman Control and Interlocking Relationships, 15 CAB 876 (1952).

[9] Air Freight Forwarder Case, 9 CAB 473 (1948).

[10] Applicant submits that representatives of Oil are unaware of any other stockholders holding five percent or more of the corporation's stock.

Hughes Tool Co. v. *T.W.A.*, 409 U.S. 373 (1973) to state or imply otherwise.

[11] It has been further concluded that exceptional circumstances exist within the meaning of the Sherman Doctrine, 15 CAB 876 (1952) and that there is no impediment to processing the application on its merits.

[12] See Eastern-Caribair, Order 70–11–26, November 5, 1970, and San Francisco and Oakland Helicopter Airlines, Inc., Order 73–7–101, July 20, 1973.

[13] We anticipate that such person will support their objections with detailed answers specifically setting forth the tentative findings and conclusions to which objections are taken. Persons supporting approval are similarly expected to document their positions.

[14] The Board is aware that the acquisition by Black and Decker has been challenged in the Federal District Court in Baltimore by the Department of Justice for antitrust reasons unrelated to air transportation. The Board has considered only the issues under section 408 of the Federal Aviation Act (49 U.S.C. 1378); and in issuing this order and any subsequent order intends that for the purposes of section 414 of the Act (49 U.S.C. 1384), the Board's actions will confer antitrust immunity only to the extent that the transaction involves the matters addressed by the Board. The Board and the courts have heretofore noted that a Board approval under section 408 of the Act does not extend antitrust immunity to transactions unrelated to the question of the acquisition of control of the air carrier, which have not been considered or approved by the Board. See, Consolidated Freightways, Inc., Order 70–1–123, p. 3; *Foreign Study League* v. *Civil Aeronautics Board*, 475 F2d 865, 869–70 (CA 10, 1973). Cf., The Flying Tiger Line Inc., Order 70–6–119, p. 3, 7 at note 13. We do not read

[15] Such comments shall comply with the requirements of the Board's Procedural Regulations, 14 CFR 302.

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE TREASURY

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Tariff and Trade Affairs), Office of the Assistant Secretary (Enforcement, Tariff and Trade Affairs and Operations).

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

[FR Doc.73-23796 Filed 11-7-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN ROMANIA

Entry or Withdrawal From Warehouse for Consumption

NOVEMBER 5, 1973.

On January 3, 1973, there was published in the FEDERAL REGISTER (38 FR 75), a letter dated December 21, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products among which are Categories 19 and 47, produced or manufactured in Romania and exported to the United States during the twelve-month period beginning January 1, 1973. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 4 of the Bilateral Cotton Textile Agreement of December 30, 1970 between the Governments of the United States and Romania.

which provides that within the aggregate limit, limits on certain categories may be exceeded by not more than five (5) percent.

The bilateral agreement also contains provisions establishing levels of restraint for those categories not having specific levels of restraint. The Government of Romania has requested an increase in Category 43 pursuant to paragraph 5 of the agreement.

Accordingly, at the request of the Government of Romania and pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of November 5, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint applicable to cotton textile products in Categories 19, 43, and 47 for the twelve-month period which began on January 1, 1973.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

NOVEMBER 5, 1973.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: On December 21, 1972 the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning January 1, 1973 of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Romania, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1] This directive was previously amended by directive of May 21, 1973.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph 4 and 5 of the Bilateral Cotton Textile Agreement of December 31, 1970 between the Governments of the United States and Romania, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible and for the twelve-month period beginning January 1, 1973, the levels of restraint established in the aforesaid directive of December 21, 1972, as amended, for cotton textile products in Categories 19, 43, and 47 to the following:

Category		Amended Twelve-Month Levels of Restraint[2]
19	square yards	1,273,388
43	dozen	154,045
47	do	46,960

[2] These levels have not been adjusted to reflect any entries made on or after January 1, 1973.

The actions taken with respect to the Government of Romania and with respect to imports of cotton textiles and cotton textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-23923 Filed 11-7-73;8:46 am]

[1] The term "adjustment" refers to those provisions of the bilateral Cotton Textile Agreement of December 31, 1970 between the Governments of the United States and Romania which provide in part that within the aggregate, limits on certain categories may be exceeded by not more than five percent; for limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council on Environmental Quality from October 29 through November 2, 1973.

NOTE.—At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Cloud Peak Primitive Area, Bighorn N. F., Big Horn, Johnson, and Sheridan Counties, Wyoming, October 30: The statement refers to a proposal that portions of the Cloud Peak Primitive Area (136,905 acres) and certain contiguous lands of the Big Horn National Forest be added to the National Wilderness Preservation System. Resultant impacts will be ecological, social, and economic (36 pages). (ELR Order No. 31723.) (NTIS Order No. EIS 73 1723-D.)

Final

Herbicides in the Eastern Region, October 31: The statement considers the use of herbicides on an estimated 50,000 acres of National Forest land in the eastern region. The impacts of eight principal and six minor use herbicides are evaluated. States which would be affected are Minnesota, Michigan, Wisconsin, Missouri, Illinois, Indiana, Ohio, Pennsylvania, New York, West Virginia, New Hampshire, Vermont, and Maine (205 pages). Comments made by: USDA, HEW, DOI, COE, EPA, agencies of several States, and concerned citizens. (ELR Order No. 31734.) (NTIS Order No. EIS 73 1734-F.)

East Fork Yaak Planning Unit, Kootenai N.F., Lincoln County, Montana, October 31: The proposal is for the implementation of a revised multiple use plan for the 74,000 acre Planning Unit. The land involved will be divided into eight management units, each being managed with emphasis upon particular values (recreation, retention of vegetative cover, timber harvesting, etc.). Development will cause some air and noise pollution, and disturbance of soil and vegetation. There will be some road construction in the unit (99 pages). Comments made by: USDA, DOI, EPA, State agencies, and concerned citizens. (ELR Order No. 31733.) (NTIS Order No. EIS 73 1733-F.)

SOIL CONSERVATION SERVICE

Draft

Tillatoba Creek Watershed Yalobusha, Tallahatchie, and Grenada Counties, Mississippi, October 31: The statement refers to a proposed flood prevention project for the 69,936-acre watershed. Project measures will include the use of land treatment and the construction of twelve dams. Construction of the project will result in the permanent inundation of 135 acres; 168 acres of open land and 373 acres of forest will be temporarily inundated (50 pages). (ELR Order No. 31706.) (NTIS Order No. EIS 73 1706-D.)

Final

Sowashee Creek Watershed, Lauderdale County, Mississippi, October 29: The proposal is for a watershed project which is intended to prevent flooding, reduce erosion and sedimentation, and increase recreation facilities. Involved are the use of land treatment measures on 12,468 acres, and the construction of 13 floodwater retarding structures and one multiple purpose structure, and 54.2 miles of channel modification. Adverse impact will include the inundation of 114 acres of pasture land and 270 acres of woodland; the temporary reduction of wildlife habitat on 520 acres of agricultural lands and on 509 acres in the urban area of Meridian; the change of 200 acres from moist bottomland hardwood to drier species and the loss of 61 acres of urban area to channel works. Comments made by: USA, DOI, DOT, EPA, FPC, HEW, and State agencies. (ELR Order No. 31716.) (NTIS Order No. EIS 73 1716-F.)

Silver Creek Watershed, Minnehaha County, South Dakota, October 29: The statement refers to a flood prevention project on the Silver Creek watershed. Approximately 4,620 acres will be protected by land treatment, 6 floodwater retarding structures, and 15 miles of channel works. Five miles of channel and 25 acres of grassland will be permanently inundated; an additional 160

acres will be periodically inundated (33 pages). Comments made by: USA, DOI, DOT, EPA, and State agencies. (ELR Order No. 31717.) (NTIS Order No. EIS 73 1717-F.)

Upper Castleton River Watershed, Rutland County, Vermont, October 29: The statement refers to a flood control and fish and wildlife development project on the 20,500-acre watershed. Features of the project are a multi-purpose dam, channel modification, and associated work. There will be temporary increases in sedimentation, and a loss of 3,200 feet of natural stream fisheries at Whipple Hollow (47 pages). Comments made by: USA, HEW, DOT, DOI, EPA, and State agencies. (ELR Order No. 31708.) (NTIS Order No. EIS 73 1708-F.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-7168.

Draft

Newburgh Bank Revetment, Ohio River, Indiana, October 29: The project proposes a riverbank revetment needed for bank stabilization on the Ohio River in the Newburgh area. The revetment procedure will include stabilizing of the bank with stone protection. The project is 1.1 miles in length. Increases in water turbidity will occur, with loss of aquatic life (65 pages). (ELR Order No. 31718.) (NTIS Order No. EIS 73 1718-D.)

Ames Lake, Skunk River Story County, Iowa, October 29: The statement refers to the proposed construction of the Ames Lake Project on the Skunk River. The purposes of the project are flood protection, water quality improvement, and the creation of recreational opportunities. Adverse impact of the project will include the inundation of eight miles of river and 2,150 acres of wildlife habitat; the loss or impairment of archeological and historical sites; and the required relocation of roads and utilities. A total of 6,935 acres of land will be committed to project measures (Rock Island District.) ELR Order No. 31710.) (NTIS Order No. EIS 73 1710D.)

Carr Fork Lake, Kentucky River, Kentucky, October 30: The project is the construction and operation (now 75 percent complete) of the Carr Fork Lake. Project purposes include flood control, water quality control, recreation, and fish and wildlife conservation. The lake will inundate 710 acres of agricultural and wildlife land and 8.4 miles of free flowing stream. Relocations and displacements have included 271 families, 30 businesses, 40 miles of utilities, 22.2 miles of road, 3 schools, 6 churches and 19 cemeteries. Other adverse effects are loss of stream and terrestrial habitat, and increased air, water, noise, and solid waste pollution due to the influx of visitors (142 pages). (ELR Order No. 31724.) (NTIS Order No. EIS 73 1724-D.)

Draft

Buttermilk Bay Channel, Massachusetts, October 29: Proposed is a navigation project which consists of dredging a 100-foot channel to a width of 60-feet and a depth of 6-feet. The channel will provide entry to a proposed town marina on Taylors Point; the 8,000 cu. yds. of spoil will be deposited offshore in Buzzards Bay. Adverse impact will be to marine biota. (Waltham District) (30 pages). (ELR Order No. 31705.) (NTIS Order No. EIS 73 1705-D.)

Beech Fork Lake, Wayne and Cahell Counties, West Virginia, October 31: The proposed project is a dam and 720 surface acre, multiple purpose (flood control, recreation, fish and wildlife conservation, and development) lake. Adverse impact of the project will include the disruption to displaced persons, and the loss of rural farm and pasture lands. (Huntington District) (51 pages). (ELR Order No. 31729.) (NTIS Order No. EIS 73 1729-D.)

Port Washington Navigation Project, Wisconsin, October 31: Proposed is the dredging of 10,000 cu. yds. annually from the Port Washington Harbor over the next ten years. Disposal of spoil will be in a diked area in the south outer section of Milwaukee Harbor. There will be adverse impact to aquatic biota; polluted sediments will be resuspended; toxic and nutritive substances will be reintroduced into the lake system (Chicago District) (52 pages). (ELR Order No. 31731.) (NTIS Order No. EIS 73 1731-D.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202-386-6084.

Draft

Skagit River Project No. 553, Whatcom County, Washington, October 29: The statement refers to the consideration of an application by the City of Seattle for an amendment to the license for the Skagit River Project No. 553. The amendment would allow the raising of the height of Ross Dam by 121 feet, the construction of a new spillway, the replacement of existing turbines, and related work. The new reservoir would affect lands in both the United States (the Ross Lake National Recreation Area) and Canada. Impact of the action will include the inundation of 8,300 acres and the elimination of fish spawning areas; and changes in recreational and scenic values from stream-type to reservoir type (2 volumes). (ELR Order No. 31722.) (NTIS Order No. EIS 73 1722-D.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202-343-4161.

Final

Lewiston Government Camp, Trinity County, California, October 30: Proposed is the disposal of a portion of the Lewiston Government Camp by the GSA. Approximately 83 acres, 90 housing units, 28 other buildings, and all utility systems will be sold as one unit, by sealed bid sale to the public; the gymnasium and 3 acres of land will be assigned to the Department of Health, Education, and Welfare, for conveyance to the Lewiston School District. The remaining 110 acres will be retained for Federal ownership, and will provide winter range for the Trinity River deer herd. (19 pages). Comments made by: DOI, EPA, and one state agency. (ELR Order No. 31726.) (NTIS Order No. EIS 73 1726-F.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Draft

OCS 1974 Oil and Gas Lease Sale, Louisiana, October 29: The statement refers to the proposed sale of oil and gas leases to 215 tracts (totalling 952,592.48 acres) of Outer Continental Shelf Lands. Twelve of the tracts are situated in water depths of 300 meters or more. All tracts pose some degree of pollution risk. Each tract offered is subject to a matrix analytical technique in order to evaluate significant environmental impacts should leasing occur and subsequent oil and gas exploration ensue. The sale is tentatively scheduled to be held in early spring, 1974 (two volumes). (ELR Order No. 31704.) (NTIS Order No. EIS 73 1704-D.)

NATIONAL PARK SERVICE

Draft

Proposed Master Plan, Hawaii Volcanoes N.P., Hawaii, October 29: The statement refers to the proposed master plan for the Hawaii Volcanoes National Park. The plan is intended to conserve and protect the unique resources of the Park for expanded public use and continued volcanic research by the U.S. Geological Survey. Direct impact of the plan will result primarily from the construction of new roads and campgrounds (180 pages). (ELR Order No. 31715.) (NTIS Order No. EIS 73 1715-D.)

Proposed Wilderness, Hawaii Volcanoes N.P., Hawaii, October 29: The statement refers to the proposed legislative designation of 123,100 acres of the Hawaii Volcanoes National Park as wilderness. (Another 7,850 acres are proposed as potential wilderness additions when it is determined that they qualify.) Adverse effects of the action will include the restriction of research projects, and the eventual need for the rationing of recreation use (82 pages). (ELR Order No. 31712.) (NTIS Order No. EIS 73 1712-D.)

Draft

Natural Resources Management Plan, Hawaii Volcanoe N.P., Hawaii, October 29: Proposed is a composite plan of biological research and the propagation of rare and endangered plant species. The plan is intended to reintroduce rare plants into former range, protect rare endemic biota from depredation by feral goats and pigs, and reestablish and nurture remnants of endemic Hawaiian ecosystems (135 pages). (ELR Order No. 31721.) (NTIS Order No. EIS 73 1721-D.)

Master Plan, Mount Rainier National Park, Washington, October 29: The statement refers to a proposed conceptual master plan which will establish development patterns and provide management guidelines. Visitor facilities will be designed to accommodate increased use with the least impact upon the environment. Adverse impact will include littering and trampling of vegetation (138 pages). (ELR Order No. 31711.) (NTIS Order No. EIS 73 1711-D.)

Proposed Wilderness, Mount Rainier National Park, Washington, October 29: Proposed is the legislative designation of 202,200 acres of the Park as wilderness. Adverse effects of the action would include the foregoing of additional visitor-use facilities, and the possible restriction of backcountry use (69 pages). (ELR Order No. 31714.) (NTIS Order No. EIS 73 1714-D.)

INTERNATIONAL BOUNDARY AND WATER COMM.

Contact: Mr. T. R. Martin, ARA/Mex., State Department, Room 3906A, Washington, D.C. 20520, 202-632-1317.

Final

Lower Rio Grande Flood Control Project, Hildalgo, Cameron, and Willa[illegible] Counties, Texas, October 31: The statement refers to proposed modifications to the project, including increasing the height of levees along the Rio Grande upstream from Retamal Dam and along Main and North Floodways. Increasing levee heights will require the commitment of 112 acres of existing right-of-way for levees; lands for borrow sources total 452 acres. Borrow areas will remove 111 acres from cultivation (70 pages). Comments made by: USDA, COE, EPA, AHP, HEW, State agencies, and concerned citizens. (ELR Order No. 31730.) (NTIS Order No. EIS 73 1730-F.)

U.S. POSTAL SERVICE

Contact: Mr. John Kolofolias, Attorney Adviser, Room 706, Imperial Bldg., Washington, D.C. 20416, 382-3627.

Draft

U.S. Post Office, Newark, New Castle County, Delaware, October 30: Proposed is the construction of a U.S. Post Office at the southeast corner of Delaware Route 273 and Delaware Avenue to provide for expanded postal service in Newark and the surrounding areas. A small amount of agricultural land will be committed to the project (13 pages). (ELR Order No. 31725.) (NTIS Order No. EIS 73 1725-D.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Mount Comfort Airport, Hancock County, Indiana, November 1: The proposed project involves the acquisition of 1100 acres of land, the construction and marking of a 3,200 x 60-foot temporary runway and apron, the construction of earthworks and drainages for future runways, and related work. Construction of the facility will necessitate the relocation of six families. Increases in noise and air pollution will occur (98 pages). (ELR Order No. 31735.) (NTIS Order No. EIS 73 1735-D.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Nogales-Tucson Highway I-19, Supplement, Santa Cruz County, Arizona, October 29: The document is a draft supplement to the final environmental impact statement filed with the Council on August 11, 1971, (ELR Order No. 454; NTIS Order No. PB-201 785-F). Location changes for the project between Stations 890 and 900, and relocation of the Tumacacori Interchange are proposed (42 pages). (ELR Order No. 31707.) (NTIS Order No. EIS 73 1707-D.)

Route 87, Guadelupe Parkway—San Jose, Santa Clara County, California, October 29: The proposed project is the improvement of a 4-lane freeway on Route 87 for a distance of 1.5 miles in the city of San Jose. The facility will require 59.3 acres and displace 237 people and 30 businesses. A crossing over the Guadalupe River will increase erosion and siltation. Loss of wildlife and substantial increases in air and noise pollution levels will occur (125 pages). (ELR Order No. 31720.) (NTIS Order No. EIS 73 1720-D.)

US 119, Appalachian Corridor F, Letcher County, Kentucky, October 31: The proposed project is the improvement of US 119 (Appalachian Corridor F) in Letcher County, for 16.7 miles. Depending upon the alternate taken the project will require between 571 and 855 acres of land, from 52 to 91 families, 1 to 5 businesses, 1 to 5 non-profit organizations, and 2 to 6 cemeteries. The facility will traverse a number of creeks, creating severe adverse impacts on aquatic habitat. A 4(f) review has been filed to obtain land from the Pine Mountain Wildlife Management Area. Other adverse impacts consist of: loss of wildlife habitat and increased air, noise, and water pollution (193 pages). (ELR Order No. 31727.) (NTIS Order No. EIS 73 1727-D.)

US 45, Kentucky, November 2: Proposed is the construction of 16.44 miles of US-45. The six lane facility will require 800 acres of right-of-way. Four families and 1 business will be displaced by the project. Adverse impact will include the loss of wildlife habitat, and increases in erosion and sedimentation, and air and noise pollution (95 pages). (ELR Order No. 31739.) (NTIS Order No. EIS 73 1739-D.)

US 1282, Landsdown Road, Baltimore County, Maryland, October 31: The proposed project is the construction of US 1282, Landsdown Road, for 1.3 miles. The facility, depending upon the alternate chosen, will displace from 2 to 25 families. Two acres of land will be acquired for right-of-way. Increases in stream turbidity, noise, and air pollution levels will occur (88 pages). (ELR Order No. 31728.) (NTIS Order No. EIS 73 1728-D.)

M 99 (Logan Street), Lansing, Ingham County, Michigan, November 1: Proposed is the reconstruction of 1.8 miles of Logan Street, from Victor Street to Kalamazoo Street, in Lansing. A small amount of section 4(f) land will be acquired from Riverside Park; several families will be displaced (75 pages). (ELR Order No. 31736.) (NTIS Order No. EIS 73 1736-D.)

Omaha-Nebraska City Expressway, several counties, Nebraska, October 31: Proposed is the construction of a 46-mile four-lane expressway type facility parallel to existing U.S. 73-75 in Omaha. The project will be located in portions of Otoe, Cass, Sarpy, and Douglas Counties. Adverse impacts stemming from the project include the acquisition of right-of-way, the displacement of families and businesses, relocation impacts on wildlife, utility adjustments and relocation, and possible disruption to riparian habitat and riverine ecosystems (57 pages). (ELR Order No. 31732.) (NTIS Order No. EIS 73 1732-D.)

US 59 and US 96, Shelby County, Texas, November 1: Proposed is the construction of 7.6 miles of US 59 and US 96. The four-lane facility will require 96.24 acres for right-of-way, and will displace 15 families and 6 businesses. Four stock-water ponds will be drained due to project construction, noise and air pollution will increase (40 pages). (ELR Order No. 31737.) (NTIS Order No. EIS 73 1737-D.)

I-90, Eastgate Vicinity (SR 90), King County, Washington, October 29: The proposed project is the improvement of SR 90 for 2.25 miles. The facility will consist of 8 lanes with fully controlled limited access. The project will displace 9 dwellings, 54 trailers and 20 businesses; 51 parcels of land will be acquired for right-of-way. Adverse impacts are: loss of wildlife habitat, and increased air, noise, and water pollution. (ELR Order No. 31713.) (NTIS Order No. EIS 73 1713-D.)

Final

State Routes 106 and 30, San Bernardino County, California, November 1: The statement refers to the proposed construction of 6.6 miles of 6-lane freeway to form a connecting link between Interstate Route 10 and existing State Route 30. The facility will provide a continuous freeway system around the major portion of the City of San Bernardino and provide an all-weather crossing of the Santa Ana River. Seventy-seven single family residences, 11 apartments, a 60-space mobile home park and four commercial units will be displaced. Sound levels may be a problem in 11 areas (168 pages). Comments made by: USDA, COE, DOI, DOT, EPA, HEW, HUD, State, local, and regional agencies, and concerned citizens. (ELR Order No. 31738.) (NTIS Order No. EIS 73 1738-F.)

STH 64, Connorsville-East County Line Road, Dunn County, Wisconsin, October 29: The statement refers to the proposed reconstruction of a 6.5-mile segment of STH 64 beginning west of the junction with STH 25 and ending east of the junction with CTH "W". The project will require acquisition of 15 acres of woodland and 100 acres of farmland. One residence and a combination residence and vacant store will be displaced. Five streams, including two trout streams, will be crossed; wetlands will be altered by excavating and backfilling (29 pages). Comments made by: DOI, DOT, EPA, HUD, and State agencies. (ELR Order No. 31719.) (NTIS Order No. EIS 73 1719-F.)

NEIL ORLOFF,
Counsel.

[FR Doc.73-23831 Filed 11-7-73;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, INC., AND EVERETT ORIENT LINE

Notice of Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 28, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. D. J. Morris, Director of Pricing, American President Lines, Ltd., 601 California Street, San Francisco, Calif. 94108.

Agreement No. 10094, between American President Lines, Ltd., and Everett Orient Line, establishes a through billing arrangement for the transportation of cargo in the trades between ports on the Atlantic and Pacific Coasts of the United States, and Alaska, and ports in Thailand, with transshipment at Hong Kong or ports in Japan, under terms and conditions set forth in the agreement. This agreement has been filed to supersede approved Agreement No. 10060, between Everett Orient Line and American Mail Line, Ltd., covering a similar ar-

rangement in the trade from Thailand to Oregon, Washington and Alaska, with transshipment at Hong Kong or ports in Japan.

Dated: November 2, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-23865 Filed 11-7-73;8:45 am]

[Independent Ocean Freight Forwarder License No. 66]

JOHN W. NEWTON, JR.

Order of Revocation of License

By letter dated August 29, 1973, John W. Newton, Jr., P.O. Box 228, Beaumont, Texas 77704 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 66 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before September 26, 1973.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

John W. Newton, Jr. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) Section 7.05 (g) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 66 of John W. Newton, Jr. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 66 be and is hereby revoked effective September 26, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon John W. Newton, Jr.

AARON W. REESE,
Managing Director.

[FR Doc.73-23866 Filed 11-7-73;8:45 am]

PORT OF HOUSTON AUTHORITY AND LOUIS DREYFUS CORP.

Notice of Submissions Filed

Notice is hereby given that pursuant to an August 13, 1973 Order of the Court in Cook Industries, Inc. v. Federal Martime Commission and United States of America, No. 73-1415, United States Court of Appeals for the District of Columbia Circuit; and to August 31, 1973 requests by the Commission for information indicating the arrangements between Dreyfus and the Port of Houston for the operation of a grain elevator facility, which are the subject of that U.S. Court of Appeals proceeding in No. 73-1415, attorneys for Louis Dreyfus Corporation (Dreyfus) filed by letter dated October 9, 1973 the following submissions to enable the Commission to determine the applicability of section 15 of the Shipping Act, 1916 (Act) to such arrangements, and, if applicable, whether such arrangements should be approved, disapproved or modified pursuant to section 15 of that Act.

The submissions made on behalf of Dreyfus provide:

1. Dreyfus is operating the Houston Grain Elevator under and pursuant to the various orders of the Court of Appeals. Accordingly, none of the provisions of the Lease Agreement between Dreyfus and the Port of Houston Authority (Port Authority or PHA) which is on file with the Commission and the subject of the proceeding before the Court of Appeals is in effect. (See Notice of Agreement No. T-2719 published in the FEDERAL REGISTER of January 5, 1973 (38 FR 910).)

2. In accordance with the Commission's request, response is made to the queries in the Commission's August 31, 1973 letter as follows:

(5) The elevator's use and its capacity are and have been made available to all users on a first-come, first-serve basis.

The PHA continues to receive dockage fees for berths at this facility, as it did prior to April 16, 1973. It should be noted that such berths are not part of the premises covered by the suspended lease.

(6-7) Prior to June 6, 1973 the PHA had notified its customers to remove their stocks from the elevator. It also effected some cleaning of the elevator. In addition, prior to May 16, 1973 the members of the PHA work force assigned to the elevator operation were either reassigned by the PHA to other facilities in Houston or terminated. Dreyfus offered all such terminated employees employment at the elevator, and many of them accepted. Dreyfus' operation of the elevator with its own employees commenced on May 16, 1973.

(8) The status of the Joseph lease to a part of the elevator facilities is identical to what it was prior to April 16, except that its rental payments are to be made to Dreyfus rather than to the PHA. No such payments, however, have as yet been made.

(9) Dreyfus has (a) extensively cleaned the facility, (b) installed corn-cleaning equipment, (c) purchased tractors and minor equipment in order to speed the unloading of railroad cars and (d) made various minor repairs of the facility.

(10) All users of the elevator moor their vessels at the berthing facilities since that is the only way in which grain can be loaded out of the elevator. Vessels lying idle, waiting to go to other loading berths in the port, are permitted to tie up at these berths when such berths are not being used to load grain vessels. This has been the practice at the elevator for many years.

(11) Dreyfus has hired several watchmen to patrol the elevator. In addition, PHA maintains a perimeter security force at all port-owned facilities, including the elevator.

(12) Dreyfus is maintaining the premises at its own cost.

(14, 15, 16) Dreyfus has not paid any taxes or assessments upon the premises. It has paid all utility bills with respect to the elevator for the period since April 15, 1973. Prior to June 6, 1973, Dreyfus procured insurance coverage normal to this kind of operation, including fire and interruption of operations coverage and employee health and life insurance. This coverage has not been canceled, and Dreyfus has paid such bills for this coverage as have been rendered.

Dreyfus is retaining the revenues arising from the use of the elevator.

3. In response to the Commission's request for further information concerning the use of the berths adjacent to the elevator and whether Dreyfus has the option to exercise a preferential right to them as provided for in Article 10 of the lease, the answer is no. Dreyfus is operating the elevator in accordance with the Court of Appeals' order, which prohibited Dreyfus from operating and maintaining the elevator pursuant to the Lease Agreement with the Port Authority pending its review of the decision of the Federal Maritime Commission, as a public elevator prior to the Commission's order of April 16, 1973. It follows that vessels loading Dreyfus grain are not given any preferential use of the berths. All users of the elevator, who are using the elevator on a first-come, first-serve basis (including Dreyfus), moor their vessels at the adjacent berths since that is the only way access to the elevator can be had.

4. In response to the Commission's inquiry as to whether the provision found in Article 10 of the Lease Agreement concerning dockage fees is in effect, it is not for the reasons previously mentioned.

The submission made on behalf of the Port of Houston provides:

1. PHA has no agreement with Dreyfus other than the Lease Agreement (Agreement No. T-2719) filed with the Commission and subject of the proceedings before the Court of Appeals for the District of Columbia Circuit. Pursuant to the terms of Agreement No. T-2719, PHA placed Dreyfus in possession of the grain elevator facilities following notification from the Commission on April 17, 1973 that said Agreement was not required to be filed with the Commission pursuant to section 15 of the Shipping Act, 1916, 46 U.S.C. section 814. PHA is advised of the various orders of the Court of Appeals for the District of Columbia Circuit prohibiting Dreyfus from operating and maintaining the grain elevator pursuant to Agreement No. T-2719, and further directing that Dreyfus operate the facility as it was operated prior to April 16, 1973. Although PHA understands the orders of the Court of Appeals to suspend Agreement No. T-2719 insofar as Dreyfus is permitted to operate the grain elevator pursuant thereto, PHA has not entered into a subsequent agreement, either written or oral, nor has it reached an understanding with Dreyfus

concerning the operation of the grain elevator.

2. Since taking possession of the grain elevator facility, Dreyfus has tendered and PHA has accepted payment for monthly rental. PHA believes that it is entitled to receive such rental from Dreyfus as long as Dreyfus remains in possession of the grain elevator. PHA further believes that Dreyfus is operating the grain elevator in accordance with the orders of the Court of Appeals.

3. PHA believes, to the best of its knowledge, that the answers of Dreyfus in response to the Commission's inquiries concerning the present operation of the grain elevator are correct.

Interested parties may inspect and obtain copies of the submissions, the Court order and the Commission's request for information at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or at the field offices located at New York, New York, New Orleans, Louisiana, and San Francisco, California. Comments on such submissions, including requests for hearing may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 28, 1973. Any person desiring a hearing shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act of detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the submission (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of submissions filed by:

J. Paul McGrath, Esquire, Dewey, Ballantine, Bushby, Palmer & Wood, 140 Broadway, New York, N.Y. 10005.

Dated: November 5, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-23867 Filed 11-7-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-7674]

ALABAMA POWER CO.

Notice of Proposed Change in Tariff

NOVEMBER 1, 1973.

Take notice that on October 11, 1973, Alabama Power Co. (Alabama Power), tendered for filing proposed changes to its FPC Electric Tariff, Original Volume No. 1. Fourth Revised Sheet No. 34 indicates that East Ross Parkway Delivery Point which is served under Rate Schedule No. 116 has been reactivated. Fourth Revised Sheet No. 37 adds a new delivery point for service to Central Alabama Electric Cooperative, Inc., at Stewartville, and a new delivery point for service to Clarke-Washington Electric Membership Corporation at Thomasville. Both are served under Alabama Power's Rate Schedule REA-1. Fifth Revised Sheet No. 38 deletes No. 1 delivery point (Barachais) at which Dixie Electric Cooperative, Inc., was served.

Copies of the filing have been served upon the customers affected.

Any person desiring to be heard or to protest said tender 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 Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 4, 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; however, no petition to intervene is required to be filed by persons previously permitted to intervene in this proceeding. Copies of the tender are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23824 Filed 11-7-73;8:45 am]

[Docket Nos. RI74-58, etc.]

AMERICAN PETROFINA COMPANY OF TEXAS, ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

OCTOBER 31, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds.

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders.

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI74-58	American Petrofina Co. of Texas.	20	[1] 13	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (Rocky Mountain Area).	$630	10-1-73		6-1-74	[2] 28.0	[2] 28.5	RI73-296.
RI74-59	Skelly Oil Co	264	[3] 4	El Paso Natural Gas Co. (Canada Mesa No. 3 Unit, Rio Arriba County, N. Mex.) (Rocky Mountain Area).	14,400	10-1-73		4-1-74	24.0	[3] 28.0	
RI74-60	Shell Oil Co	395	2	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (Rocky Mountain Area).	1,170	10-9-73		6-4-74	[4] 28.0	[4] 28.5	
RI74-61	Hunt Industries	10	1	Montana-Dakota Utilities Co. (North Tioga Area, Burke County, N. Dak.) (Rocky Mountain Area).	1,919	10-3-73		4-3-74	23.5	26.52	

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Applicable to production from the Gallegos Canyon Unit No. 364 and No. 365.
[2] Subject to upward and downward B.t.u. adjustment from a base of 1,000 B.t.u.
[3] Applicable to acreage added by Supplement No. 3.
[4] To be effective subject to refund on Dec. 12, 1973, in Docket No. RI74-1. (Current rate is 24 cents.)

The proposed rate increases are suspended for five months since they exceed the ceiling rates established in Order No. 435.

[FR Doc. 73-23653 Filed 11-7-73;8:45 am]

[Docket No. E-8445]

CAMBRIDGE ELECTRIC LIGHT CO.

Notice of Filing of Superseding Rate Schedule and Service Agreement

NOVEMBER 1, 1973.

Take notice that on October 12, 1973, Cambridge Electric Light Co. (Cambridge) filed a rate schedule, as well as an unexecuted service agreement providing for service thereunder, which is intended to supersede its FPC Rate Schedule No. 2. The superseding rate schedule would increase billings to the Town of Belmont, Massachusetts by $250,000 annually based on the twelve months period ending December 31, 1972. The change proposed in the effective rate is an increase in the demand charge from $1.75 per kVA to $2.98 per kVA. The superseding rate schedule also includes the addition of a clause reserving the right of Cambridge to file changes in the terms and conditions of the superseding rate schedule and the right of any purchaser thereunder to protest such changes.

Cambridge states that the proposed increase in rate level is necessary because of increased operating expenses and capital costs, resulting from the continuing inflationary condition of the economy. Cambridge states that this has caused an erosion in its earnings impairing its ability to finance the capital requirements essential for adequate customer service. Cambridge states that the increased rate will yield an overall return of 8.31 percent resulting in an equity allowance of 10.72 percent. Cambridge requests that the superseding rate schedule be permitted to become effective as of December 14, 1973. Pursuant to written notice of termination submitted by Cambridge to the Town of Belmont as provided for by the presently effective FPC Rate Schedule No. 2, the latter rate schedule will terminate on December 1, 1973. During the period from December 1, 1973, until the superseding rate schedule is permitted to become effective, Cambridge states that it will continue to provide service to the Town of Belmont in accordance with the terms of its presently effective FPC Rate Schedule No. 2.

Copies of the filing were, according to Cambridge, served upon the Town of Belmont and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application 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 §§ 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 November 13, 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 this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23817 Filed 11-7-73;8:45 am]

[Docket No. RP73-107]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Proposed Changes in FPC Gas Tariff

NOVEMBER 1, 1973.

Take notice that Consolidated Gas Supply Corp. (Consolidated), on October 16, 1973, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA clause for rates to be effective December 1, 1973.

Consolidated states that the purpose of the PGA filing is to reflect all changes in pipeline purchased gas costs that have occurred as of December 1, 1973, that were not reflected in its general rate increase filing made on May 15, 1973, in this docket. The rates filed May 15, 1973, were suspended by the Commission until December 1, 1973. Consolidated filed concurrently with this filing a motion pursuant to section 4(e) of the Natural Gas Act to make effective the suspended rates. The effect of this PGA filing is to immediately supersede the suspended rates which were moved to become effective. These same changes in pipeline purchased gas costs have, according to Consolidated, already been reflected and approved by the Commission in Consolidated's presently effective rates by PGA filings made May 15, July 24 and August 27, 1973. The proposed rates would purportedly generate $6.8 million in additional revenue over the rates originally filed in this docket on May 15, 1973.

Consolidated requested a waiver of any of the Commission's rules and regulations as may be required to permit the proposed rates to become effective and further stated if for any reason the proposed rates are not permitted to become effective on December 1, 1973, the Company alternately requests that the rates originally filed on May 15, 1973, become effective on December 1, 1973, pursuant to section 4(e) of the Natural Gas Act.

According to Consolidated, copies of the filing were served upon Consolidated's jurisdictional customers, as well as interested State commissions.

Any persons 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 §§ 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 November 16, 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. Those presently permitted to intervene need not refile an intervention petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23821 Filed 11-7-73;8:45 am]

[Docket No. E-8436]

DUKE POWER CO.

Notice of Filing of Supplement to Power Contract

NOVEMBER 1, 1973.

Take notice that Duke Power Co. (Duke) has submitted for filing a supplement to its power contract with the City of Shelby, North Carolina. The contract is on file with the Commission and has been designated Duke Power Co. Rate Schedule FPC No. 235.

The only document submitted with this filing was Exhibit A, Delivery Point No. 7, dated July 28, 1972 which provides for a new point of delivery (Delivery Point No. 7) made at the request of the customer.

The date on which this document is proposed to become effective is November 20, 1973. Service will be billed on Schedule 10. To provide service under this agreement, Duke will build approximately 2.5 miles of 44 kV transmission line and a substation at the point at which the customer requested delivery.

Any person desiring to be heard or to protest said application 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 §§ 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 December 4, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protesants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23823 Filed 11-7-73;8:45 am]

[Docket No. ID-1711]

CLARENCE F. MICHALIS

Notice of Application

OCTOBER 31, 1973.

Take notice that on October 24, 1973, Clarence F. Michalis (Applicant), filed an initial application pursuant to section 305(b) of the Federal Power Act seeking authority to hold the following positions:

Director, Monongahela Power Co., Public Utility.
Director, The Potomac Edison Co., Public Utility.
Director, The West Penn Power Co., Public Utility.

Monongahela, Potomac, and West Penn have from time to time various contracts and arrangements of a continuing nature with non-affiliated corporations regarding electrical interconnections, generating station and transmission line construction, servicing office equipment, advertising, distributing information to the public, testing, scrap materials, coal, ash handling, right-of-way, tree trimming, engineering studies, and other miscellaneous matters, and with certain banks acting as bond trustees or stock transfer agents or registrars.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23828 Filed 11-7-73;8:45 am]

[Docket No. RP71-16, et al.]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Further Extension of Time and Postponement of Prehearing Conference and Hearing

OCTOBER 31, 1973.

On October 16, 1973, Staff Counsel filed a motion for a further extension of the procedural dates fixed by notice issued August 15, 1973, in the above-designated matter. The motion states that Midwestern Gas Transmission Co. had no objection to the extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Staff's Testimony, December 28, 1973.
Service of Intervenors' Testimony, January 14, 1974.
Service of Midwestern's Rebuttal Testimony, February 11, 1974.
Hearing, February 26, 1974 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23830 Filed 11-7-73;8:45 am]

[Docket No. CP74-81]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

OCTOBER 31, 1973.

Take notice that on September 26, 1973, Natural Gas Pipeline Co. of American (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP74-81, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a tap connection on its existing 24-inch transmission line in Hutchinson County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states the proposed tap connection is needed to receive synthetic gas purchased pursuant to a gas purchase contract between Applicant and Phillips Petroleum Co. (Phillips) dated June 29, 1973, into its existing pipeline system for delivery to Applicant's storage fields for injection as cushion gas. As stated in the application said contract provides for the sale of synthetic gas to Applicant by Phillips at an approximate price, computed as of September 1, 1973, and subject to escalation, of $1.66 per million Btu for a term of 10 years. The application states further that Applicant will take delivery of the subject gas, synthesized by Phillips at a facility to be constructed at Phillips' Borger, Texas, refinery, at the refinery fence. Applicant states it will transport said gas 15 miles to the outlet of its compressor station No. 111, Hutchinson County, Texas through 16-inch pipeline and related facilities which will be constructed to connect with Applicant's existing 24-inch transmission pipeline at said outlet by means of the proposed tap connection for which authorization is sought herein. Applicant states that authorization to construct and operate this tap connection will enable Applicant to receive synthetic gas into its existing transmission system for transportation for delivery and injection as cushion gas in Applicant's storage fields.

The application states that Applicant is augmenting its storage facilities and estimates annual increases in storage inventory of approximately 32,500,000 Mcf and in peak-day withdrawal capacity of 139,000 Mcf for the life of the contract. Applicant alleges that such a storage program will require injection of at least 18,600,000 Mcf of cushion gas annually. Applicant proposes to satisfy the cushion gas requirement with synthetic gas purchases under this instant agreement with Phillips.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further

notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23827 Filed 11-7-73;8:45 am]

[Docket No. E-8407]

OHIO EDISON CO.

Notice of Application

NOVEMBER 1, 1973.

Take notice that on September 19, 1973, Ohio Edison Co. (Applicant) tendered for filing pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder, the third and fourth Interim Supplements dated July 10, 1973, to a January 1, 1970 Interchange Agreement with Pennsylvania Power Co. (Pennsylvania Power) and Duquesne Light Co. (Duquesne), designated Ohio Edison Rate Schedule FPC No. 71, Pennsylvania Power Rate Schedule FPC No. 21, and Duquesne Rate Schedule FPC No. 10. The Interim Supplements pertain to supply of capacity and energy from the combustion turbine units of the Edgewater and West Lorain Plants on the Ohio Edison system from July 10 to September 30, 1973.

The West Lorain Supplement provides for Applicant and Pennsylvania Power to supply, and Duquesne to receive capacity and energy from an estimated 139 MW of Short Lead Time Capacity at the West Lorain Plant in which Applicant and Pennsylvania Power hold 85 percent and 15 percent ownership interests respectively. During the interim period from June 10 through September 30, 1973, suppliers are obliged to furnish Duquesne upon request an amount of energy commensurate to expected capabilities of the units comprising Short Lead Time Capacity, multiplied by the ratio of 8 MW for Applicant to the Net Demonstrated Capability of the units (initially expected to be 139 MW).

The Edgewater Supplement provides for Applicant and Pennsylvania Power to supply and Duquesne to receive capacity and energy from an estimated 56 MW of Short Lead Time Capacity at the Edgewater Plant, of which Applicant owns 86 percent interest and Pennsylvania Power owns 14 percent. Suppliers will provide Duquesne upon request during the interim period energy in amounts commensurate to expected capabilities of units which comprise Short Lead Time Capacity, multiplied by the ratio of 3 MW for Pennsylvania Power and 15 MW for Applicant to the Net Demonstrated Capability of the units (expected to total 56 MW).

If Duquesne does not schedule any part of its entitlement, the balance remains as available capacity, providing that upon periodic test operation, Duquesne schedules an amount of energy commensurate to the unit's load for each test hour multiplied by the ratios set out above.

Rates under the Interim Supplements comprise (1) $19.30 per MWH per month times the total billing energy in MWH for energy delivered to Duquesne, and (2) 1.18 percent of the Suppliers' ownership shares of cost of Short Lead Time Capacity multiplied by the respective ratios referred to above for fixed operation and maintenance expenses and "fixed charges." Both rates are subject to retroactive adjustment to reflect actual costs associated with Short Lead Time Capacity.

Applicant requests that the Supplement Schedule take retroactive effect as of July 10, 1973.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23825 Filed 11-7-73;8:45 am]

[Docket No. E-8451]

PACIFIC POWER & LIGHT CO.

Notice of Application

NOVEMBER 1, 1973.

Take notice that on October 23, 1973, Pacific Power & Light Co. (Applicant), a corporation organized under the laws of the State of Maine and qualified to transact business in the States of Oregon, Wyoming, Washington, California, Montana, and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of $60,000,000 in principal amount of its First Mortgage Bonds.

The New Bonds are to be issued under and pursuant to Applicant's presently existing Mortgage and Deed of Trust dated as of July 1, 1947, to Morgan Guaranty Trust Co. of New York and R. E. Sparrow, as Trustees, as supplemented and as proposed to be supplemented by a Twenty-sixth Supplemental Indenture thereto. The New Bonds will bear interest from January 1, 1974, at a rate per annum to be fixed by competitive bidding and will mature on January 1, 2004.

Applicant proposes to sell the New Bonds at competitive bidding in accordance with the applicable requirements of § 34.1a of the Commission's regulations under the Federal Power Act.

Proceeds from the issuance and sale of the New Bonds will be used to retire short-term notes issued to finance, in part, Applicant's 1973 construction program.

Any person desiring to be heard or to make any protest with reference to said application should, on or before November 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23822 Filed 11-7-73;8:45 am]

[Docket No. CP72-109]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend and Request for Waiver of Regulations

OCTOBER 31, 1973.

Take notice that on October 17, 1973, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP72-109 a petition to amend the order of the Commission issued in said docket on February 14, 1972 (50 FPC —), pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder, to waive the single offshore project cost limitation of $1,750,000 contained therein, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued February 14, 1972, a budget-type certificate of public convenience and necessity was issued authorizing the construction during the calendar year 1972 and the operation of certain natural gas facilities to enable Petitioner to take into its certificated main pipeline system natural gas purchased from producers thereof. Said order limits the maximum expenditure for single onshore and offshore projects to $1,000,000 and $1,750,000, respectively.

Petitioner states the estimated completed cost of its offshore Vermilion

Block 250 project is $1,794,966 and the estimated cost to complete its offshore East Cameron Block 33 project is $1,812,315. Inasmuch as these costs are in excess of the certificate-imposed single project cost limitation, Petitioner requests waiver of said limitation.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23818 Filed 11-7-73;8:45 am]

[Docket No. CP63-177]

TENNESSEE GAS PIPELINE CO. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition To Amend

NOVEMBER 1, 1973.

Take notice that on October 15, 1973, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Texas Eastern Transmission Corp. (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP63-177 a petition to amend the order issued in said docket on March 18, 1963 (29 FPC 535), pursuant to section 7(c) of the Natural Gas Act by authorizing the sale of exchange gas between Petitioners and by authorizing additional points at which gas can be exchanged, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order of March 18, 1963, Petitioners were authorized to construct and operate four interconnection points for use in an emergency gas exchange service pursuant to an agreement between both parties dated November 29, 1962. Petitioners state they have entered into a letter agreement dated August 16, 1973, to provide increased flexibility in the subject exchange, which cancels and supersedes the exchange agreement of November 29, 1962. The letter agreement of August 16, 1973, provides for the delivery of natural gas on an exchange basis at the four previously authorized points located in Jackson County, Texas, Allen Parish, Louisiana, Scioto County, Ohio, and at river crossings in Issaquena County, Mississippi and East Carroll Parish, Louisiana. Said agreement provides for additional exchange points at points in New York, New Jersey, Pennsylvania, Ohio and West Virginia where Petitioners deliver and sell natural gas under long-term contracts to mutual customers, when (through mutual dispatching arrangements) deliveries can be made to the other by delivering to such mutual customers for the account of the other. In addiiton, exchange points are proposed at other points in the supply area where, upon mutual agreement of the Petitioners, delivery can be accomplished for the account of either or both Petitioners.

The petition states further that the letter agreement of August 16, 1973, provides that the party which receives the gas under the exchange agreement shall tender natural gas in repayment to the other within 60 days at one of the authorized redelivery points unless a longer period be mutually agreed to or the receiving party has determined that it is unable to redeliver. In the event of the latter and upon consent by the delivering party said unreturned gas shall be paid for under the "R" rate Schedule of Tennessee or the 100 percent load factor price of the "DCQ" Rate Schedule of Texas Eastern, whichever is applicable, in effect at the time of consent for the zone in which the gas was delivered.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23819 Filed 11-7-73;8:45 am]

[Docket No. CP74-103]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

OCTOBER 31, 1973.

Take notice that on October 18, 1973, Texas Gas Transmission Corp. (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP74-103 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon approximately 2,972 feet of 6-inch pipeline, together with certain measurement facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the facilities to be abandoned, certificated in Docket No. G-17335 by the Commission's order issued August 10, 1959, have been operated solely to purchase gas from TransOcean Oil, Inc. (TransOcean), from its Platform C in Block 33, West Cameron Area, offshore Cameron Parish, Louisiana, under TransOcean's FPC Gas Rate Schedule No. 9. The application states that production from Platform C has ceased and the platform will be removed by TransOcean. Applicant states it will have no further need for its facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23829 Filed 11-7-73;8:45 am]

FEDERAL RESERVE SYSTEM

DOMINION BANKSHARES CORP.

Acquisition of Bank

Dominion Bankshares Corp., Roanoke, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire 100 percent of the voting shares of the successor by merger to The Bank of Fincastle, Town of Fincastle, County of Botetourt, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. 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 November 19, 1973.

Board of Governors of the Federal Reserve System, October 31, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-23774 Filed 11-7-73;8:45 am]

NORTHWEST BANCORP, INC.

Formation of Bank Holding Company

Northwestern Bancorp, Inc., South Bend, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)), to become a bank holding company through acquisition of 100 percent of the voting shares of First National Bank, Valparaiso, Valparaiso, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than November 22, 1973.

Board of Governors of the Federal Reserve System, October 31, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-23773 Filed 11-7-73;8:45 am]

SOUTHEAST BANKING CORP.

Acquisition of Bank

Southeast Banking Corp., Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire 80 percent or more of the voting shares of First Citizens Bank and Trust Company, Titusville, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 27, 1973.

Board of Governors of the Federal Reserve System, October 31, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-23772 Filed 11-7-73;8:45 am]

UNITED FIRST FLORIDA BANKS, INC.

Acquisition of Banks

United First Florida Banks, Inc., Tampa, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire 90 percent or more of the voting shares of The Peoples Bank of Tallahassee, Tallahassee, Florida and The American Guaranty Bank of Tallahassee, Tallahassee, Florida, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of 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 November 20, 1973.

Board of Governors of the Federal Reserve System, October 31, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-23771 Filed 11-7-73;8:45 am]

VICTORIA BANKSHARES, INC.

Formation of Bank Holding Company

Victoria Bankshares, Inc., Victoria, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)), to become a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of the successors by merger to Victoria Bank and Trust Company, Victoria; Community State Bank, Runge; The First National Bank of Nordheim, Nordheim; Smiley State Bank, Smiley; Home State Bank, Westhoff; and Farmers State Bank & Trust Co., Cuero, all in Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. 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 November 27, 1973.

Board of Governors of the Federal Reserve System, October 31, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-23775 Filed 11-7-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

PEABODY COAL CO. AND INLAND STEEL CO.

Opportunity for Public Hearing Regarding Applications for Renewal Permits

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) have been received as follows:

(1) ICP Docket No. 20246, Peabody Coal Company, Star Underground Mine, Mine ID No. 15 03161 0, Central City, Kentucky:
- Section ID No. 009-0 (2nd North West off 1st South East Sub Main).
- Section ID No. 005-0 (2nd South East Main).
- Section ID No. 012-0 (4th North West off North East Main).
- Section ID No. 011-0 (6th North West off South East).
- Section ID No. 007-0 (3rd South East off South West Main).
- Section ID No. 008-0 (3rd North West Sub off North East Main).
- Section ID No. 010-0 (1st North West off 1st North East Sub Main).

(2) ICP Docket No. 20257, Inland Steel Company, Inland Mine, Mine ID No. 11 00601 0, Sesser, Illinois:
- Section ID No. 001 (No. 1 Mains West).
- Section ID No. 013-0 (No. 1 Mains East).
- Section ID No. 021-0 (3 Right No. 1 Mains East).
- Section ID No. 022 (8 Left, No. 1 Mains West).
- Section ID No. 023 (4 Right, No. 1 Mains East).
- Section ID No. 024 (9 Right, No. 1 Mains West).
- Section ID No. 025 (5 Right, No. 1 Mains East).
- Section ID No. 026 (2 Left, No. 1 Mains East).
- Section ID No. 027 (10 Left, No. 1 Mains West).
- Section ID No. 028 (10 Right, No. 1 Mains West).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)), of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the Office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

NOVEMBER 5, 1973.

[FR Doc.73-23804 Filed 11-7-73;8:45 am]

INTERNATIONAL BOUNDARY AND WATER COMMISSION UNITED STATES AND MEXICO

INCREASING HEIGHT OF LEVEES ALONG RIO GRANDE UPSTREAM FROM RETAMAL DAM AND ALONG MAIN AND NORTH FLOODWAYS LOWER RIO GRANDE FLOOD CONTROL PROJECT, TEXAS

Notice of Completion of and Availability of Environmental Statement

Pursuant to the National Environmental Policy Act of 1969, notice is

hereby given that this agency has completed a final statement which discusses environmental considerations relating to increasing height of levees along the Rio Grande upstream from Retamal Dam and along Main and North Floodways, Lower Rio Grande Flood Control Project, in Hidalgo, Cameron and Willacy Counties, Texas. A copy of the final statement, along with copies of comments received from other agencies and interested groups, is being placed in the Office of the Country Director for Mexico, Room 3906-A, Department of State, 21st Street and Virginia Avenue NW., Washington, D.C., in the office of the Project Superintendent, United States Section, International Boundary and Water Commission, 208 South F Street, Harlingen, Texas, and in the office of the United States Section, Chief of Planning and Reports, 809 Southwest Center, El Paso, Texas. The environmental analysis statement was prepared as a part of the study of the necessary improvements to the existing flood control project being undertaken by the two countries.

Copies of the final statement, dated October 4, 1973, along with copies of comments received from other agencies and interested groups, can be obtained from the U.S. Department of Commerce, National Technical Information Service, Springfield, Virginia 22151.

Dated at El Paso, Texas, this 1st day of November 1973.

FRANK FULLERTON,
Special Legal Assistant.

[FR Doc.73-23838 Filed 11-7-73;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR COMPUTER SCIENCE AND ENGINEERING

Notice of Meeting and Agenda

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Computer Science and Engineering to be held at 9 a.m. on November 19 and 20, 1973, in Room 642 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of this Panel is to provide advice and counsel concerning the status and new directions of computer science and engineering research.

The agenda for this meeting shall include:

NOVEMBER 19

9-12:30	Welcome, introduction, and discussion of programs and objectives of the Office of Computing Activities.
1:30-5	Identification of the most significant ideas in computer science in recent years, their sequence, interdependence, origin and support.

NOVEMBER 20

9-12:30	Prognosis of fruitful trends and opportunities in computer science and engineering.
1:30-5	Discussion of Federal priorities for research support in computer science and engineering.

This meeting shall be open to the public. Individuals who wish to attend should inform Kent K. Curtis, Section Head, Computer Science and Engineering Section, by telephone (202-632-7346) or by mail (Room 648, 1800 G Street NW., Washington, D.C. 20550) prior to the meeting.

Persons requiring further information concerning this Panel should contact Kent K. Curtis at the previously mentioned address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director for Administration.

OCTOBER 30, 1973.

[FR Doc.73-23814 Filed 11-7-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License Application No. 02/02-5304]

MONROE CAPITAL CORP.

Notice of Application for License as Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Monroe Capital Corporation (applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1973).

The officers and directors of the applicant are as follows:

Allen D. Jenkins, 68 Nettlecreek Road, Fairport, N.Y. 14450.	President, Director.
Kenneth R. Kimbrough, 430 Rugby Avenue, Rochester, N.Y. 14619.	Secretary, Director.

The applicant, a New York corporation, with its principal place of business located at 415 Powers Building, Rochester, New York 14614, will begin operations with $310,000 of paid-in capital consisting of 3,000 shares of Class A common stock sold to Rochester Consulting Corporation at $100 per share, and 100 shares of Class A common stock issued to Allen D. Jenkins for services rendered and expenses incurred in forming the corporation and making this application. Rochester Consulting Corporation, located at the same address as the applicant, is wholly owned by Allen D. Jenkins.

Applicant will not concentrate its investments in any particular industry. As an applicant for a license pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended, its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Any person may, on or before November 23, 1973, submit to SBA written comments on the proposed license. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Rochester, New York.

Dated: November 2, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-23805 Filed 11-7-73;8:45 am]

TARIFF COMMISSION

COLLECTION OF F.O.B. AND C.I.F. DATA ON IMPORTS

Amendment of General Statistical Headnote 1 of the Tariff Schedules of the United States Annotated (TSUSA)

Pursuant to section 484(e) of the Tariff Act of 1930 (19 U.S.C. 1484(e)), section 332 of the Tariff Act of 1930 (19 U.S.C. 1332), section 2 of Pub L. 87-826 (13 U.S.C. 301), section 1 of the Act of March 3, 1875, as amended (15 U.S.C. 178), section 4 of chapter 552 of the Act of February 14, 1903, as amended (15 U.S.C. 1516), and section 201 of the Tariff Classification Act of 1962 (76 Stat. 74), general statistical headnote 1 of the TSUSA is hereby amended to read as set forth below, effective with respect to imported articles entered or withdrawn from warehouse for consumption on or after December 10, 1973.

The primary purpose of these amendments to the headnote provisions is to provide for the collection and reporting of additional information on all imported merchandise, as follows:

(1) Its purchase price (i.e., its actual transaction value) adjusted, when necessary, to obtain its so-called f.o.b. value at the port of exportation (or the equivalent thereof for merchandise not acquired by purchase).

(2) In the case of merchandise acquired in a transaction between related parties, the equivalent of the arm's-length value therefor to be derived, to the extent practicable, from customs values, as generally determined under section 402 and 402a, Tariff Act of 1930, as amended.

(3) Separately, the aggregated costs incurred in bringing the merchandise from the port of exportation in the country of exportation to the first port of entry in the United States.

The responsibility for obtaining and providing the data required by the statistical annotations of the TSUSA rests with the person making entry or withdrawal of articles imported into the customs territory of the United States. Entries or withdrawals not complying with statistical requirements will be cause for rejection by customs officers.

Comments, views, and data submitted in response to the notice of proposed amendments published in the FEDERAL REGISTER of September 28, 1973 (38 FR 27100), have been carefully considered and the proposed amendments were changed in response to such submissions where appropriate.

General statistical headnotes: 1. Statistical requirements for imported articles. (a) Persons making customs entry or withdrawal of articles imported into the customs territory of the United States shall complete the entry or withdrawal forms, as provided herein and in regulations issued pursuant to law, to provide for statistical purposes information as follows:

(i) The number of the Customs district and of the port where the articles are being entered for consumption or warehouse, as shown in Statistical Annex A of these schedules;

(ii) The name and flag of the vessel or the name of the airline, or in the case of shipment by other than vessel or air, the means of transportation by which the articles first arrived in the United States;

(iii) The foreign port of lading;

(iv) The United States port of unlading for vessel and air shipments;

(v) The date of the importation;

(vi) The country of origin of the articles expressed in terms of the designation therefor in Statistical Annex B of these schedules;

(vii) The country of exportation expressed in terms of the designation therefor in Statistical Annex B of these schedules;

(viii) The date of exportation;

(ix) A description of the articles in sufficient detail to permit the classification thereof under the proper statistical reporting number in these schedules;

(x) The statistical reporting number under which the articles are classifiable;

(xi) Gross weight in pounds for the articles covered by each reporting number when imported in vessels or aircraft;

(xii) The net quantity in the units specified herein for the classification involved;

(xiii) The U.S. dollar value in accordance with the definition of section 402 and 402a of the Tariff Act of 1930, as amended, for all merchandise including that free of duty or dutiable at specific rates;

(xiv) The purchase price (i.e., the actual transaction value), in U.S. dollars, of imported merchandise plus, when not included in such price, all charges, costs, and expenses incurred in placing such merchandise alongside the carrier at the port of exportation in the country of exportation (or, in the case of merchandise not acquired by purchase, e.g., acquired on consignment, lease, or as gifts, the equivalent of such price, charges, costs, and expenses);

(xv) In addition to the value required under subparagraph (xiv), if the merchandise was acquired in a transaction between related parties, the equivalent of the arm's-length value therefor, in U.S. dollars, plus, when not included in such value, all charges, costs, and expenses incurred in placing such merchandise alongside the carrier at the port of exportation in the country of exportation;

(xvi) The aggregate cost (not including U.S. import duty, if any), in U.S. dollars, of freight, insurance, and all other charges, costs, and expenses (each of which charges, costs, and expenses shall be separately itemized on or attached to the related invoice) incurred in bringing the merchandise from alongside the carrier at the port of exportation in the country of exportation and placing it alongside the carrier at the first U.S. port of entry (in the case of overland shipments originating in Canada or Mexico, such costs, if any, shall not be reported); and

(xvii) Such other information with respect to the imported articles as is provided for elsewhere in these schedules.

(b) For the purpose of paragraph (a) the following provisions shall govern:

(i) The country of exportation shall be the country of origin, except when the merchandise while located in a third country is the subject of a new purchase in which event the third country shall be regarded and reported as the country of exportation, and the date of exportation from the third country shall be regarded and reported as the date of exportation;

(ii) The value of imported merchandise contemplated by subparagraph (xv) of paragraph (a) shall be, to the extent practicable, a value derived from the value of such merchandise as generally determined under section 402 or 402a of the tariff act, as the case may be;

(iii) A related-parties transaction shall be a transaction between persons who are related in any respect specified in section 402 (g) (2) of the tariff act;

(iv) An arm's-length value shall be a transaction value between a buyer and seller independent of each other, i.e., persons who are not related in any respect specified in section 402(g) (2) of the tariff act; and

(v) In the event that information for the purposes of subparagraphs (xiv), (xv), and (xvi) of paragraph (a) cannot be readily obtained, the person making the entry or withdrawal shall provide reasonable estimates of such information. The acceptance of an estimate for a particular transaction does not necessarily relieve the person making the entry or withdrawal from obtaining the necessary information for similar future transactions.

Issued: November 5, 1973.

[SEAL] CATHERINE BEDELL,
Chairman, U.S. Tariff Commission.

SIDNEY L. JONES,
Assistant Secretary of Commerce.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-23975 Filed 11-7-73;9:34 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

LABOR RESEARCH ADVISORY COUNCIL COMMITTEES

Notice of Meetings and Agenda

The regular fall meetings of committees of the Labor Research Advisory Council will be held on November 20 and 21 in Room 2106, General Accounting Office Building, 441 G Street NW., Washington, D.C.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The schedule and agenda of the meetings are as follows:

TUESDAY, NOVEMBER 20

9:30 a.m.—Committee on Wages and Industrial Relations
1. Review of OWIR work in progress.
2. Committee appraisal of OWIR programs.
3. Status report on the General Wage Index.
4. Studies for the Employment Standards Administration.
5. Collecting wage rates for public sector employees.
6. New pension legislation.

1:30 p.m.—Committee on Productivity, Technology and Growth
Status Report on Projects in the Office of Productivity and Technology.

2:00 p.m.—Committee on Manpower and Employment
1. Economic and Manpower Projections for the Nation to 1985.
2. Occupational Statistics.
Survey of Training in Industry.
Program of Projections of Employment for Localities.
Survey of Employment by Occupation.
3. Improving area unemployment estimating procedures.
4. New data from the Current Population Survey.

WEDNESDAY, NOVEMBER 21

9:30 a.m.—Committee on Prices and Living Conditions
1. Report on Consumer Expenditure and Diary Surveys.
2. Status of the Consumer Price Index Revision Program.
3. Status of Wholesale Price Index-Industry Sector Price Indexes Program.
4. Status of International Price Competitiveness Program.

The meetings are open. It is suggested that persons planning to attend these meetings as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council on (Area Code 202) 961-2247.

Signed at Washington, D.C., November 2, 1973.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.73-23853 Filed 11-7-73;8:45 am]

Occupational Safety and Health Administration

[V-73-36]

BETHLEHEM STEEL CORP.

Notice of Application for Variance

I. *Notice of application.* Notice is hereby given that Bethlehem Steel Corporation, Lebanon Plant, Lebanon, Pennsylvania 17042, has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health of 1970 (84 Stat. 1596), and 29 CFR 1905.11 for a variance from the standards prescribed in 29 CFR 1910.215(c) (4) (i) concerning flanges on abrasive wheels.

The address of the place of employment that will be affected by the application is as follows:

Bethlehem Steel Corp., Lebanon Plant, Lebanon, Pa. 17042.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is

providing a place of employment as safe as that required by the standard which requires that the flanges between which an abrasive wheel is mounted be of the same diameter and have equal bearing surface.

The applicant states that it uses resin bonded 20-inch wheels, 2 inches thick, with a hole 8 inches in diameter. In grinding forgings, the cup portion is ground against the side of the wheel which is toward the operator. The wheels are supported by a 15-inch flange on the side away from the operator and an 11-inch flange on the side toward the operator.

The applicant submits the results of a study to show the load required to break the wheel. It states that under the "worst possible conditions" with a wheel worn to ½ inch, it would require a force of 2,049 pounds to break the wheel. This provides a safety factor of 10.

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:

REGIONAL OFFICE

U.S. Department of Labor, Occupational Safety and Health Administration, 15220 Gateway Center, 3535 Market Street, Philadelphia, Pa. 19104.

AREA OFFICE

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

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than December 10, 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 no later than December 10, 1973, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Standards at the above address.

Signed at Washington, D.C., this 2nd day of November 1973.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.73-23856 Filed 11-7-73;8:45 am]

[V-73-35]

UNITED VIRGINIA BANKSHARES, INC.

Notice of Application for Variance

Notice of application. Notice is hereby given that United Virginia Bankshares, Inc., 900 East Main Street, Richmond, Virginia 23219 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596), and 29 CFR 1905.11 for a variance from the standards prescribed in 29 CFR 1910.66(b)(3) concerning powered platforms for exterior building maintenance.

The address of the place of employment that will be affected by the application is as follows:

United Virginia Bank Building, First Street and Church Avenue, Roanoke, Va. 24011.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.66(b)(3) which requires that powered platforms for exterior building maintenance meet the requirements of Parts II and III of ANSI-A120.1-1970.

The applicant states that its building, which is 180 feet in height, does not have continuous mullions, so it is impossible to provide guides to positively engage the platform and provide continuous contact with the building face as required by ANSI A120.1-1970, § 11.2. Instead the applicant proposes to lower a 16 foot power driven staging platform from the roof. I-bolts would be used at each spandrel to provide positive anchoring to the building face. The platform will be equipped with safety equipment as required by ANSI A120.1-1970, Section 28, and personnel will be instructed in its 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:

REGIONAL OFFICE

U.S. Department of Labor, Occupational Safety and Health Administration, 15220 Gateway Center, 3535 Market Street, Philadelphia, Pa. 19104.

AREA OFFICE

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 8018, P.O. Box 10186, 400 North Eighth Street, Richmond, Va. 23240.

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than December 10, 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 no later than December 10, 1973, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Standards at the above address.

Signed at Washington, D.C., this 2d day of November 1973.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.73-23855 Filed 11-7-73;8:45 am]

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificates rates are not less than 85 percent of the applicable statutory minimum.

The following certificates were issued to variety-department stores and provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

S. S. Kresge Co., 9-2-74, except as otherwise indicated: No. 4046, Hot Springs, AR (8-2-73 to 7-31-74); No. 4127, Little Rock, AR (8-31-74); No. 742, St. Petersburg, FL; No. 4049, Macon, GA (9-16-74); No. 4044, Savannah, GA (9-18-74); No. 254, Aurora, IL; Nos. 34 and 4031, Bloomington, IL; No. 54, Bridgeview, IL; Nos. 690 and 4019, Champaign, IL; Nos. 8, 236, 416, 445, 480, 599, 627, 4562, and 4613, Chicago, IL; No. 261, Danville, IL; Nos. 201 and 641, Decatur, IL; No. 50, Deerfield, IL; No. 220, Evanston, IL (9-19-74); No. 612, Freeport, IL; No. 179, Galesburg, IL; No. 130, Joliet, IL; No. 417, Kankakee, IL; No. 218, La Grange, IL; No. 4464, Loves Park, IL (9-14-74); No. 25, Markham, IL; No. 497, Mattoon, IL; No. 4546, Moline, IL; No. 503, Oak Brook, IL; No. 4623, Oak Lawn, IL; No. 630, Park Forest IL; No. 4375, Pekin, IL (8-31-74); No. 4630, Pekin, IL; Nos. 242 and 4005, Peoria, IL; No. 321, Quincy, IL; No. 318, Rockford, IL; No. 136, St. Charles, IL; No. 4592, Streator, IL; No. 4412, Wood River, IL (9-14-74); No. 483, Bedford, IN (9-12-74); No. 237, Elkhart, IN; No. 647, Evansville, IN; No. 568, Fort

Wayne, IN; No. 4079, Fort Wayne, IN (8-25-74); Nos. 7 and 672, Indianapolis, IN; No. 4438, Indianapolis, IN (8-31-74); Nos. 589 and 4014, Kokomo, IN; Nos. 204 and 4008, Lafayette, IN; No. 31, Lafayette, IN (9-9-74); No. 466, Mishawaka, IN; No. 251, New Castle, IN; No. 4571, Peru, IN; No. 597, Richmond, IN; No. 2217, Vincennes, IN; No. 4628, Burlington, IA; No. 170, Cedar Rapids, IA; No. 4584, Clinton, IA (8-30-74); No. 270, Davenport, IA; Nos. 71 and 542, Des Moines, LA; No. 100, Dubuque, IA; No. 559, Iowa City, IA; No. 210, Marshalltown, IA; No. 692, Mason City, IA; No. 163, Sioux City, IA; No. 4465, Sioux City, IA (9-14-74); No. 4156, Urbandale, IA (8-20-74); No. 197, Salina, KS; No. 4222, Shawanee Mission, KS (9-12-74); No. 56, Louisville, KY; No. 624, Louisville, KY (8-31-74); No. 363, Owensboro, KY (9-15-74); No. 112, Paducah, KY (8-31-74); No. 4128, Lake Charles, LA (8-3-73 to 7-31-74); No. 485, Adrian, MI; No. 605, Allen Park, MI; No. 504, Alpena, MI (9-6-74); Nos. 74, 131, 160, and 463, Ann Arbor, MI; No. 21, Battle Creek, MI; No. 4086, Benton Harbor, MI; No. 296, Berkley, MI; No. 227, Birmingham, MI; Nos. 16, 350, and 580, Dearborn, MI; Nos. 1, 208, 289, 290, 340, 369, 395, 456, 521, 527, 533, 620, 4516, and 4538, Detroit, MI; No. 166, Detroit, MI (9-7-74); No. 550, Detroit, MI (9-15-74); No. 507, Escanaba, MI; No. 185, Ferndale, MI; Nos. 12 and 272, Flint, MI (9-14-74); No. 214, Flint, MI (9-15-74); No. 642, Flint, MI; No. 4083, Flint, MI (8-23-74); No. 571, Fraser, MI; No. 4405, Fraser, MI (9-8-74); No. 59, Grand Rapids, MI; No. 465, Grosse Pointe, MI; No. 276, Hazel Park, MI; Nos. 211 and 365, Highland Park, MI; No. 403, Iron Mountain, MI (9-7-74); No. 103, Jackson, MI; No. 679, Kalamazoo, MI; No. 549, Lansing, MI (9-13-74); No. 4631, Lansing, MI; Nos. 245 and 685, Lincoln Park, MI; No. 27, Livonia, NI; No. 4430, Livonia, MI (8-31-74); No. 353, Madison Heights, MI; No. 529, Monroe, MI; No. 353, Mount Clemens, MI (9-6-74); No. 636, Muskegon, MI; No. 623, Plymouth, MI; No. 516, Pontiac, MI; No. 2, Port Huron, MI (9-16-74); No. 577, River Rouge, MI; No. 677, Rochester, MI; Nos. 415 and 667, Roseville, MI; No. 530, Royal Oak, MI; No. 428, Saginaw, MI; No. 433, Saginaw, MI (9-13-74); No. 315, Sault Ste. Marie, MI (9-14-74); Nos. 123 and 4074, Southfield, MI; No. 687, Southgate, MI; No. 4021, Southgate, MI (9-13-74); No. 499, Traverse City, MI (9-12-74); Nos. 864 and 4002, Warren, MI; No. 566, Wayne, MI; No. 678, Westland, MI (8-22-74); No. 3042, Columbia Heights, MN (8-31-74); No. 4578, Faribault, MN; No. 694, Minneapolis, MN; No. 323, Rochester, MN; No. 683, St. Paul, MN; No. 3034, White Bear Lake, MN (8-31-74); No. 52, Winona, MN; No. 4193, Bridgeton, MO (9-19-74); No. 4646, Hannibal, MO; Nos. 49 and 82, Kansas City, MO; No. 4220, Kansas City, MO (8-25-74); No. 58, St. Joseph, MO; 24 Hampton Village Plaza, St. Louis, MO; No. 24, St. Louis, MO (9-3-74); No. 4643, St. Louis, MO; No. 11, Webster Groves, MO; No. 326, Omaha, NE; No. 4053, Charlotte, NC (9-4-73 to 9-2-74); No. 4022, Grand Forks, ND (9-14-73 to 9-2-74); No. 4544, Minot, ND (9-10-73 to 9-2-74); No. 4501, Alliance, OH; No. 4518, Ashtabula, OH; No. 658, Barberton, OH (9-15-74); No. 4266, Brooklyn, OH (9-11-74); No. 586, Cambridge, OH; No. 120, Canton, OH; Nos. 28, 298, 411, 434, and 531, Cleveland, OH; No. 3013, Cleveland, OH (9-14-74); Nos. 5 and 328, Columbus, OH; No. 663, Columbus, OH (9-6-74); No. 538, Cuyahoga Falls, OH; Nos. 9 and 287, Dayton, OH; No. 4179, Dayton, OH (8-31-74); No. 171, Lancaster, OH; No. 51, Lima, OH; No. 4528, Lorain, OH; Nos. 144 and 4597, Maple Heights, OH; No. 362, Marion, OH (9-18-74); No. 512, Mount Vernon, OH; No. 410, Painesville, OH; Nos. 314 and 676, Parma, OH; No. 4638, Piqua, OH; No. 316, Springfield, OH; No. 458, Steubenville, OH; No. 686, Tiffin, OH (8-22-74); No. 646, Toledo, OH (9-16-74); No. 299, Warren, OH; No. 228, Willowick, OH; No. 248, Xenia, OH; Nos. 377 and 4556, Zanesville, OH; No. 758, Alcoa, TN (9-9-74); No. 4050, Johnson City, TN (8-31-74); No. 4132, Arlington, TX (9-16-73 to 8-31-74); Nos. 4024, 4094 and 4197, Houston, TX (8-31-74); No. 4133, Irving, TX (8-18-74); No. 4348, Wichita Falls, TX (8-31-74); Nos. 607 and 4051, Eau Claire, WI; No. 611, Fon Du Lac, WI; No. 222, Green Bay, WI; No. 4089, La Crosse, WI; No. 162, Madison, WI; No. 4321, Madison, WI (9-1-74); No. 420, Manitowoc, WI; No. 3039, Milwaukee, WI (8-31-74); No. 442, Neenah, WI; No. 86, Racine, WI; No. 78, Superior, WI; No. 119, Watertown, WI; No. 4376, Waukesha, WI (9-14-74); No. 493, Waukesha, WI.

McCroy-McLellan-Green Stores, 9-2-74, except as otherwise indicated: No. 509, Little Rock, AR (8-25-74); No. 1119, Bridgeport, CT (9-6-74); No. 649, Westport, CT (9-19-74); No. 287, Clearwater, FL (9-6-73 to 9-2-74); No. 1003, Coral Cables, FL; No. 350, Deerfield Beach, FL (9-10-74); No. 112, Deland, FL (9-6-73 to 9-2-74); No. 270, Fort Lauderdale, FL; Nos. 130 and 342, Fort Myers, FL; No. 245, Homestead, FL; No. 95, Jacksonville, FL; No. 173, Kissimee, FL; No. 157, Lake City, FL; No. 97, Lakeland, FL; No. 1313, Lake Wales, FL; No. 259, Leesburg, FL (9-7-74); No. 347, Leesburg, FL; No. 365, Melbourne, FL; No. 74, Miami, FL; No. 344, Mount Dora, FL; No. 57, Ocala, FL; No. 61, Orlando, FL; No. 7501, Orlando, FL (8-16-73 to 8-2-74); No. 81, Palatka, FL; No. 150, Plant City, FL; No. 98, St. Augustine, FL (8-27-74); No. 324, St. Petersburg, FL; No. 69, Sanford, FL; No. 111, Tallahassee, FL (9-10-73 to 9-2-74); No. 71, West Palm Beach FL; No. 339, Winter Garden, FL; No. 244, Winter Haven, FL; No. 1130, Albany, GA (9-6-73 to 9-2-74); No. 191, Atlanta, GA; No. 1113, Augusta, GA; No. 62, Bremen, GA (9-14-74); No. 1107, Columbus, GA (9-6-73 to 9-2-74); No. 1219, Columbus, GA (9-4-74); Nos. 359 and 428, Dalton, GA (9-18-74); No. 327, East Point, GA; No. 433, Griffin, GA; No. 1121, Macon, GA (9-8-74); No. 435, Marietta, GA; No. 176, Savannah, GA; No. 1305, Savannah, GA (9-18-74); No. 424, Thomasville, GA; No. 209, Valdosta, GA (9-11-74); No. 303, Waycross, GA; No. 360, East Ation, IL; No. 676, Pekin, IL; No. 44, Anderson, IN; No. 195, Indianapolis, IN; No. 1081, Koekuk, IA (9-8-74); No. 470, Topeka, KS (9-7-73 to 9-2-74); No. 305, Lexington, KY (8-31-74); No. 1318, Louisville, KY (9-16-74); No. 315, Ba'on Rouge, LA (8-31-74); No. 298, Lafayette, LA (8-31-74); No. 620, Waterville, ME (9-6-74); No. 631, Boston, MA (9-6-74); No. 664, Lynn, MA (9-17-74); No. 556, Alpena, MI; No. 668, Grand Haven, MI; No. 447, Lapeer, MI; No. 541, Petoakey, MI; No. 1056, St. Paul, MN; No. 679, Sturgis, MI; No. 646, Pascagoula, MS (8-26-74); No. 64, Joplin, MO (9-14-74); No. 308, Clifton, NJ; No. 1072, Succasunna, NJ (9-14-74); No. 542, Albuquerque, NM (9-13-73 to 8-31-74); No. 565, Albuquerque, NM (9-10-73 to 8-31-74); No. 706, Albuquerque, NM (9-3-73 to 8-31-74); No. 485, Hobbs, NM (9-10-73 to 8-31-74); No. 700, Albemarle, NC; No. 406, Concord, NC (9-6-73 to 9-2-74); No. 479, Goldsboro, NC; No. 1140, Kinston, NC; No. 427, Lexington, NC; No. 699, New Bern, NC; No. 1141, Reidsville, NC; No. 402, Washington, NC; No. 1045, Wilmington, NC (9-6-73 to 9-2-74); No. 410, Wilson, NC (9-4-74); No. 1127, Winston-Salem, NC; No. 189, Canteen, OH (9-4-74); No. 1207, Cleveland, OH; No. 1035, Columbus OH (9-15-74); No. 180, Dayton, OH (9-4-74); No. 1065, Dayton, OH (9-2-74); No. 684, Delaware, OH; No. 26, East Liverpool, OH; No. 362, Fairborn, OH (9-4-74); No. 1059, Portsmouth, OH (9-5-74); No. 27, Steubenville, OH (9-14-74); No. 372, Troy, OH (9-7-74); No. 1124, Uhrichsville, OH; No. 185, Youngstown, OH (9-4-74); No. 597, Lawton, OK (9-14-73 to 8-31-74); No. 1083, Oklahoma City, OK (8-31-74); No. 633, Pryor, OK (9-14-73 to 8-31-74); No. 1103, Charleston, SC; No. 1104, Columbia, SC; No. 1108, Greenville, SC; No. 1136, Spartanburg, SC; No. 415, Sumter, SC; No. 139, Bristol, TN (9-17-74); No. 429, Chattanooga, TN (9-4-74); No. 497, Columbia, TN (9-4-74); No. 307, Memphis, TN (9-4-74); No. 337, Murfreesboro, TN (9-13-74); No. 417, Murfreesboro, TN (9-4-74); No. 507, Nashville, TN (9-4-74); No. 292, Oak Ridge, TN (8-31-74); No. 249, Arlington, TX (9-14-73 to 8-31-74); No. 1004, Dallas, TX (9-9-73 to 8-31-74); No. 241, Galveston, TX (9-3-73 to 8-31-74); No. 533, McAllen, TX (9-10-73 to 8-31-74); No. 1132, San Antonio, TX (9-16-73 to 8-31-74); No. 216, Wichita Falls, TX (9-3-73 to 8-31-74); No. 451, La Crosse, WI; No. 578, Marinette, WI; No. 454, Marshfield, WI (9-7-74); No. 579, Monroe, WI; No. 694, Oconomowoc, WI.

The following certificates issued to variety-department stores permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

S. S. Kresge Co., for the occupations of salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service, counter filling, 9-1-74, except as otherwise indicated: No. 3109, Melrose Park, IL, 12 to 20 percent (9-9-74); No. 3105, Sterling, IL, 12 to 20 percent; No. 3104, Anderson, IN, 10 percent (stock clerk, maintenance, office clerk, food preparation, register operation, counter filling, salesclerk, customer service, 9-6-74); No. 3005, Gary, IN, 12 to 20 percent (9-2-74); No. 7014, Mount Pleasant, MI, 10 percent (stock clerk, maintenance, office clerk, food preparation, register operation, counter filling, salesclerk, customer service); No. 3036, St. Paul, MN, 22 to 32 percent; No. 3107, Beloit, WI, 7 to 17 percent; No. 3088, Kenosha, WI, 7 to 17 percent (9-2-74); No. 3075, Menomonee Falls, WI, 7 to 17 percent; No. 7010, Stevens Point, WI, 10 to 30 percent.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or recon-

sideration thereof on or before December 10, 1973.

Signed at Washington, D.C., this 29th day of October 1973.

DONALD T. CRUMBACK,
Authorized Representative of the Administrator.

[FR Doc.73-23854 Filed 11-7-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 369]

ASSIGNMENT OF HEARINGS

Correction

In FR Doc. 73-22725, appearing at page 29541 in the issue for Thursday, October 25, 1973, in the list of assignments, the number that immediately follows "MC 119619 Sub" reading "43" should read "59".

[Notice No. 379]

ASSIGNMENT OF HEARINGS

NOVEMBER 5, 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 November 8, 1973.

FD-27040, Florida East Coast Railway Company Stock, now assigned November 26, 1973, at Washington, D.C., is postponed indefinitely.

MC 105566 Sub 92, Sam Tanksley Trucking, Inc., now assigned November 12, 1973, at Washington, D.C., is postponed to January 23, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11954, All-American, Inc.—Purchase (PORTION)—Midwest Coast Transport, Inc., now being assigned hearing January 14, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 111545 Sub 187, Home Transportation Company, Inc., now being assigned hearing January 15, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 4405 Sub 488, Dealers Transit, Inc., Extension-Homer City, Pa., now being assigned hearing January 14, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 136343 Sub 14, Milton Transportation, Inc., now being assigned hearing January 21, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 138814, William A. Addison and L. O. McCullough, Dba Ad-Mac Trucking Company, now being assigned hearing January 16, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-23849 Filed 11-7-73;8:45 am]

[Notice No. 380]

ASSIGNMENT OF HEARINGS

NOVEMBER 5, 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 November 8, 1973.

CORRECTION

No. 35895, Inexco Oil Company v. Belle Porche Pipeline Co., et al., now being assigned Pre-Hearing conference December 12, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C., instead of January 12, 1974.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-23848 Filed 11-7-73;8:45 am]

[No. 35863]

MONTANA INTRASTATE RAIL FREIGHT RATES AND CHARGES, 1973

Supplemental Order

NOVEMBER 5, 1973.

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 26th day of October 1973.

It appearing, that by petition filed on June 29, 1973, the Burlington Northern, Inc., Chicago, Milwaukee, St. Paul and Pacific Railroad Company, and Union Pacific Railroad Company, common carriers by railroad operating within the State of Montana, sought the institution of an investigation into the lawfulness of Montana intrastate rates under section 13 of the Interstate Commerce Act, to the extent that they do not include general increases in interstate rates on like traffic;

It further appearing, that such an investigation was instituted by order dated July 16, 1973, that public notice thereof was given by publication of that order in the Federal Register on August 1, 1973, 38 FR 20512; that all interested parties were requested to notify this Commission on or before September 4, 1973, of their intention to participate; that thereafter, by notice dated September 11, 1973, a list of all parties was published; and that, by order dated September 19, 1973, the matter was assigned for special procedure, including the filing of verified statements by the respondents and supporters on or before October 9, 1973, and of protestants on or before November 9, 1973, and for oral hearing for cross-examination on November 28, 1973, at Billings, Mont.;

It further appearing, that on September 25, 1973, the said petitioners filed a motion for leave to supplement the petition, together with such a supplemental petition, seeking to include in the investigation the increases authorized or to be authorized in interstate rates in Ex Parte No. 295, *Increased Freight Rates and Charges, 1973, Nationwide*, now pending before this Commission;

It further appearing, that on October 15, 1973, replies in opposition to the motion were filed by the Public Service Commission of Montana and by Hoener Waldorf Corporation,[1] a receiver of pulpwood chips by rail in Montana, on the grounds that only an interim increase has been authorized in Ex Parte No. 295 which is subject to change when the final decision is rendered in that proceeding, that an interim increase is not a valid standard of comparison for measuring rate disparity under section 13(4) of the act, and that, therefore, the motion should be denied because it is premature, pursuant to docket No. 35847, *Intrastate Freight Rates and Charges—Pulpwood & Chips Alabama*, et al., 344 I.C.C. 108 (1973), wherein a petition was found to be premature which sought increased intrastate rates to the level of proposed interstate rates under suspension; that this is an attempt to have intrastate increase considered at the same time interstate increases are under investigation, which exceeds the authority of the Commission under section 13; that petitioners should have, consequently, first filed an application for an increase with the Montana Public Service Commission, which latter Commission has granted increases corresponding to the intertsate increases in Ex Parte Nos. 256, 259, 262, 265, 267, and 281 to the extent of approximately $2,749,181 out of $3,524,181 sought by the petitioners from that Commission, which are now in the instant proceeding seeking to obtain the balance of about $775,000, including increases on whole grains which were not included in their applications to the State Commission; and that, finally, replicants would be prejudiced in meeting this issue in the instant proceeding since the petitioners have been so dilatory in raising it as shown by the fact that the initial petition was filed herein on June 29, 1973, and the 3-percent interim increase was authorized in Ex Parte No. 295 by order dated August 2, 1973, but petitioners did not file their instant motion until September 25, 1973, which was after the order herein of September 19, 1973, scheduling the various dates for filing verified statements and setting the matter for cross-examination;

It further appearing, that the same basic issue was raised in petitions filed by railroads operating in the States of Utah and Wyoming, that is, the petitioners sought to increase their rates on intrastate commerce within the respective States to the level of the increases authorized in Ex Parte No. 295, and investigations were instituted by this Commission by order dated September 27, 1973.

[1] Hoener Waldorf's reply did not include an appendix referred to therein, which was subsequently filed on October 17, 1973.

in docket No. 35894, in *Utah Intrastate Freight Rates and Charges—1973*, and on October 10, 1973, in docket No. 35899 in *Wyoming Intrastate Freight Rates and Charges—1973*, solely to the extent that the intrastate rates did not include the interim increase in Ex Parte No. 295;

And it is further appearing, that all parties hereto have been notified that the said issue is now involved in the instant proceeding by virtue of the fact that the petitioners served the motion and accompanying supplemental petition upon all parties listed in the said notice of September 11, 1973, as well as on the Governor of Montana and the Montana Public Service Commission, to accord sufficient notice thereof for the parties to prepare evidence in response thereto in accordance with the terms of the order setting the matter for special procedures; and that, therefore, any potential questions which the parties may raise in this respect may be resolved in the investigation; wherefore:

It is ordered, That the motion for leave be, and it is hereby, granted, that the supplemental petition be, and it is hereby, partially granted, and this proceeding be expanded solely to include consideration of the interim increase in interstate rates authorized in Ex Parte No. 295, and that the supplemental petition in all other respects is denied.

By the Commission, Division 2.

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

[FR Doc.73-23851 Filed 11-7-73;8:45 am]

[Notice No. 384]

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 November 28, 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-74573. By order of November 1, 1973, the Motor Carrier Board, on reconsideration, approved the transfer to William L. Smith, Bend, Oreg., of Permit No. MC-136023 (Sub-No. 1), issued February 1, 1973, to N.C.W., Inc., Prineville, Oreg., authorizing the transportation of wood residuals from the facilities of Blue Mountain Forest Products Company in Grant and Umatilla Counties, Oreg., to points in Walla Walla County, Wash. Mr. Russell M. Allen, Attorney at Law, 1200 Jackson Tower, Portland, Oreg. 97205.

No. MC-FC-74712. By order of November 2, 1973, the Motor Carrier Board approved the transfer to Paul T. Downing, Jr., 5824 No. 5th Street, Philadelphia, Pa., of Licenses Nos. MC-12575 and MC-12575 (Sub-No. 1), issued August 6, 1953, and August 9, 1957, respectively, to Emma E. Downing, Philadelphia, Pa., authorizing the transportation of passengers and their baggage in round-trip tours beginning and ending at points in Pennsylvania and New Jersey within 25 miles of Philadelphia, Pa., and extending to all points in the United States.

No. MC-FC-74791. By order entered November 2, 1973, the Motor Carrier Board approved the transfer to Donald A. Beam, doing business as Don's Moving & Storage, Greenville, Ohio, of the operating rights set forth in Certificate No. MC-127984, issued December 8, 1966, to Floyd R. Williamson, doing business as Rick Williamson Moving, Greenville, Ohio, authorizing the transportation of general commodities (except household goods as defined by the Commission, Class A and B explosives, commodities in bulk, and those requiring special equipment), in retail delivery service, from points in Darke County, Ohio, to points in Jay, Randolph, and Wayne Counties, Ind.; and returned or trade-in merchandise consisting of the above-specified commodities, from points in Jay, Randolph, and Wayne Counties, Ind., to points in Drake County, Ohio. James W. Muldoon, 50 West Broad Street, Columbus, Ohio 43215, attorney for applicants.

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

[FR Doc.73-23850 Filed 11-7-73;8:45 am]

[Notice No. 150]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 1, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of *Ex Parte* No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 26396 (Sub-No. 99 TA), filed October 23, 1973. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, P.O. Box 990, 201 West Park, Livingston, Mont. 59047. Applicant's representative: Ann McIntyre (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood, lumber, wood products and lumber products*, from points east of the Continental Divide to points in Texas and Oklahoma, for 180 days. SUPPORTING SHIPPER: Slaughter Brothers, Inc., P.O. Box 624, Kalispell, Mont. 59901. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 101075 (Sub-No. 114 TA), filed October 23, 1973. Applicant: TRANSPORT, INC. (Minnesota Corporation), P.O. Box 396, 1215 Center Ave., Moorhead, Minn. 56560. Applicant's representative: Ronald B. Pitsenbarger, P.O. Box 396, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from Minot, N. Dak. (except the Cenex Pipeline Terminal), to points in Minnesota, for 180 days. SUPPORTING SHIPPER: Twin City Barge & Towing Company, 1303 Red Rock Road, P.O. Box 3032, St. Paul, Minn. 55165. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 107002 (Sub-No. 439 TA), filed October 23, 1973. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 1123, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Memphis, Tenn. to St. Louis, Mo., for 180 days. SUPPORTING SHIPPER: Delta Refining Company, 543 West Mallory Avenue, Memphis, Tenn. 38109. SEND PROTESTS TO: District Supervisor Tarrant, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 107227 (Sub-No. 128 TA), filed October 19, 1973. Applicant: INSURED TRANSPORTERS, INC. (California Corporation), 45055 Fremont Boulevard,

P.O. Box 1807, Fremont, Calif. 94538. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes, recreational vehicles, foreign-made automobiles*, and *foreign-made trucks*, in secondary movements, in truckaway service, shipments of trucks and automobiles being restricted to traffic originating at facilities of Toyota Motors, USA, from Portland, Oreg., to points in Idaho, Montana, Oregon, and Washington, for 180 days. SUPPORTING SHIPPER: Toyota Motors USA, 2055 West 190th, Torrance, Calif. 90504. SEND PROTESTS TO: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 117119 (Sub-No. 486 TA) (CORRECTION), filed October 11, 1973, published in the FEDERAL REGISTER, issue of October 29, 1973, and republished as corrected this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728.

NOTE.—The purpose of this partial republication is to show the correct sub number as No. MC 117119 (Sub-No. 486), in lieu of No. MC 117119 (Sub-No. 48 TA), which was published in the FEDERAL REGISTER in error. The rest of the application remains the same.

No. MC 124733 (Sub-No. 2 TA), filed October 24, 1973. Applicant: FOSTER THURMAN, Route 8, Columbia, Tenn. 38401. Applicant's representative: Edward C. Blank, II, Middle Tennessee Bank Building, Columbia, Tenn. 38401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, beer and ale*, bottled and in cases, and *related advertising materials*, from Pabst, Ga., to Columbia, Tenn., for 180 days. SUPPORTING SHIPPER: Mid-State Distributing Company, Columbia, Tenn. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 134235 (Sub-No. 2 TA), filed October 24, 1973. Applicant: KUHNLE BROTHERS, INC., P.O. Box 128, Chagrin Falls, Ohio 44022. Applicant's representative: Herbert M. Canter, 315 Seitz Building, 201 East Jefferson Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from the facilities of Morton Salt Company, Division of Morton-Norwick Products, Inc., at Milo, N.Y., to points in Hunterdon, Morris, Somerset, Sussex and Warren Counties, N.J., and Fayette, Greene, Lackawanna, Luzerne, Lycoming, Schuylkill, Union, Washington, and Westmoreland Counties, Pa., for 180 days. SUPPORTING SHIPPER: Morton Salt Co., Division of Morton Norwick Products, Inc., 939 North Delaware Avenue, Philadelphia, Pa. 19123. SEND PROTESTS TO: Franklin D. Ball, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 136685 (Sub-No. 2 TA) (CORRECTION), filed October 5, 1973, published in the FEDERAL REGISTER, issue of October 23, 1973, and republished as corrected this issue. Applicant: PRICE'S PRODUCERS, INC., PRICE'S VALLEY GOLD DAIRIES, INC. AND LA CORONA FOODS, INC., doing business as PRICE'S TRANSPORTATION, 507 Hunter Drive, El Paso, Tex. 79915. Applicant's representative: Phil B. Hammond, Tenth Floor, 111 West Monroe, Phoenix, Ariz. 85003.

NOTE.—The purpose of this partial republication is to show applicant's correct address as 507 Hunter Drive, El Paso, Tex. 79915, in lieu of 5025 Peoria Avenue, Glendale, Ariz. 85301, which was published in error. The rest of the application remains the same.

No. MC 139132 (Sub-No. 1 TA), filed October 5, 1973. Applicant: MOBILE HOUSING SERVICES CO., 2570 Eastgate Road, Box 12, Toledo, Ohio 43614. Applicant's representative: Michael Marshall Briley, 1200 Edison Plaza, Toledo, Ohio 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers*, from points in New York, to points in Florida, and restricted to the transportation services to be performed for the United States Department of Labor, for 180 days. SUPPORTING SHIPPER: U.S. Department of Labor, Manpower Administration, Director, Office of Administrative Services, 1726 M Street NW., Washington, D.C. SEND PROTESTS TO: District Supervisor Keith D. Warner, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 139161 (Sub-No. 2 TA) (CORRECTION), filed October 17, 1973, as No. MC 139176 TA, published in Notice No. 148, dated October 29, 1973, and republished as corrected this issue. Applicant: A. SPADARO TRUCKING, INC., 1343 73rd Street, Brooklyn, N.Y. 11228. Applicant's representative: Ronald I. Shapss, 744 Broad Street, Newark, N.J. 07102.

NOTE.—The purpose of this partial republication is to show the correct MC number as No. MC 139161 (Sub-No. 2 TA), in lieu of No. MC 139176 TA, which was published in error. The rest of the application remains the same.

No. MC 139179 (Sub-No. 1 TA), filed October 23, 1973. Applicant: DRYWALL TRANSPORT, CO. INC., 1200 Arden Lane, Sacramento, Calif. 95815. Applicant's representative: Bert Collins, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum products, gypsum board paper and wall sections, and related materials, supplies, and equipment* (except in bulk), from Antioch, Newark, and San Leandro, Calif., to points in Washoe County, Nev., for 180 days. RESTRICTION: The proposed service to be under contract with Kaiser Gypsum Co., Oakland, Calif. SUPPORTING SHIPPER: Kaiser Gypsum Company, Inc., 300 Lakeside Drive, Oakland, Calif. 94604. SEND PROTESTS TO: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

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

[FR Doc.73-23847 Filed 11-7-73;8:45 am]

[Notice No. 88]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 2, 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 REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 409 (Sub-No. 47), filed September 10, 1973. Applicant: SCHROETLIN TANK LINES, INC., P.O. Box 511, Sutton, Nebr. 68979. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in tank trucks, (1) from Doniphan, Nebr., and Kansas City, Mo., to points in Kansas, and (2) from Fairfield, Nebr., to points in Kansas on and east of U.S. Highway 183; on and north of Interstate Highway 70; and on and west of U.S. Highway 75.

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 or Omaha, Nebr.

No. MC 488 (Sub-No. 10), filed September 4, 1973. Applicant: BREMAN'S EXPRESS COMPANY, a Corporation, 300 Canal Street, Leechburg, Pa. 15656. Applicant's representative: Edward Goldberg, 1408 Law and Finance Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products and materials and supplies* used in the installation of refractory products (except in bulk or in tank or hopper vehicles), from Clearfield, Curwensville, Irvona, and Pike Township (Clearfield County), Pa., to points in that part of Ohio east of U.S. Highway 21 and north of U.S. Highway 50, and that part of West Virginia east of U.S. Highway 21 and north of U.S. Highway 50, including points on the indicated portions of the highways specified.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 1693 (Sub-No. 6), filed August 22, 1973. Applicant: P. J. FLYNN, INC., 1000 Coolidge Street, South Plainfield, N.J. 07080. Applicant's representative: Robert J. Lyon (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay, colors and minerals*; (1) From South Plainfield, N.J., to points in Bronx, Kings, Queens, Richmond, and Rockland Counties, N.Y.; (2) from Port of New York, to South Plainfield, N.J.; (3) from South Plainfield, to the Port of New York; and (4) from South Plainfield, to Yonkers, N.Y., under contract with Whittaker, Clark & Daniels, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., Trenton, N.J., or New York, N.Y.

No. MC 2226 (Sub-No. 104), filed August 13, 1973. Applicant: RED ARROW FREIGHT LINES, INC., 3901 Seguin Road, P.O. Box 1897, San Antonio, Tex. 78927. Applicant's representative: Phillip Robinson, The 904 Lavaca Building, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Dallas and Amarillo, Tex., serving Fort Worth, Wichita Falls, and all intermediate points between Wichita Falls and Amarillo: (a) From Dallas over Interstate Highway 35E to Denton, thence over U.S. Highway 380 to Decatur, thence over U.S. Highway 287 to Amarillo, and return over the same route; (b) From Dallas over Texas Highway 114 to Rhome, thence over U.S. Highway 287 to Amarillo, and return over the same route; and (c) From Dallas over U.S. Highway 283 to Albany, thence Road to Fort Worth, thence over U.S. Highway 287 to Amarillo, and return over the same route; (2) Between Fort Worth and Wichita Falls: From Fort Worth over Texas Highway 199 to Jacksboro, thence over U.S. Highway 281 to Wichita Falls, and return over the same route; (3) Between Fort Worth and Lubbock, serving all intermediate points between Jacksboro and Lubbock, and the off-route point of Hurlwood, west of Lubbock: From Fort Worth over Texas Highway 199 via Jacksboro to Seymour, thence over U.S. Highway 82 to Lubbock, and return over the same route; (4) Between Wichita Falls and Abilene, serving all intermediate points (except Weinert, Haskell, points between Abilene and Stamford on U.S. Highway 277 and Albany): (a) From Wichita Falls over U.S. Highway 277 to Abilene, and return over the same route; and (b) From Wichita Falls over Texas Highway 79 to Throckmorton, thence over U.S. Highway 283 to Albany, thence over U.S. Highway 180 to junction Texas Highway 351, thence over Texas Highway 351 to Abilene, and return over the same route; (5) Between Jacksboro and Rule, serving all intermediate points (except Haskell and those between Jacksboro and Graham), serving South Bend, Eliasville, Ivan, and Woodson as off-route points, and serving Jacksboro as a point of joinder only: From Jacksboro over U.S. Highway 380 to Rule, and return over the same route; (6) Between Stamford and Benjamin, serving all intermediate points: From Stamford over Texas Highway 6 to junction Texas Highway 283, thence over Texas Highway 283 to Benjamin, and return over the same route; (7) Between Vernon and Hereford, serving all intermediate points and the off-route points of Fargo, Roaring Springs, and Glenn: from Vernon over U.S. Highway 70 to Olton, thence over Farm-to-Market Road 168 to Hart (also from Plainview over Texas Highway 194 to Hart), thence over Texas Highway 194 to junction U.S. Highway 385, thence over U.S. Highway 385 to Hereford, and return over the same route; (8) Between Ralls and Estelline, serving all intermediate points: From Ralls over Texas Highway 207 to Silverton, thence over Texas Highway 86 to Estelline, and return over the same route; (9) Between Amarillo and Farwell, serving all intermediate points and the United States Helium Plant west of Amarillo as an off-route point: From Amarillo over U.S. Highway 60 to Farwell, and return over the same route; (10) Between Idalou and Plainview, serving all intermediate points and the off-route point of Petersburg: From Idalou over U.S. Highway 82 to junction Farm-to-Market Road 400, thence over Farm-to-Market Road 400 to Plainview, and return over the same route; (11) Between Wichita Falls and Sheppard Air Force Base and the Wichita Falls Airport and Kell Field, serving all intermediate points: From Wichita Falls over U.S. Highways 277 and 281 to their intersection with unnumbered county road to Sheppard Air Force Base and the Wichita Falls Air Port and Ken Field, and return over the same route; (12) Between Olney and Newcastle, serving all intermediate points: From Olney over Texas Highway 251 to Newcastle, and return over the same route; (13) Between Jean and the intersection Farm-to-Market Road 1769 and U.S. Highway 380, serving all intermediate points: From Jean over Farm-to-Market Road 1769 to its junction with U.S. Highway 380, and return over the same route; (14) Between Seymour and Throckmorton, serving all intermediate points: From Seymour over U.S. Highway 283 to Throckmorton, and return over the same route; (15) Between Canyon and Plainview: From Canyon over U.S. Highway 87 to Plainview, and return over the same route; (16) Between Matador and Dickens: From Matador over Texas Highway 70 to Dickens, and return over the same route; (17) Between Childress and Paducah: From Childress over U.S. Highway 62 to Paducah, and return over the same route; (18) Between Quanah and junction Farm-to-Market Road 104 and U.S. Highway 70: From Quanah over Farm-to-Market Road 104 to junction U.S. Highway 70, and return over the same route; (19) Between Knox City and Mun-

day: From Knox City over Texas Highway 222 to Munday, and return over the same route; and (20) Between Graham and junction Texas Highway 16 and U.S. Highway 281 near Antelope: From Graham over Texas Highway 16 to junction U.S. Highway 281 near Antelope, and return over the same route: (15) through (20) as alternate routes for operating convenience only, serving no intermediate points and serving the termini for purpose of joinder only.

NOTE.—Common control was approved in Docket No. MC–F–9959. If a hearing is deemed necessary, applicant request it be held at both Lubbock and Austin, Tex., in that order.

No. MC 2633 (Sub-No. 60), filed August 30, 1973. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pa. 16365. Applicant's representative: Kenneth T. Johnson, Bankers Trust Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except petrochemicals), as described in Appendix XIII to the report in *Descriptions in Motor Carrier's Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Warren, Pa. to points in Ohio (except those on and east of Ohio Highway 14 from Cleveland to Unity, Ohio, and on and north of Ohio Highway 165 from Unity to the Ohio-Pennsylvania State line).

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Warren, Pa., to provide a through service from points in New York to those points in Ohio as described above. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Pittsburgh, Pa.

No. MC 2860 (Sub-No. 127), filed September 7, 1973. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Delaware, Pennsylvania, Maryland, and Virginia, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, West Virginia, Wisconsin, Virginia, and Washington, D.C.

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 2860 (Sub-No. 28), filed September 7, 1973. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billing, 1126 16th Street NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Delaware, Pennsylvania, Maryland, and Virginia, to points in North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Louisiana, and Mississippi.

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 2900 (Sub-No. 245), filed August 23, 1973. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between the junction of U.S. Highway 70 and Alternate U.S. Highway 41 and U.S. Highway 50 and U.S. Highway 67, as an alternate route for operating convenience only in connection with applicant's regular-route operations: From the junction of U.S. Highway 70 and U.S. Highway 41 over Alternate U.S. Highway 41 to junction Alternate U.S. Highway 41 and U.S. Highway 41, thence over U.S. Highway 41 to junction U.S. Highway 41 and U.S. Highway 460, thence over U.S. Highway 460 to junction Interstate Highway 57, thence over Interstate Highway 57 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 67 and return over the same route, serving no intermediate points and serving the junction of Alternate U.S. Highway 41 and U.S. Highway 41, and the termini for the purpose of joinder only; (2) Between the junction of U.S. Highway 41 and U.S. Highway 70 and Interstate Highway 74 and U.S. Highway 150, as an alternate route for operating convenience only in connection with applicant's regular-route operations: From junction U.S. Highway 70 and U.S. Highway 41 over U.S. Highway 41 to junction Interstate Highway 74, thence over Interstate Highway 74 to junction U.S. Highway 150 and return over the same route, serving no intermediate points and serving the junctions of U.S. Highway 41 and Alternate U.S. Highway 41, U.S. Highway 41 and Indiana Highway 64, U.S. Highway 41 and U.S. Highway 50, U.S. Highway 41 and U.S. Highway 40, U.S. Highway 41 and Interstate Highway 74 and the termini for the purpose of joinder only; (3) Between the junction of U.S. Highway 51 and Interstate Highway 40 and U.S. Highway 59 and U.S. Highway 90, as an alternate route for operating convenience only in connection with applicant's regular-route operations: From the junction of U.S. Highway 51 and Interstate Highway 40 over Interstate Highway 40 to junction Interstate Highway 30, thence over Interstate Highway 30 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction U.S. Highway 90 and return over the same route, serving no intermediate points but serving the junction of Interstate Highway 30 and Arkansas Highway 29 and the termini for the purpose of joinder only; and (4) Between the junction of Interstate Highway 30 and Arkansas Highway 29 and Shreveport, La., as an alternate route for operating convenience only in connection with applicant's regular-route operations: From junction Interstate Highway 30 and Arkansas Highway 29 over Arkansas Highway 29 to the Arkansas-Louisiana State line, thence over Louisiana Highway 3 to Shreveport, La., and return over the same route serving no intermediate points and serving the termini for purposes of joinder only, restricted in Routes 3 and 4 above against the transportation of shipments moving between Memphis, Tenn., and points in its commercial zone as defined by the Commission, on the one hand, and, on the other, Shreveport, La., and Houston, Tex., and points in their respective commercial zones as defined by the Commission.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga., or Jacksonville, Fla.

No. MC 3252 (Sub-No. 89), filed September 10, 1973. Applicant: MERRILL TRANSPORT CO., a Corporation, 1073 Forest Avenue, Portland, Maine 04104. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Muriatic acid*, in bulk, in tank vehicles, from Orrington, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey; (2) *caustic soda*, in bulk, in tank vehicles, from ports of entry on the International Boundary line between the United States and Canada at or near Houlton, Venceboro, and Calais, Maine, to points in Maine; (3) *petroleum products*, in bulk, in tank vehicles, from Portsmouth, N.H., to points in Windham, Orange and Windsor Counties, Vt.; and (4) *prefabricated buildings and building and construction materials*, from Burlington and White River Junction, Vt., and Berlin, N.H., to points in Vermont and New Hampshire.

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 Portland, Maine, or Boston, Mass.

No. MC 4405 (Sub-No. 507), filed August 31, 1973. Applicant: DEALERS TRANSIT, INC., 2200 E. 170th Street, P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis* other than those designed to be drawn by passenger automobiles, in initial truckaway and driveaway service, from Lubbock, Tex., to points in the United States (except Alaska and Hawaii) and (2) *tractors*, in secondary driveaway service only when drawing trailers moving in initial driveaway

service, from Lubbock, Tex., to points in Arizona, Nevada, Oregon, and Vermont.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 8948 (Sub-No. 106), filed August 28, 1973. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. 90058. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *New furniture, furnishings, accessories, and household appliances*, (1) Between Barstow, Calif. and Las Vegas, Nev.: From Barstow, Calif., over Interstate Highway 15 to Las Vegas, Nev., serving all points in Clark County, Nev., as off-route points; and (2) Between Reno, Nev., and Las Vegas, Nev.: From Reno, Nev., over Interstate Highway 80 to junction Alternate U.S. Highway 95, thence over Alternate U.S. Highway 95 to junction U.S. Highway 95, thence over U.S. Highway 95 to Las Vegas, Nev., and return over the same route, serving no intermediate points, restricted to shipments moving to, from or through California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Las Vegas, Nev.

No. MC 13250 (Sub-No. 123), filed September 10, 1973. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, P.O. Box 16190, Houston, Tex. 77022. Applicant's representative: James M. Doherty, Suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural poles and parts, attachments, and accessories* for structural poles, and (2) *materials, equipment and supplies* used in the manufacture, installation or processing of items listed in (1) above, between Houston, Tex., on the one hand, and, on the other, points in the United States (except Hawaii), restricted to traffic originating at or destined to the plantsites of American Pole Structures located at or near Houston, 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 Houston, Tex.

No. MC 1472 (Sub-No. 54), filed September 10, 1973. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: Edward R. Kirk, Suite 1660, 88 East Board St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles*, between the plantsite of Anaconda aluminum Company at Terre Haute, Ind., on the one hand, and, on the other, points in West Virginia, Pennsylvania, New Jersey, Virginia, Maryland, the District of Columbia, and points in that part of eastern New York east of a line extending from the shore of Lake Ontario along New York Highway 18 to Rochester, thence over U.S. Highway 15 from Rochester to Lakeville, thence over U.S. Highway 20–A from Lakeville to Leicester, thence over New York Highway 36 from Leicester to Mt. Morris, thence over New York Highway 408 from Mt. Morris to junction with New York Highway 16, near Hinsdale, thence over New York Highway 16 from said junction to Olean, and thence over New York Highway 16–A to the New York-Pennsylvania State line.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with that held in MC 14702 (Sub-No. 21), to serve points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, Tennessee, Vermont, Rhode Island, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 21060 (Sub-No. 14), filed September 10, 1973. Applicant: IOWA PARCEL SERVICE, INC., 3123 Delaware Avenue, Des Moines, Iowa 50313. Applicant's representative: Homer E. Bradshaw, 11th Floor Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Iowa, on the one hand, and, on the other, points in Harrison, Worth, and Mercer Counties, Mo., restricted against the transportation of any parcels, packages or articles weighing separately more than 100 pounds or in the aggregate more than 200 pounds from one consignor at one location to one consignee at one location on any one day.

NOTE.—Applicant presently holds authority within the area of this application, restricted to the transportation of any parcels, packages, or articles weighing in the aggregate more than 100 pounds from one consignor at any one location to one consignee at any one location on any one day. The purpose of this application is to increase the aggregate weight limitation from one consignor at one location to one consignee at any one location on any one day from 100 pounds to 200 pounds to conform with the operating authority of similar carriers operating in the Missouri-Kansas area. Common control was approved in MC-F-10393. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Kansas City, Mo.

No. MC 22301 (Sub-No. 16), filed September 4, 1973. Applicant: SIOUX TRANSPORTATION COMPANY, INC., 1230 Steuben St., P.O. Box 3088, Sioux City, Iowa 51102. Applicant's representative: Paul Beck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites of Iowa Beef Processors, Inc., at Denison, Ft. Dodge, and Le Mars, Iowa, and West Point, Nebr., to points in Illinois on and east of U.S. Highway 51; on and north of U.S. Highway 24, and Bloomington, Pekin, and Peoria, Ill., restricted to freight originating at the named origins and terminating at the named destination points.

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 Sioux City, Iowa, or Omaha, Nebr.

No. MC 29120 (Sub-No. 167), filed September 5, 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: *Such commodities* as are sold, used or dealt in by mail-order businesshouses, from the warehouses and facilities of Fingerhut Corporation at or near St. Cloud, Minn., to Cleveland and Cincinnati, Ohio; Omaha, Nebr.; and St. Louis, Mo.

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 St. Cloud, Minn.

No. MC 29886 (Sub-No. 299), filed August 31, 1973. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels); (2) *equipment* designed for the use in conjunction with tractors; (3) *agricultural, industrial and construction machinery and equipment;* (4) *attachments* for commodities described in (1) through (3) above; (5) *internal combustion engines;* (6) *parts* of commodities described in (1) through (5) above, in mixed loads with such commodities; and (7) *materials, equipment, and supplies* used in the manufacture of the commodities described in (1) through (6) above (except commodities in bulk), (a) from the facilities of J. I. Case Co., located in Bettendorf and Burlington, Iowa, and Racine, Wis., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, and (b) between the plantsites, warehouses, dealer locations, distributor locations and customer locations of J. I. Case Co., located in the destination States named in (a) above.

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 30887 (Sub-No. 196), filed September 7, 1973. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Reistertown, Md. 21136. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid*, in bulk, in tank vehicles, from Baltimore, Md., to Chestertown, Md., restricted to traffic having a prior movement by rail.

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 31600 (Sub-No. 666), filed August 15, 1973. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: David F. McAllister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aviation fuel*, in bulk, in tank vehicles, from Mellville, R.I., to Lakehurst, N.J.; (2) *liquid chemicals*, in bulk, in tank vehicles, from Winsted, Conn., to points in Massachusetts on and west of U.S. Highway 5; (3) *lead oxide (litharge), dry*, in bulk, in tank vehicles, from Middletown, N.Y., to Bennington, Vt.; Middletown, Del.; Reading, Pa.; and Trenton, N.J.; and (4) *litharge, dry*, in bulk, in tank vehicles from Brooklyn, N.Y., to Philadelphia and Reading, Pa.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority as follows: in part (2) on liquid chemicals; in Sub 203 (formaldehyde and styrene), at Springfield, Mass., to provide through service ice to points in Connecticut and Rhode Island; in Sub 205 (liquid commodities), at Sprinfield, Mass., to provide through service to points in Connecticut, Maine, New Hampshire, Rhode Island, and Vermont; in Sub 229 (formaldehyde) at Springfield, Mass, to provide through service to points in Amsterdam, N.Y.; in Sub 313 (formaldehyde, styrene monomer and resins) at Springfield, Mass., to provide through service to various points in New York and various points in Pennsylvania, and Laurel, Del.; in Sub 364 (in part) (gelva emulsion) at Springfield, Mass., to provide through service to Bainbridge, N.Y., and points in Illinois; (resins) at Springfield, Mass., to Detroit, Mich.; in Sub 394 (in part) (glues and resins) at Springfield, Mass., to provide through service to Henderson, Ky., Odenton, Md., Cattaraugus, N.Y., Williamsport, Pa., Orangeburg, S.C., Roanoke Va., Cleveland, Ohio, Waukegan, Ill., and New Albany, Ind.; in Sub 401 (synthetic resin and liquid sizing) at Chicopee, Mass., to provide through service to Waterford, N.Y.; in Sub 410 (gelva emulsion) at Springfield, Mass., to provide through service to Branchville, Md.; in Sub 427 (synthetic resin and sizing) at Chicopee, Mass., to provide through service to Tyrone, Pa.; in Sub 428 (synthetic resin) at Ballardvale, Mass., to provide through service to Newark, Ohio, and Odenton, Md.; at Springfield, Mass., to High Point, N.C.; in Sub 490 (resins) at Springfield, Mass., to provide through service to Corinth, N.Y.; in Sub 498 (synthetic resin, glue, and liquid sizing) at Chicopee, Mass., to provide through service to various points in New York; at Springfield, Mass., to provide through service to various points in New York; in Sub 554 (synthetic glue, resins and sizings) at Chicopee, Mass., to provide through service to Frewsburg and Mechanicville, N.Y.; and in Sub 614 (liquid synthetic plastics and sizings) at Chicopee, Mass., to provide through service to Deposit and Rochester, N.Y. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 32882 (Sub-No. 71), filed August 24, 1973. Applicant: MITCHELL BROS. TRUCK LINES, 2841 N. Columbia Boulevard, Portland, Oreg. 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which by reason of size or weight, require special equipment, and *commodities* which do not require special handling or the use of special equipment when moving in the same shipment on the same bill or lading as commodities which by reason of size or weight require special handling or the use of special equipment; (2) *self-propelled articles*, transported on trailers, and *related machinery, tools, parts, and supplies* moving in connection therewith; (3) *iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209; 44) *pipe*, other than iron and steel, together with fittings; and (5) *construction materials*, between points in Colorado, on the one hand, and, on the other, points in Idaho, Utah, and Wyoming.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority (1) in the lead certificate at points in Idaho to provide a through service from points in Colorado to points in Oregon, Washington, and that part of California within 150 miles of the Oregon-California State line; and (2) in Sub-No. 51 at points in Utah to provide a through service from points in Colorado to points in Washington and Oregon. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 32882 (Sub-No. 72), filed September 4, 1973. Applicant: MITCHELL BROS. TRUCK LINES, a Corporation, 3841 N. Columbia Blvd., Portland, Oreg. 97217. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Construction materials, pipe and tubing* (except forest products and lumber, commodities in bulk, iron and steel and iron and steel articles as described in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, Appendix V, 61 M.C.C. 209, and commodities requiring special equipment), and (2) *self-propelled vehicles*, each weighing less than 15,000 pounds (except automobiles and buses as defined in Section 203(a)(13) of the Interstate Commerce Act, and vehicles moving in driveaway service), (a) between points in Oregon, and Washington, on the one hand, and, on the other, points in Utah and Montana; and (b) between points in Oregon and Idaho.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at points in Oregon to provide a through service from points in Utah and Montana to points in California. Other tacking possibilities exist but are not sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 41136 (Sub-No. 24), filed September 4, 1973. Applicant: FLEET CARRIER CORPORATION, 586 South Boulevard East, Pontiac, Mich. 48053. 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: *Trucks, tracktractors, buses, chassis and other automotive vehicles* (except passenger automobiles), *and parts and accessories therefor*, moving in the same shipment with the vehicles to be transported, in subsequent or secondary movements, in truckaway service, between points in the United States (except California, Arizona, Nevada, Utah, Washington, Oregon, Idaho, Montana, Alaska, and Hawaii); restricted to vehicles originally manufactured at and shipped from the sites of the plants of General Motors Corporation in Pontiac, Mich., and against the transportation of vehicles having an immediately prior movement by rail.

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 41432 (Sub-No. 135), filed August 22, 1973. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207. Applicant's representative: W. P. Furrh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of French and Hecht at or near Walcott, Iowa, as an off-route point in connection with carrier's regular-route operations to and from Moline, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Davenport, Iowa, or Dallas, Tex.

No. MC 41951 (Sub-No. 18), filed September 7, 1973. Applicant: WHEATLEY TRUCKING, INC., 125 Brohawn Avenue, Cambridge, Md. 21613. Applicant's representative: M. B. Morgan, 201 Azar Building, Box 786, Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*

(except frozen or coldpack), from Cambridge, Md., to Highlands, Tex., and Haskell, 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 Washington, D.C., or Baltimore, Md.

No. MC 44913 (Sub-No. 12), filed August 24, 1973. Applicant: E. ROSECOE WILLEY, INC., P.O. Box 116, Secretary, Md. 21664. Applicant's representative: Daniel B. Johnson, 716 Perpetual Bldg., 1111 E St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Winston Salem, N.C., to New Castle and Milford, Del.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 46313 (Sub-No. 12), filed August 27, 1973. Applicant: SUHR TRANSPORT, 117 Park Drive South, P.O. Box 1727, Great Falls, Mont. 59401. Applicant's representative: H. H. Lowthian, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, hydraulic, masonry, mortar, natural or portland*, in bulk and in sacks, from Montana City, Mont., to points in Lincoln, Whitman, Garfield, Spokane, Ferry, Stevens, and Pend Oreille Counties, Wash.

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 Great Falls, Helena, or Billings, Mont.

No. MC 50069 (Sub-No. 466), filed September 4, 1973. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon (Toledo), Ohio. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Oregon, Ohio, to Elkhart, Ind.

NOTE.—Dual operations and common stock 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 50307 (Sub-No. 66), filed September 4, 1973. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Herbert Burstein, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies and equipment* used in the manufacture thereof, between Kutztown, Pa., on the one hand, and, on the other, Phillipsburg and Alpha, N.J.

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.

No. MC 52704 (Sub-No. 104), filed September 7, 1973. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer H, LaFayette, Ala. 36862. Applicant representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* (except in bulk), from points in Fort Bend and Harris Counties, Tex., to points in Alabama, Georgia, Mississippi, Tennessee, 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 Montgomery or Birmingham, Ala.

No. MC 57239 (Sub-No. 22) filed August 23, 1973. Applicant: RENNER'S EXPRESS, INC., 1350 S. West Street, Indianapolis, Ind. 46206. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, P.O. Box B, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Nashville, Tenn., and the plantsite of the Dollar General Store at or near Scottsville, Ky.: From Nashville, Tenn., over U.S. Highway 31E to the plantsite of the Dollar General Store at or near Scottsville, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 59396 (Sub-No. 23), filed September 6, 1973. Applicant: BUILDERS EXPRESS, INC., Limecrest Road, Lafayette, N.J. 07848. Applicant's representative: Bert Collins, 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: *Limestone, natural, ground or pulverized, in dump or pneumatic tanks*, from Perth Amboy, N.J., to points in Kentucky, Virginia, 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 New York, N.Y.

No. MC 60271 (Sub-No. 4), filed September 10, 1973. Applicant: HARPER TRUCK LINE, INC., P.O. Box 288, Monroe, La., 71201. Applicant's representative: W. C. Littleton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood shavings, chips, and sawdust*, from points in Mississippi, to Lillie and West Monroe, La.

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 Monroe, La., or Jackson, Miss.

No. MC 61231 (Sub-No. 72), filed September 7, 1973. Applicant: ACE LINES, INC., 4143 East 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and warehouse facilities of North Star Steel Company, at or near Newport, Minn., to points in Iowa, restricted to traffic originating at the named plantsite and warehouse facilities and destined to points in Iowa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 63417 (Sub-No. 56), filed August 30, 1973. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., P.O. Box 2888, Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 15th St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Appomattox, Va., to Roanoke, Va., and points in Delaware, Maryland, New Jersey, New York, Pennsylvania, South Carolina, and the District of Columbia.

NOTE.—Applicant states that the requested authority can be tacked with MC 63417 (Sub-No. 6), at Roanoke, Va.; Sub-No. 30 at Sumter, S.C.; Sub-No. 41 at Sumter, S.C. to serve additional points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, North Carolina, Ohio, Oklahoma, Tennessee, Texas, Virginia, and West Virginia. Other tacking possibilities exist, but are not sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Roanoke, Va.

No. MC 64932 (Sub-No. 519), filed September 10, 1973. Applicant: ROGERS CARTAGE CO., a Corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60543. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plantsite of Armak Industrial Chemical Co. in Grundy County, Ill., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Mexico, New Jersey, Nevada, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, 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 Chicago, Ill.

No. MC 71043 (Sub-No. 8), filed September 4, 1973. Applicant: LA PORTE

TRANSIT CO., INC., P.O. Box 578, LaPorte, Ind. 46350. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Bristol, Middlebury, Millersburg, Wakarusa, and Wheatfield, Ind. as off-route points in connection with carrier's regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 76478 (Sub-No. 12), filed September 10, 1973. Applicant: CHESTER CARRIERS, INC., P.O. Box 231, Easton, Pa. 18042. Applicant's representative: Bernard N. Gingerich, 110 W. State Street, Quarryville, Pa. 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone and soil and/or earth*, in bulk, from East Caln Township, Chester County, Pa., to points in Accomack and Northampton Counties, Va., and Maryland (except points in Cecil, Kent, Queen Annes, Talbot, and Caroline Counties).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 77972 (Sub-No. 22), filed September 4, 1973. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, Miss. 38652. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Mooreville and Amory, Miss.: From Mooreville over U.S. Highway 78 to Gwin, Ala., and junction U.S. Highway 278, thence over U.S. Highway 278 to Amory, and return over the same route, serving all intermediate points; (2) Between Sulligent, Ala., and Meridian, Miss.: From Sulligent over Alabama Highway 17 to Aliceville and junction Alabama Highway 14, thence over Alabama Highway 14 to Eutaw and junction U.S. Highway 11 and/or Interstate Highways 20 and 59 to Meridian, and return over the same route, serving all intermediate points and serving Demopolis, Ala., as an off-route point; (3) Between Fulton and Amory, Miss.: From Fulton over Mississippi Highway 25 to Amory, and return over the same route, serving all intermediate points; (4) Between Columbus, Miss., and Millport, Ala.: From Columbus over U.S. Highway 82 to junction Mississippi Highway 50, thence over Mississippi Highway 50 to the Mississippi-Alabama State line and junction Alabama Highway 96, thence over Alabama Highway 96 to Millport, and return over the same route, serving all intermediate points; (5) Between Laurel and Picayune, Miss.: From Laurel over U.S. Highway 11 and/or Interstate Highway 59 to Picayune, and return over the same route, serving all intermediate points; (6) Between Poplarville and Lucedale, Miss.: From Poplarville over Mississippi Highway 26 to Lucedale, and return over the same route, serving all intermediate points; (7) Between Lucedale and Hattiesburg, Miss.: From Lucedale over U.S. Highway 98 to junction U.S. Highway 49, thence over U.S. Highway 49 to Hattiesburg, and return over the same route, serving all intermediate points; and (8) Between Laurel and Beaumont, Miss.: From Laurel over Mississippi Highway 15 to Beaumont, and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Jackson, Miss.

No. MC 82841 (Sub-No. 126), filed September 6, 1973. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, tileboard, hardboard, and prefinished plywood*, from Cicero, Ill., to points in Colorado, Nebraska, Kansas, Missouri, Iowa, South Dakota, and North Dakota.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 83539 (Sub-No. 379), filed September 7, 1973. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which by reason of size or weight, require special handling or the use of special equipment and commodities which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment; (2) *self-propelled articles*, transported on trailers, and *related machinery, tools, parts, and supplies* moving in connection therewith; (3) *iron and steel articles* as described in Appendix V to the Commission's report in *Descriptions in Motor Carrier Certificates*, Ex Parte, MC-45, 61 M.C.C. 209; (4) *pipe* (other than iron and steel), together with fittings; and (5) *construction materials*, between points in California.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority: (a) in Sub-No. 238 at Pomona, Calif., to serve points in Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, and Texas; (b) in Sub-No. 286 at Napa, Calif., to serve points in Alaska, Alabama, Florida, Georgia, North Carolina, and South Carolina; (c) in Sub-No. 304 at Montebello, Calif., to serve points in the United States (except Alaska and Hawaii); and (d) in Sub-No. 310 at Sacramento, Calif., to serve points in the United States (except Alaska and Hawaii). Applicant presently holds size and weight authority between all points in California, on the one hand, and, on the other, points in the United States (except Maine and Nevada), but indicates 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 San Francisco, Calif.

No. MC 83744 (Sub-No. 12), filed August 17, 1973. Applicant: DOUGLAS GARRISON AND RUTH E. GARRISON, doing business as D & R TRANSPORT, a partnership, P.O. Box 130, Beaver Springs, Pa. 17812. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 N. Third St., Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Condensed milk*, in bulk in tank vehicles, (a) from Belleville, Pa., to points in Delaware, Maryland, New Jersey, New York, and the District of Columbia, under contract or contracts with Abbotts Dairies Division of Fairmont Foods Corp., at Philadelphia, Pa.; (b) from Liberty, Pa., to points in Delaware, Maryland, New Jersey, New York, and the District of Columbia, under contract or contracts with East Smithfield Farms, Inc., at Liberty, Pa.; (c) from Horseheads, N.Y., to points in Delaware, Maryland, New Jersey, Pennsylvania, and the District of Columbia, under contract or contracts with Cooperative Marketing Agency, Syracuse, N.Y., and (d) from Horseheads, N.Y., to New York, N.Y., serving no intermediate points as described as follows: (1) beginning at Horseheads, N.Y., thence over New York Highway 17 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 80, thence over Interstate Highways 80 and 95 to New York, N.Y., under contract or contracts with Cooperative Marketing Agency, Syracuse, N.Y., and (2) beginning at Horseheads, N.Y., thence over New York Highway 17 to junction New York Highway 14, thence over New York Highway 14 to junction Pennsylvania Highway 14, thence over Pennsylvania Highway 14 to junction U.S. Highway 15, thence over U.S. Highway 15 to junction U.S. Highway 522 to Beaver Springs, Pa., thence over U.S. Highway 522 to junction U.S. Highway 15, thence over U.S. Highway 15 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction Pennsylvania Highway 54, thence over Pennsylvania Highway 54 to junction Interstate

Highway 80, and thence over Interstate Highways 80 and 95 to New York, N.Y., under contract or contracts with Cooperative Marketing Agency, Syracuse, N.Y., and (2) *milk and milk products*, between the facilities of Abbotts Dairies Division of Fairmont Foods Corp., at Belleville, Pa., on the one hand, and, on the other, the facilities of Abbotts Dairies Division of Fairmont Foods Corp., at Coshocton, Ohio, under contract or contracts with Abbotts Dairies Division of Fairmont Foods Corp., at Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 84687 (Sub-No. 2), filed August 24, 1973. Applicant: VETERANS TRUCK LINE, INC., P.O. Box 218, Bristol, Wis. 53104. Applicant's representative: R. J. Kempf, 4011 South 101st Street, Greenfield, Wis. 53228. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat, meat products, meat by-products, frozen fish, fresh and frozen poultry, fresh and frozen dairy products, fresh packed pickles, salad dressing and other fresh and frozen foodstuffs*, between Chicago, Ill., on the one hand, and, on the other, Kenosha, Racine, Milwaukee, Waukesha, Jefferson, and Walworth Counties, Wis., restricted to shipments not exceeding 10,000 pounds to be transported in refrigerated straight trucks only.

NOTE.—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 both at Chicago, Ill. and Milwaukee, Wis.

No. MC 85255 (Sub-No. 46), filed August 24, 1973. Applicant: PUGET SOUND TRUCK LINES, INC., P.O. Box 24526, Seattle, Wash. 98124. Applicant's representative: Clyde H. MacIver, 1001 Fourth Avenue, Suite 3712, Seattle, Wash. 98154. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between points in Washington and Oregon.

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 Seattle, Wash. or Portland, Oreg.

No. MC 88300 (Sub-No. 33) (AMENDMENT), filed July 16, 1973, published in the FEDERAL REGISTER, issue of August 23, 1973, and republished as amended this issue. 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 Boynton 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. The purpose of this republication is to indicate the correct origin sought as Boynton Beach, Fla., in lieu of West Palm Beach, Fla. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Chicago, Ill.

No. MC 89084 (Sub-No. 5), filed August 8, 1973. Applicant: INTERSTATE HEAVY HAULING, INC., 2035 N.E. Columbia Blvd., Portland, Oreg. 97211. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W., 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificate*, 61 MCC 209, between points in Oregon and Washington.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 94350 (Sub-No. 340), filed September 10, 1973. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Haywood Rd., Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). 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 shipments, from points in Clay County, Miss., 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 Columbus, Miss.

No. MC 95876 (Sub-No. 142), filed September 10, 1973. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Donald A. Morken, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic tubing, plastic molding and materials, parts and accessories* used in the installation of plastic pipe, plastic tubing and plastic molding, from Fairfield, Iowa, to points in the United States including Alaska (but excluding Hawaii); and (2) *equipment, materials and supplies* used in the manufacture, distribution and installation of the commodities in (1) above, from points in the United States including Alaska (but excluding Hawaii), to Fairfield, Iowa.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 9735 (Sub-No. 50), filed September 5, 1973. Applicant: ALLYN TRANSPORTATION COMPANY, a Corporation, 14011 South Central Avenue, Los Angeles, Calif. 90059. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulfur liquid*, in bulk, in tank vehicles, from points in Contra Costa, Solano, Fresno, and Los Angeles Counties, Calif., to points in Nevada.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 100666 (Sub-No. 249), filed September 10, 1973. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Erie, Pa., to points in Arkansas, Louisiana, Mississippi, Oklahoma, 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 Washington, D.C.

No. MC 102295 (Sub-No. 23), filed September 4, 1973. Applicant: GUY HEAVENER, INC., 480 School Lane, Harleysville, Pa. 19438. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *H. F. Residue*, in bulk, from Claymont, Del., to points in Connecticut, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 102616 (Sub-No. 878), filed September 6, 1973. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastics*, in bulk, in tank vehicles, from the plantsite of E. I. du Pont de Nemours & Co., at or near Wurtland, Ky., to points in Arkansas, Indiana, Ohio, New Jersey, Virginia, and West Virginia, restricted to traffic originating at said plantsite and destined to points in the named destination states.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 102616 (Sub-No. 879), filed August 30, 1973. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Kenneth T. Johnson, Bankers Trust Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except petrochemicals), as described in Appendix XIII to the report and *Descriptions in Motor Carrier's Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Warren, Pa., to points in Ohio.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority: (1) In Sub-No. 834 at Toledo, Ohio, to provide a through service from Warren, Pa., to points in Illinois and Indiana; (2) in Sub-No. 853 at Cleveland and Lima, Ohio, to provide a through service from Warren, Pa., to points in Knox, Gibson, Pike, Warwick, Vandenburgh, Spencer, DuBois, and Posey Counties, Ind.; and (3) in Sub-No. 1 at Youngstown, Ohio, to provide a through service from Warren, Pa., to points in West Virginia. Common control was approved in MC-F-10021 and MC-F-10944. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Pittsburgh, Pa.

No. MC 103993 (Sub-No. 778), filed August 29, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). 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, from points in Tuscarawas County, Ohio, to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, including Minnesota and Louisiana.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 105045 (Sub-No. 45), filed September 11, 1973. Applicant: R. L. JEFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Power cranes, tractors with or without attachments* (except truck tractors), *self-propelled cranes, backhoes, and shovels, machinery, and attachments and parts* for the above- described commodities, (a) between Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, and Virginia Beach, Va., and points in the Isle of Wight, Nansemond, Surry, and York Counties, Va.; and (b) between Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, and Virginia Beach, and points in Isle of Wight, Nansemond, Surry, and York Counties, Va., on the one hand, and, on the other, points in the east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105120 (Sub-No. 12), filed September 7, 1973. Applicant: FREIGHTWAYS EXPRESS, INC., 2700 Sterick Building, Memphis, Tenn. 38103. Applicant's representative: James N. Clay, III (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, commodities in bulk, commodities which because of size or weight requires the use of special equipment), Between Memphis, Tenn., and Coldwater, Miss.: From Memphis over Interstate Highway 55 to Coldwater, and return over the same route, serving no intermediate points. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 105350 (Sub-No. 23), filed August 10, 1973. Applicant: NORTH PARK TRANSPORTATION COMPANY, a Corporation, 5150 Columbine St., Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which because of size or weight require special equipment), Between Rawlins, Wyo., and Green River, Wyo.: From Rawlins over Interstate Highway 80 to Green River, 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 Rock Springs, Wyo.

No. MC 106278 (Sub-No. 36), filed September 7, 1973. Applicant: E. B. LAW AND SON, INC., P.O. Box 1360, Las Cruces, N. Mex. 88001. Applicant's representative: William J. Lippman, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, (1) from El Paso, Tex., to points in Catron, Socorro, Lincoln, Otero, Dona Ana, Sierra, Grant, Luna, and Hidalgo Counties, N. Mex., Greenlee, Graham, Cochise, Santa Cruz, Pima, Pinal, and Maricopa Counties, Ariz., and those in Gila, Navajo, and Apache Counties, Ariz., on and south of U.S. Highway 60; and (2) from Artesia, N. Mex., to points in Greenlee, Graham, Cochise, Santa Cruz, Pima, Pinal, and Maricopa Counties, Ariz., and those in Gila, Navajo, and Apache Counties, Ariz., on and south of U.S. Highway 60.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex., or Albuquerque, N. Mex.

No. MC 106497 (Sub-No. 84), filed August 27, 1973. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912, Bus. Rte. I-44 East, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical substations, circuit breakers and switches, and related parts, attachments, and accessories* used in the assembly and construction thereof, from Springdale, Ark., to points in the United States (except Alaska and Hawaii); and (2) *equipment materials and supplies* (except commodities in bulk) used in the manufacture and assembly of articles in (1) above, from points in the United States (except Alaska and Hawaii), to Springdale, Ark.

NOTE.—Common control was approved in MC-F-10006. Applicant states that the requested authority can be tacked with its existing size and weight authority in Sub-No. 4 at points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming to provide service between Springdale, Ark., and points in these States; in Sub-No. 35 at Indiana to provide a through service from Springdale, Ark., to points in Ohio; and in Sub-No. 48 at Wyoming to provide a through service from Springdale, Ark., to points in Oregon and Washington. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 106497 (Sub-No. 86), filed October 18, 1973. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912, Business Rte. I-44 East, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment or handling, and *related machinery, tools, parts, materials, and supplies* moving in connection therewith; (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted to self-propelled articles transported on trailers; (3) *Commodities*, the transportation of which, because of size or weight, do not require the use of special equipment or handling when transported in mixed shipments with and in the same vehicle with commodities described in (1) or (2) above; (4) *iron and steel*, and *iron and steel articles;* and (5) *pipe*, other than iron and steel, between points in Colorado, on the one hand, and, on the other, points in Utah.

NOTE.—Common control was approved in Docket No. MC-F-10006. Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 4 at Colorado to serve points in New Mexico, Texas, Oklahoma, Louisiana, Arkansas, Kansas, Mis-

souri, Kentucky, Ohio, Indiana, Illinois, Iowa, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Denver Colo., or Salt Lake City, Utah.

No. MC 107295 (Sub-No. 673), filed September 6, 1973. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laundry machine parts*, between Paris, Ill. and Fairfield, Iowa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 674), filed September 12, 1973. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel doors, steel door frames, steel window frames and elevator cars and accessories*, incidental to the installation of steel doors, steel door frames, steel windows frames and elevator cars, from Williamsburg Steel Products Co., at Brooklyn, N.Y., to points in North Carolina, South Carolina, 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 New York, N.Y., or Washington, D.C.

No. MC 107515 (Sub-No. 875), filed September 4, 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: *Synthetic carpet yarn*, from Rome and Aragon, Ga., to Louisa, Ky.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 108449 (Sub-No. 359), filed August 29, 1973. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), from Decatur, Ind., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in MC 108449 (Sub-No. 340) at Estherville, Iowa, or St. James, Madelia, and Butterfield, Minn., to serve points in Nebraska and Ohio. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC 110197 (Sub-No. 19), filed September 12, 1973. Applicant: DANIEL S. DRACUP & CO., INC., 12 East Fourth Street, Jamestown, N.Y. 14701. Applicant's representative: Ronald W. Malin, Bankers Trust of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Voting machines, uncrated, and voting machine accessories*, from points in Marion County, S.C., to points in Maine, Kentucky, Tennessee, Arkansas, Louisiana, Mississippi, Alabama, Georgia, and Florida, restricted against tacking or joinder with existing authority.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Erie, Pa.

No. MC 110563 (Sub-No. 112), filed September 5, 1973. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides, pelts, and commodities in bulk), from Sioux City, Iowa and its Commercial Zone, to points in Connecticut, Massachusetts, Pennsylvania, New Jersey, New York, Rhode Island, and Baltimore, Md., and the District of Columbia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 111401 (Sub-No. 396), filed August 31, 1973. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in New Mexico and points in that part of Texas on and south of U.S. Highway 66 from the Texas-New Mexico State line to its intersection with U.S. Highway 83, and on and west of U.S. Highway 83 from its intersection with U.S. Highway 66 to the ports of entry on the International Boundary line between the United States and Mexico, located in Texas.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at points in Texas on U.S. Highway 66 or on U.S. Highway 83 to serve between points in Oklahoma, Kansas, Colorado and that part of Texas on and north of U.S. Highway 66 and on and east of U.S. Highway 83. If a hearing is deemed necessary, applicant requests it be held at Hobbs or Albuquerque, N. Mex.

No. MC 111729 (Sub-No. 396), filed July 30, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*, (a) between Peoria, Ill., on the one hand, and, on the other, points in Indiana, Iowa, and Wisconsin; (b) between Indianapolis, Ind., on the one hand, and, on the other, Milwaukee, Wis., and points in Indiana; and (c) between Evansville, Ind. and Chicago, Ill.; (2) *proofs, cuts, copies and materials related thereto, and business papers, records, audit and accounting media, and advertising material of all kinds*, between Wauseon, Ohio, on the one hand, and, on the other, points in Indiana, on or north of U.S. Highway 30, and points in Michigan on or south of Interstate Highway 96; (3) *film, proofs, layouts, dated manuscript copy and publication materials and related advertising material*, between Greenfield, Ohio and Chicago, Ill.; and (4) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising material* moving therewith (excluding motion picture film used primarily for commercial theatre and television exhibition), between Belleville, Ill. and Crystal City, Mo.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority can be tacked in (1A) at Peoria, Ill., (a) to provide a through service in (Sub-No. 137) between points in Wisconsin, on the one hand, and, on the other, St. Louis, Mo.; (b) between points in Indiana, on the one hand, and, on the other, points in Ohio, Kentucky, and Michigan; and (c) between points in Wisconsin, on the one hand, and, on the other, Minneapolis, Minn. in (Sub-Nos. 69, 79, 109, 127, 152, 172, 188, 234, 252, 266, 270, 272, 282, 292, 295, 300, 302, and 318); in (1B) at Indianapolis, Ind., to provide a through service between Milwaukee, Wis., on the one hand, and, on the other, points in Ohio and Kentucky in (Sub-Nos. 122, 156, 172, 188, 266, 270, 272, 292, 300, and 302); in (1C) at Evansville, Ind., (a) to provide a through service between Chicago, Ill., on the one hand, and, on the other, Louisville, Ky. and points in Ohio in (Sub-Nos. 172, 188, 238, 266, 270, 300, and 302) and (b) Chicago, Ill., on the one hand, and, on the other, points in Iowa and Wisconsin in (Sub-Nos. 87, 126, 180, 219, and 266); in (2) at Wauseon, Ohio, (a) to provide a through service between the specified Michigan area, on the one hand, and, on the other, Terre Haute, Ind. in (Sub-No. 304) and (b) between points in Indiana, on the one hand, and, on the other, Chicago, Ill. and Louisville, Ky. in (Sub-Nos. 185 and 313); in (3) at Greenfield, Ohio, (a) to provide a through service between Chicago, Ill., on the one hand, and, on the other, Pittsburgh, Pa. and Louisville, Ky. in (Sub-Nos. 114 and 242), and (b) between Chicago, Ill., on the one hand, and, on the other, points in Iowa and Wisconsin in (Sub-Nos. 143, 169, and 234); and in (4) at Belleville, Ill., to provide a through service, between Crystal City, Mo.,

on the one hand, and, on the other, Hammond, Ind. and Akron, Columbus, and Dayton, Ohio in (Sub-Nos. 143, 169, and 300). If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 112668 (Sub-No. 57), filed September 7, 1973. Applicant: HARVEY R. SHIPLEY & SONS, INC., Finksburg, Md. 21048. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone*, from Gettysburg, Pa., to points in Ohio, New York, Connecticut, West Virginia, Maryland, Virginia, District of Columbia, Delaware, and New Jersey; (2) *gravel*, from White Marsh, Md., to points in Ohio, New York, Connecticut, Pennsylvania, West Virginia, Virginia, Delaware, and the District of Columbia; (3) *lightweight aggregate*, from Washington, D.C., to Baltimore, White Marsh, and Mariottsville, Md.; and (4) *aragonite limestone*, from Perth Amboy, N.J., to Baltimore, White Marsh, and Mariottsville, Md.

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 112801 (Sub-No. 147), filed September 6, 1973. Applicant: TRANSPORT SERVICE CO., a Corporation, Two Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning, scrubbing, and scouring compounds*, in bulk, from Watertown, Wis., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, and Tennessee, and (2) *chemicals and raw materials*, used or useful in the production of cleaning, scrubbing, and scouring compounds, in bulk, from points in destination States named in (1) above, to Watertown, Wis.

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 112801 (Sub-No. 148), filed September 10, 1973. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alum and acid*, in bulk, in tank vehicles, from the plantsite of the American Cyanamid Co. in Joliet, Ill., to points in Iowa, Kentucky, Ohio, Michigan, Illinois, Missouri, Indiana, Kansas, Wisconsin, and Minnesota.

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., Washington, D.C., or New York, N.Y.

No. MC 112822 (Sub-No. 293), filed September 13, 1973. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages and containers, from points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, to points in Minnesota, Wisconsin, Iowa, Michigan, Illinois, Indiana, Ohio, Kentucky, North Carolina, South Carolina, Georgia, and Florida.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 112822 (Sub-No. 296), filed September 7, 1973. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, 1401 N. Little St., Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), from Wagner, S. Dak., to points in Arizona, California, Colorado, Iowa, Kansas, Missouri, 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 Minneapolis, Minn., or Chicago, Ill.

No. MC 112822 (Sub-No. 297), filed September 10, 1973. Applicant: BRAY LINES INCORPORATED, 1401 N. Little St., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Oregon and Washington to points in California.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 113362 (Sub-No. 263), filed August 24, 1973. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Raymond W. Ellsworth, P.O. Box 227, Seneca, Pa. 16346. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and related items and premiums and advertising materials*, from the plantsite and storage facilities of the Charms Company located at or near Freehold, N.J., to points in Illinois, Indiana, Michigan, Wisconsin, Ohio, Minnesota, Iowa, Nebraska, and Tennessee.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 113459 (Sub-No. 83), filed September 10, 1973. Applicant: H. J. JEFFRIES TRUCK LINE, INC., 4720 South Shields Boulevard, P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James M. Doherty, Suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural poles and parts, attachments and accessories for structural poles*, and (2) *materials, equipment and supplies* used in the manufacture, installation or processing of items listed in (1) above, between Houston, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to the plantsites of American Pole Structures, located at or near Houston, 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 Houston, Tex.

No. MC 113678 (Sub-No. 512), filed September 4, 1973. Applicant: CURTIS INC. 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Imported meats*, from Gulfport, Miss., to points in Texas, New Mexico, Oklahoma, Colorado, Kansas, Missouri, Kentucky, Nebraska, Iowa, Illinois, Indiana, Ohio, Minnesota, Wisconsin, and Michigan, restricted to traffic moving from the named origins to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Chicago, Ill.

No. MC 113908 (Sub-No. 287), filed September 7, 1973. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., 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: *Beverage spirits*, in bulk, in tank and hopper type vehicles, (1) from Atchison, Kans., to Scobeyville, N.J., and (2) from Atchison, Kans., to Clifton and Newark, N.J., Philadelphia, Pa., and Brooklyn, N.Y.

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 Kansas City or St. Louis, Mo., Washington, D.C., or Chicago, Ill.

No. MC 113908 (Sub-No. 288), filed September 10, 1973. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Water*, in bulk, in tank and hopper vehicles, from Hot Springs National Park, Ark., 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 either Kansas City or St. Louis, Mo., Chicago, Ill., or Washington, D.C.

No. MC 114045 (Sub-No. 389), filed August 31, 1973. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper impregnated with soap or cleansing agent*, from Parsippany, N.J., to Dallas and Grand Prairie, Tex.

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 114211 (Sub-No. 208) filed September 10, 1973. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Donald A. Morken, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic tubing, plastic molding and materials, parts and accessories* used in the installation of plastic pipe, plastic tubing and plastic molding, from Fairfield, Iowa to points in the United States, including Alaska (but excluding Hawaii); and (2) *equipment, materials, and supplies* used in the manufacture, distribution, or installation of the commodities in (1) above, from points in the United States, including Alaska (but excluding Hawaii), to Fairfield, Iowa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 114457 (Sub-No. 164), filed September 4, 1973. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55108. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in containers, from points in Virginia and Minnesota, to points in Maine, Massachusetts, Michigan, New Hampshire, and New York.

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 St. Paul, Minn.

No. MC 115162 (Sub-No. 281), filed September 7, 1973. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fireplaces, fireplaces and chimney combined and fireplace units*, from points in Madison County, Ala., to points in 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 Detroit, Mich., or Chicago, Ill.

No. MC 115691 (Sub-No. 24), filed August 24, 1973. Applicant: MURPHY TRANSPORTATION, INC., 1414 Crawford Avenue, Anniston, Ala. 36201. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic fittings, plastic products, and accessories*, from the plantsite of The Central Foundry Co., at Holt, Ala., to points in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, 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 Birmingham, Ala.

No. MC 115716 (Sub-No. 17), filed January 11, 1973. Applicant: DENVER-LIMON BURLINGTON TRANSFER COMPANY, 3650 Chestnut Place, Denver, Colo. 80216. Applicant's representative: Edward C. Hastings, Gold Suites, 666 Sherman Street, Denver, Colo. 80203. 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, commodities in bulk, commodities requiring special equipment and household goods as defined by the Commission), between Eads and Lamar, Colo.: From Eads over U.S. Highway 287 to Lamar, and return over the same route, serving all intermediate points, and points within an area bounded on the west by U.S. Highway 287, on the north by Colorado Highway 96, on the east by U.S. Highway 385, and on the south by Colorado Highway 196 as off-route points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lamar or Denver, Colo.

No. MC 116073 (Sub-No. 286), filed September 4, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Baxter County, Ark. and Jefferson Parish, La., 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 Baton Rouge or New Orleans, La.

No. MC 116314 (Sub-No. 26), filed September 10, 1973. Applicant: MAX BINSWANGER TRUCKING, a Corporation, 13846 Firestone Boulevard, Santa Fe Springs, Calif. 90670. Applicant's representative: Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90670. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Colton, Creal, Crestmore, Monolith, Ore Grande, and Victorville, Calif., and the plantsite of General Portland Inc., California Division, located at or near Gorman, Calif., to points in New Mexico and ports of entry on the International Boundary line between the United States and Mexico, at or near Calexico, Tecate, and San Ysidro, Calif.

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 Los Angeles, Calif.

No. MC 117036 (Sub-No. 19) (AMENDMENT), filed July 17, 1973, published in the FR issue, August 30, 1973 and republished as amended, this issue. Applicant: H. M. KELLY, INC., R.D. 1, New Oxford, Pa. 17350. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products*, from Baltimore, Md., to points in New York, Ohio, Pennsylvania, New Jersey, Delaware, Connecticut, Rhode Island, Massachusetts, Virginia, and the District of Columbia.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to broaden the territorial scope of the authority requested herein. If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 117940 (Sub-No. 96), filed September 4, 1973. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron boilers and heating supplies and equipment*, from Columbiana, Ohio to points in Minnesota, Iowa, North Dakota, South Dakota, Wyoming, and Montana.

NOTE.—Applicant holds contract carrier authority in MC 114789 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 Minneapolis or St Paul, Minn.

No. MC 118142 (Sub-No. 53), filed September 4, 1973. Applicant: M. BRUENGER & CO., INC., 6330 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat byproducts and articles distributed by packinghouses*, from the plant and storage facilities of Hyplains Dressed Beef, Inc., located at Dodge City, Kans., to points in Ohio, Pennsylvania, New Jersey and New York.

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 Wichita, Kans.

No. MC 118142 (Sub-No. 54), filed September 7, 1973. Applicant: M. BRUENGER & CO., INC., 6330 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plantain bananas*, from Tampa, Fla., to Los Angeles, Calif.

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 Wichita, Kans.

No. MC 118159 (Sub-No. 136), filed August 31, 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: *Truck trailer and railroad car heating and cooling units, and parts and accessories* used in the manufacture and installation of heating and cooling units, from the plantsite and warehouse facility of Thermo King Corp. at or near Louisville, Ga., to E. St. Louis, Ill., Kansas City, and Wichita, Kans., Kansas City, and Springfield, Mo., Oklahoma City and Tulsa, Okla., and Memphis, Tenn.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, or Oklahoma City, Okla., or Kansas City, Mo.

No. MC 118202 (Sub-No. 19), filed August 24, 1973. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 East Bridge St., Winona, Minn. 55987. Applicant's representative: Eugene A. Schultz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts* as described in Section A of Appendix I to the *Report in Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except commodities in bulk and hides), from the plantsite and warehouse facilities utilized by Yankton Sioux Industries at Wagner, S. Dak., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Maine, and the District of Columbia; and (2) *meats, meat products, and meat byproducts* as described in Section A of Appendix I to the *Report in Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except commodities in bulk and hides), and *materials, supplies, and equipment* used by meatpackers in the conduct of their business, from points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, Texas, and Wisconsin, to the plantsite and warehouse facilities utilized by Yankton Sioux Industries, at Wagner, S. Dak.

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., or Washington, D.C.

No. MC 118202 (Sub-No. 20), filed September 10, 1973. Applicant: SCHULTZ TRANSIT, INCORPORATED, 323 Bridge Street, P.O. Box 406, Winona, Minn. 55987. Applicant's representative: Eugene A. Schultz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C and of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (specifically excepting hides, pelts, and commodities in bulk shipped in tank vehicles), from the plantsite and/or storage facilities of Illini Beef Packers at or near Joslin, Ill., to points in Arizona, California, and Nevada.

NOTE.—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 Minneapolis, Minn., or Washington, D.C.

No. MC 118922 (Sub-No. 9), filed August 31, 1973. Applicant: CARTER TRUCKING CO., INC., P.O. Box 126, Locust Grove, Ga. 30248. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lead ingots, lead sheets, and lead pigs, lead products, metal products, material and supplies* used in the manufacture and distribution of the commodities named above (except commodities in bulk), between the plantsites of Seitzingers, Inc. and its subsidiaries, located at Atlanta, Ga., on the one hand, and, on the other, points in and east of Wisconsin, Illinois, Missouri, Arkansas, and Louisiana, including the District of Columbia, under contract with Seitzingers, Inc. and its subsidiaries.

NOTE.—If a hearings is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 118922 (Sub-No. 10), filed September 10, 1973. Applicant: CARTER TRUCKING CO., INC., Cleveland Alley, Locust Grove, Ga. 30248. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lawn mowers, snow throwers, tillers, and compost-shredder grinders, and parts* for each, from the plantsite of McDonough Power Equipment, Inc., or its subsidiary located at or near Fort Worth, Tex., to points in the United States (except Alaska and Hawaii); (2) *raw materials and supplies* used in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to the plantsite of McDonough Power Equipment, Inc., or its subsidiary at Fort Worth, Tex.; and (3) *compost-shredder grinders and parts therefor*, between the plantsites of Amerind-MacKissic, Inc., located at or near Parker Ford, Pa., and McDonough Power Equipment, Inc., or its subsidiary located at or near Fort Worth, Tex., under a continuing contract or contracts with McDonough Power Equipment, Inc., located at or near McDonough, Ga.

NOTE.—Applicant presently holds authority to transport the above named commodities and parts therefor between the plantsite of McDonough Power Equipment, Inc., located at or near McDonough, Ga., and points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (except points in Georgia, Maine, New Hampshire, Vermont, Rhode Island, and the District of Columbia). Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 119654 (Sub-No. 23), filed September 10, 1973. Applicant: HI-WAY DISPATCH, INC., 1401 W. 26th Street, Marion, Ind. 46952. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers, and tops therefor and paper cartons*, from the plant and warehouse sites of Metro Containers, an operation of Kraftco Corporation located at Dolton, North Chicago, and Chicago, Ill., to points in Indiana, Ohio, Michigan, 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 Indianapolis, Ind. or Chicago, Ill.

No. MC 119656 (Sub-No. 17), filed September 10, 1973. Applicant: NORTH EXPRESS, INC., 219 E. Main Street, Wina-

mac, Ind. 46996. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregluar routes, transporting: *Iron and steel articles*, between Chicago, Bedford Park, Franklin Park, Joliet, Waukegan, Chicago Heights, and Itasca, Ill., on the one hand, and, on the other, 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., or Indianapolis, Ind.

No. MC 123048 (Sub-No. 276), filed August 23, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53403. 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: (1) *Agricultual machinery and implements*, (2) *attachments* for (1) above, and (3) *parts* for (1) and (2) above, from the ports of entry on the International Boundary line between the United States and Canada at or near Pembina, N. Dak., and Noyes, 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., or Chicago, Ill.

No. MC 123074 (Sub-No. 5), filed September 10, 1973. Applicant: M. L. ASBURY, INC., 1100 South Oakwood, Detroit, Mich. 48217. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid silage additive*, in bulk, in tank vehicles, from Adrian, Mich., to points in Indiana and Ohio.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 123255 (Sub-No. 38), filed June 21, 1973. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics, plastic products, plastic coated metal and magnesium engravers' plates*, from the plants and warehouses of Dow Chemical Company, at or near Findlay, Ohio, to points in the United States on and east of U.S. Highway 85; restricted against the transportation of commodities in bulk and to shipments originating at the named plants and warehouses.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123407 (Sub-No. 141), filed September 10, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel*, from points in Lauderdale County, Miss., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Missouri, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at all points in the above described destination territory and at its point of origin, making possible various services between forty-eight States (except Alaska and Hawaii), but indicated 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 deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 123965 (Sub-No. 7), filed September 5, 1973. Applicant: KEAL DRIVEAWAY COMPANY, a Corporation, 852 East Seventh-Third Street, Cleveland, Ohio 44103. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in driveaway service, between points in the United States (except Alaska and Hawaii).

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 124071 (Sub-No. 9), filed September 4, 1973. Applicant: LIVESTOCK SERVICE, INC., 1420 Second Avenue South, St. Cloud, Minn. 56301. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies*, used in the manufacture of stuffed toys, from Lawrence, Mass., New York, N.Y., and Janesville, Wis., to Chanhassen and Eden Valley, Minn., under contract with Animal Fair, Inc.

NOTE.—Applicant holds common carrier authority in MC 134645 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 124078 (Sub-No. 562), filed August 22, 1973. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Riceboro, Ga., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Texas.

NOTE.—Common control was approved in Docket Nos. MC-F-9737 and MC-F-10468. Dual operations may also be involved. Applicant states that the requested authority can be tacked with its existing authority (1) at the plantsite of Apple River Chemical Co. at or near East Dubuque, Ill. (on acids, chemicals, fertilizer, and fertilizer materials) to serve points in Nebraska and South Dakota; (2) at the facilities of Philadelphia Quartz at or near LaSalle, Ill. (on chemicals, except petroleum products and fertilizer) to serve Colorado, Nebraska, North Dakota, South Dakota, and Oklahoma; (3) at the plantsite of Apple River Chemical Co. at or near Niota, Ill. (on acids, chemicals, fertilizer, and fertilizer materials) to serve Nebraska and South Dakota; (4) at the storage facilities of Arco Chemical at or near Peru, Ill. (on anhydrous ammonia) to serve Nebraska, North Dakota, and South Dakota; (5) at the plantsite of USS Agri-Chemicals at or near Bellevue, Iowa (on anhydrous ammonia) to serve Nebraska, North Dakota, and South Dakota; (6) at or near the plantsite of Farmland Industries near Fort Dodge, Iowa (on anhydrous ammonia) to serve Nebraska, North Dakota, and South Dakota; (7) at Clinton, Iowa (on dry fertilizer, and fertilizer materials, urea, and ammonium nitrate) to serve Nebraska, North Dakota, South Dakota, and Oklahoma; (8) at the plantsite of Hawkeye Chemicals at or near Clinton, Iowa (on liquid chemicals) to serve Nebraska; (9) at the storage facilities of Midwest Terminal warehouse at or near Kansas City, Mo. or Kansas City, Kans. (on dry fertilizer and fertilizer materials) to serve Nebraska and Oklahoma; and (10) at Milwaukee, Wis. (on liquid phosphatic acid and phosphate fertilizer solutions) to serve Colorado and Nebraska. Other tacking possibilities exist, however no new service would be provided. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124111 (Sub-No. 45), filed August 31, 1973. Applicant: OHIO EASTERN EXPRESS, INC., P.O. Box 2297, 300 West Perkins Avenue, Sandusky, Ohio 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk in tank vehicles), from the plantsite and storage facilities of Chelsea Milling Co. at or near Chelsea, Mich., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, New Jersey, New York, and Pennsylvania.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Columbus, Ohio.

No. MC 124821 (Sub-No. 11), filed September 13, 1973. Applicant: WILLIAM GILCHRIST, 509 Susquehanna Avenue, Old Forge, Pa. 18518. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: (1) *Tile* (except clay tile), *facing or flooring*, from Chicago Heights, Ill., to points in New York, New Jersey, Pennsylvania, Virginia, Maryland, Delaware, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, and the District of Columbia, restricted to traffic originating at the plant or storage facilities of Flintkote Company, Chicago Heights, Ill.; and (2) *materials and supplies* used in the manufacture of the above-named commodities (except commodities in bulk), from points in the destination States named above, to Chicago Heights, Ill., restricted to traffic destined to the plantsite of the Flintkote Company, Chicago Heights, Ill. Chicago Heights, Ill.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa. or Washington, D.C.

No. MC 124511 (Sub-No. 17) (AMENDMENT), filed July 9, 1973, published in the FEDERAL REGISTER, issue of October 17, 1973, and republished as amended this issue. Applicant: JOHN F. OLIVER, East Highway 54, P.O. Box 223, Mexico, Mo. 65265. Applicant's representative: Paul J. Maton, Suite 1620, Ten South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except such articles which, because of size and weight, require the use of special equipment), between Chicago, Bensenville and Joliet, Ill., and Portage, Ind., on the one hand, and, on the other, St. Louis and Kansas City, Mo., points in Missouri and Iowa and those in Nebraska east of U.S. Highway 81.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority. The purpose of this republication is to amend the territorial description to indicate radial service between the named points. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124673 (Sub-No. 20), filed September 4, 1973. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Amarillo, Tex. 79105. Applicant's representative: Joe T. Lanham, 1102 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feed ingredients*, in bulk, in hopper type vehicles, from points in Harris County, Tex., to points in Curry County, N. Mex.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at points in Curry County, N. Mex., in Subs 5 and 8 to serve points in Northwest Oklahoma, Southwest Kansas, Northwest Texas, Bent and Prowers Counties, Colo., and points in Eddy, Union, and Chaves Counties, N. Mex., as defined in the certificate by extensive description of highways fixing the boundaries. If a hearing is deemed necessary, applicant requests it be held at Dallas or Amarillo, Tex.

No. MC 124701 (Sub-No. 9), filed September 10, 1973. Applicant: HAYWARD TRANSPORTATION, INC., Main Street, Fairlee, Vt. 05045. Applicant's representative: Frederick T. O'Sullivan, 622 Lowell Street, Peabody, Mass. 01960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products* (except petro-chemicals and liquified petroleum gas), in bulk, in tank vehicles, from Boston and Braintree, Mass., Portland, Maine, and Portsmouth, N.H., to points in Vermont and Grafton and Coos Counties, N.H. under a continuing contract or contracts with Bradford Oil Co., Inc. located at or near Bradford, Vt. and (2) *sand and gravel*, from points in Orange, Windsor, and Windham Counties, Vt., to West Lebanon, N.H. under a contract with L. M. Pike & Son, Inc., located at or near Laconia, N.H.

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 Montpelier, Vt.

No. MC 124839 (Sub-No. 23), filed August 27, 1973. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 7057, Savannah, Ga. 31408. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulation, insulating materials, mineral wool, mineral wool products, insulated air ducts and materials and supplies* used in the manufacture of the above, (1) between points in Clarke County, Ga., and points in Alabama, Florida, Georgia, South Carolina, North Carolina, Virignia, West Virginia, Maryland, Kentucky, Tennessee, Mississippi, Louisiana, Arkansas, and the District of Columbia, and (2) between points in DeKalb County, Ga., and points in North Carolina, under contract with Certain-Teed Products Corporation, located at Valley Forge, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 126276 (Sub-No. 78) (AMENDMENT), filed April 30, 1973, published in the FEDERAL REGISTER issue of June 21, 1973, and republished as amended, this issue. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers*, from Carteret and Jersey City, N.J., and Washington, Pa., to points in Illinois, Indiana, Kentucky, Michigan, Georgia, Ohio, New York, Tennessee, and Pennsylvania; and (2) *plastic containers*, from Mt. Carmel, Pa., to points in Illinois, Indiana, Kentucky, Michigan, Georgia, Ohio, New York, and Tennessee.

NOTE.—The purpose of this republication is to amend the requested authority herein to common carriage authority, in lieu of contract as previously published. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126555 (Sub-No. 26), filed August 27, 1973. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 268, Rapid City, S. Dak. 57701. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Coal and charcoal, charred, powdered, crushed or granulated*, in bulk, in tank vehicles, from points in Montana and North Dakota, to points in South Dakota.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Bismarck, N. Dak.

No. MC 127834 (Sub-No. 92), filed August 29, 1973. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Paul M. Daniell, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrostatic precipitators and electrostatic precipitator parts;* (2) *steel siding and roofing*, and (3) *waste treatment systems or plants, including their parts and accessories*, from Warrenton, Mo., to points in the United States (except Alaska and Hawaii); restricted to traffic originating at the plant and facilities of the Binkley Company.

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 St. Louis, Mo.

No. MC 128532 (Sub-No. 3), filed September 7, 1973. Applicant: ORVILLE LAMBE, doing business as LAMBE'S TRUCKING, P.O. Box 414, Claresholm, Alberta, Canada. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Finished truss-joists*, from ports of entry on the International Boundary line between the United States and Canada located at or near Eastport, Idaho; Sweetgrass, Mont.; and Sumas, Wash., to points in Idaho, Montana, and Washington, restricted to traffic having an immediate prior movement in foreign commerce; and (2) *lumber, steel tubing, and steel pins*, from points in Idaho, Montana, Oregon, and Washington, to ports of entry on the International Boundary line between the United States and Canada located at or near Eastport, Idaho; Sweetgrass, Mont.; and Sumas, Wash., restricted to traffic destined to Claresholm, Alberta, Canada.

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 Billings, Mont.

No. MC 128664 (Sub-No. 4), filed September 7, 1973. Applicant: KARDUX

TRANSFER, INC., 1907 Roby Avenue, Muscatine, Iowa 52761. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *School text books*, from Jefferson City, Mo., to the plant of Rand McNally & Co., located in Muscatine County, Iowa.

NOTE.—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 St. Louis, Mo., or Des Moines, Iowa.

No. MC 129080 (Sub-No. 5), filed September 5, 1973. Applicant: CHARLES CORBISHLEY, doing business as QUICKWAY, 24 West Airmount Road, Mahwah, N.J. 07430. 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: (1) *Dresses on hangers and such commodities* as are dealt in or used by chain grocery or department stores, from Fairfield, N.J., to points in Albany, Clinton, Broome, Chemung, Cortland, Dutchess, Oneida, Orange, and Rockland Counties, N.Y.; Fairfield, Hartford, and New Haven Counties, Conn.; Chester and Northumberland Counties, Pa., and Chittenden, County, Vt.; and (2) *surplus and damaged merchandise*, from the above named destination points, to Fairfield, N.J., restricted to a transportation service to be performed under a continuing contract, or contracts, with Grand Union Company, East Paterson, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 129645 (Sub-No. 45), filed August 27, 1973. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane, urethane products, roofing and roofing materials, insulation materials, composition board, and gypsum products, and materials* used in the installation thereof, from the facilities of the Celotex Corporation, located in Lockland (Cincinnati), Ohio, to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE.—Applicant states that the requested authority can be tacked at Lockland, Ohio with Subs 22 and 40 to provide a through service from L'Anse, Mich., to some of the destination points named above, 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 Tampa, Fla., or Cincinnati, Ohio.

No. MC 129802 (Sub-No. 5), filed August 24, 1973. Applicant: GAIL R. KALDENBERG, doing business as ABC CARTAGE, 2704 Wedgewood Road, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Des Moines, Iowa, and Lamoni, Iowa, serving no intermediate points, but serving Murray, Iowa, as an off-route point: (a) From Des Moines over Interstate Highway 35 to junction U.S. Highway 69, thence over U.S. Highway 69 to Lamoni, and return over the same route; and (b) From Des Moines over U.S. Highway 69 to Lamoni, and return over the same route; (2) Between Des Moines, Iowa, and Moravia, Iowa, serving no intermediate points: (a) From Des Moines over Iowa Highway 5, to Moravia, and return over the same route; and (b) From Des Moines over U.S. Highway 65 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction Iowa Highway 5, thence over Iowa Highway 5 to Moravia, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 133492 (Sub-No. 9), filed September 4, 1973. Applicant: CECIL CLAXTON, East Elm Street, Wrightsville, Ga. 31096. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine, in containers*, from Chicago, Ill. and Hammondsport, N.Y., to Athens and Dublin, Ga., under contract with Coastal Beverage Company; Southern Sales Company; M & N Distributing Company; Talladega Beverage Company; Raleigh Distributing Co.; and Smokey Snider Distributing Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 133940 (Sub-No. 3), filed September 6, 1973. Applicant: EDWARD P. STROUTH, doing business as ED STROUTH TRUCKING, 903 Cumberland Street, Bristol, Va. 24201. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used clothing*, from Hackensack and Kearney, N.J., to Brownsville, McAllen, El Paso and Laredo, 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 New York, N.Y.

No. MC 133966 (Sub-No. 27) (AMENDMENT), filed July 16, 1973, published in FR issue of September 20, 1973, and republished as amended, this issue. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 61, Mountaintop, Pa. 18707. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic containers*, with or without lids and handles, and *materials and supplies* used in the manufacture and distribution of such commodities, between the plantsites of Better Plastics, Inc., at South Rockwood, Mich., Malvern, Pa., Kissimmee, Fla., and Leominster, Mass.; and (2) *plastic containers*, with or without lids and handles, from the plantsite of Better Plastic, Inc., at South Rockwood, Mich., Malvern, Pa., Kissimmee, Fla., and Leominster, Mass., to Austin, Tex., and points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada; and (3) *materials and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above (except Austin, Tex.) on return.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to amend the territorial description in (2) and (3) above. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 134319 (Sub-No. 2), filed September 4, 1973. Applicant: LOUIS CHET BRAAFLADT, doing business as BRAAFLADT TRANSPORT, 501 North Broadway, P.O. Box 1065, Dimmitt, Tex. 79027. Applicant's representative: John C. Sims, 1607 Broadway, Lubbock, Tex. 79401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer material*, from the plantsite of Farmland Industries at or near Enid, Okla., to points in Kansas, Texas, Colorado, Missouri, Arkansas, and Louisiana, and (2) *rejected shipments* from the destination points named above, to Enid, 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 Enid, Okla., or Amarillo, Tex.

No. MC 134501 (Sub-No. 8), filed August 30, 1973. Applicant: UFT TRANSPORT COMPANY, a Corporation, P.O. Box 1118, Irving, Tex. 75060. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and fixtures*, from St. Louis and

Wright City, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that tacking possibilities exist but are not sought. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 134779 (Sub-No. 4), filed July 5, 1973. Applicant: JANESVILLE AUTO TRANSPORT COMPANY, a Corporation, 1263 South Cherry Street, Janesville, Wis. 53545. 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 MCC 209 and 766, in initial movements, in truckaway service, (1) from Flint and Lansing, Mich., to Janesville, Wis., and (2) from Flint and Lansing, Mich., to points in Iowa, Minnesota, and Wisconsin, restricted to the transportation of traffic moving through Janesville, Wis.

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 134958 (Sub-No. 6), filed September 11, 1973. Applicant: HAMS EXPRESS, INC., 3499 South Third Street, Philadelphia, Pa. 19148. Applicant's representative: David M. Schwartz, 1025 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts; articles distributed by meat packinghouses and commodities used by packinghouses; and such commodities* as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers as defined in Sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except commodities in bulk and hides and skins), (1) from the plantsite, warehouses, and storage facilities used by Bluebird Brands Incorporated ("Brands") located at or near Chicago, Ill., to points in the United States (except Alaska and Hawaii); (2) from cold storage warehouses (a) at Denver, Colo., to points in California, Arizona, Montana, New Mexico, Oregon, Utah, and Washington; (b) at Kansas City, Mo., to points in Arkansas, Missouri, New Mexico, Nebraska, Oklahoma, South Dakota, Tennessee, and Texas; (c) at Nashville, Tenn., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, North Carolina, and South Carolina; and (d) at Cleveland, Ohio, to points in Maryland, Michigan, New York, Pennsylvania, Virginia, and West Virginia; (3) from points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Mississippi, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, and Wisconsin, to the named facilities of Bluebird Brands Incorporated ("Brands") located at or near Chicago, Ill.; and (4) (a) from points in Alabama, Arkansas, Georgia, Kentucky, Oklahoma, Tennessee, and Texas, to cold storage warehouses at Peoria, Ill. and Indianapolis, Ind.; (b) from points in Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, and Virginia, to cold storage warehouses located at or near Benton Harbor, Mich. and Indianapolis, Ind.; and (c) from points in Colorado, North Dakota, Oklahoma, South Dakota, Tennessee, and Texas, to cold storage warehouses located at or near Cedar Rapids, and Davenport, Iowa, and Peoria, Ill., restricted (A) in (2) above to traffic having a prior motor carrier movement to the named cold storage warehouses from the said facilities of Bluebird Brands Incorporated ("Brands") located at or near Chicago, Ill. under the authority sought in (1) of this application; and (B) in (4) above to traffic having a subsequent motor carrier movement from the named cold storage warehouses to the facilities of Bluebird Brands Incorporated ("Brands"), under a continuing contract with Bluebird Brands Incorporated ("Brands").

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Chicago, Ill., or Philadelphia, Pa.

No. MC 135152 (Sub-No. 12), filed September 6, 1973. Applicant: CASKET DISTRIBUTORS, INC., Rural Route #2, West Harrison, Ind. 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, casket displays, funeral supplies, and crated caskets* in mixed loads with uncrated caskets, from Memphis, Tenn., Ladysmith, Wis., and Muskogee, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135889 (Sub-No. 7), filed August 30, 1973. Applicant: BOYD TANK LINES, INC., 6600 Sandy Spring Road, Laurel, Md. 20810. Applicant's representative: Walter T. Evans, 615 Perpetual Building, 1111 E Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand*, in bulk, in dump vehicles, from points in Anne Arundel, Montgomery, and Prince Georges Counties, Md., to points in Frederick and Clarke Counties, Va. and Berkeley, Jefferson, and Morgan Counties, W. Va.; (2) *limestone* from points in Washington County, Md., to points in Berkeley, Jefferson, and Morgan Counties, W. Va., and Franklin County, Pa.; and (3) *slag*, from points in Baltimore County, Md., to points in Berkeley, Jefferson, and Morgan Counties, W. Va., under a continuing contract or contracts with Martin Marietta Aggregates, Northeast Division of Martin Marietta Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 136408 (Sub-No. 13), filed September 13, 1973. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioners, electric and gas ranges, range hoods, driers, refrigerators, and freezers*, from Maspeth, N.Y., to Cleveland, Ohio; Detroit, Mich.; Chicago, Ill.; Milwaukee, Wis.; Minneapolis, Minn.; St. Louis, Mo., and Kansas City, Kans., under a continuing contract or contracts with the Welbilt Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Newark, N.J.

No. MC 136447 (Sub-No. 4), filed August 27, 1973. Applicant: STECO, INC., Mays Blvd. at Bowery Ln., P.O. Box 488, Folkston, Ga. 31537. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Apparel and material, supplies and equipment used or useful in the manufacturing of apparel*, between New York, N.Y., Wilkes-Barre and Philadelphia, Pa.; points in North Carolina and South Carolina; Folkston, Wrightsville, Dublin, and Darien, Ga., and Lake Butler and Lake City, Fla., on the one hand, and, on the other, Folkston, Wrightsville, Dublin, Darien, Ga., and Lake Butler and Lake City, Fla., under contract with Stephenson Enterprises, Inc., Lake Butler Apparel Company, Inc., Buckeye Industries, Inc., Biljo, Inc., Crowntex, Inc., Darien, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 136500 (Sub-No. 2), filed August 31, 1973. Applicant: HARRY D. DIEPHOLZ, doing business as DIEPHOLZ TRUCKING, 3453 Western Avenue, Mattoon, Ill. 61938. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62071. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs* (except in bulk in tank vehicles), from the plantsites and facilities of the Kraftco Corporation and its division, Kraft Foods, at or near Champaign and Mattoon, Ill., to points in Indiana, Kentucky, Michigan, Ohio, New York, New Jersey, Pennsylvania, Maryland, Virginia and West Virginia, under contract

with Kraftco Corporation and its division, Kraft Foods.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill. or St. Louis, Mo.

No. MC 136540 (Sub-No. 1), filed September 10, 1973. Applicant: REFINERS TRANSPORT SERVICE, INC., 4850 Bloomfield, New Orleans, La. 70121. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, fiberboard, corrugated boxes, sheets and partitions*, from the plantsite and warehouse facilities of Owens-Illinois, Inc. at Waco, Tex., to Shreveport and New Orleans, La., under contract with Owens-Illinois, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La. applicant request it be held at new Orleans,

No. MC 136560 (Sub-No. 3), filed September 13, 1973. Applicant: KEITH PADDOCK & SONS, INC., Rts. 17 and 36, Jasper, N.Y. 14855. 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: *Fertilizer and fertilizer materials*, dry, from Big Flats, N.Y., to Bradford, Clinton, Columbia, Lycoming, Potter, Sullivan, and Tioga Counties, Pa., under contract with Agway Inc.-Fertilizer-Chemical Div., of Syracuse, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 136710 (Sub-No. 2), filed July 13, 1973. Applicant: FRANK W. EVANS, JR., doing business as EXPORT ALLOYS, 19 Morris Street, Freeport, N.Y. 21520. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Non-ferrous scrap metals*, from New Haven, Conn.; points in Suffolk, Essex, Norfolk, Middlesex, and Worcester Counties, Mass.; New Jersey (except Atlantic Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties); points in New York on, south and east of New York Highway 7 beginning at the New York-Vermont State boundary, over New York Highway 7 to intersection of New York Highway 7 and Interstate Highway 87, thence over Interstate Highway 87 to the Hudson River near Nyack, N.Y.; and points in Rhode Island, to Monaca and Josephtown (Beaver County), Pa., restricted to a transportation service under a continuing contract with B. Shapiro & Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md.

No. MC 136898 (Sub-No. 2), filed September 12, 1973. Applicant: BAKER TRANSPORT, INC., P.O. Box 870, Hartselle, Ala. 35640. 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) *Wire, cable, conduit, reels, aluminum and aluminum products, copper and copper products and plastic compound* (except in bulk), from Ozark, Ala., Oceola, Ark., Carrollton, Ga., and Hawesville, Ky., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and (2) *materials and supplies* used in the manufacture of wire, cable, rod, conduit, reels, aluminum and aluminum products, copper and copper products and plastic compound (except in bulk), from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas, to Ozark, Ala., Oceola, Ark., Carrollton, Ga., and Hawesville, Ky., under contract with Southwire Company, at Carrollton, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 138003 (Sub-No. 3), filed September 5, 1973. Applicant: ROBERT F. KAZIMOUR, 1200 Norwood Drive SE., Cedar Rapids, Iowa 52403. Applicant's representative: Michael J. Myers, 309 Badgerow Bldg., Sioux City, Iowa 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in California, to points in Nebraska, South Dakota, North Dakota, Minnesota, Iowa, and Rock Island, Moline, and Milan, Ill., under contract with Tri-Valley Growers.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 138003 (Sub-No. 4), filed September 13, 1973. Applicant: ROBERT F. KAZIMOUR, 1200 Norwood Drive SE., P.O. Box 2011, Cedar Rapids, Iowa 52403. Applicant's representative: Michael J. Myers, 309 Badgerow Building, Sioux City, Iowa 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances*, between points in Iowa, Kentucky, Tennessee, North Carolina, and South Carolina, restricted to transportation under a continuing contract with the Maytag Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, Omaha, Nebr., or Washington, D.C.

No. MC 138115 (Sub-No. 2), filed September 4, 1973. Applicant: FRANK D. CORBIN, 1308 Ambrose Drive, Winchester, Va. 22601. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business forms, lottery tickets, and off-track betting tickets*, from Hagerstown, Md., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, District of Columbia, Pennsylvania, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, and Wisconsin, and (2) *paper, carbon tissues, and cartons*, from points in Maine, Vermont, Ohio, Michigan, and Pennsylvania, to Hagerstown, Md., in (1) and (2) under a contract or contracts with Arnold Graphic Ind., Inc., Hagerstown, Md.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138256 (Sub-No. 2), filed September 4, 1973. Applicant: INTERIOR TRANSPORT, INC., 2124 Waterworks Way, Spokane, Wash. 99220. Applicant's representative: George H. Hart, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe and tubing, irrigation pumps, fittings and couplers, with related accessories*, (1) between Spokane, Wash., Visalia, Calif., Grand Island, Nebr., and Lubbock, Tex., and (2) from Spokane, Wash., Visalia, Calif., Grand Island, Nebr., and Lubbock, Tex., to points in Washington, Oregon, California, Arizona, Nevada, Utah, Idaho, Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, New Mexico and Texas; (2) *aluminum coil and plastic pipe additives*, (1) between Spokane and Tacoma, Wash., Visalia, Calif., Grand Island, Nebr., and Lubbock, Tex.; and (2) from points in California and Washington, to Spokane and Tacoma, Wash., Visalia, Calif., Grand Island, Nebr., and Lubbock, Tex.; (3) *metal building materials*, from Spokane and Tacoma, Wash., to points in Washington, Oregon, Idaho, California, Arizona, Utah, Nevada, Wyoming, Montana, Colorado, North Dakota, and South Dakota; (4) *steel coil*, from points in Washington, Oregon, California, and Utah, to Spokane and Tacoma, Wash.; and (5) *machinery and machines, roll forming, and metal working, together with related parts and accessories*, (1) between Spokane, Wash., Visalia, Calif., Tacoma, Wash., Grand Island, Nebr., and Lubbock, Tex.; and (2) from Spokane, Wash., Visalia, Calif., Tacoma, Wash., Grand Island, Nebr., and Lubbock, Tex., to points in Washington, Oregon, California, Nebraska, and Texas, under a continuing contract, or contracts with Gifford Hill Co., Inc., ASC Industries, and ASC Pacific, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 138313 (Sub-No. 5), filed June 17, 1973. Applicant: MACK E. BURGESS, doing business as BUILDERS' TRANSPORT, 409 14th Street SW., Great Falls, Mont. 59404. Applicant's representative: Howard C. Burton, 502 Strain Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard, lumber, millwork, particle board, plywood, wooden beams, wooden poles and wooden posts*, from points in Idaho,

Oregon and Washington, to points in Montana.

NOTE.—Applicant states it is presently performing the operations described herein. By this application, applicant seeks to convert its authorized contract carrier authority to common carrier authority. Applicant further 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 either Great Falls, Billings, or Missoula, Mont.

No. MC 138363 (Sub-No. 1), filed August 24, 1973. Applicant: COLLMAN EXPRESS, INC., 539 N. 171st Street, Seattle, Wash. 98133. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. 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 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 Seattle, Wash.

No. MC 138405 (Sub-No. 1), filed June 29, 1973. Applicant: JOHN P. FLAHERTY, doing business as FLAHERTY TRANSPORT COMPANY, 705 8th Avenue North, Great Falls, Mont. 59401. Applicant's representative: Newell Gough, Jr., First National Bank Building, Helena, Mont. 59601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (1) Between Great Falls and Dupuyer, Mont.: From Great Falls over U.S. Highway 89 to Dupuyer, and return over the same route; (2) Between Great Falls and Augusta, Mont.: From Great Falls over U.S. Highway 89 to junction Montana Highway 200, thence over Montana Highway 200 to junction Montana Highway 21, thence over Montana Highway 21 to Augusta, and return over the same route; (3) Between Augusta and Choteau, Mont.: From Augusta over U.S. Highway 287, and return over the same route; and (4) Between Fairfield, Mont. and junction U.S. Highway 287 and Montana Highway 408: From Fairfield over Montana Highway 408 to junction U.S. Highway 287 and Montana Highway 408, and return over the same route, (1) through (4) serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Great Falls or Billings, Mont.

No. MC 138629 (Sub-No. 2), filed September 7, 1973. Applicant: LARRY W. ALDRED AND ROBERT E. ALDRED, doing business as ALDRED BROS. TRUCKING, Route 2, Box 644, Roseburg, Oreg. 97470. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside Street, Portland, Oreg. 97214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, plywood and veneer*, from Glendale, Roseburg, and Eugene, Oreg., to points in Mendocino, Sonoma, Marin, Napa, Solano, Yolo, El Dorado, Sacramento, San Joaquin, Stanislaus, Contra Costa, Alameda, Santa Clara, Santa Cruz, San Mateo, San Francisco, Merced, Madera, and Fresno Counties, Calif., and Klamath Falls, Oreg.; and (2) *veneer*, from Dillard, Chumult, Roseburg, Glendale, Medford, Portland, and Eugene, Oreg., to points in Stevenson, Olympia, Vancouver, Kalama, Longview, Tacoma, Aberdeen, Seattle, Hoquiam, Wash.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 138650 (Sub-No. 1), filed September 4, 1973. Applicant: GEORGE'S TRUCKING CORPORATION, 22 Lake Avenue, Trenton, N.J. 08610. Applicant's representative: James S. Kline, 1819 South Broad Street, Trenton, N.J. 08610. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Bakery products*, in bulk, in tank vehicles between Philadelphia, Pa., and Red Bank, N.J.: From Philadelphia, Pa., over U.S. Highway 1 and U.S. Highway 206, to Trenton, N.J., thence over local roads (Whitehorse-Mercerville Rd.) to New Jersey Highway 33 thence over New Jersey Highway 33, to junction Monmouth County Road 524, thence over Monmouth County Road 524 to Farmingdale, N.J., thence over New Jersey Highway 34 to Monmouth County Road 537, thence over Monmouth County Road 537 to junction New Jersey Highway 35, thence over New Jersey Highway 35 to Red Bank, N.J., under contract with Tasty Baking Co., located at Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Trenton or Newark, N.J., or Philadelphia, Pa.

No. MC 138843 (Sub-No. 2), filed August 27, 1973. Applicant: THORVALD GRESLIVOLD, doing business as GRESLIVOLD TRUCK LINE, P.O. Box 721, 1229 7th Avenue NE., Minot, N. Dak. 58701. Applicant's representative: Harris P. Kenner, 615 South Broadway, P.O. Box 36, Minot, N. Dak. 58701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete culverts, sewers, arch pipe, cattle pass, manholes and bridge beams, prestressed bridge beams, polyvinyl chloride (PVC) plastic pipe and other related precast concrete products*, from the plantsite of North Dakota Concrete Products Co., located at or near Bismarck, Minot, Jamestown, and Williston, N. Dak., to points in Daniels, Sheridan, Roosevelt, McCone, Richland, Dawson, Wibaux, Prairie, Fallon, and Carter Counties, Mont., under a continuing contract or contracts with North Dakota Concrete Products Co. located at or near Bismarck, N. Dak.

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 Minot or Fargo, N. Dak.

No. MC 138889 (Sub-No. 2), filed September 10, 1973. Applicant: RALPH DEEM, doing business as DEEM TRUCKING, 2616 11th Avenue, Parkersburg, W. Va. 26101. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies* (except commodities in bulk and those used in the construction and maintenance of highways and bridges), from the warehouse and facilities of The 84 Lumber Company, at or near Williamstown, W. Va., to points in Athens, Gallia, Hocking, Meigs, Monroe, Morgan, Muskingum, Noble, Vinton, and Washington Counties, Ohio, under contract with The 84 Lumber Company, at Williamstown, W. Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., Columbus, Ohio, or Washington, D.C.

No. MC 138893 (Sub-No. 2), filed September 12, 1973. Applicant: GENE ECKHARDT, doing business as GENE ECKHARDT TRUCKING, P.O. Box 603, Lander, Wyo. 82520. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer, newsprint, paper, building material, ammonium nitrate, aluminum granules, sodium nitrate, and fertilizers*, having a prior movement by rail, between points in Fremont County, Wyo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lander or Casper, Wyoming.

No. MC 138895 (Sub-No. 2), filed August 31, 1973. Applicant: ROBERT NEUBAUER, R.R. No. 2, Chadwick, Ill. 61014. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, from Rock Falls, Ill., to points in Cedar, Clinton, Dubuque, Jackson, Jones, Linn, Muscatine, and Scott Counties, Iowa, under a continuing contract or contracts with DeKalb Feeds, Inc., of Rock Falls, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.

No. MC 138901 (Sub-No. 2), filed September 10, 1973. Applicant: LARRY McSWEENEY, Solida Road, South Point, Ohio 45680. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, as described by the Commission, and (2) *nonferrous pipe and tubing* (except those articles as described in *Mercer-Extension-Oil Field Commodities*, 74 MCC 459), from the plantsite of Jones & Laughlin Steel Corporation at or near Cincinnati, Ohio, to Ashland, Harlan, Leach, Paintsville, Pikeville, Prestonsburg, Ky.; Bristol, Elizabethton, Johnson City, Kingsport, Knoxville, Morristown, and Oak Ridge, Tenn.; Bristol, Va., and Alloy, Beckley, Bluefield, Charleston, Huntington, Logan, Princeton, and

Williamson, W. Va., including points in the terminal areas and commercial zones of the above-named cities, under contract with Jones & Laughlin Steel Corporation, located at Cincinnati, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Charleston, W. Va., or Washington, D.C.

No. MC 139048 (Sub-No. 2), filed August 31, 1973. Applicant: B & V CARTAGE, INC., 4102 Elmhurst Drive, Toledo, Ohio 43612. Applicant's representative: Edward R. Kirk, 88 East Broad Street, Suite 1660, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by wholesale, retail and chain toy and novelty business houses and (2) *equipment, materials and supplies* used in the conduct of such business, between the warehouse of The Elmex Corporation at Cincinnati, Ohio on the one hand, and on the other, points in Michigan, Indiana, Kentucky, West Virginia and Virginia, under a continuing contract, or contracts with The Elmex Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 139061, filed September 10, 1973. Applicant: HOSKINS TRUCKING, INC., P.O. Box 805 B, Route No. 1, Pineville, Ky. 40977. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel pipe, roof bolts, and plates*, from the sites of the plants and facilities of Valley Steel Products, Inc. at or near Flora, Centralia, Carlinville, and Irvington, Ill., to points in Bell and Harlan Counties, Ky., Lee County, Va., and Anderson, Roane, Claiborne, and Putnam Counties, Tenn.; (2) *oils and greases*, in drums and packages, from the site of the plant and facilities of Southwestern Petroleum Corporation at Fort Worth, Tex., to points in Harlan and Bell Counties, Ky.; and (3) *concrete and cinder block*, from the sites of the plants and facilities of General Shale Products Corporation at or near Kingsport and Morristown, Tenn., to points in Bell and Harlan Counties, Ky., and Lee County, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Knoxville, Tenn.

No. MC 139063, filed September 10, 1973. Applicant: HOREW TRUCKING, INC., 29 F Longfellow Drive, Munhall, Pa. 15120. Applicant's representative: Bernard Eisen, 20th Floor Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *All types of siding materials, windows, doors, wallboards, kitchen and bathroom sinks, cabinets and accessories, and other home improvement materials*, from the warehouse sites of Jones & Brown, Inc., located at or near Pittsburgh, Pa., to building job sites, and Jones & Brown customers, dealers, and affiliates located at points in West Virginia, Pennsylvania, Ohio, and Maryland; and (2) *refused or rejected shipments*, from the destination points named above to the warehouse sites of Jones & Brown, Inc. located at or near Pittsburgh, Pa. (1) and (2) under a continuing contract or contracts with Jones & Brown, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 139075 (Sub-No. 1), filed August 21, 1973. Applicant: IMMEDIATE CARRIERS, INC., 240 Williamson Avenue, Hillside, N.J. 07205. Applicant's representative: Richard M. Glassner, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages (beer) and related advertising material* moving therewith, from the Jos. Schlitz Brewery, Winston-Salem, N.C., to Atlantic City, Landisville, Little Silver, Newark, North Branch, North Wildwood, Paterson, Toms River, Vineland, and Wharton, N.J.; and (2) *empty containers*, from the destination points named in (1) to Jos. Schlitz Brewing Company, Milwaukee, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 139090, filed September 4, 1973. Applicant: RUBBER CITY EXPRESS, INC., 1805 East Market Street, Akron, Ohio 44305. Applicant's representative: Edward R. Kirk, Suite 1660, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are manufactured, processed, and dealt in by rubber manufacturers and steel product manufacturers, and *equipment, materials, and supplies* used in the conduct of such businesses, from Akron, Ohio, to points in Rhode Island, Massachusetts, Connecticut, and that part of New York east of a line beginning at Port Jervis, N.Y., and extending along U.S. Highway 209 to Kingston, N.Y., thence along U.S. Highway 9–W to Albany, N.Y., thence along U.S. Highway 20 to Syracuse, N.Y., thence along U.S. Highway 11 to Watertown, N.Y., and thence along New York Highway 12 to Clayton, N.Y., including New York, N.Y., Long Island, N.Y., and to the points on the indicated portions of the highways specified; and points in that part of New Jersey located on and north of New Jersey Highway 33, restricted against the transportation of liquid chemicals in bulk, in tank vehicles, from Akron, Ohio to the above-specified points; (2) *tire fabric*, from Fall River and New Bedford, Mass., to Akron, Ohio; (3) *chemicals*, from Naugatuck, Conn., to Akron, Ohio; and (4) *scrap tires and tubes*, from Boston, Cambridge, New Bedford, Pittsfield, Fall River, and Springfield, Mass., Hartford, Conn., Newark, N.J., and Albany and New York, N.Y., and points in Long Island, N.Y., to Akron, Ohio.

NOTE.—Dual operations may be involved. Applicant seeks by this application to convert its Permit in No. MC 136470 (Sub-No. 1) into a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Akron, Ohio.

No. MC 139101, filed August 30, 1973. Applicant: REGAL TRUCKING SERVICE CORP., 181 Broad Street, Carlstadt, N.J. 07072. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dinnerware, pewterware, crystal, music boxes, figurines and advertising materials, displays, and catalogues*, from Port Newark and Port Elizabeth, N.J., and points in the New York Harbor area, to Elmsford, N.Y., on shipments having a prior movement by water, only.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 139106, filed September 5, 1973. Applicant: A. B. A. TRUCKING CORPORATION, 12–16 Bank Street, Summit, N.J. 07901. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, metal roof and floor decking and materials, equipment and supplies* used or useful in the installation, manufacture, assembly, sale or production of the above-specified commodities (except commodities in bulk), between South Plainfield, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with United Steel Deck, Inc., its divisions or subsidiaries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139107, filed September 5, 1973. Applicant: MATADOR SERVICE, INC., P.O. Box 2256, Wichita, Kans. 67201. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from the plantsite and storage facilities of Farmland Industries, Inc., at or near Enid, Okla., to points in Kansas, Texas, Colorado, Missouri, Arkansas, and Louisiana; restricted to shipments originating at the above named plant.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 139108 (Sub-No. 1), filed September 7, 1973. Applicant: METRO SALES CORP., 1921 W. 1st Street, P.O. Box 1861, Sanford, Fla. 32771. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel office furniture and*

equipment, from the plantsites and shipping facilities of Art Steel Company, Inc., located at Bronx, N.Y., to points in Florida, Georgia, Illinois, Indiana, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Texas, and West Virginia, under a continuing contract with Art Steel Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 139115, filed September 4, 1973. Applicant: ROSS EXPRESS, INC., Route 3, Penacook, N.H. 03301. Applicant's representative: Charles A. DeGrandpre, 40 Stark Street, Manchester, N.H. 03101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between points in New Hampshire.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Concord or Manchester, N.H.

MOTOR CARRIER PASSENGER

No. MC 29601 (Sub-No. 14), filed September 11, 1973. Applicant: MIDWEST COACHES, INC., 216 North Second Street, Mankato, Minn. 56001. Applicant's representative: L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and newspapers and express* in the same vehicle with passengers, between Worthington, Minn., and Sioux Falls, S. Dak.: From Worthington over U.S. Highway 59 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction U.S. Highway 75, thence over U.S. Highway 75 to Luverne, Minn., thence return over U.S. Highway 75 to junction Interstate Highway 90, thence over Interstate Highway 90 to Sioux Falls, and return over the same route, serving the intermediate points of Luverne and Adrian, Minn.

NOTE.—Applicant is presently authorized to operate between Worthington, Minn., and Sioux Falls, S. Dak. via Minnesota Highway 16. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 29854 (Sub-No. 34), filed August 24, 1973. Applicant: THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnele Avenue, Jersey City, N.J. 07306. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, (1) Between Weehawken and Secaucus, N.J., serving the intermediate points from and including junction Tonnele Avenue and Secaucus Road, at the Jersey City-North Bergen boundary line, to junction County Road, County Avenue, and New County Road in Secaucus: From junction Pleasant Avenue ramp and Interstate Highway 495 in Weehawken, over Interstate Highway 495 to interchange with Tonnele Avenue in North Bergen, N.J., thence over interchange and Tonnele Avenue to junction County Road in Jersey City, thence over County Road to junction New County Road and County Avenue in Secaucus, and return over the same route; (2) Between Jersey City and Secaucus, N.J., serving all intermediate points: From junction Tonnele Avenue and Secaucus Road in Jersey City over Secaucus Road (along the Jersey City-North Bergen Boundary line) to the Secaucus Boundary line, and return over the same route; and (3) Between Weehawken and Secaucus, N.J.: From junction Pleasant Avenue ramp and Interstate Highway 495 in Weehawken, over Interstate Highway 495 to junction New Jersey Highway 3 in North Bergen, thence over New Jersey Highway 3 to Grace Street ramp in Secaucus, thence over Grace Street ramp to Grace Street entrance to Free Zone Center (formerly a part of Lincoln Industrial Park) in Secaucus, and return from the Grace Street exit of the Free Zone Center over Grace Street to junction 8th Street, thence over 8th Street to junction Old New Jersey Highway 3, thence over Old New Jersey Highway 3 to junction Plaza Center, thence over Plaza Center to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction Interstate Highway 495, thence over Interstate Highway 495 to Pleasant Avenue ramp, as an alternate route for operating convenience only in connection with carrier's regular-route operations, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 58915 (Sub-No. 57), filed July 30, 1973. Applicant: LINCOLN TRANSIT CO., INC., Route 46, East Paterson, N.J. 07407. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, (1) Between Marlboro and Madison, N.J.: From junction Union Hill Road and U.S. Highway 9 over Union Hill Road to junction Pension Road in Manalapan, thence over Pension Road to junction Middlesex County Road 527 in Madison, and return over the same route; (2) Between Manalapan, N.J. and Englishtown, N.J.: From junction Gordons Corner Road and U.S. Highway 9 in Manalapan over Gordons Corner Road to junction Monmouth County Highway 527 in Englishtown, and return over the same route; and (3) Within Manalapan, N.J., From junction Taylors Mill Road and U.S. Highway 9 over Taylors Mill Road to junction Pease Road, thence over Pease Road to junction Pease Road and Union Hill Road, and return over the same route, (1), (2), and (3) serving all intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 109312 (Sub-No. 42), filed August 30, 1973. Applicant: DE CAMP BUS LINES, a Corporation, 30 Allwood Road, Clifton, N.J. 07014. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, (1) Between junction Garden State Parkway and New Jersey Highway 280 in East Orange, N.J. and junction New Jersey Highway 280 and Eisenhower Parkway in Roseland, N.J.: From junction Garden State Parkway and New Jersey Highway 280, over access roads of New Jersey Highway 280, thence over New Jersey Highway 280 to junction New Jersey Highway 280 and Eisenhower Parkway, and return over the same route, serving all intermediate points; (2) Between junction New Jersey Highway 280 and Eisenhower Parkway in Roseland, N.J., and junction Eisenhower Parkway and New Jersey Highway 10 (Mt. Pleasant Avenue) in Livingston, N.J.: From junction New Jersey Highway 280 and Eisenhower Parkway, over Eisenhower Parkway to junction Eisenhower Parkway and New Jersey Highway 10 (Mt. Pleasant Avenue) and return over the same route, serving all intermediate points; (3) Between junction New Jersey Highway 280 and North Livingston Avenue in Roseland, N.J., and junction North Livingston Avenue and New Jersey Highway 10 (Mt. Pleasant Avenue) in Livingston, N.J.: From junction New Jersey Highway 280 and North Livingston Avenue, over access roads to North Livingston Avenue, thence over North Livingston Avenue to junction New Jersey Highway 10 (Mt. Pleasant Avenue) and return over the same route, serving all intermediate points; and (4) Between junction New Jersey Highway 280 and Laurel Avenue in Roseland, N.J., and junction Shrewsbury Avenue and New Jersey Highway 10 (Mt. Pleasant Avenue) in Livingston, N.J.: From junction New Jersey Highway 280 and Laurel Avenue, over access roads to Laurel Avenue, thence over Laurel Avenue to junction Laurel Avenue and Shrewsbury Avenue, thence over Shrewsbury Avenue to New Jersey Highway 10 (Mt. Pleasant Avenue) and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 133046 (Sub-No. 3), filed September 4, 1973. Applicant: AIRPORT LIMOUSINE SERVICE, INC., 24 N. River Road, Wheeling, W. Va. 26003. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, W.Va. 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between the Dallas Pike Interchange on Interstate Highway

70, in Ohio County, W.Va., and Greater Pittsburgh Airport (Pittsburgh, Pa.), restricted to the transportation of passengers movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 139007 (Sub-No. 2), filed August 28, 1973. Applicant: EXECUTIVE TRANSPORTATION SERVICE, INC., 4121 N.W. 25th Street, Miami, Fla. 33142. Applicant's representative: Richard B. Austin, 5255 N.W. 87th Ave., Palm Coast II Building, Suite 214, Miami, Fla. 33166. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Miami International Airport, Dodge Island and Miami Beach (Dade County), Fla., Fort Lauderdale/Hollywood International Airport and Port Everglades (Broward County), Fla., on the one hand, and, on the other, Lion Country Safari (Palm Beach County), Disney World and/or Sea World (Orange County), Cypress Gardens (Polk County), Cape Kennedy (Brevard County), and Busch Gardens (Hillsborough County), Fla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 139100 filed August 30, 1973. Applicant: TIMBERLANE TRANSPORTATION, INC., Route 125, Plaistow, N.H. 03865. Applicant's representative: Maxwell A. Howell, 1511 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip and one-way special and charter operations, from points in Rockingham County, N.H., to points in Vermont, Maine, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Plaistow, N.H.

WATER CARRIER APPLICATION(S)

No. W-5 Sub 6, filed October 15, 1973. Applicant: IGERT, a Corporation, P.O. Box 606, Paducah, Ky. 42001. Applicant's representative: W. W. Dyer (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *general commodities* by non-self-propelled vessels with the use of separate towing vessels in the performance of general towage between ports and points on the Cumberland River and its tributaries between Carthage, Tenn., and Celina, Tenn., inclusive, and between such ports and points, on the one hand, and, on the other, (1) between ports and points along the Tennessee River and its tributaries, the Cumberland River and its tributaries below and including Carthage, Tenn., the Green River and its tributaries, and the Ohio River below and including the mouth of the Green River, (2) between points on the Verdigris and Arkansas Rivers and their tributaries from Catoosa, Okla., to the confluence with the Arkansas Post Canal, the Arkansas Post Canal, and the White River and its tributaries and from its confluence with the Arkansas Post Canal to its confluence with the Mississippi River, hereinafter called the Arkansas-Verdigris Waterway, and (3) between points specified in (2) above, on the one hand, and, on the other, points along the Tennessee River and its tributaries, the Cumberland River and its tributaries below and including Carthage, Tenn., the Green River and its tributaries, and the Ohio River below and including the mouth of the Green River.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Paducah or Louisville, Ky.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-23729 Filed 11-7-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—NOVEMBER

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 November.

FEDERAL REGISTER PAGES AND DATE—NOVEMBER

Pages	*Date*
30091–30243	Nov. 1
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30421–30524	5
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30717–30858	7
30859–30984	8

federal register

THURSDAY, NOVEMBER 8, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 215

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

NATIONAL AMBIENT AIR QUALITY STANDARDS

State Transportation Control Plans

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Boston, Massachusetts; Promulgation of Transportation Control Plan

On March 20, 1972, by publication in the FEDERAL REGISTER (38 FR 7237), the Administrator notified the Governor of Massachusetts that a control plan must be submitted by April 15, 1973, for the Metropolitan Boston Intrastate Air Quality Control Region (hereinafter referred to as the "Boston Intrastate Region").

No plan was submitted and the Administrator proposed a transportation control plan for the Boston Intrastate Region on July 2, 1973, by publication in the FEDERAL REGISTER (38 FR 17689). Hearings were held on July 19 and 20, 1973, at Faneuil Hall in Boston and a period for written comments was provided.

AIR POLLUTION IN BOSTON INTRASTATE REGION

The Boston Metropolitan area lies on Massachusetts Bay in relatively flat coastal terrain. Topography does not generally influence pollutant dispersal adversely, but meteorological influences, specifically the proximity of the ocean and the resultant sea breezes, have a minor but adverse influence on photochemical oxidant levels. Although the region is served by rail, rapid transit, and extensive bus service, automobile use is heavy, particularly in outlying manufacturing areas. The urban core, though handling fewer vehicles than some urban areas, is still subject to considerable traffic density and congestion, which are commonly attributed to the narrow antiquated streets and resulting traffic patterns. The control strategies herein are directed at reducing emissions within the Boston Intrastate Region.

The primary national ambient air quality standard for photochemical oxidants is 160$\mu g/m^3$ [0.08 parts per million (ppm)] average for a 1-hour period, not to be exceeded more than once per year. This standard was exceeded in numerous occasions in 1971. During 1972, this standard was exceeded on 43 days out of 62 days during a 2-month monitoring study. The maximum 1-hour reading for oxidants was 0.260 ppm; the second highest was 0.253 ppm. There were six monitoring sites for oxidants in the Boston Intrastate Region.

Based on the second highest value of 0.253 ppm, the linear rollback model indicates a 69-percent reduction of hydrocarbon emissions from 1972 is required in the Boston Intrastate Region in order to attain the national primary standard for photochemical oxidants. The base year (1972) emissions of 307,100 kg/day of hydrocarbons must be reduced to 97,000 kg/day in order to attain the photochemical oxidant standard. Although if emissions would increase due to growth, if there were no controls, the Federal Motor Vehicle Pollution Control Program (FVPCP) will reduce the hydrocarbon emissions to 232,700 kg/day by 1975.

The primary national ambient air quality standards for carbon monoxide (CO) are 35 ppm average for 1 hour and 9 ppm for 8 hours, each to be exceeded no more than once per year.

In the Boston Intrastate Region, the 8-hour CO standard is exceeded frequently; in 1970 it was exceeded on 56 days. The maximum 8-hour average recorded was 22.0 ppm, and the second highest was 21.9 ppm, both occurring during 1970. There were five carbon monoxide monitoring sites in the Boston Intrastate Region.

Based on the second highest value of 21.9 ppm, the linear rollback model indicates a 59 percent reduction of carbon monoxide emissions from 1970 is required in the Boston core area to attain the national primary carbon monoxide 8-hour standard. The baseline (1970) carbon monoxide emission of 107,440 kg/day must be reduced to 44,750 kg/day in order to attain the carbon monoxide 8-hour ambient air quality standard. Although emissions would increase due to growth, if there were no controls, the ongoing FMVCP will reduce carbon monoxide emissions to 72,490 kg/day by 1975. In order to attain the standards, it will be necessary to reduce projected total emissions of hydrocarbons within the Boston Intrastate Region by an additional 135,700 kg/day (approximately 58 percent) and to reduce projected emissions of carbon monoxide in the Boston core and East Boston areas of the Region by an additional 27,740 kg/day (approximately 40 percent). Table 1 summarizes the required reduction in quantitative terms.

TABLE 1.—SUMMARY OF EMISSION PROJECTIONS [Kilograms per day]

	Hydrocarbons, Route 128 area	Carbon monoxide	
		Boston core	East Boston
Base year emissions (CO-1970, HC-1972).	307,100	99,820	7,620
May 31, 1975, with existing regulations.	232,700	66,350	6,140
Allowable emissions..	97,000	41,020	3,730
Necessary reductions from May 31, 1975, projection.....	135,700	25,330	2,410
Percent.....	58.0	38.2	39.3

EPA TRANSPORTATION CONTROL PLAN

SUMMARY

The five strategies that follow have been chosen, insofar as possible, to be consistent with the expressed policies and preferences of the Governor of the Commonwealth, the City of Boston and the public comments received through the public hearing process.

(1) *Emission control alternatives.* The emissions of carbon monoxide in the Boston Intrastate Region come almost entirely from motor vehicle sources, so that the reductions required beyond those provided by the Federal Motor Vehicle Pollution Control Program will need to be effected by transportation controls that reduce total motor vehicle emissions. In the case of hydrocarbon emissions in the Boston Intrastate Region, however, over half come from nonvehicular sources, so that an alternative exists for effecting some of the required reductions by further controlling these emissions. This possibility has been utilized, and the regulations here proposed for the Boston Intrastate Region are designed to reduce hydrocarbon emissions from stationary sources to the maximum degree considered feasible. Considerable further reductions will be required, however, and these will have to be effected by transportation controls directed at motor vehicle emissions.

(2) *Transportation control alternatives.* There are two general types of transportation controls available, those that effect emission reductions by reducing the average emissions from a vehicle-mile of travel (VMT), and those that effect reductions by reducing VMT, that is, by reducing the total amount of vehicle usage. It is the expressed policy of the Governor of Massachusetts to discourage continued heavy reliance on the automobile for urban core travel by encouraging increased transit usage and by other means. The public through the hearing has also expressed a desire to avoid the use of the most costly of the vehicle emission reduction controls.

Consequently, in promulgating the following mixture of the two types, the Administrator has selected insofar as possible those VMT-reducing controls that can have their impact within the time frame of the May 31, 1975 target date, in order to lay a firm foundation for the Commonwealth's on-going program to maintain the standards, and in order to hold to a minimum the need for vehicle-emission controls for the general population of vehicles in the Boston Intrastate Region.

(3) *Controls for stationary hydrocarbon sources.* Controls to prevent hydrocarbon emissions will be placed on a variety of stationary sources. In addition to the control of emissions from the bulk storage of gasoline that will be required under existing state regulations, the regulations proposed herein will require the extensive control of evaporative losses from retail gasoline sales outlets and all significant users of organic solvents. In addition, paints used for architectural coatings will have to be either formulated with nonreactive hydrocarbon solvents or water based. These regulations will reduce the expected 1975 total of stationary source hydrocarbon emissions from 130,600 kilograms per day (kg/day) to 50,500 kg/day, a reduction of 80,100 kg/day. This amount is about 59 percent of the 135,700 kg/day total hydrocarbon reduction required, leaving a balance of 55,600 kg/day to be achieved by reducing vehicular emissions.

The proposed stationary source controls published in the July 2, 1973, FEDERAL REGISTER (38 FR 17695) have been revised so that controls of nonphoto-

chemically reactive hydrocarbon emissions from organic solvent users are no longer required. In addition exemptions for various high solids and high water content solvents are also provided for in the final regulations.

(4) *Reductions in VMT.* The carbon monoxide emission reduction strategy provides some different controls in the Boston core area and East Boston. The primary reason this approach is taken is because the overwhelming majority of the vehicle miles of travel in East Boston is generated by a single source; Logan International Airport. Consequently, transportation control strategies aimed at reducing VMT generated by Logan Airport are necessary for attaining the carbon monoxide standard in that portion of Boston. Secondly, it was originally assumed that controls applied only to the Boston core area would be sufficient to effect the necessary reductions in East Boston. That assumption was later determined erroneous. However, as shown on the tables below the transportation control strategies applied to each of the two zones will effect some reductions of carbon monoxide emissions in the other zone.

The proposed regulations will impose controls on commuter parking in the Boston Intrastate Region, including the banning of on-street parking in the freeze area from 7 a.m. to 10 a.m. on weekdays, and the imposition of a 25¢/hour surcharge on off-street parking applicable from 7 a.m. to 7 p.m. in the Boston core area and at Logan International Airport. In addition all off-street parking facilities within the Boston core area shall be required to reduce the number of available parking spaces by a certain percentage so as to require a 40 percent vacancy rate in off-street commercial parking facility until 10 a.m. on weekdays. The implementation of the on-street parking ban shall be phased in commencing on June 30, 1974, with final compliance prior to March 1, 1975. The surcharge shall be effective prior to May 31, 1975. The reduction in available parking spaces shall be accomplished prior to March 1, 1975.

It has been noted that parking restrictions at Logan Airport will very likely generate an increase in pick-up and drop-off trips unless special measures are taken to avoid this result. Consequently, there shall be an egress toll by May 31, 1975, applicable to certain vehicles leaving Logan Airport. The toll shall be $1 from 10 a.m. to 4 p.m.; and $2 from 7 a.m. to 10 a.m. and 4 p.m. to 7 p.m. weekdays. The following vehicles shall be exempt from the egress toll: buses, airport limousines, trucks, emergency vehicles, taxi cabs with two or more passengers, employees of Logan Airport, and other private vehicles showing proof of parking for a minimum of four consecutive hours in one of the airport commercial garages.

There shall be a freeze effective on October 15, 1973, on the number of employee parking spaces in the core and spaces in off-street commercial facilities in a freeze area encompassing the Boston core area, Logan Airport, Cambridge, and parts of Somerville. In addition the on-street parking ban is applicable in the freeze area.

Because the carbon monoxide problem is concentrated in two relatively small areas—Logan Airport and the Boston core area—VMT reducing controls that are directed at limiting traffic in these areas are particularly appropriate. Of the various such controls possible, restrictions on commuter parking were selected because similar though less stringent measures have already been considered and recommended by the Governor and by the Boston City Government. The specific hours selected are those that provide the maximum diversion of rush-hour commuters to other transit while causing the minimum inconvenience to shorter-term shopping and other commercial traffic.

In contrast to the situation with carbon monoxide, the photochemical oxidant problem is region-wide, however, and thus it is necessary to devise controls to reduce VMT on a broader basis. This will help reduce both hydrocarbon and carbon monoxide emissions.

The regional parking management regulations provide for limitations on the use of single passenger light-duty vehicles; the restriction consists of requiring a 25 percent reduction in the available employee parking spaces for employers of 50 or more employees in the Region. This requirement shall be complied with prior to May 31, 1975.

A computer carpool matching system, presently in existence through a private concern in the Region, shall be developed by the Commonwealth in the event the existing system is discontinued by the private concern.

In addition, a portion of the Southeast Expressway will be provided exclusively for buses and carpools during 6:30 a.m. to 9:30 a.m. and 3:30 p.m. to 6:30 p.m. on weekdays. The final compliance date for this strategy is May 31, 1975. A portion of Interstate Route 93 shall be utilized totally for buses, trucks, and carpools between the hours of 7 a.m. to 10 a.m. and 4 p.m. to 7 p.m. weekdays.

The Administrator recognizes that in addition to these restraints on vehicle usage there must be adequate alternative transportation available if the controls are, in fact, to have a beneficial effect rather than become a burden The Administrator is not promulgating regulations other than the computer carpool regulation to specifically assure such alternatives because the Commonwealth of Massauchusetts has already assumed initiative for providing improved transit service in the Boston area. However, the Administrator strongly urges the Commonwealth to adopt the following measures in order to alleviate the impact of the promulgated transportation control strategies and to provide adequate means of transportation other than the single occupant motor vehicle so as not to decrease mobility in the Region:

1. The State should undertake the development of additional fringe "park and ride" facilities for use by commuters and air travelers. Among the high priority sites for development are: Riverside, Wonderland, South Quincy, South Braintree, the stub end of I-95 in Canton, and two alternative sites in the Reading/Stoneham area.

2. The Commonwealth and/or the Massachusetts Port Authority, in consultation with local officials should prepare a program for expansion of bus and limousine service and pooled taxi use for trips to and from Logan International Airport. Revenues from the parking surcharge and/or egress toll could appropriately be utilized for the services.

3. The MBTA will shortly make available passes to regular transit users. Employers should be encouraged to establish a payroll deduction plan for the convenience of their employees who wish to purchase MBTA passes.

4. The Commonwealth, in consultation with local officials, should actively pursue the development of a network of bicycle paths within the Region. As a beginning, bicycle storage facilities should be made available at major transit stations within the Boston Intrastate Region.

5. The Commonwealth, in consultation with local officials and owners and operators of parking facilities, should actively pursue the development of a program whereby vehicles containing 3 or more occupants would receive top priority for spaces in public and private parking facilities.

It is also anticipated that the imposition of restraints will prompt a variety of private decisions relative to work hours, carpooling, and similar matters that will operate to ameliorate the adverse impact of the restraints.

The transportation control strategies of the July 2 proposal have been modified to the extent possible in compliance with the public comments (see below) received and further analysis. The $5 surcharge on off-street facilities in the Boston core area has been replaced with a 25¢/hour surcharge applicable from 7 a.m. to 7 p.m. weekdays with the provision that the surcharge shall not exceed $2.50/day. In addition to the surcharge all off-street parking facilities in the Boston core area shall keep vacant 40 percent of the parking spaces until 10 a.m. weekdays. The on-street parking ban is now applicable only between the hours of 7 a.m. to 10 a.m. weekdays, rather than 6 a.m. to 10 a.m. and 4 p.m. to 6 p.m. The $5 surcharge for parking at Logan has been modified to a 25¢/hour surcharge with the same provisions as the Boston core area surcharge. In addition, an egress toll is now applied to certain vehicles leaving Logan on weekdays. In addition, a portion of the Southeast Expressway will be provided exclusively for buses and carpools during 6:30 a.m. to 9:30 a.m. and 3:30 p.m. to 6:30 p.m. on weekdays. Finally, Interstate Route 93 shall be utilized totally for buses, trucks, and carpools between Somerville and the Boston core during 7 a.m. to 10 a.m. and 4 p.m. to 7 p.m.

The vehicle prohibition strategy has been replaced with the regional parking management program whereby em-

ployers of 50 or more employees shall reduce their available employee parking by 25 percent.

(5) *Proposed tailpipe controls on mobile source emissions.* In addition to VMT reductions, the following "tailpipe" controls are being promulgated. All light-duty and medium-duty gasoline-powered vehicles will be required to be inspected semiannually using a loaded-mode emission test, a relatively inexpensive testing procedure. Vehicle owners will be required to obtain any maintenance necessary to ensure that all pollution control devices on the vehicle work properly and that the vehicle operates at low pollution levels.

The installation of air bleed emission controls will be required on all 1968–1971 model year light-duty gasoline-powered vehicles and all pre-1972 medium-duty vehicles. The installation of vacuum spark advance disconnect will be required on all pre-1968 model year, light-duty, gasoline-powered vehicles. A further requirement will be the installation of an oxidizing catalyst on all gasoline-powered light-duty vehicles in fleets of 10 or more vehicles; on all 1969–1974 model year, medium-duty, gasoline-powered vehicles; and on 1974 private light-duty, gasoline-powered vehicles.

Although the oxidizing catalyst is believed to be technologically feasible by 1975, the Administrator recognizes that it is not possible to implement this control measure in the Boston Intrastate Region by that date. Consequently, the Administrator is granting an extension of 2 years for the implementation of catalytic retrofit control devices. For the same reason, the Administrator is granting extensions of 7 months, 14 months, and 14 months, respectively, for implementation of the vacuum spark advance disconnect, air bleed emission control devices, and the loaded-mode inspection and maintenance program.

The "tailpipe" strategies of the July 2 proposal have been modified as a result of public comments and further analysis. The idle mode annual inspection and maintenance program has been replaced by a loaded-mode semiannual inspection and maintenance program. The vacuum spark advance disconnect has been modified to apply to pre-1968 vehicles rather than pre-1971. An air bleed emission control device is required on all 1968–1971 vehicles. Finally, certain medium-duty, gasoline-powered vehicles are not subject to the inspection and maintenance program, air bleed, and catalytic retrofit emission control devices.

FINDINGS

In the development of the transportation control plan for the Boston Intrastate Region, the Administrator first determined all of the VMT reduction strategies that are applicable within the Region. The Administrator is promulgating all of the applicable VMT reduction strategies except two: gasoline supply limitation and the vehicle use prohibition program (sticker system). Based on comments received through the public hearing process, and further analysis, the Administrator determined that a vehicle use prohibition program is not an available or practicable strategy. The regional parking management program has been substituted for that strategy. As for limiting the supply of gasoline to the Region, the Administrator also determined that this strategy was neither available nor practicable prior to 1977, and the degree to which VMT will be reduced by other measures is the maximum practicable degree. After selection of all applicable VMT reduction strategies, the Administrator acquired the remaining reductions through application of the available and practicable "tailpipe" controls.

Other potential VMT reducing measures such as restricting the flow of traffic to such points as the Mystic River Bridge, harbor tunnels, and toll gates on the Massachusetts turnpike; restricting the downtown on and off ramps of the Central Artery, Southeast Expressway, and Route 1 for use exclusively by buses and carpools only during commuting hours; a ramp metering system for preferential access given to buses and carpools; and a north/south bus lane system through the Boston core area will be thoroughly studied by the Commonwealth to determine the feasibility of implementing these strategies within the Boston Intrastate Region.

Although all of the transportation control strategies selected by the Administrator for attaining and maintaining the carbon monoxide and photochemical oxidant standards by May 31, 1975, are technologically feasible, several are not implementable in the Boston Intrastate Region by that date. Consequently the Administrator is granting extensions under 110(e) of the Clean Air Act for full compliance according to the following schedule:

1. Vacuum spark advance disconnect—January 1, 1976.
2. Air bleed emission control device—August 1, 1976.
3. Catalytic retrofit devices—May 31, 1977.
4. Inspection and maintenance—August 1, 1976.
5. Evaporative controls in gas stations, (a) Storage tank delivery—March 1, 1976. (b) Vehicle tank filling—May 31, 1977.

The rationale for these extensions are explained in the General Preamble to EPA's transportation control promulgations.

SUMMARY OF EFFECTS OF TRANSPORTATION CONTROLS

Tables 2 through 4 summarize the effects of each of the proposed controls on emissions in the three areas in which reductions are required. The May 31, 1975, summary column represents the effects of controls by that date. The May 31, 1977, summary column represents the effects of the proposed control measures after granting the extensions for the implementation of various emission control strategies. Although the reduction of carbon monoxide in 1977 exceeds the quantities required to attain the carbon monoxide standard, this excess reduction is nevertheless needed for attaining the photochemical oxidant standard in 1977.

TABLE 2.—*Summary of effects of controls on hydrocarbon emissions Boston intrastate region*

[Kilograms per day]

	May 31, 1975	May 31, 1977
Nonvehicular emissions without further control	130,600	138,400
Expected reductions:		
Vapor control	−16,830	−17,840
Paint use control		−41,970
Organic solvent control	−23,670	−25,090
Total reductions	−40,500	−84,900
Remaining nonvehicular emissions	90,100	53,500
Motor vehicle emissions without further control	102,100	70,400
Expected reductions:		
Core on-street parking ban; core off-street parking surcharge and space limitation; airport parking restrictions and egress toll	−4,564	−4,564
Regional parking management, computer carpools and preferential lanes	−4,560	−4,656
Inspection-maintenance		−10,067
Air bleed		−3,928
Vacuum spark advance disconnect control		−1,277
Oxidizing catalyst—fleet		−1,060
Oxidizing catalyst—1969–74 MDV and 1974 LDV		−2,618
Total reductions	−9,124	−27,500
Remaining motor vehicle emissions	92,976	42,900
Total emissions without further controls	232,700	208,800
Total reductions	−50,624	−111,894
Total emissions remaining	182,076	96,906
Equivalent to standard	97,000	97,000

TABLE 3.—*Summary of effects of controls East Boston carbon monoxide emissions*

[Kilograms per day]

	May 31, 1975	May 31, 1977
Motor vehicle emissions without further control	6,140	4,760
Expected reductions:		
Core on-street parking ban; core off-street parking surcharge and space limitation	−601	−465
Airport parking restrictions and egress toll	−449	−347
Regional parking management, computer carpools, and preferential lanes	−165	−128
Inspection-maintenance		−664
Air bleed		−678
Vacuum spark advance disconnect control		−28
Oxidizing catalyst—fleet		−165
Oxidizing catalyst—LDV		−220
Total reductions	−1,215	−2,657
Total emissions without further controls	6,140	4,760
Total reductions	−1,215	−2,657
Emissions remaining	4,925	2,103
Equivalent to standard	3,730	3,730

TABLE 4—*Summary of effects of controls Boston core carbon monoxide emissions*

[Kilograms/day]

	May 31, 1975	May 31, 1977
Motor vehicle emissions without further control	66,350	49,870
Expected reduction:		
Core on-street parking ban; core off-street parking surcharge and space limitation; airport parking restrictions and egress toll	−3,336	−2,542
Regional parking management, computer carpools and preferential lanes	−3,333	−2,539
Inspection-maintenance		−7,252
Air bleed		−7,116
Vacuum spark advance disconnect control		−245
Oxidizing catalyst—fleet		−1,101
Oxidizing catalyst—LDV		−1,899
Total reductions	−6,669	−22,694
Total emissions without further controls	66,350	49,870
Total reductions	−6,669	−22,694
Total emissions remaining	59,681	27,176
Equivalent to standard	41,020	41,020

BASIS FOR EMISSION REDUCTION

Additional technical information is contained in the "Technical Support Document of the Transportation Control Strategy for the Metropolitan Boston Intrastate Air Quality Control Region." This document is available from the Environmental Protection Agency, Region I Office, Room 2203, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

ECONOMIC AND SOCIAL IMPACT OF TRANSPORTATION CONTROL PLAN

Congress recognized that achievement of the goals of the Clean Air Act would have a significant impact on many urban areas.

Because it is not possible to effect sufficient reductions to meet the standards by VMT controls alone, all the possible combinations of controls that were considered included an inspection and maintenance program and the use of additional emission control equipment on existing vehicles. The combination proposed requires the least possible expenditure by the individual light-duty vehicle owner. The probable annual cost of the required inspection should be about $5, with an additional $15 to $25 cost required if maintenance is needed; the maintenance is of course desirable on its own merit, and thus is not viewed as a serious burden. The vacuum spark advance disconnect devices are also inexpensive, about $20 to $25 per vehicle, installed. The air bleed device will cost approximately $40 per vehicle, installed.

The oxidizing catalyst requirements are somewhat more expensive about $90–$140 per vehicle installed under a State-supervised system. This is of particular concern with respect to the provision of catalysts on older light-duty vehicles. Thus requirement for catalyst controls for the Intrastate Region is placed on newer rather than older vehicles, since the cost is smaller in comparison with the greater value of the new vehicle. If the catalyst cost falls directly on the individual light-duty vehicle owner, however, the specific burden will weigh more heavily on the low-income families. Consequently, it is suggested that the Commonwealth consider subsidizing these costs, perhaps through a bond issue retired from an additional gasoline tax.

The transportation control measures will also provide many positive results. In addition to attaining clean air in the Boston Intrastate Region, there will be considerable reduction in traffic congestion and noise in the Boston core area. With the implementation of the regional parking management, affected persons will be saving between $250 to $500 per year. The mandatory inspection and maintenance program will require vehicles that are incorrectly tuned to be corrected, therefore eradicating unnecessary fuel losses.

Finally, mass transit facilities throughout the Boston Intrastate Region will be expedited by the additional funding provided by the surcharge revenues to accommodate the extra demand generated by the transportation control plan. This plan will significantly improve public health and it will serve to promote the long-term environmental and transportation goals of the Boston Intrastate Region, as well as resulting in fuel conservation.

Any direct or indirect effects of the plan on the economy of the area are primarily dependent on the extent of the reduction in VMT required. It is expected that the principal effects will be more a matter of social adjustment than of serious economic consequences although the impact cannot be better defined until the social economic impact study has been performed. However, the degree of the impact will depend upon the extent to which adequate mass transit is provided.

PUBLIC COMMENTS RECEIVED

The Administrator has developed the plan to be as responsive as possible to the needs of the Boston Intrastate Region; he therefore obtained the comments and suggestions of the public on the problems of achieving the ambient air quality standards in the Boston Intrastate Region through the public hearing process.

Comments pertaining to the other measures that may be taken by Federal, State, or local authorities to support or supplement the proposed air pollution control measures were also solicited and received at the hearings. Some comments have already been discussed above. In addition, the following comments were recorded.

The general consensus of the public was that the goal of attaining clean air is valid. However, there was general disagreement on the attainment date of May 31, 1975, and on several of the specific strategies proposed for attaining the standards.

The Governor of the Commonwealth together with the majority of State legislators who testified proposed extending the final compliance date of May 31, 1977 for 1 or 2 years. The business interests testifying at the hearing generally expressed the belief that the original proposal, if implemented, would cause serious economic dislocations in the City of Boston. The remainder of the public commenting at the hearing generally supported the proposal with some reservations on several of the strategies.

The strategies that received the severest criticisms were: the $5 surcharge applicable in the Boston core area and Logan Airport off-street parking facilities; the one day a week vehicular use prohibition strategy (sticker system); and the catalytic retrofit for 1972–1974 private light-duty vehicles.

In addition, comments were received from Massport Authority after the official period for submitting testimony had expired objecting to the parking freeze, egress toll, and surcharge at Logan. Massport contends that no air quality monitoring had been performed at Logan to substantiate that the carbon monoxide ambient air quality standard was exceeded there. Yet air quality monitoring data acquired for a draft environmental impact statement performed for Massport entitled, "Draft Environmental Impact Statement for Extending Runway 4L and 9 and Construction of STOL–GA Runway 15–33" stated on page E–18 that, "For the whole sampling season (186 samples, 1971–1972) 8 percent of the carbon monoxide values on-airport exceeded EPA's primary standard and 6 percent of the off-airport reading exceeded standards." Finally, many comments received called for positive inducements of voluntary actions for attaining emission reductions.

EPA EFFORTS TO MITIGATE THE EFFECTS OF THE REGULATIONS

The combined effects of these regulations, together with the other control strategies in the Massachusetts Implementation Plan, will eliminate the danger to human health that exists in the Boston Intrastate Region as the result of air pollution. The Administrator has made every effort possible to mitigate any adverse economic and social impacts effects of this final promulgation. He will continue contacts with the Department of Transportation and other departments as necessary to ensure the least possible disruption in implementation of these regulations. The Administrator will continue to require that Federal departments and agencies give special attention to the need for funding to provide adequate mass transit to replace reliance on the automobile as the sole means of transportation.

(Secs. 110(c) and 301(a), Clean Air Act (42 U.S.C. 1857c–5(c) and 1857g))

Dated: October 25, 1973.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart W—Massachusetts

1. Section 52.1122 is amended by adding paragraph (b) as follows:

§ 52.1122 Extensions.

* * * * *

(b) The Administrator hereby extends for 2 years the attainment date for the

national standards for carbon monoxide and photochemical oxidants in the Metropolitan Boston Intrastate Region and extends for 14 months the attainment date for the national standards for carbon monoxide in Massachusetts' portion of the Hartford-New Haven-Springfield Interstate Region.

§ 52.1127 [Amended]

2. In § 52.1127, the attainment date table is revised by replacing the date "May 31, 1975, f" for attainment of the national standards for carbon monoxide and photochemical oxidants in the Metropolitan Boston Intrastate Region and for carbon monoxide in the Hartford-New Haven-Springfield Interstate Region, with the date "May 31, 1977" for the Metropolitan Boston Intrastate and the date "August 1, 1976" for the Hartford-New Haven-Springfield Interstate Region, and deleting footnote "f".

3. Section 52.1128 is revised to read as follows:

§ 52.1128 Transportation and land use controls.

(a) For purposes of this subpart, the definitions herein are applicable.

(b) Definitions:

(1) "Register", as applied to a motor vehicle, means the licensing of such motor vehicle for general operation on public roads or highways by the appropriate agency of the Federal Government or by the State.

(2) "Boston Intrastate Region" means the Metropolitan Boston Intrastate Air Quality Control Region, as defined in § 81.19 of this part.

(3) "Boston core area" means that portion of the City of Boston, Massachusetts, contained within the following boundaries: The Charles River and Boston Inner Harbor on the northwest, north, and northeast; the Inner Harbor, Fort Point Channel, West Fourth Street, the Inner Harbor to B Street, Fitzgerald Expressway, and the Massachusetts Avenue Expressway access branch on the east and southeast; Southampton Street, Reading Street, Island Street, Chadwick Street, Carlon Street, Albany Street, Hunneman Street, Madison Street, Windsor Street, Cabot Street, Ruggles Street, Parker Street, Ward Street, Huntington Avenue, the Boston-Brookline Municipal boundary, Mountford Street, and the Boston University Bridge on the west. Where a street or roadway forms a boundary, the entire right-of-way of the street is within the Boston core area as here defined.

(4) "Freeze area" means that portion of the Boston Intrastate Region centered within the following boundaries: The B. & M. right-of-way from Fresh Pond to the Charles River Dam and the Boston Inner Harbor on the north and northeast; the Reserved Channel, Dorchester Street to Old Colony Road, through the Old Harbor around Columbia Point to the Southeast Expressway-Morrissay Boulevard intersection on the east, southeast and south; Freeport Street to Hancock Street, Columbia Road, Massachusetts Avenue, Southamption Street, Reading Street, Island Street, Chadwick Street, Carlon Street, Albany Street, Hunneman Street, Madison Street, Windsor Street, Cabot Street, Ruggles Street, Parker Street, Ward Street, Huntington Avenue, Brookline-Boston municipal boundary, Mountford Street, the Boston University Bridge, Memorial Drive, Fresh Pond Parkway, Alewife Brook Parkway to B. & M. rights-of-way on the southwest and west, and Logan International Airport. Where a street or roadway forms a boundary, the entire right-of-way of the street is within the freeze area as here defined.

(5) "Off-street parking facility" means any facility, building structure, lot, or portion thereof used for the temporary storage of motor vehicles.

4. In 38 FR 18878, the regulation titled "§ 52.1129 Legal authority" is amended be revising the title to read "§ 52.1133 Legal authority". The regulation titled "§ 52.1129 Control strategy: Photochemical Oxidants (hydrocarbons) and carbon monoxide", published in 38 FR 16566 remains in effect.

5. Subpart W is amended by adding §§ 52.1134 through 52.1147 and 52.1160 as follows:

§ 52.1134 Regulation limiting on-street parking.

(a) "On-street parking" means stopping a motor vehicle on any street, highway, or roadway (except for legal stops at or before intersections and as caution and safety require) whether or not a person remains in the vehicle, and all such stops when the driver does not remain in the vehicle.

(b) Commencing on or before June 30, 1974, the Commonwealth of Massachusetts and the City of Boston and any political subdivisions or administrative bodies of either having jurisdiction over any streets, highways, or roadways within the freeze area, shall adopt all necessary administrative and enforcement procedures to effect a prohibition of on-street parking within the freeze area between the hours of 7 a.m. and 10 a.m., except Saturdays, Sundays, and legal holidays. The regulation shall state that violation of the prohibition shall be punishable by a fine or not less than $50 and removal of the offending vehicle. The limitation on on-street parking shall be conducted in a phased-in manner to be completed by March 1, 1975. Each such governmental entity shall at a minimum eliminate 33⅓ percent of on-street parking during the hours specified by September 30, 1974; 66⅔ percent by December 31, 1974; and 100 percent by March 1, 1975.

(c) Exceptions to this regulation shall be granted for vehicles owned by residents of the freeze areas that are parked within 0.5 mile of the owner's residence, providing such on-street parking is in compliance with existing parking regulations of the City and Commonwealth. Exemptions of vehicles owned or operated by handicapped persons and disabled veterans (HP and V license plates) may be granted.

(d) On or after June 30, 1974, no owner or operator of a motor vehicle shall park, or permit the on-street parking of, said vehicle within the freeze area except in conformity with the provisions of this section and the measures implementing it.

(e) The Governor of the Commonwealth of Massachusetts, and the chief executive of any other governmental entity on which obligations are imposed by paragraph (b) of this section shall, on or before April 15, 1974, submit to the Administrator for his approval a detailed statement of the legal and administrative steps chosen to effect the prohibition provided for in paragraphs (b) and (d) of this section, and a schedule of implementation consistent with the requirements of this section. Such schedule shall include as a minimum the following:

(1) Designation of one or more agencies responsible for the administration and enforcement of the program.

(2) The procedures by which the designated agency will enforce the prohibition provided for in paragraphs (b) and (d) of this section.

(3) The procedures by which each car will be marked so that residential vehicles will be exempt from the 7 to 10 a.m. ban providing such a vehicle is parked within 0.5 mile of the location specified on the registration of the vehicle.

§ 52.1135 Regulation for management of parking supply.

(a) Definitions:

(1) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land, a building or structure, or any portion thereof, to use as a facility.

(2) "Modification" means any change to a parking facility which increases or may increase the motor vehicle capacity of or the motor vehicle activity associated with such parking facility.

(4) "Commence" means to undertake a continuous program of onsite construction or modification.

(5) "Parking facility" (also called "facility") means any lot, garage, building, or structure, or combination or portion thereof, on or in which motor vehicles are temporarily parked.

(6) "Freeze" means to maintain at all times after October 15, 1973, the total quantity of parking spaces available for use at the same amounts as were available for use prior to said date; provided, that such quantity may be increased by spaces the construction of which commenced prior to October 15, 1973; provided, further, that such additional spaces do not result in an increase of more than 10 percent in the total parking spaces available for use on October 15, 1973, in any municipality within the freeze area or at Logan Airport. For purposes of the last clause of the previous sentence, the 10-percent limit shall apply to each municipality and Logan Airport separately.

(7) "Residential parking facility" means a parking facility the use of which is limited exclusively to residents (and

guests) of a residential building or group of buildings under common control and in which no commercial parking is permitted.

(8) "Commercial parking facility" means a parking facility in which parking a motor vehicle is permitted for a fee.

(9) "Parking space/employee ratio" means the ratio of (i) the total number of employee parking spaces provided by an employer at any facility within the Boston Intrastate Region to (ii) the total number of people employed by such employer at such facility.

(10) "Employer" means a person or entity which employs 50 or more persons within the Boston Intrastate Region.

(11) "Action plan" means a plan that contains all the steps to be taken by an employer or the chief executive officer of each municipality in the Boston Intrastate Region to fulfill the requirements of this regulation and the dates by which such steps shall be taken.

(12) "Employee parking space" means any parking space reserved or provided by an employer for the exclusive use of his employees, either with or without charge.

(b) This regulation is applicable in the Boston Intrastate Region.

(c) There is hereby established a freeze, as defined by paragraph (a)(6) of this section, on the availability of parking spaces in the freeze area effective October 15, 1973. In the event construction commenced prior to October 15, 1973 exceeds the 10-percent limit prescribed by paragraph (a)(6) of this section in any municipality or at Logan Airport, then the Commonwealth of Massachusetts shall immediately take all necessary steps to assure that the available spaces within such municipality or at Logan Airport shall be reduced to comply with the freeze. The freeze shall apply with the following exceptions:

(1) Residential parking facilities shall be exempt from the freeze.

(2) Free customer parking shall be exempt from the freeze providing the parking facility is not utilized as a commercial or employee parking facility, and provisions are made to restrict its use to customers of the establishment associated with the parking facility.

(3) Employee parking located outside of the Boston core area after October 15, 1973, shall be exempt from the freeze provided the employee parking facility is not utilized as a commercial parking facility and the provisions of paragraphs (h) and (k) of this section are complied with.

(d) After August 15, 1973, no person shall commence construction of any parking facility, or modification of any existing parking facility in the Boston Intrastate Region unless and until he has obtained from the Administrator or from an agency approved by the Administrator a permit stating that construction or modification of such facility will not interfere with the attainment or maintenance of applicable Federal air quality standards and that the construction or modification of the facility will comply with the requirements of paragraphs (h) and (k) of this section. This paragraph shall not apply to any proposed parking facility for which a general construction contract was finally executed by all appropriate parties on or before August 15, 1973.

(e) After August 15, 1973, no person shall commence construction of any parking facility or modification of any existing facility in the freeze area unless and until he has obtained from the Administrator or from an agency approved by the Administrator, in addition to the permit required by paragraph (d) of this section, a permit stating that construction or modification of such facility will be in compliance with the parking freeze established by paragraph (c) of this section. This paragraph shall not apply to any proposed parking facility for which a general construction contract was finally executed by all appropriate parties on or before August 15, 1973.

(f) In order for any agency to be approved by the Administrator for purposes of issuing permits pursuant to paragraphs (d) and (e) of this section, such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit applications and issuance have been established. Such requirements shall include but not be limited to a condition that before a permit may be issued the following findings of fact or factually supported projections must be made:

(i) The location of the facility.

(ii) The total motor vehicle capacity before and after the proposed construction or modification of the facility.

(iii) The number of people using or engaging in any enterprises or activities that the proposed facility will serve.

(iv) In the event the facility contains employee parking spaces, the parking space/employee ratio that will occur as a result of construction or modification of the facility.

(v) The number of motor vehicles using the proposed facility on an average hourly and a peak hour basis.

(vi) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projections shall include data concerning the availability of public transit from such areas.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include, but not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit will be issued if the construction or modification of the facility will result in a net increase of vehicle miles traveled within the Boston core area.

(iii) Provisions that no permit will be issued if construction or modification of the facility will not comply with the requirements of paragraphs (c), (h), and (k) of this section.

(iv) Provisions that no permit will be issued if construction or modification of the facility will result in interference with the attainment or maintenance of national air quality standards.

(3) Agency procedures provide that no permit for the construction or modification of a facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of a legislative type; the notice shall conform to the requirements of 40 CFR 51.4(b); and the agency rules of procedures may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to 7 days before the scheduled hearing date, no hearing need be held. If notice of intent to participate is required, the fact shall be noted prominently in the required hearing notice.

(g) On or before January 31, 1974, each employer shall report to the Administrator, or his designee, the number of his employees and of his employee parking spaces.

(h) On or before May 31, 1975, each employer shall reduce the number of his available employee parking spaces at each employment facility by the greater of (i) 25 percent of the spaces available at such facility on October 15, 1973, or (ii) that amount of spaces necessary to attain a parking space/employee ratio of 0.75 at such facility. Subject to the provisions of paragraph (k) of this section, future increases in employee parking spaces shall be permitted for a facility only to the extent the parking space/employee ratio resulting from the foregoing reduction is maintained for such facility.

(i) On or before July 31, 1974, each employer shall submit to the Administrator, or his designee, an action plan to meet the requirements of paragraph (h) of this section. Before submittal to the Administrator, each action plan must be approved by the chief executive of the local jurisdiction in which the employment facility is located. Each action plan shall include the following as a minimum:

(1) The procedure by which the employer will provide for the reduction in employee parking spaces, such as painting over or roping off the spaces designated for employee parking, pursuant to this regulation.

(2) A procedure by which the employer shall ensure that his employees do not park outside the employer's designated employee parking area within his facility.

(3) A procedure satisfactory to the Administrator in detail and substance by which the employer shall provide assistance to his employees for any necessary adjustment from single occupancy automobile transportation to carpooling or mass transit usage that may result from implementation of this section. By way of example and not limitation, the procedure may include such measures as computerized carpooling, minibus service from place of employment to mass transit parking lots, or a payroll deduction plan for commuter transit passes.

(4) A timetable for implementation of the requirements of paragraph (h) of this section prior to May 31, 1975.

(j) The chief executive officer of each municipality in the Boston Intrastate Region that contains an employer subject to the requirements of paragraph (h) and (i) of this section shall submit to the Administrator no later than September 30, 1974, an action plan satisfactory to the Administrator in form and substance showing the steps the municipality will take to prohibit on-street parking by commuting employees outside the freeze area. Such action plan shall include as a minimum the following steps:

(1) Designation of one or more agencies responsible for the administration and enforcement of the program.

(2) Procedures (such as an on-street parking ban to non-residents between 7 and 10 a.m.), by which the prohibitions provided for in this paragraph shall be accomplished.

(3) Procedures by which the designated agency will enforce the prohibition provided in this paragraph.

(4) Procedures for the review and approval/disapproval of employer action plans required by paragraph (i) of this section.

(5) A timetable for implementation of the requirement of this paragraph prior to May 31, 1975.

(k) Provided that the provisions of paragraphs (d) and (e) of this section are complied with, new employee parking spaces may be established at new employment facilities, or at existing facilities where employment significantly and permanently increases, provided that the resulting parking space/employee ratio for such facility shall not exceed the ratio for new employment facilities for that area of the Region. Such ratios will be established by the Administrator on an area-by-area basis within the Region prior to January 1, 1975, and will in no case be greater than 0.75. Prior to the time such ratios are promulgated by the Administrator, the applicable ratio for the entire Region for purposes of this paragraph shall be 0.75.

(l) When employment is reduced at a facility, the number of employee parking spaces shall be reduced to the extent necessary to preserve the parking space/employee ratio in effect for such facility.

§ 52.1136 Regulation for off-street parking facilities.

(a) "Off-street parking space" means any area or space below, above or at ground level, open or enclosed, which is used for parking one light-duty vehicle at any given time except on any public highway, street, or roadway.

(b) A surcharge of 25¢/hour shall be applied as provided in subparagraph (c) of this section to any contract or other agreement whereby a motor vehicle is parked for a fee in any publicly or privately owned off-street parking facility in the Boston Intrastate Region. Such surcharge shall be collected by the Commonwealth or the City of Boston or their designated agents. The net proceeds of such surcharge shall be utilized to assist payments of the Metropolitan Boston Transit Authority's net cost of services assessable upon the City of Boston and for mass transit improvements within the Boston Intrastate Region.

(c) The surcharge provided for in paragraph (b) of this section, shall be applicable beginning May 31, 1975, to all off-street parking spaces at Logan Airport and in the Boston core area. The surcharge shall be applicable as a minimum between the hours of 7 a.m. and 7 p.m. on days other than Saturdays, Sundays, or legal holidays and the maximum total daily surcharge shall not exceed $2.50. The surcharge shall not apply to utilization of off-street parking facilities by handicapped persons and disabled veterans (HP and V license plates) to employee parking spaces conforming with the requirements of paragraphs (h) and (k) of section 52.1135 of this chapter, or to residential parking facilities as defined in paragraph (a)(7) of § 52.1135 of this chapter.

(d) If a vehicle is to be stored in an off-street parking space for more than one day without leaving said space, the surcharge provided for in paragraph (b) of this section shall apply only to the first day of storage of the vehicle.

(e) Each person and governmental entity owning, controlling or operating an off-street parking facility within the Boston core area and Logan Airport shall by December 1, 1973, report to the Administrator or his designee the number of motor vehicle parking spaces in each such facility under its ownership or control and the average number of such parking spaces occupied at 10 a.m. on weekdays.

(f) Each such owner or operator of any off-street parking facility located within the Boston core area shall reduce the number of motor vehicle parking spaces available during the period 7 a.m. to 10 a.m. on days other than Saturdays, Sundays, or legal holidays from the number in existence as of December 1, 1973, by a percentage to be established by the City of Boston for each such facility. Such percentages shall be designated by the City of Boston on or before July 31, 1974. These percentages shall be such that the total available off-street parking supply in the Boston core area shall not exceed 60 percent of the supply available (including that under construction) on October 15, 1973. This reduction shall be accomplished not later than March 1, 1975.

(g) Each such owner or operator of an off-street parking facility subject to the requirements of this section shall submit to the Administrator prior to December 31, 1974, a detailed compliance schedule showing the steps it will take to achieve the reduction in motor vehicle parking spaces required by paragraph (f) of this section and for the collection of the surcharge. Such schedule shall provide for the designation, in some manner obvious to the public (such as blocking off entire floors, painting over or roping off spaces) of the space eliminated pursuant to this section.

§ 52.1137 Regulation for Logan Airport egress toll.

(a) All vehicles leaving Logan International Airport between the hours of 7 a.m. and 7 p.m. weekdays (except legal holidays) shall be subject to a toll to be collected by the Massachusetts Port Authority in the amount of $1 between 10 a.m. and 4 p.m., and $2 between the hours of 7 a.m. to 10 a.m. and 4 p.m. to 7 p.m. The toll shall be collected at a toll booth (or booths) to be located on the egress roads from Logan International Airport or by some equivalent method. The revenue generated by the toll shall be utilized to assist the implementation of additional buses, limousines, and other mass transit service to and from Logan Airport and for dispatching services to facilitate pooled use of taxis to and from Logan Airport.

(b) Exemptions from this toll may be provided to employees of Massport and of firms located at Logan Airport, and to buses, airport limousines, taxis with two or more passengers, trucks, emergency vehicles, and other vehicles that present evidence of having been stored in an off-street parking facility at Logan Airport for more than four continuous hours.

(c) The Massachusetts Port Authority shall (1) submit to the Administrator, no later than December 31, 1974, a detailed compliance schedule showing the procedure it will adopt to collect the toll and (2) prior to May 31, 1975, shall collect said toll from vehicles as provided in paragraph (a) of this section.

§ 52.1138 Regulation for computer carpool matching.

(a) "Carpool matching" means assembling lists of commuters with similar daily travel patterns and providing a mechanism by which persons on such lists may be put in contact with each other the purpose of forming carpools.

(b) This section is applicable in the Boston Intrastate Region if the American Legal Association/WBZ "Commuter Computer Club Car" is discontinued.

(c) The Commonwealth of Massachusetts shall, unless otherwise exempted by the Administrator on the basis of a finding of the continued existence of equivalent (private) service, establish a computer-aided carpool matching system that is conveniently available to the general public and to all employees of employers having more than 50 employees within the Intrastate Region who operate light-duty vehicles on streets and highways over which the Commonwealth has ownership or control. No later than 3 months after discontinuation of the "Commuter Computer Club Car," the Commonwealth shall submit legally adopted regulations to the Administrator establishing such a system. No provisions of such regulations shall have an effective date later than 3 months from the date of adoption. The regulations shall include:

(1) A method of collecting information that will include the following as a minimum:

(i) Provisions for each affected employee to receive an application form

with a cover letter describing the matching program.

(ii) Provision on each application for applicant identification of commuting time, origin, and destination, and the applicant's desire to ride only, drive only, or share driving.

(iii) A computer method of matching information that will have provisions for locating each applicant's origin and destination within the Boston Intrastate and the Interstate Regions and matching applicants with similar origins and destinations and travel schedules and enabling the persons so matched to make contact with each other at the request of any one of them.

(iv) A method of providing continuing service such that the matched lists of all applicants are retained and made available for use by new applicants, application forms are currently available, and the master lists are periodically updated to remove applicants who no longer meet the governing criteria and add new applicants who do.

(v) Designation of an agency or agencies responsible for operating, overseeing, and maintaining the computer carpool matching system.

§ 52.1139 Preferential bus/carpool treatment.

(a) Definitions:

(1) "Carpool" means a motor vehicle containing three or more persons.

(b) This section is applicable in the Boston Intrastate Region.

(c) No later than the dates set forth in paragraph (f) of this section, on the Southeast Expressway from East Milton Square to South Station Tunnel, at least one inbound lane shall be open only to buses and carpools from 6:30 to 9:30 a.m. and at least one outbound lane shall be open only to buses and carpools from 3:30 to 6:30 p.m. on all days except Saturdays, Sundays, and holidays.

(d) No later than April 15, 1974, Interstate Route 93 shall be utilized only by buses, trucks, and carpools from Somerville Avenue in Somverville to the Boston core area inbound between the hours of 6:30 and 9:30 a.m., and outbound between the hours of 3:30 and 6:30 p.m. on all days except Saturdays, Sundays, and legal holidays.

(e) The Commonwealth shall submit to the Administrator no later than August 1, 1974, a detailed compliance schedule in form and substance satisfactory to the Administrator showing the steps the Commonwealth will take to establish the highway use restrictions contained in paragraphs (c) and (d) of this section and to enforce the restrictions. The schedule shall include the amount and source of funds to implement this section and the date by which such funds will be available.

(f) The lanes established by paragraph (c) of this section must be prominently indicated by distinctive painted lines, pylons, overhead signs, or physical barriers. Fifty percent of such lanes shall be established and fully operational by March 31, 1975; 100 percent of such lanes shall be established and fully operational by May 31, 1975.

(g) The section of Interstate Route 93 established by paragraph (d) of this section shall be prominently indicated by signs and barriers at each entry ramp.

(h) No existing emergency lane on that section of the Southeast Expressway subject to paragraph (c) of this section shall be converted for bus/carpool use or general traffic use unless as a consequence two lanes shall thereby be open only to buses and carpools on that portion of the Southeast Expressway where such conversion is effective.

(i) The Commonwealth shall, by May 1, 1974, perform and complete feasibility studies for submission to the Administrator on the following measures:

(1) A north/south bus lane system through the Boston core area with Washington street utilized in one direction.

(2) Alternative mechanisms for bus/carpool preferential treatment on the Southeast Expressway, Central Artery and Route 1, including but not limited to:

(i) A wrong way bus/carpool lane,

(ii) A ramp metering system for preferential access given to buses and carpools,

(iii) A regulation restricting the downtown on and off ramps for use by buses and carpools only during commuting hours (off ramps between 6:30 a.m. and 9:30 a.m. and on ramps between 3:30 p.m. and 6:30 p.m.).

(3) Toll restructuring on the Massachusetts Turnpike Authority and Massachusetts Port Authority bridges, tunnels, and roads so as to provide incentives for buses and carpools, such as but not limited to:

(i) Preferential lanes at toll gates so as to allow buses and carpools lower fares,

(ii) A policy of raising tolls so as to collect all revenues collected throughout a week during commuting hours and allowing free usage during other times.

§ 52.1140 Regulation for semiannual inspection and maintenance.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles through identifying vehicles that need emission control related maintenance and requiring that such maintenance be performed.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb GVW or less.

(3) "Medium-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(4) All other terms used in this paragraph are defined in 40 CFR 51 Appendix N, are used herein with the meanings therein defined.

(b) This section is applicable in the Boston Intrastate Region.

(c) The Commonwealth of Massachusetts shall establish an inspection and maintenance program applicable to all gasoline-powered light-duty and medium-duty vehicles registered in the Boston Intrastate Region that operate on streets and highways over which it has ownership or control. No later than April 1, 1974, the Commonwealth shall submit legally adopted regulations to EPA establishing such a program. Antique motor vehicles designated by the appropriate state registration procedures shall be exempt from the requirements of this section. The regulation shall include:

(1) Provisions for inspection of all such motor vehicles at periodic intervals at least twice each year by means of a loaded emission test.

(2) Provisions for inspection failure criteria consistent with the failure of 40 percent of the vehicles tested during the first inspection cycle.

(3) Provisions to require that failed vehicles receive, within 2 weeks, the maintenance necessary to achieve compliance with the inspection standards. This shall include sanctions against noncomplying individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to insure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledgable operators to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

(4) A program of enforcement, such as a spot check of idle adjustment, to insure that, following maintenance, vehicles are not subsequently readjusted or modified in such a way as would cause them no longer to comply with the inspection standards. This program shall include appropriate penalties for violation.

(5) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) Commencing August 1, 1976, the State shall not register or allow to operate on its highways any light-duty vehicle or medium-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) Commencing August 1, 1976, no owner of a light-duty or medium-duty vehicle shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) The Commonwealth of Massachusetts shall submit, no later than January 1, 1974, a detailed compliance schedule showing the steps it will take to establish and enforce a State-operated inspection and maintenance program pursuant to paragraph (c) of this section, including the text of any needed statutory proposals, and needed regulations that it will propose for adoption. The compliance schedule shall also include:

(1) The date by which the State will recommend the needed legislation to the State legislature;

(2) The date by which the necessary equipment will be ordered;

(3) A statement from the Governor and State Treasurer identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation must be submitted.

§ 52.1141 Regulation for vacuum spark advance disconnect.

(a) "Vacuum spark advance disconnect" means a device or system installed on the vehicle that prevents the ignition vacuum advance from operating either when the vehicle's transmission is in the lower gears, or when the vehicle is traveling below a predetermined speed.

(b) This section is applicable in the Boston Intrastate Region.

(c) Prior to January 1, 1976, all gasoline-powered, light-duty vehicles of model year prior to 1968 and subject under presently existing legal requirements to registration in the area described in paragraph (b) of this section, shall be equipped with an appropriate vacuum spark advance disconneet device. Exemptions shall be granted for antique vehicles designated by the appropriate state registration procedures.

(d) The Commonwealth of Massachusetts shall submit, no later than January 1, 1974, a detailed compliance schedule showing the steps it will take to implement and enforce this requirement. Such schedule shall include, as a minimum, the following:

(1) A date by which the State will evaluate and approve devices for use in this program. Such date shall be not later than August 1, 1974.

(2) A date by which installation of this equipment shall commence. Such a date shall be no later than January 1, 1975.

(3) A date by which all vehicles subject to this section will be equipped with such devices. Such date shall be no later than January 1, 1976.

(4) Designation of any agency or agencies responsible for evaluating and approving such devices for use on vehicles subject to this paragraph.

(5) Designation of an agency or agencies responsible for ensuring that the prohibitions of paragraph (e)(2) of this section shall be enforced.

(6) A method and proposed procedures for ensuring that those persons installing the devices have the training and ability to perform the needed tasks satisfactorily and that an adequate supply of devices will be available.

(7) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) Commencing January 1, 1976 the following shall apply within the Boston Intrastate Region:

(1) The State shall not register a vehicle subject to this paragraph that is not equipped in accordance with paragraph (c) of this section.

(2) No owner of a light-duty vehicle subject to this paragraph shall operate or allow the operation of any such vehicle that is not equipped in accordance with paragraph (c) of this section.

(f) The State shall submit, no later than April 1, 1974, legally adopted regulations which assure full compliance with all provisions of this section.

§ 52.1142 Regulation for air bleed emission control device.

(a) "Air bleed control device" means a device that increases the flow of air into the engine in such a manner as to increase the efficiency of combustion at higher speeds, thus reducing emissions.

(b) This section is applicable in the Boston Intrastate Region.

(c) On or before August 1, 1976 all gasoline-powered, light-duty vehicles of model years 1968 to 1971 and all pre-1972 medium-duty vehicles subject under presently existing legal requirements to registration in the area described in paragraph (b) of this section, shall be equipped with an air bleed control device.

(d) The Commonwealth of Massachusetts shall submit, no later than January 1, 1974, a detailed compliance schedule showing the steps it will take to implement and enforce this requirement. Such schedule shall include, as a minimum, the following:

(1) A date by which the State will evaluate and approve devices for use in this program. Such date shall not be later than January 1, 1975.

(2) A date by which installation of this equipment shall commence. Such a date shall be no later than August 1, 1975.

(3) A date by which all vehicles subject to this paragraph will be equipped with such devices. Such date shall be no later than August 1, 1976.

(4) Designation of any agency or agencies responsible for evaluating and approving such devices for use on vehicles subject to this paragraph.

(5) Designation of an agency or agencies responsible for ensuring that the prohibitions of paragraph (e)(2) of this section shall be enforced.

(6) A method and proposed procedures for ensuring that those persons installing the devices have the training and ability to perform the needed tasks satisfactorily and that an adequate supply of devices will be available.

(7) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) Commencing August 1, 1976, the following shall apply within the Boston Intrastate Region:

(1) The State shall not register a vehicle subject to this paragraph that is not equipped in accordance with paragraph (c) of this section.

(2) No owner of a light-duty or medium-duty vehicle subject to this paragraph shall operate or allow operation of any such vehicle that is not equipped in accordance with paragraph (c) of this section.

(f) The State shall submit, no later than April 1, 1974, legally adopted regulations which assure full compliance with all provisions of this section.

§ 52.1143 Regulation for oxidizing catalyst.

(a) Definitions:

(1) "Oxidizing catalyst" means a device installed in the exhaust system of the vehicle that utilizes a catalyst and, if necessary, an air pump to reduce emissions of hydrocarbons and carbon monoxide from that vehicle.

(2) "Fleet vehicle" means any of ten or more light-duty vehicles operated by the same person(s) or business and used principally in connection with the same or related occupations.

(b) This section is applicable in the Boston Intrastate Region.

(c) On or before May 31, 1977, all gasoline-powered fleet vehicles, all medium-duty vehicles of model year 1969 through 1974, and all private light-duty vehicles of model year 1974 that are able to run on 91 RON gasoline and subject to registration in the Boston Intrastate Region, shall be equipped with an appropriate oxidizing catalyst control device.

(d) The Commonwealth of Massachusetts shall submit, no later than April 1, 1974, a detailed compliance schedule showing the steps it will take to implement and enforce this requirement. Such schedule shall include as a minimum the following:

(1) A date by which the State will evaluate and approve devices for use in this program. Such date shall be not later than January 1, 1975.

(2) A date by which installation of this equipment shall commence. Such date shall be no later than December 1, 1975.

(3) A date by which all vehicles subject to this paragraph will be equipped with such devices. Such date shall be no later than May 31, 1977.

(4) Designation of any agency or agencies responsible for evaluating or approving such devices for use on vehicles subject to this paragraph.

(5) Designation of any agency or agencies responsible for ensuring that the prohibition of paragraph (e)(2) of this section shall be enforced.

(6) A method and proposed procedures for ensuring that those persons installing the devices have the training and ability to perform the needed tasks satisfactorily and that an adequate supply of devices will be available.

(7) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation or some other posi-

tive assurance that the device is installed and operating correctly.

(e) Commencing May 31, 1977, the following shall apply within the Boston Intrastate Region:

(1) The State shall not register a vehicle subject to this paragraph that is not equipped in accordance with paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(2) No owner of a vehicle subject to this section shall operate or allow the operation of that vehicle within the Boston Intrastate Region if it is not equipped with an oxidizing catalyst. This shall not apply to the initial registration of a new motor vehicle.

(f) The State shall submit, no later than September 1, 1974, legally adopted regulations which assure full compliance with all provisions of this section.

§ 52.1144 Regulation on evaporative emissions from retail gasoline outlets.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the Boston Intrastate Region. The requirements for this section shall be in effect in accordance with 52.1147 of this subpart.

(c)(1) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced from the stationary container location.

(i) The vapor recovery portion of the system shall include one or more of the following:

(a) A vapor-tight return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(b) A refrigeration-condensation system or equivalent designed to recover no less than 90 percent by weight of the organic compounds in the displaced vapor.

(ii) If a "vapor-tight vapor return" system is used to meet the requirements of this section, the system shall be so constructed as to be readily added on to retrofit with an adsorption system, refrigeration-condensation system, or equivalent vapor removal system, and so constructed as to anticipate compliance with § 52.1144(d)(1).

(iii) The vapor-laden delivery vessel shall be subject to the following conditions:

(a) The delivery vessel must be so designed and maintained as to be vapor tight at all times.

(b) The vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor recovery system or the equivalent that can recover at least 90 percent by weight of the organic compounds in the vapors displaced from the delivery vessel during refilling.

(2) Gasoline storage compartments of 1,000 gallons or less in gasoline delivery vehicles presently in use on October 15, 1973, will not be required to be retrofitted with a vapor return system until January 1, 1977.

(3) The provisions of this paragraph shall not apply to the following:

(i) Stationary containers having a capacity less than 550 gallons used exclusively for the fueling of implements of husbandry, provided, however, said containers are equipped with submerged fill pipes.

(ii) Any container having a capacity of less than 2,000 gallons installed prior to October 15 1973.

(iii) Transfers made to storage tanks equipped with floating roofs or their equivalent.

(d)(1) A person shall not transfer gasoline to an automotive fuel tank from gasoline dispensing systems unless the transfer is made through a fill nozzle designed to:

(i) Prevent discharge of hydrocarbon vapors to the atmosphere from either the vehicle filler neck or a dispensing nozzle;

(ii) Direct vapor displaced from the automotive fuel tank to a system wherein at least 90 percent by weight of the organic compounds in displaced vapors are recovered; and

(iii) Prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.

(2) The system referred to in paragraph (d)(1) of this section can consist of a vapor-tight vapor return line from the fill nozzle-filler neck interface to the dispensing tank, to an adsorption, absorption, incineration, or refrigeration-condensation system or equivalent.

(3) Components of the system required by paragraph (c)(1) of this section can be used for compliance with this paragraph.

(4) If it is demonstrated to the satisfaction of the Administrator that it is impractical to comply with the provisions of paragraph (d)(1) of this section as a result of fill neck configuration, location, or other design features of a class of vehicles, the provisions of paragraph (d)(1) shall not apply to such vehicles. However, in no case shall such configuration exempt any gasoline dispensing facility from installing a system required by paragraph (d)(1) of this section.

§ 52.1145 Regulation on organic solvent use.

(a) Definitions:

(1) "Organic solvents" include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents, except that such materials which exhibit a boiling point higher than 220° F. at 0.5 millimeters of mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220° F.

(2) "Solvent of high photochemical reactivity" means any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations in reference to the total volume of solvent:

(i) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cycloolefinic type of unsaturation: 5 percent;

(ii) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent;

(iii) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichoroethylene or toluene: 20 percent. Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percentage of total volume of solvents.

(3) "Organic materials" are chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, and ammonium carbonate.

(b) This section is applicable throughout the Boston Intrastate Region. The requirements of this section shall be in effect in accordance with § 52.1147.

(c) No person shall cause, allow, suffer, or permit the discharge into the atmosphere more than 15 pounds of organic materials in any 1 day, nor more than 3 pounds of organic materials in any 1 hour, from any article, machine, equipment, or other contrivance, in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured, or heat-polymerized, in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip, or wire that emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

(d) No person shall cause, suffer, allow, or permit the discharge into the atmosphere more than 40 pounds of organic materials in any 1 day, nor more than 8 pounds in any 1 hour, from any article, machine, equipment, or other contrivance used under conditions other than described in paragraph (c) of this section for employing, or applying any solvent of high photochemical reactivity or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first

12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in paragraph (c) of this section shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip, or wire that emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

(e) Emissions of organic materials to the atmosphere from the clean-up with a solvent of high photochemical reactivity, or any article, machine, equipment, or other contrivance described in paragraph (c) or (d) or in this paragraph, shall be included with the other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this section.

(f) No person shall cause, suffer, allow, or permit during any one day disposal of a total of more than 1.5 gallons of any solvent of high photochemical reactivity, or of any material containing more than 1.5 gallons of any such photochemically reactive solvent by any means that will permit the evaporation of such solvent into the atmosphere.

(g) Emissions of organic materials into the atmosphere required to be controlled by paragraph (c) or (d) of this section shall be reduced by:

(1) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is converted to carbon dioxide, or

(2) Adsorption, or

(3) Processing in a manner determined by the Governor or his designee to be no less effective than either of the above methods.

(h) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this rule shall provide, properly install and maintain in calibration, in good working order, and in operation, devices as specified in the authority to construct, or as specified by the Governor or his designee, for indicating temperatures, pressures, rates of flow, or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(i) Any person using organic solvents or any materials containing organic solvents shall supply the Governor or his designee, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties, and amount consumed for each organic solvent used.

(j) The provisions of this rule shall not apply to:

(1) The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

(2) The spraying or other employment of insecticides, pesticides, or herbicides.

(3) The employment, application, evaporation, or drying of saturated halogenated hydrocarbons or perchloroethylene.

(4) The use of any material, in any article, machine, equipment or other contrivance described in paragraph (c), (d), or (e) if:

(i) The volatile content of such material consists only of water organic solvents, and

(ii) The organic solvents comprise not more than 20 percent by volume of said volatile content, and

(iii) The volatile content is not a solvent of high photochemical reactivity as defined in paragraph (a) of this section, and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

(5) The use of any material, in any article, machine, equipment or other contrivance described in paragraph (c), (d), or (e) of this section if:

(i) The organic solvent content of such material does not exceed 20 percent by volume of said material, and

(ii) The volatile content is not a solvent of high photochemical reactivity, and

(iii) More than 50 percent by volume of such volatile material is evaporated before entering a chamber heated above ambient application temperature, and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

(6) The use of any material, in any article, machine, equipment, or other contrivance described in paragraphs (c), (d), or (e) if:

(i) The organic solvent content of such material does not exceed 5 percent by volume of said material, and

(ii) The volatile content is not a solvent of high photochemical reactivity, and

(iii) The organic solvent or any material containing organic solvent does not come into contact with flame.

§ 52.1146 Regulation on architectural coatings.

(a) "Architectural coating" means a coating used for buildings and their appurtenances.

(b) This regulation is applicable within the Boston Intrastate Region. All sources subject to this section shall be in compliance with paragraphs (c), (d), and (e) of this section on or before January 1, 1975.

(c) No person shall sell or offer for sale, for use within the Boston Intrastate Region, in containers of 1 quart capacity or larger, any architectural coating containing a solvent of high photochemical reactivity as defined in § 52.1145(a)(2).

(d) No person shall employ, apply, evaporate, or dry any architectural coating purchased in containers of 1 quart capacity or larger, containing a solvent of high photochemical reactivity.

(e) No person shall thin or dilute any architectural coating with a solvent of high photochemical reactivity.

§ 52.1147 Federal compliance schedules.

(a) Except as provided in paragraph (c) of this section, the owner or operator of a source subject to regulation under paragraph (c)(1) of § 52.1144 and § 52.1145 shall comply with the increments of progress contained in the following schedule:

(1) Final control plans for emission control systems or process modifications must be submitted prior to January 1, 1974.

(2) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification prior to March 15, 1974.

(3) Initiation of on-site construction or installation of emission control equipment or process modification must begin prior to July 15, 1974, except for purposes of paragraph (c)(1) of § 52.1144, the applicable date shall be January 1, 1975.

(4) On-site construction or installation of emission control equipment or process modification must be completed prior to April 15, 1975, except for purposes of paragraph (c)(1) of § 52.1144, the applicable date shall be February 1, 1976.

(5) Final compliance is to be achieved prior to Mal 31, 1975, except for sources subject to paragraph (c)(1) of § 52.1144 of this subpart. Final compliance for sources subject to paragraph (c)(1) of § 52.1144 of this subpart is to be achieved by March 1, 1976.

(6) Any owner or operator of stationary sources subject to compliance schedule in this subparagraph shall certify to the Administrator within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(7) Any gasoline dispensing facility subject to paragraph (c)(1) of § 52.1144 which installs a storage tank after October 15, 1973, shall comply with such paragraph by March 1, 1976. Any facility subject to such paragraph which installs a storage tank after March 1, 1976 shall comply with such paragraph at the time of installation.

(b) Except as provided in paragraph (d) of this section, the owner or operator of a source subject to paragraph (d)(1) of § 52.1144 shall comply with the increments of progress contained in the following compliance schedule:

(1) Final control plans for emission control systems or process modifications must be submitted prior to February 1, 1974.

(2) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification prior to June 1, 1974.

(3) Initiation of on-site construction or installation of emission control equipment or process modification must begin not later than January 1, 1975.

(4) On-site construction or installation of emission control equipment or process modification must be completed prior to May 1, 1977.

(5) Federal compliance is to be achieved prior to May 31, 1977.

(6) Any owner or operator of stationary sources subject to the compliance schedule in this subparagraph shall cer-

tify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(7) Any gasoline dispensing facility subject to paragraph (d)(1) of § 52.1144 which installs a gasoline dispensing system after the effective date of this regulation shall comply with the requirements of such paragraph by May 31, 1977. Any facility subject to such paragraph which installs a gasoline dispensing system after May 31, 1977, shall comply with such paragraph at the time of installation.

(e) Paragraph (a) of this section shall not apply:

(1) To a source which is presently in compliance with all requirements of paragraph (c)(1) of § 52.1144 and § 52.1145 of this subpart and which has certified such compliance to the Administrator by January 1, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the Commonwealth and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by January 1, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(d) Paragraph (b) of this section shall not apply.

(1) To a source which is presently in compliance with paragraph (d)(1) of § 52.1144 of this subpart and which has certified such compliance to the Administrator by April 15, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator by April 15, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(e) 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 paragraphs (a) or (b) of this section fails to satisfy and requirements of 40 CFR 51.15(b) and (c).

§ 52.1160 Semiannual and quarterly reports.

(a) All definitions are as used in 40 CFR 51.19.

(b) This regulation is applicable in the Boston Intrastate Region.

(c) The Commonwealth of Massachusetts or an agency designated by the Commonwealth and approved by the Administrator shall monitor the effective emission reductions occuring as a result of all retrofitting devices and inspection and maintenance programs required under § 52.1140 through § 52.1143 of this subpart.

(d) The data submitted pursuant to paragraph (c) of this section shall be in accordance with 40 CFR 51.19(d).

(e) No later than May 31, 1974, the State shall submit a detailed program to the Administrator demonstrating compliance with paragraph (c) of this section. The program description shall include the following:

(1) The administrative process to be used.

(2) The funding requirements, including a statement from the Governor or State Treasurer of their respective designees identifying the source and amount of funds for the program.

(3) A description of the methods to be used to collect the data.

(4) An agency or agencies responsible for conducting, overseeing, and maintaining the monitoring program.

(f) All data obtained by the monitoring program shall be included in the quarterly report submitted to the Administrator by the State, as required at 40 CFR 51.7. The first quarterly report shall cover the period January 1–March 31, 1975.

(g) The Commonwealth of Massachusetts shall report to the Administrator semiannually beginning May 15, 1974, the average daily VMT levels and the reductions from current levels of VMT a specified in the Technical Support Document for the Boston Intrastate Region.

(h) The VMT levels shall be based on representative traffic counts taken in the Boston Intrastate Region. The VMT reductions shall be identified for each applicable control measure designated in the State's implementation plan. Such reductions shall be reported in a format similar to that provided in Appendix M, 40 CFR Part 51.

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PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Ohio Transportation Control Plan

On June 15, 1973, the Administrator disapproved the required Ohio air quality control plan revisions for the Metropolitan Dayton Intrastate, Metropolitan Toledo Interstate, and Metropolitan Cincinnati Interstate Air Quality Control Regions (AQCR) because they failed to fulfill the requirement for the timely submittal of transportation and/or land use control plans (38 FR 16550, June 22, 1973). The plan was to demonstrate the attainment of the photochemical oxidant air quality standard in the Regions by May 31, 1975.

Subsequent to this disapproval action, the Governor of Ohio submitted on July 2, 1973, the "Implementation Plan to Achieve Ambient Air Quality Standard for Photochemical Oxidant in the Cincinnati Air Quality Control Region" and the "Implementation Plan to Achieve Ambient Air Quality Standard for Photochemical Oxidant in the Toledo Air Quality Control Region." Ohio submitted its plan for the Dayton AQCR on July 24, 1973. EPA, Region V, received these plan revisions for the Cincinnati, Toledo, and Dayton Regions on July 16 and August 3, 1973, respectively. Receipt of the Ohio revisions was announced on August 15, 1973 (38 FR 22045). No comments were received on the plan revisions during the comment period provided.

On July 2, in response to court order and the requirements of the Clean Air Act and based upon information available to EPA at the time, a notice of proposed rule making setting forth a transportation control plan for the Metropolitan Cincinnati Interstate AQCR was issued (38 FR 17702); no new regulations were proposed for the Metropolitan Toledo Interstate and the Metropolitan Dayton Intrastate AQCR as it appeared that existing stationary source regulations in conjunction with the FMVCP would be adequate to ensure attainment of the national photochemical oxidant standard by May 31, 1975.

On July 25, 1973, the EPA held a public hearing on the proposed Federal plan for the Metropolitan Cincinnati AQCR.

Plan Assessment

Metropolitan Dayton Intrastate AQCR

EPA tendered a statement regarding the State's plan for the Metropolitan Dayton Intrastate AQCR at the Ohio Environmental Protection Agency hearing held on May 17, 1973. This statement, based on an emission inventory for 1972 and air quality data for 1972, indicated that 1972 air quality data should be used as a basis for determination of adequate strategies for the attainment of the national photochemical oxidant standard by May 31, 1975. Reevaluation of the emission inventories for both 1971 and 1972, reanalysis of air quality data for 1971 and 1972, and consideration of available air quality data for 1973 prompted reconsideration of the hearing statement. The revised emission inventories for 1971 and 1972 are both considered adequate. With regard to the air quality data for 1971, an abnormally high pollution level occurred on August 30. The occurrence of a similar event is considered unlikely, based upon two subsequent years of air quality data. It is not considered appropriate to base transportation control strategies on data resulting from such an event. All other air quality data for 1971 and 1972 are considered valid for characterization of oxidant levels occurring in the Dayton area. From the reanalysis of the 1971 and 1972 air quality data coupled with consideration of the revised Montgomery County hydrocarbon emission inventory, it is the opinion of the Administrator that the non-regulatory plan revisions submitted by the State indicate that the photochemical oxidant air quality standard will be attained in the Metropolitan Dayton Intrastate AQCR by May 31, 1975. The strategies outlined in the plan would rely upon strict enforcement of

existing stationary source hydrocarbon regulations coupled with the estimated impact of the Federal Motor Vehicle Control Program.

Most recently the Region V EPA office has been apprised of presently unvalidated data for September of 1973 which, while continuing to verify the conclusions reached regarding the abnormality of the August 30, 1971, data, indicates that a further plan revision may be required to adequately assure attainment and maintenance of the oxidant standard. This future revision to the State Plan, if found necessary, would require the implementation of those contingency strategies outlined in the State Plan submitted on July 24, 1973. These strategies include:

(1) A county-wide inspection and maintenance program for light-duty vehicles. This system would require successful completion of the test on an annual basis as a prerequisite to vehicle registration. Programs similar to this are being developed and implemented in several urban areas across the nation.

(2) Improvements to the mass transit system to reverse the present trend of steadily declining ridership. The program would seek to improve transit ridership through a reduction in fares, a shuttle bus service for the Dayton Central Business District, and creation of a park and ride system.

Information employed to reach this determination of approval may be found in the Evaluation Report for the submittal plan. This report is available at the Freedom of Information Center, EPA, Room 329, 401 M Street SW., Washington, D.C. 20460; and at the Region V Office, 1 North Wacker Drive, Chicago, Illinois 60606.

METROPOLITAN TOLEDO INTERSTATE AQCR

EPA's evaluation of the Ohio plan indicates that the non-regulatory plan revision submitted by Ohio evidences assurance that existing regulations will provide for the attainment of the air quality standard in the Metropolitan Toledo Interstate AQCR area by May 31, 1975. The original State implementation plan as submitted January 31, 1972, indicated that a reduction in hydrocarbon emissions would occur between 1971 and 1975. The effects of the Federal Motor Vehicle Control Program were estimated, however, using national, instead of local, averages for vehicle age distribution and traffic growth and a presently obsolete method of computing automobile emissions. DeLeuw, Cather, and Company gathered transportation data characteristic of Toledo and utilized the presently approved methodology for computing motor vehicle emissions that is detailed in Compilation of Air Pollutant Emission Factors, EPA Publication AP-42. Their calculations, found in Appendix C of the Ohio plan for Toledo, indicates that mobile sources contribute a smaller percentage of hydrocarbon emissions than originally estimated. Therefore, control of stationary sources was found to have a greater effect on the overall reduction of hydrocarbons than originally estimated. Information employed to reach this determination is documented in the Evaluation Report for the Metropolitan Toledo Interstate AQCR. This report is available at the Freedom of Information Center, Environmental Protection Agency, Room 329, 401 M Street SW., Washington, D.C. 20460, and the Region V Office, 1 North Wacker Drive, Chicago, Illinois 60606.

METROPOLITAN CINCINNATI INTERSTATE AQCR

Review of the State plan for the Metropolitan Cincinnati AQCR indicates that the plan as submitted is marginally inadequate in itself to ensure the attainment of the air quality standard by May 31, 1975. Thus, it is necessary to supplement the applicable plan with a Federal inspection/maintenance program. Information employed in reaching this determination may be found in the Technical Support Document that is available at the Freedom of Information Center, EPA, Room 329, 401 M Street, SW., Washington, D.C. 20460; and at the Region V Office, 1 N. Wacker Drive, Chicago, Illinois 60606.

Pollution in the AQCR. The Metropolitan Cincinnati AQCR is comprised of approximately 3000 square miles of land area located in the extreme southwestern portion of Ohio, the adjacent State of Indiana, and the Commonwealth of Kentucky. The Indiana portion includes Dearborn and Ohio Counties; the Kentucky portion includes Boone, Campbell, Kenton, Carroll, Gallatin, Grant, Owen, and Pendleton Counties; and the Ohio portion includes Butler, Clermont, Hamilton, and Warren Counties. Since the Administrator, on May 31, 1972, approved the plans submitted by Indiana and Kentucky demonstrating the attainment of the national photochemical oxidant standard in those states' portions of the AQCR, this proposal is directed at attainment of the standard in the Ohio portion of the AQCR. The population of the AQCR is about 1.7 million persons, approximately 80 percent of whom reside within the Ohio portion of the AQCR. (Sixty percent resides within Hamilton County.)

The primary national ambient air quality standard for photochemical oxidants is 160 $\mu g/m^3$ (0.08 ppm) average for a 1-hour period not to be exceeded more than once per year. In 1971 this standard was exceeded 59 times in downtown Cincinnati. The second highest concentration was 277 $\mu g/m^3$ (0.14 ppm) and is the basis for the calculations in the Ohio Implementation Plan, which requires a 43 percent reduction in total hydrocarbon emissions according to Appendix J (40 CFR Part 51). There is no reason to believe that 1971 was a year of unusually high oxidant concentrations in Cincinnati; in fact, comparable concentrations were measured in previous years. This concentration was not exceeded during the first two quarters of 1972; validated air quality data for the last two quarters of 1972 are not yet available. The original implementation plan included a commitment to enlarge the air monitoring network for measuring oxidants in the AQCR.

Ohio Transportation Control Plan. The State plan revision estimates that the applicable standards will be attained by July 1975 in the Metropolitan Cincinnati Interstate AQCR through the enforcement of previously adopted stationary source hydrocarbon regulations as submitted with the January 31, 1972, Ohio State Implementation Plan, through the completion of various highway improvements, and through the implementation of the Federal Motor Vehicle Control Program (FMVCP). This plan revision contains a reevaluation of the effects of the above-mentioned measures and contains no new control measures. The plan estimates that a 44 percent reduction in hydrocarbon emissions will occur with implementation of the plan within Hamilton County between 1971 and mid-1975.

The State plan indicated that the estimated reductions in hydrocarbon emissions from stationary sources were the result of an updated emission inventory using the emission factor techniques outlined in the EPA document entitled *Compilation of Air Pollution Emission Factors* (AP-42). In addition, the State plan projected considerable reductions in reactive hydrocarbon emissions through the strict enforcement of State regulation AP-5. Because the claimed emission reductions rely in many instances upon solvent switching by a substantial percentage of the total stationary sources, the EPA believed these estimates to be optimistic at best, since serious questions exist today regarding not only the availability of the necessary amounts of non-reactive solvents, but also the operational problems expected to occur through the total use of the non-reactive solvents now on the market. However, the Administrator has accepted the stationary source emission reductions claimed with some reservation, realizing that some margin of safety could be obtained by not approving certain more questionable emission reductions claimed elsewhere in the State plan.

The estimated impact of the FMVCP was calculated by a private consultant to the EPA using 1971 and 1975 traffic data supplied by the City of Cincinnati. The actual emission factors applied in the analysis were calculated using the techniques described in AP-42. Adjustments were made by EPA to effect the interim 1975 automobile emission standards. The overall estimates of hydrocarbon emission reductions was believed to be reasonable and was consequently accepted by the Administrator.

The remainder of the overall hydrocarbon emission reductions set forth in the State plan was primarily due to the estimated impact of the completion of several bridges in the Metropolitan Cincinnati Area, in conjunction with the anticipated impact of some associated highway improvements. These estimates were carefully studied by the Administrator based on two questions:

(1) Will the bridge completions and anticipated highway improvements actually serve to decrease vehicular congestion and increase average vehicle speeds to the extent estimated in the State plan?

(2) Will the bridge structures and the necessary approaches be completed within a timeframe that is consistent with the required air quality standard achievement date of May 31, 1975?

With respect to the first issue, analysis performed by the EPA and supplemental data supplied by a private consultant to the EPA indicated that the bridges and their approaches could have the estimated impact of a 2 mile-per-hour increase in average vehicle speed. However, the assumption was made by the EPA that the structures would be fully operational by mid-1975. The State plan was found to be inadequate because the completion dates estimated in the plan are incorrect. Written communication from both the Ohio EPA and the U.S. Department of Transportation Federal Highway Administration has indicated that the bridge structures themselves will be completed between late 1973 and mid-1976. In addition, the approaches to the bridge structures, which are necessary to provide for full operation and maximum use of the structures, are not expected to be fully completed before mid-1978.

It is the conclusion of the Administrator that, while the bridges and the associated highway improvements may be partially operational by mid-1975, too much question surrounds the emission impacts that could be estimated to occur by that date, in terms of an overall reduction in hydrocarbon emission, to give full credit for this strategy. For this reason, the Administrator has assigned little credit to the emission reductions achieved by this strategy by May 31, 1975, with the intention that any impact actually resulting may serve as a margin of safety in meeting the photochemical oxidant standard.

The rejection of the impact of the highway improvement strategy thus dictated the need for a supplemental control strategy to provide for the attainment of the standard by the required date. To this end, the EPA found the most acceptable alternative to be the originally proposed Federal strategy calling for a county-wide inspection and maintenance program. With utilization of the administrative organization and facilities of the existing safety inspection program currently in operation within the City of Cincinnati, the stategy can be partially implemented by May 31, 1975. A detailed discussion of the Federal rulemaking follows.

EPA transportation control plans. The Administrator requires the State of Ohio to assure that all light-duty vehicles registered in Hamilton County will be properly maintained to reduce hydrocarbon emissions by requiring that all light-duty vehicles registered in Hamilton County pass an annual idle emission inspection test. A mandatory annual idle emission inspection program will provide a means for controlling at a reasonable level hydrocarbon emission from light-duty vehicles (the major source of hydrocarbon emission in the AQCR in 1975). This program can achieve the necessary reduction in a positive manner at minimum cost and inconvenience to the motoring public.

The implementation schedule for the inspection program is as follows:

(1) Submission to EPA of detailed program compliance schedule by February 1, 1974.

(2) Submission of legally enforceable program by April 1, 1974.

(3) Full operation of the actual inspection system to begin by January 1, 1975.

(4) Compliance with standards and procedures of the inspection/maintenance program prior to registration of title or operation by December 31, 1975.

As the time schedule indicates, the Administrator believes that an idle-mode inspection program with the capacity to inspect all light-duty vehicles within Hamilton County on an annual basis can begin full testing by January 1975, which is earlier than a similar program could begin in some other cities. This decision, as previously mentioned, was based upon the existence of a safety lane operation within the City of Cincinnati. The present operation has an estimated capacity of approximately 200,000 vehicles per year. The total capacity of this system would have to be doubled in order to provide for an annual inspection of all of the light-duty vehicles registered in the city and county. This is not an unreasonable burden as cost estimates received by the EPA from the State regarding the county-wide inspection program show costs below the national average. The total cost estimates have addressed the areas of additional inspection lane construction, the purchase of adequate sampling equipment, and the procurement of necessary manpower and training. This aspect of the Federal rulemaking is discussed in more detail later in this statement. Over 4 months are provided to obtain resolution of the potential administrative and legal problems inherent to the implementation of an inspection program. Estimates supplied to the EPA by Scott Research Laboratories indicate that 5 to 10 months should provide sufficient time for the ordering and receipt of vehicle testing equipment. This time interval may then be overlapped with a phased training program that would provide for the incremental hiring and training of personnel as the equipment is received. Therefore, the system could be fully operational by January 1, 1975. With 12 months required for the completion of the first inspection cycle, nearly half of the impact of the overall emission reduction will be realized by May 31, 1975.

At the public hearing on the Federal proposal, a number of persons asserted the impracticability of the inspection/maintenance program; however, none was able to document technical or administrative problems. One party said adding a loaded mode inspection to the program was necessary and practical. However, the additional emission reduction that could be achieved through such a program is not necessary for attainment of the standard. Secondly, EPA believes that sufficient technology does not exist for analysis, development, and implementation of the loaded mode inspection program within the necessary timeframe. Approximately half of those persons submitting written comments to the EPA expressed support for the implementation of some form of vehicle emission inspection program.

Air Pollution Impact of Control Strategy. Based upon 1971 air quality data, demonstration of attainment of the standard by 1975 must show that hydrocarbon emissions will be reduced by 43 percent between 1971 and 1975. The emissions in Hamilton County in 1971 were 63,708 tons of hydrocarbons. In order to demonstrate attainment of the standards by 1975, the emissions must be reduced to no more than 36,314 tons. Table 1 is a summary of the effect of the strategy on the overall reduction necessary in Hamilton County.

TABLE 1.—*Compilation of control strategy effects*

[Tons per year]

	Baseline 1971	May 31, 1975
Stationary source emissions	24,754	9,464
Mobile source emissions (including effect of FMVCP and growth)	38,954	27,082
Reduction due to inspection/maintenance		−386
Total	63,708	36,160

Basis for emission reductions. The EPA has published in Appendix N to 40 CFR Part 51 a summary of reduction in pollutants that can be expected from the implementation of an automobile emission inspection program. This document indicates that an idle mode inspection program based upon a 30 percent rejection rate can be expected to reduce hydrocarbon exhaust emissions from light-duty vehicles by as much as 10 percent. To obtain an overall impact estimate this effect must be factored to account for the partial impact of the program by May 31, 1975, and to account for the percent of total vehicle miles traveled which will be affected by the program. The program will effect a 3 percent reduction in light-duty vehicle exhaust emissions, or a 1 percent reduction in overall HC emission by May 31, 1975.

Social and economic impact of the plan. Cost data available at this time indicates that the annual cost per vehicle of an idle-mode inspection program can range from $1.50 to $7.50 per year. This data, contained within the EPA document entitled "Control Strategies for In-Use Vehicles" also indicates that the average maintenance cost for those vehicles that fail the test would be approximately $25.50. This figure is not felt to be unreasonable as most vehicles would pass the test and those that fail would normally undergo an annual tuneup regardless of the inspection program. This will net cost per vehicle to $3.00 based on national estimate as presented in EPA White Paper *The Clean Air Act and Transportation Controls.* In addition, cost data supplied by the State of Ohio,

based specifically upon the Cincinnati safety lane operation, indicates an annual cost (including updating the system and converting existing lanes) of approximately $182,000. This estimate was subdivided as follows:

Equipment	$17,000
Personnel (APC)	53,500
Lane inspectors	99,500
Supplies	12,000
Total	182,000

This estimate for the testing equipment is considered to represent the lower range of cost estimates. However, even allowing for a total program cost at the upper range of $500,000, the total cost per vehicle per year would be approximately $1, which is substantially below the national average cost figures.

Several statements were given at the Federal public hearing pertaining to the potential administrative burdens of an inspection program. However, the Administrator is of the opinion that sufficient data are available from similar programs currently in operation to minimize the problems in regard to this aspect of the inspection system. Furthermore, the Administrator will provide assistance where possible in the development and implementation of the program.

This notice of final rulemaking is issued under the authority of sections 110(c) and 301(a) of the Clean Air Act.

Dated: October 25, 1973.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart KK—Ohio

1. In § 52.1870, paragraph (c) is revised to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) March 20 and May 8, 1972, by the Ohio Air Pollution Control Board,

(2) May 9, 1972, by the Office of the Attorney General,

(3) July 7, 1972,

(4) July 2 and 3, 1973, by the Governor of Ohio, and

(5) August 3, 1973, by the City of Cincinnati.

* * * * *

§ 52.1875 [Amended]

2. In § 52.1875, footnote "f" is deleted.

§ 52.1876 [Reserved]

3. Section 52.1876 is revoked and reserved.

4. Section 52.1877 is amended by revoking paragraphs (b) and (c) and by revising paragraph (a) to read as follows:

§ 52.1877 Control strategy: Photochemical oxidants (hydrocarbons).

(a) The requirements of § 51.15 of this chapter are not met because the Ohio plan does not provide for the attainment and maintenance of the national standard for photochemical oxidants (hydrocarbons) in the Metropolitan Cincinnati interstate region by May 31, 1975.

5. Section 52.1878 is added to read as follows:

§ 52.1878 Inspection and maintenance program.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles through identifying vehicles that need emission control related maintenance and requiring that such maintenance be performed.

(2) All other terms used in this section that are defined in 40 CFR Part 51, Appendix N are used herein with the meanings so defined.

(b) This section is applicable in Hamilton County, Ohio (including the City of Cincinnati).

(c) The County of Hamilton and the City of Cincinnati shall establish an inspection and maintenance program applicable to all light-duty motor vehicles owned and operated within their respective geographic jurisdictions on streets, roads, and highways over which they have ownership or control.

(d) Not later than April 1, 1974, the County of Hamilton and the City of Cincinnati shall submit to the Administrator, for his approval, legally adopted regulations establishing the inspection/maintenance program required by paragraph (c) of this section. The regulations shall include:

(1) (i) Provisions requiring inspection of all light-duty motor vehicles owned and operated within their respective geographic jurisdictions on streets, roads, and highways over which they have ownership and control (jointly or individually) at periodic intervals no more than 1 year apart by means of an idle test.

(ii) The State may exempt any class or category of vehicles that the State finds are rarely used on public streets and highways (such as classic or antique vehicles).

(2) Provisions for inspection failure criteria consistent with an initial failure rate of at least 30 percent of the vehicles tested before maintenance.

(3) Provisions ensuring that failed vehicles receive within 2 weeks the maintenance necessary to achieve compliance with the inspection standards. These shall, at a minimum, impose sanctions against individual owners and repair facilities, require retest of failed vehicles following maintenance, establish a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledgeable operators to perform the tests satisfactorily, and provide for such other measures as necessary or appropriate.

(4) Provisions prohibiting vehicles from being intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. These might include authorization of spot checks of idle adjustments and/or requiring a suitable type of physical tagging of vehicles. These provisions shall include appropriate penalties for violation.

(5) Designation of an agency or agencies responsible for conducting, overseeing, enforcing the inspection and maintenance program. Private parties may be designated to conduct parts of the program to certify compliance.

(6) Provsions ensuring that, with regard to the first inspection, the inspection and maintenance necessary to achieve compliance with the applicable emission standards referred to in paragraph (d)(2) be completed by May 31, 1975, for at least five-twelfths (5/12) of the vehicles subject to the inspection system.

(e) After December 31, 1975, no program in the County of Hamilton, the City of Cincinnati, the State of Ohio shall allow the registration of title, or allow the operation on streets, roads, or highways under its control of any light-duty, spark-ignition-powered motor vehicle subject to the inspection program(s) established pursuant to this section that does not comply wih the applicable standards and procedures, as defined in paragraph (d)(2) of this section. This shall not apply to the initial registration of new vehicles.

(f) After December 31, 1975, no person shall operate or allow the operation of a light-duty motor vehicle subject to the inspection program(s) established pursuant to this section that does not comply with the applicable standards and procedures, as defined in paragraph (d)(2) of this section. This shall not apply to the initial registration of new vehicles.

(g) No later than February 1, 1974, the County of Hamilton and the City of Cincinnati shall submit to the Administrator, for his approval, a detailed compliance schedule showing the steps they will take to establish, operate, and enforce the inspection/maintenance program required by paragraph (c) of this section including:

(1) A description of the legal authority for establishing and enforcing the inspection/maintenance program, including the text of proposed or adopted legislation and regulations.

(2) Specific dates (day, month, and year) by which various steps to implement the inspection/maintenance system will be completed, such steps to include, at a minimum, the following: Submitting final plans and specifications for the system to the Administrator for his approval, ordering necessary equipment, commencement of on-site construction and/or installation, completion of on-site construction and/or installation and system operation (this last date to be no later than January 1, 1975).

(3) An identification of the sources and amounts of funds necessary to implement the system, together with written assurances from the chief executive officers of the city and county that they will seek any necessary funding from the appropriate legislative bodies.

(4) Other necessary provisions to carry out the program.

[FR Doc.73-23193 Filed 11-7-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

INDIANA TRANSPORTATION CONTROL PLAN

Reproposal of Plan

On May 31, 1972, (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, State plans for the implementation of the national ambient air quality standards. On that date, the Governor of Indiana was advised that the attainment date for the national photochemical oxidant and carbon monoxide standards in the Metropolitan Indianapolis Intrastate Region was extended for two years.

On January 31, 1973, the United States Court of Appeals for the District of Columbia Circuit ordered that the Administrator rescind the extensions granted the States for submission and implementation of the transportation and/or land use control portions of their implementation plans. The affected States, including Indiana, were required to submit control plans by April 15, 1973. The plans were required to show attainment of the national ambient air quality standards for photochemical oxidants and/or carbon monoxide as expeditiously as practicable, but no later than May 31, 1975.

On April 9, 1973, the State of Indiana held public hearings in Indianapolis on proposed revisions to its plan but has not submitted these revisions to the Administrator for approval, as required by the Act. On June 22, 1973, the Administrator disapproved the Indiana plan because of this failure (38 FR 16550). An EPA proposal to control open burning (and thus hydrocarbon emissions) was published on July 2, 1973 (38 FR 17682). However, the Agency has since determined that control of open burning would not solve the problem because the contribution of that source of hydrocarbons had been substantially overestimated. Accordingly, a plan is being reproposed at this time. The Agency has asked the Court of Appeals to extend the date for promulgation of a plan for Indiana to December 15, 1973.

Air Quality

Continuous-monitoring data collected from one location by the State indicated that the photochemical oxidant standard was not exceeded during 1972. The State plan concluded that attainment of the standards would continue through 1975. However, observed oxidant concentrations decreased substantially between 1971 and 1972 with no valid explanation.

In analyzing the oxidant air quality data for 1971 and 1972, EPA raised several questions concerning calibration of the monitor, which is presently located at the Indiana State Board of Health Building. During the summer of 1971, the oxidant monitor was located at the Washington Township Fire Station, where it was calibrated monthly by EPA personnel using the EPA reference method (neutral buffered KI procedure). Operational problems occurred during the period of October through December 1971, and the instrument was moved to the State Board of Health Building, which is 8 miles south of the Fire Station. The instrument was not calibrated by means of the reference method until September 1972 and has not been calibrated according to the required technique since that time. These facts raise serious doubts regarding the validity of the 1972 oxidant data. Consequently, EPA is of the opinion that the 1971 data are far more representative of the region and should be used in developing the required transportation strategies. The required hydrocarbon reduction is discussed in a later section.

The second-highest 8-hour carbon monoxide reading in 1971 was 12.1 parts per million. The required reduction in carbon monoxide of 25.6 percent will be met by reductions due to the Federal Motor Vehicle Control Program.

Original EPA Proposal

In its orginally proposed revisions of July 2, 1973, EPA set forth a plan which, based upon the information then available, would have provided for the attainment and maintenance of the national standards for photochemical oxidants in the Metropolitan Indianapolis Intrastate Air Quality Control Region (hereafter referred to as the "Region"). This proposal set forth a control strategy that required the elimination of residential backyard burning throughout the Region. However, information received during and subsequent to the public hearing of July 26, 1973, pointed to the existence of several inaccuracies in the hydrocarbon emission inventory with regard to emissions from open burning. Following the public hearing, the EPA, in conjunction with the State of Indiana and the City of Indianapolis air pollution control agencies, and with the cooperation of the Indianapolis Department of Public Works, conducted a reevaluation of the hydrocarbon emissions attributed to open burning for Marion County. The emission inventory update showed that emissions of hydrocarbons due to open burning were not as large as originally estimated. At the same time, the update indicated that process loss emissions and emissions due to gasoline marketing were greater than originally estimated. Mobile source emission estimates were based upon data presented in a document entitled "Transportation Controls to Reduce Motor Vehicle Emissions in Indianapolis, Indiana," prepared for EPA by the GCA Corporation, April 1973, under contract number 68-02-0041. Since the area covered by the GCA study was the Indianapolis Regional Transportation and Development Study (IRTADS) Area, adjustments were made to the mobile source data to provide for compatibility with the county-wide stationary source data. Adjustments were also made to the mobile source data to account for the interim 1975 vehicle emission standards, as prescribed by the Administrator on April 11, 1973.

The net result was a decrease in the baseline estimate of hydrocarbon emissions. The reanalysis thus indicated that the hydrocarbon emission reduction needed to achieve the photochemical oxidant air quality standard is now 6,232 tons per year from the projected 1975 levels instead of the initially estimated 12,000 tons per year. However, the EPA could no longer consider an open burning ban as a viable method of achieving this required reduction in overall emissions but was instead compelled to explore other avenues of control involving both stationary source and vehicular controls. Because various types of hardware required to implement the current EPA proposal will not be available by May 31, 1975, and because no other measures will be sufficient to ensure attainment of the standards by May 31, 1975, the Administrator is proposing an extension until July 1, 1976, for achieving the photochemical oxidant air quality standard. This is the date at which the vapor recovery regulations can be fully implemented.

Should a State plan be submitted and determined to be approvable prior to Federal promulgation, these proposed regulations will be withdrawn. Should a State plan be submitted and determined to be approvable after Federal promulgation, then the Federal regulation will be rescinded. It is the desire of the Environmental Protection Agency that the plan to attain and maintain the photochemical oxidant standard in the Region be a State plan carried out by the State or its designated representative.

Pollution in the Region

The Region is comprised of approximately 3,000 square miles of land located in the central portion of Indiana. It consists of eight counties: Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, and Shelby. The population of the Region is about 1.1 million; Marion County, which includes Indianapolis, comprises approximately 400 square miles of land or about 13 percent of the Region and contains nearly 800,000 people, or 71 percent of the Region's population. Therefore, based on the associated vehicular emission density, plus the location and density of stationary sources of hydrocarbon emissions, Marion County is believed to be the most polluted portion of the Region. EPA believes that existing solvent use regulations contained in Indiana's APC 15, which is applicable throughout the Region, in conjunction with the impact of the Federal Motor Vehicle Control Program, will not ensure the attainment and maintenance of the photochemical oxidant standard throughout the Region by the required date.

The primary national ambient air quality standard for photochemical oxidants is an average of 160 $\mu g/m^3$ (0.08 ppm) for a 1-hour period not to be exceeded more than once per year. During the summer of 1971, this standard was exceeded during 101 hours on 22 days at one of the two locations where oxidants were being measured within Marion

County. Concentrations measured at the two locations showed good correlation and were generally within 10 percent of each other. The highest concentration recorded was 0.14 ppm on September 8. The second highest recorded concentration was 0.13 ppm on both August 8 and September 8. Since the primary standard is written in terms of a concentration that is not to be exceeded more than once per year, the calculations in the original Indiana Implementation Plan, which demonstrated the need for extension, were based upon this second highest concentration.

Monitoring was continued during 1972 at only one of the two original locations; this site was located adjacent to the Indiana State Board of Health Building. During 1972, the standard was not exceeded at that location. However, serious doubts have been cast on the validity of the 1972 data, as previously stated. Therefore, the EPA proposal is based upon the need for pollutant reduction as originally defined in the Indiana Implementation Plan submitted on January 31, 1972. It is the intention of the EPA to reevaluate this proposal in light of valid 1973 air quality data when such data are made available to the Administrator in February 1974.

Summary of New Proposed Control Strategy

From 1971 levels, a 38 percent reduction in hydrocarbon emissions as determined from Appendix J (to Part 51) is required within Marion County to achieve the primary national standard for photochemical oxidants. Existing regulations will provide only a 25 percent reduction by May 31, 1975. When considered independently, alternatives to achieve the additional 13 percent overall reduction necessary would require either a 38 percent reduction in vehicular emissions or a 50 percent reduction in process loss emissions from stationary sources within the county.

Proposed Strategies

The Administrator is proposing the following strategies:

(1) Establishment of an annual inspection and maintenance program, using an idle mode test; this program would cover all vehicles registered within Marion County and would be a prerequisite for vehicle registration;

(2) Requirement that all pre-1968 and/or precontrol automobiles (or trucks) presently in use within Marion County be retrofitted with noncatalytic emission reduction devices; such a requirement would be a prerequisite for vehicle registration.

The Administrator is also proposing the following stationary source emission control strategies:

(1) Requirement that all service stations in Marion County purchase, install, and employ appropriate vapor recovery control devices for all gasoline tank filling operations;

(2) Further restrictions on existing solvent use regulations applicable to all facilities located within Marion County now subject to APC–15.

The law requires that the standards be attained as expeditiously as practicable. Because some of these strategies require an extension to July 1, 1976, the Administrator is proposing the following measures to reduce vehicle miles traveled:

(1) Parking surcharges applicable to all off-street parking facilities within the Metropolitan Indianapolis area. This strategy would apply a graduated surcharge ranging from $0.15 to $0.25 per hour to individuals driving private automobiles into the city for long-term parking. The fees could be graduated according to car occupancy, number of hours parked, and size of vehicle. The fees collected as a result of this strategy could then be distributed to mass transit to be used as operating subsidies. A strategy similar to this is being promulgated for the Metropolitan Boston Intrastate Air Quality Control Region today.

(2) Creation of exclusive express bus/carpool lanes. This strategy would provide for the designation of roadway lanes on specific streets and/or interstate highways in and around the City of Indianapolis to be used exclusively for express bus service from outlying areas of Marion County into the central business district of Indianapolis. In addition, these lanes would also be made available for use by privately owned automobiles with a car occupancy of three or more passengers. A similar strategy was promulgated on November 6, 1973 for the Houston-Galveston Intrastate Air Quality Control Region.

(3) Restrictions on the total availability of on-street parking within the City of Indianapolis. This strategy, similar in effect to that of the off-street parking restriction (surcharge) proposal, would seek to limit the total number of light-duty vehicles traveling into the city. The strategy could either remove parking meters from various arterials within Indianapolis, increase the meter rates to dissuade use by private auto commuters, or simply restrict the use of such meters during specified hours of the day. Similar programs were approved November 7, 1973, for the States of Colorado and Oregon.

(4) Creation of a bus/carpool matching service, which is to be made available to all commercial, institutional, and industrial entities with offices located within the transportation control area. A detailed guide for the operation of a bus/carpool matching program, along with a discussion of a number of successful programs now operating in various sections of the country is contained in the U.S. Department of Transportation Federal Highway Administration publication entitled "Carpool and Buspool Matching Guide" (second edition), May 1973. This document discusses the types of considerations involved in the development and implementation of a successful program, such as public information, incentives, data processing, and the continuation and/or updating of the service. EPA believes that this approach to reducing the total number of vehicle miles traveled is an excellent, viable strategy involving a minimum investment and deserving the active promotion and support of government and industry. A strategy similar to this has been developed for use in Los Angeles County and Washington, D.C., and is being promulgated today for Dallas-Ft. Worth.

Other alternatives under consideration by the EPA include the employer bus and carpool incentive programs and review of new parking facilities.

The proposal to add a new § 52.777 to 40 CFR Part 52, subpart P, for control of open burning on residential property (38 FR 17689, July 2, 1973) is hereby withdrawn.

Air Pollution Impact of the Proposed EPA Strategies

To achieve the required hydrocarbon reduction of 13 percent within Marion County, the overall hydrocarbon emissions must be reduced by 6,232 tons per year in 1975. This projection is based upon the following calculations:

(1) Total estimated hydrocarbon emissions in Marion County during 1971 were 59,139 tons/year. The 1975 emissions are projected to be 42,898 tons/year.

(2) Based upon a 1971 measured oxidant value of 0.13 ppm, a 38 percent reduction in overall hydrocarbon emissions from 1971 levels is necessary. The "safe" emission level, based upon the above data, is 36,666 tons/year.

(3) The additional reduction needed in 1975 is 42,898−36,666=6,232 tons/year. The reduction required in 1976 would be somewhat less.

Hydrocarbon emission totals for Marion County for the base year 1971, the present year (1973), and the year 1975 are shown in Table 1.

Table 1.—*Emission inventory totals: Marion County*

[Tons per year]

Category	1971	1973	1975
Stationary sources:			
Fuel combustion [1]	2,500	2,850	3,200
Process losses: [2]			
Point sources	13,788	13,788	8,547
Area sources	7,500	8,180	8,850
Solid waste disposal: [3]			
Point sources	45	47	50
Area sources	250	264	280
Subtotal	24,083	25,129	18,927
Mobile-source-related emissions: [4]			
Gasoline marketing	4,620	4,290	3,955
Motor vehicles	30,000	24,750	19,500
Railroads	436	476	516
Subtotal	35,056	29,516	23,971
Total emissions	59,139	54,645	42,898

[1] Fuel combustion: Utilities and large and small boiler operations.

[2] Process losses: Point sources—petroleum refining, cooking operations, etc.; area sources—solvent use, dry cleaning, degreasing operations, etc.

[3] Solid waste disposal: Incinerators, backyard burning and open burning.

[4] Mobile sources: Motor vehicles—light and heavy duty gasoline-powered motor vehicles; gasoline marketing—filling station storage tanks and tank trucks, and filling automobile gas tanks.

The expected reductions in overall hydrocarbon emissions due to the implementation of each strategy are shown in Table 2.

TABLE 2.—*Expected hydrocarbon reductions: Marion County*

[Tons per year]

Strategy	Overall hydrocarbon reductions	
	1976	1975
Countywide idle mode inspection program	1,335	111
VSAD/lean idle retrofit on precontrol vehicles	1,060	440
Gasoline marketing:		
Stage I—filling station storage tanks	1,310	327
Stage II—filling automobile tanks	2,250	625
Revision to APC 15 solvent use regulation	884	884
VMT reductions (approximately 10 percent)	975	975
Total reduction	7,814	3,362

PUBLIC COMMENTS SOLICITED

Interested persons may participate in this rulemaking by submitting oral or written comments at the hearing to be held on this proposal on November 28, 1973 at 9:30 a.m. in the World War Memorial Auditorium, 431 N. Meridian, Indianapolis, Indiana. Prior written comments may also be submitted to the Regional Administrator, EPA Region V, One North Wacker Drive, Chicago, Illinois 60606. Receipt of advance written comments will be acknowledged, but substantive responses to individual comments cannot be provided. Comments, together with the remainder of the entire hearing record and the proposed plan, will be available for public inspection during business hours at the EPA Region V Office. The changes proposed by this notice of proposed rulemaking are issued under the authority of sections 110(c) and 301(a) of the 1970 Clean Air Act.

(42 U.S.C. 1857c-5(c) and 1857(g).)

Dated: October 25, 1973.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40, of the Code of Federal Regulations by adding the following:

Subpart P—Indiana

§ 52.786 Inspection and maintenance program.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles through identifying vehicles that need emission control related maintenance and requiring that such maintenance be performed.

(2) All other terms used in this section that are defined in 40 CFR Part 51, Appendix N are used herein with the meanings so defined.

(b) This regulation is applicable in the County of Marion, Indiana (including the City of Indianapolis).

(c) The County of Marion and the City of Indianapolis shall establish an inspection and maintenance program applicable to all gasoline-powered, light-duty vehicles within their respective jurisdictions.

(d) Not later than May 1, 1974, the County of Marion and the City of Indianapolis shall each submit to the Administrator, for his approval, legally adopted regulations establishing the regulatory scheme for the inspection/maintenance program required by paragraph (c) of this section. The regulations shall include:

(1) Provisions requiring inspection of all light-duty motor vehicles owned and operated within their respective jurisdictions on streets, roads, and highways over which they have ownership and control at periodic intervals no more than 1 year apart by means of an idle test. The county and city, respectively, may exempt any class or category of vehicles that the State finds are rarely used on public streets and highways (such as classic or antique vehicles).

(2) Provisions for inspection failure criteria consistent with the failure of at least 40 percent of the vehicles tested before maintenance.

(3) Provisions ensuring that failed vehicles receive, within 2 weeks, the maintenance necessary to achieve compliance with the inspection standards. These shall, at a minimum, impose sanctions against individual owners and repair facilities, require retest of failed vehicles following maintenance, establish a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledgeable operators to perform the test satisfactorily, and provide for such other measures as necessary or appropriate.

(4) Provisions prohibiting vehicles from being intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. These might include authorization of spot checks of idle adjustments and/or requiring a suitable type of physical tagging on vehicles. These provisions shall include appropriate penalties for violation.

(5) Designation of agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program. Private parties may be designated to conduct parts of the program to certify compliance.

(e) After May 31, 1976, the State of Indiana shall not allow the registration of title or the operation on streets, roads, or highways under its control of any light-duty motor vehicle subject to the inspection program(s) established pursuant to paragraph (c) of this section that does not comply with the applicable standards and procedures adopted in accordance with paragraph (d)(2) of this section. This shall not apply to the initial registration of new motor vehicles.

(f) After May 31, 1976, no person shall operate or allow the operation of any motor vehicle subject to the inspection program(s) established pursuant to paragraph (c) of this section that does not comply with the applicable standards and procedures adopted in accordance with paragraph (d)(2) of this section. This shall not apply to the initial registration of new motor vehicles.

(g) No later than March 1, 1974, the County of Marion and the City of Indianapolis shall submit to the Administrator, for his approval, a detailed compliance schedule showing the steps each intends to take to establish, operate, and enforce the inspection program required by paragraph (c) of this section including:

(1) A description of the legal authority for establishing and enforcing the inspection/maintenance program, including the text of proposed or adopted legislation and regulations.

(2) Specific dates (day, month, and year) by which various steps to implement the inspection/maintenance system will be completed, such steps to include, at a minimum, the following: submitting final plans and specifications for the system to the Administrator for this approval, ordering necessary equipment, commencement of on-site construction and/or installation, completion of on-site construction and/or installation, and system operational (this date to be no later than May 1, 1975).

(3) An identification of the sources and amounts of funds necessary to implement the system together with written assurances from the chief executive officers of the City and County that they will seek any necessary funding from the appropriate legislative bodies.

(4) Other necessary provisions to carry out the program.

§ 52.787 Retrofit of pre-1968 light-duty, gasoline-powered motor vehicles.

(a) Definitions:

(1) "Vacuum spark advance disconnect" means a device or system installed on the vehicle that prevents the ignition vacuum advance from operating either when the vehicle's transmission is in the lower gears or when the vehicle is traveling below a predetermined speed.

(2) All other terms used in this section that are defined in 40 CFR Part 51 Appendix N are used herein with the meanings so defined.

(b) This section is applicable in the County of Marion including the City of Indianapolis.

(c) The State of Indiana shall require that, by no later than December 31, 1975, all gasoline-powered, light-duty vehicles of model year prior to 1968 registered in the County of Marion (including the City of Indianapolis) must be equipped with an appropriate vacuum spark advance disconnect device. The State may exempt any class or category of vehicles that the State finds are rarely used on public streets and highways (such as classic or antique vehicles), or that the State demonstrates to the Administrator do not have commercially available retrofit devices.

(d) No later than March 1, 1974, the State of Indiana shall submit to the Administrator, for his approval, a compliance schedule for implementing and enforcing the requirement of paragraph (c) of this section, such program to include, at a minimum, the following:

(1) A description of the legal authority to be relied upon for implementing

and enforcing the requirement of paragraph (c) of this section, together with proposed or adopted legislation and regulations.

(2) Specific dates (day, month, and year) by which various steps will be accomplished in implementing the requirement of paragraph (c), such steps to include, at a minimum, the following: adoption of necessary legislation and/or regulations; State evaluation and approval of devices for use in the program (no later than June 1, 1974); installation of equipment to commence (no later than January 1, 1975); all vehicles to be equipped with devices (not later than December 31, 1975).

(3) Designation of an agency or agencies responsible for evaluating and approving such devices for use on vehicles.

(4) Designation of an agency or agencies responsible for enforcement of the prohibition contained in paragraph (f) of this section.

(5) Proposed methods and procedures for ensuring that those persons installing the devices have the training, technical skills, and ability to perform the needed tasks satisfactorily and that an adequate supply of devices will be available.

(6) Provision for emission testing at the time of device installation and at periodic intervals thereafter; or some other positive assurance that the device is installed and operating properly.

(7) Provision for adequate sanctions against any person removing or otherwise tampering with the device after it is installed whereby it is rendered ineffective.

(8) A description of the sources and amounts of funds necessary for implementation and enforcement of paragraph (c) of this section together with written assurances from the Governor of Indiana that he will seek any necessary funding from the legislature.

(e) After December 31, 1975, the State of Indiana shall not register or allow to operate on the streets and highways over which it has ownership and control any vehicle subject to the requirement established pursuant to paragraph (c) of this section that is not equipped in accordance with the requirement established pursuant to paragraph (c) of this section.

(f) After December 31, 1975, no owner of a vehicle subject to the requirements established pursuant to paragraph (c) of this section shall operate a vehicle or allow its operation when it is not equipped in accordance with the requirement established pursuant to paragraph (c) of this section.

(g) The State shall submit, no later than May 1, 1974, legally adopted regulations that assure full compliance with all provisions of this section.

§ 52.788 Gasoline transfer vapor control.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the County of Marion and the City of Indianapolis.

(c) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced from the stationary container location.

(1) The vapor recovery portion of the system shall include one or both of the following:

(i) A vapor-tight return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Refrigeration-condensation system or equivalent designed to recover no less than 90 percent by weight of the organic compounds in the displaced vapor.

(2) If a "vapor-tight return" system is used to meet the requirements of this section, the system shall be so constructed as to be readily adapted to retrofit with an adsorption system, refrigeration-condensation system, or equivalent vapor removal system.

(3) The vapor-laden delivery vessel shall be subject to the following conditions:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) The vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor recovery system or the equivalent, which can recover at least 90 percent by weight of the organic compounds in the vapors displaced from the delivery vessel during refilling.

(iii) Gasoline storage compartments of 1,000 gallons or less in gasoline delivery vehicles presently in use on the promulgation date of this regulation will not be required to be retrofitted with a vapor return system until January 1, 1977.

(d) The provisions of paragraph (c) of this section shall not apply to the following:

(1) Stationary containers having a capacity less than 550 gallons used exclusively for the fueling of implements of husbandry.

(2) Any container having a capacity less than 2,000 gallons installed prior to promulgation of this paragraph.

(3) Transfer made to storage tanks equipped with floating roofs or their equivalent.

(e) Compliance schedule:

(1) March 1, 1974—Submit to the Administrator a final control plan, which describes at a minimum the steps that will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

(2) May 1, 1974—Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) January 1, 1975—Indicate on-site construction or installation of emission control equipment.

(4) February 1, 1976—Complete on-site construction or installation of emission control equipment.

(5) March 1, 1976—Assure final compliance with the provisions of paragraph (c) of this section.

(6) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(f) Paragraph (e) of this section shall not apply:

(1) To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by February 15, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by February 15, 1974, a proposed alternative schedule. No such schedule may provide for compliance after March 1, 1976. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(g) 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 paragraph (e) of this section fails to satisfy the requirements of § 51.15(b) and (c) of this chapter.

(h) Any gasoline dispensing facility subject to this regulation that installs a storage tank after the effective date of this regulation shall comply with the requirements of paragraph (c) of this section by March 1, 1976. Any facility subject to this regulation that installs a storage tank after March 1, 1976, shall comply with the requirements of paragraph (c) of this section at the time of installation.

§ 52.789 Control of evaporative losses from the filling vehicular tanks.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the County of Marion and the City of Indianapolis.

(c) A person shall not transfer gasoline to an automotive fuel tank from a gasoline dispensing system unless the transfer is made through a fill nozzle designed to:

(1) Prevent discharge of hydrocarbon vapors to the atmosphere from either the vehicle filler neck or dispensing nozzle;

(2) Direct vapor displaced from the automotive fuel tank to a system wherein at least 80 percent by weight of the or-

ganic compounds in displaced vapors are recovered; and

(3) Prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.

(d) The system referred to in paragraph (c) of this section can consist of a vapor-tight vapor return line from the fill nozzle filler neck interface to the dispensing tank, to an adsorption, absorption, incineration, refrigeration-condensation, or equivalent system.

(e) Components of the systems required by § 52.788 paragraph (c) can be used for compliance with paragraph (c) of this section.

(f) If it is demonstrated to the satisfaction of the Administrator that it is impractical to comply with the provisions of paragraph (c) of this section as a result of vehicle fill neck configuration, location, or other design feature, the provisions of this paragraph shall not apply to such vehicles. However, in no case shall such configuration exempt any gasoline dispensing facility from installing a system required by paragraph (c).

(g) Compliance schedule:

(1) *March 1, 1974.* Submit to the Administrator a final control plan, which describes at a minimum the steps that will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

(2) *June 1, 1974.* Negotiate and sign all necessary contracts for emissions control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) *January 1, 1975.* Initiate on-site construction or installation of emission control equipment.

(4) *June 1, 1976.* Complete on-site construction or installation of emission control equipment or process modification.

(5) *July 1, 1976.* Assure final compliance with the provisions of paragraph (c) of this section.

(6) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(h) Paragraph (g) of this section shall not apply:

(1) To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by February 15, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by February 15, 1974, a proposed alternative schedule. No such schedule may provide for compliance after July 1, 1976. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(i) 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 paragraph (g) of this section fails to satisfy the requirements of § 51.15(b) of this chapter.

(j) Any gasoline dispensing facility subject to this regulation that installs a gasoline dispensing system after the effective date of this regulation shall comply with the requirements (c) of this section by July 1, 1976. Any facility subject to this regulation that installs a gasoline dispensing system after July 1, 1976, shall comply with the requirements of paragraph (c) of this section at the time of installation.

§ 52.790 Organic solvent use.

(a) Definitions:

(1) "Organic materials" means chemical compounds of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, and ammonium carbonate.

(2) "Organic solvents" means organic materials that are liquids at standard conditions, and include diluents that are used as dissolvers, viscosity reducers, and cleaning agents.

(3) All other terms used in this section that are defined in Part 51 of this chapter or in the Clean Air Act, as amended (42 U.S.C. 1857 et seq.) are used herein with the meanings therein defined.

(b) This section is applicable within the Indianapolis Interstate Air Quality Control Region.

(c) The provisions of this section shall not apply to:

(1) The manufacture of organic solvents.

(2) The spraying or other employment of insecticides, pesticides, or herbicides.

(3) Industrial surface coating operations when the coating's solvent make-up is water-based and does not exceed 20 percent of organic materials by volume.

(4) The use of the following solvents: saturated halogenated hydrocarbons perchlorethylene, benzene, acetone, C_3-C_8 n-paraffins, cyclohexanene, ethyl acetate, diethylamine, isobutyl acetate, isopropyl alcohol, methyl benzoate, 2-nitropropane, phenyl acetate, and triethylamine.

(5) The use of such other organic solvents that have been determined by the Administrator to be photochemically unreactive in the formation of oxidants.

(d) The requirements of this section shall be in effect in accordance with paragraph (h) of this section.

(e) No person shall emit or cause the emission of more than 3 pounds of organic materials in any one hour or more than 15 pounds of organic material in any one day (24 hours) from any article, machine, or equipment. In determining whether these quantity limitations have been exceeded, the following rules shall apply:

(1) The aggregate emissions of organic materials into the atmosphere from any series of articles, machines, or equipment designed for processing a continuously moving sheet, web, strip, or wire by a combination of operations shall comply with the requirements of this section.

(2) Emissions of organic materials into the atmosphere that result from the cleaning of any article, machine, or equipment with organic solvents shall be included with the other emission of organic materials from such article, machine, or equipment in determining compliance with this section.

(3) Emissions of organic materials into the atmosphere that result from the spontaneous drying of products after their removal from any article, machine, or equipment shall be included with other emissions of organic materials from such article, machine, or equipment in determining compliance with this section.

(f) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this section shall provide, properly install, and maintain in calibration, in good working order, and in operation, devices as specified by the Administrator or his designee for indicating temperatures, pressures, rates of flow, or other operating conditions necessary to determine the degree and effectiveness of the pollution control attained.

(g) Any person using organic solvents or any materials containing organic solvents shall supply to the Administrator or his designee, upon request and in the manner and form prescribed, written evidence of the chemical compositon, physical properties, and amount consumed for each organic solvent used.

(h) Federal compliance schedules.

(1) Except as provided in paragraph (h)(2), of this section, the owner or operator of a source subject to paragraph (e) of this section shall comply with the increments of progress contained in the following schedule:

(i) Final control plans for emission control systems or process modifications must be submitted to the Administrator not later than March 1, 1974.

(ii) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than June 1, 1974.

(iii) Initiation of on-site construction or installation of emission control equipment or process modification must begin not later than August 1, 1974.

(iv) On-site construction or installation of emission control equipment or process modification must be completed not later than April 1, 1975.

(v) Final compliance is to be achieved not later than May 31, 1975.

(vi) Any owner or operator of a stationary source subject to the compliance schedule in this subparagraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(2) Paragraph (h)(1) of this section shall not apply:

(i) To a source which is presently in compliance with paragraph (e) of this section and which has certified such compliance to the Administrator by March 1, 1974. The Administrator may request whatever supporting information

he considers necessary for proper certification.

(ii) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(iii) To a source whose owner or operator submits to the Administrator by February 1, 1974, an alternative schedule of which the Administrator approves. No such schedule may provide compliance after May 31, 1975. If approved by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(3) 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 paragraph (h)(1) of this section fails to satisfy the requirements of 40 CFR 51.15 (b) and (c).

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PART III

ENVIRONMENTAL PROTECTION AGENCY

■

WATER PROGRAMS

Pretreatment Standards

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D—WATER PROGRAMS

PART 128—PRETREATMENT STANDARDS

On July 19, 1973, notice was published in the FEDERAL REGISTER that the Environmental Protection Agency was proposing standards for pretreatment of pollutants introduced into publicly owned treatment works pursuant to section 307(b) of the Federal Water Pollution Control Act Amendments of 1972 (the Act). Written comments on the proposed rulemaking were invited and received from interested parties and the public. In addition, a public hearing was held in Washington, D.C., on September 26, 1973. The Environmental Protection Agency has carefully considered all comments received and the record of the public hearing. All written comments and a transcript of the public hearing are on file with the Agency. As indicated below, the regulation has been modified in response to some of the comments. The following discussion also outlines the reasons why other suggested changes were not made.

Under section 307(b) of the Act, Federal pretreatment standards are designed to achieve two purposes: (1) To protect the operation of publicly owned treatment works, and (2) to prevent the discharge of pollutants which pass through such works inadequately treated.

Section 128.131 sets forth a number of prohibitions designed to protect the operation of publicly owned treatment works. The prohibitions are self-explanatory. One commenter suggested that § 128.131 is deficient in that it fails to impose specific numerical limitations on the discharge of pollutants that interfere with the operation of publicly owned treatment works. However, the Agency has been unable to formulate such specific numerical limitations. In the first place, the data that are presently available are not considered sufficient to support uniform national standards prescribing permissible concentrations of particular pollutants in publicly owned treatment works. Moreover, the degree that any pollutant interferes with the operation of a publicly owned treatment works depends on the concentration of pollutant in the treatment works itself, rather than the concentration in each user's effluent. But for a national pretreatment standaard to be workable and enforceable, it must prescribe the quality of the user's effluent; otherwise, the user will not know what steps he must take to comply with the standard. It is impossible in a uniform national pretreatment standard to relate the quality of the user's effluent to the concentration of various pollutants in the publicly owned treatment works, since this relationship will vary in each sewer system depending on the quantity of the user's effluent as compared with the quantity of other effluents in the system.

Section 128.133 is based on the premise that pollutants which pass through publicly owned treatment works in amounts greater than would be permitted as a minimum treatment requirement for similar industrial sources discharging directly to navigable waters should be considered adequately treated. The fact that a discharger chooses to use a municipal sewer system, rather than discharging his wastes directly to the navigable waters, should not as a matter of general principle involve a penalty to the environment.

On the basis of this premise, § 128.133 requires users in industrial categories subject to effluent guidelines issued under section 304(b) of the Act, which are discharging incompatible pollutants to publicly owned treatment works, to adopt best practicable control technology currently available, as defined by the Administrator pursuant to section 304 (b) of the Act.

During the public comment period, questions were raised as to whether the effluent limitations guidelines would be appropriate in all cases for application to users of publicly owned treatment works. The Agency recognizes that for some industrial categories it may be necessary to further refine the effluent limitations guidelines to deal with problems that may arise in the application of such guidelines to users of publicly owned treatment works. However, the Agency believes that any adjustments required for particular industrial categories should be considered in connection with the promulgation of the individual effluent guidelines, rather than in the national pretreatment standard. Accordingly, when effluent limitations guidelines are promulgated for individual industrial categories, the Agency will also propose a separate provision for their application to users of publicly owned treatment works. Additional language has been added to § 128.133 to clarify this intent.

It was unclear whether § 128.133 as proposed covered sources that would be new sources if they were discharging directly into the navigable waters. Section 307(c) of the Act requires promulgation of separate pretreatment standards for such sources. Pursuant to section 307(c), the Agency has proposed pretreatment standards for such sources in connection with its proposal of new source performance standards under Section 306 of the Act. Accordingly, § 128.133 has been modified to make it clear that it covers only sources that are not subject to section 307(c) of the Act.

Section 128.133 allows a credit for the percentage removal of an incompatible pollutant to which the publicly owned treatment works is committed in its permit. To insure the basis for allowing such credit, a commitment with respect to a percentage removal of an incompatible pollutant will be included in the permit at the request of a municipality where a basis for such commitment can be demonstrated.

Some commenters suggested that the credit in § 128.133 for removal at the joint treatment works, where there is a commitment to such removal in the NPDES permit, is unrealistic, since municipalities will be unwilling to enter into such commitments. However, in order to achieve the goal of preventing the discharge of incompatible pollutants through municipal systems in amounts greater than the minimum requirements if the discharge were directly into the navigable waters, it is necessary that the required reduction be contained in an enforceable commitment either on the part of the industrial user or the joint treatment works. The industrial user should not be relieved of the commitment to achieve the required degree of reduction except to the extent that the joint treatment works is able to assume a commitment to remove the pollutant.

One commenter suggested that users should be required to comply with toxic effluent standards under section 307(a) of the Act, as well as the requirement of best practicable control technology currently available under section 301(b) and 304(b) of the Act. However, toxic effluent standards will be designed to protect aquatic life in the receiving body of water from both acute and chronic effects. Acute effects will be covered by concentration standards while chronic effects will be covered by weight limitations. Both types of standards will be applicable to the discharge from the publicly owned treatment works. Toxic effluent standards will not be designed to protect sewer systems, and thus it would not be appropriate to apply them to discharges into the system. To the extent that toxic materials in the users' discharges interfere with the operation of publicly owned treatment works, the problem can be otherwise addressed under these standards (§ 128.131) or under local standards using the pretreatment guidelines issued under section 304(f) of the Act. While toxic materials in the users' discharge may appear in the sludge generated by the publicly owned treatment works, the Agency has no basis for making a national determination that the resultant sludge disposal problem is any worse than the problem that would be created if the individual users removed the toxics from their effluent and disposed of the resultant materials individually. This is a factor which must be determined by State and local authorities, taking into account the capabilities of their sludge disposal system and the pollutants present in the wastes from industrial users.

The presence of toxic pollutants in toxic amounts is utilized in the regulation in order to identify "major contributing industries" for purposes of the pretreatment requirements for incompatible pollutants. The purpose here is to identify industrial users whose effluent is significant enough to warrant the imposition of controls based on best practicable control technology currently available without undue administrative burden, rather than to indicate that it is appropriate to impose toxic effluent standards on industrial users.

The definition of "compatible pollutant" has been broadened to recognize the fact that some joint treatment works are designed to achieve substantial removal of pollutants other than the four pollutants listed in the definition in the proposed regulation (BOD, suspended solids, pH, and fecal coliform bacteria). Where the joint treatment works was designed to and does achieve substantial removal of a pollutant, it is not appropriate to require the industrial user to achieve best practicable control technology currently available, since this would lead to an uneconomical duplication of treatment facilities. While the term "substantial removal" is not subject to precise definition, it generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered "substantial".

There was a diversity of comments on the length of the time for compliance and its relation to the promulgation of the definition of best practicable control technology currently available. The Act requires that pretreatment must specify a time for compliance not to exceed three years from the date of promulgation. The Agency has concluded that a period not greater than three years from the date of promulgation is appropriate for compliance for § 128.131. For Section 128.133 the same period is also considered an appropriate time for compliance. However, the standard set forth in § 128.133 will not be complete until promulgation of the separate provision, as required by Section 128.133, setting forth the application to pretreatment of the effluent limitations guideline for a given industrial category.

Accordingly, § 128.140 provides that the period of compliance with § 128.133 will not commence for any particular category of user until promulgation of that separate provision. Section 128.140 has been further modified to establish an interim requirement for commencement of construction, and a requirement for compliance reports. It was concluded that without such requirements, timely compliance with the pretreatment standard might be unenforceable as a practical matter.

Some commenters questioned the need for these pretreatment standards or the relationship between these standards and local pretreatment programs. It is important to note the clear requirements in the Act that there be both national pretreatment standards, Federally enforceable, and EPA pretreatment guidelines to assist States and municipalities in developing local pretreatment programs. The Agency recognizes that in some cases, these pretreatment standards may not be sufficient to protect the operation of a publicly owned treatment works or to enable the treatment works to comply with the terms of its NPDES permit. This may be the case, for example, when the terms of the permit for the publicly owned treatment works are dictated by water quality standards or toxic standards. In such cases, the State or municipality may have to impose more stringent pretreatment standards under State or local laws than are specified in these regulations to enable compliance with NPDES permits issued to publicly owned treatment works. The agency considers it essential that such local pretreatment requirements be established for each system where necessary to ensure compliance with the NPDES permit.

Pretreatment guidelines will be published, pursuant to section 304(f) of the Act, to assist the States and municipalities in establishing their own pretreatment requirements.

Effective date. This regulation will become effective December 10, 1973.

JOHN QUARLES,
Acting Administrator.

NOVEMBER 1, 1973.

NOTE.—The EPA pamphlet, Pretreatment of Discharges to Publicly Owned Treatment Work, is filed as part of the original document.

Sec.

AUTHORITY: Sec. 307(b) Pub. L. 92-500; 86 Stat. 857 (33 U.S.C. 1317).

§ 128.100 Purpose.

The provisions of this part implement section 307(b) of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500) hereinafter referred to as "the Act".

§ 128.101 Applicability.

The standards set forth in § 128.131 apply to all non-domestic users of publicly owned treatment works. The standard set forth in § 128.133 applies only to major contributing industries.

§ 128.110 State or local law.

Nothing in this part shall affect any pretreatment requirement established by any State or local law not in conflict with any standard established pursuant to this Part. In particular cases, a State or municipality, in order to meet the effluent limitations in a NPDES permit for a publicly owned treatment works may find it necessary to impose pretreatment requirements stricter than those contained herein.

§ 128.120 Definitions.

Definitions of terms used in this part are as follows:

§ 128.121 Compatible pollutant

For purposes of establishing Federal requirements for pretreatment, the term "compatible pollutant" means biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. Examples of such additional pollutants may include:

Chemical oxygen demand.
Total organic carbon.
Phosphorus and phosphorus compounds.
Nitrogen and nitrogen compounds.
Fats, oils, and greases of animal or vegetable origin except as prohibited under § 128.131(c).

§ 128.122 Incompatible pollutant.

The term "incompatible pollutant" means any pollutant which is not a compatible pollutant as defined in § 128.121.

§ 128.123 Joint treatment works.

Publicly owned treatment works for both non-industrial and industrial wastewater.

§ 128.124 Major contributing industry.

A major contributing industry is an industrial user of the publicly owned treatment works that: (a) Has a flow of 50,000 gallons or more per average work day; (b) has a flow greater than five percent of the flow carried by the municipal system receiving the waste; (c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Act; or (d) is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

§ 128.125 Pretreatment.

Treatment of wastewaters from sources before introduction into the joint treatment works.

§ 128.130 Pretreatment standards.

The following sections set forth pretreatment standards for pollutants introduced into publicly owned treatment works.

§ 128.131 Prohibited wastes.

No waste introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(a) Wastes which create a fire or explosion hazard in the publicly owned treatment works.

(b) Wastes which will cause corrosive structural damage to treatment works, but in no case wastes with a pH lower than 5.0, unless the works is designed to accommodate such wastes.

(c) Solid or viscous wastes in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(d) Wastes at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

§ 128.132 Pretreatment for compatible pollutants.

Except as required by § 128.131, pretreatment for removal of compatible pollutants is not required by these regulations. However, States and municipalities may require such pretreatment pursuant to section 307(b)(4) of the Act.

§ 128.133 Pretreatment for incompatible pollutants.

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guideline defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided further that when the effluent limitations guideline for each industry category is promulgated, a separate provision will be proposed concerning the application of such guideline to pretreatment.

§ 128.140 Time for compliance.

(a) Any owner or operator of any source to which the pretreatment standards required by this Part are applicable, shall be in compliance with such standards within the shortest reasonable time but not later than three years from the date of their promulgation; except that for § 128.133, the three year compliance period for any user shall commence with the date of promulgation of a provision, as required by § 128.133, setting forth the application to pretreatment of the effluent limitations guidelines for the applicable industrial category.

(b) In order to ensure such compliance, each such owner or operator shall commence construction of any required pretreatment facilities within 18 months from the date of final promulgation of the provision required by § 128.133, setting forth the application to pretreatment of the effluent limitations guidelines. By the time construction is required to be commenced, each such owner or operator shall furnish to the Regional Administrator (or to any State agency with an approved NPDES permit program) a report, on a form to be prescribed by the Administrator, which shall set forth the effluent limits to be achieved by such pretreatment facilities and a schedule for the achievement of compliance with such limits by the required date. A copy of such report shall be furnished to the municipality or agency operating the publicly owned treatment works into which such pollutants are discharged. Thereafter, each such owner or operator shall furnish the Regional Administrator or his designee with such additional information or reports (including information relating to compliance with effluent limits and schedules for completion of pretreatment facilities) as he may request.

(c) Nothing contained herein shall prevent any municipality or other agency from requiring more stringent pretreatment standards or a more stringent compliance schedule, than as set forth in this part.

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